CHAPTER I

GENERAL PROVISIONS

Section 100 - Title; citation; statutory references

100.01. Title. This codification of the ordinances of the city of Crystal may be referred to and cited as: "The Crystal city code." All such references shall be to the most current enactment of The Crystal city code unless the context of the reference expressly or impliedly indicates otherwise. (Amended, Ord. No. 2015-08)

100.03. Citation; reference; numbering system. For the purposes of internal references in code and citation by its users, the following terms are used:

Chapter	Roman numerals (e.g. chapter XI)
Section	Arabic numerals (e.g. section 1100)
Subsection	Arabic numerals for section and subsection separated by decimal (e.g., subsection 110.01)
Clause	English letters, lower case, in parentheses (e.g. (a)) (Amended, Ord. No. 2015-08)

Reference or citations made in a form other than the foregoing will not defeat the intent of the council in enacting an ordinance or the intent of a user in citing the code when such intent is otherwise unclear. This code is to be construed liberally to carry out its intent and purposes.

100.05. Adoption by reference. Statutes or administrative rules or regulations of the state of Minnesota, codes and ordinances adopted by reference in this code are adopted pursuant to authority granted by Minnesota Statutes, section 471.62. Unless expressly indicated otherwise, the provisions adopted by reference shall include any subsequent amendments made to those provisions and any successor provisions. (Amended, Ord. No. 2015-08)

100.07. Official statutes; codes; regulations; and ordinances. References in this code to Minnesota Statutes are to the most current enacting of the Minnesota Statutes, unless otherwise provided in this code. References in this code to rules and regulations of state agencies, codes, and ordinances of other municipalities are to the most current enactment of those documents, unless otherwise provided. (Amended, Ord. No. 95-12, Sec. 4, Ord. No. 97-9, Sec. 1; Ord. No. 2003-5; Ord. No. 2015-08)

100.09. Relation to other law. It is the intent of the city council that the provisions of this code are the fullest exercise of the regulatory and other powers granted to it by state law and the city charter. Where this code imposes a more stringent rule or standard of conduct than contained in similar provisions of state law, rule or regulation, it is the intent of the council that the provisions of this code prevail over that state law, rule or regulation to the extent permitted by law. However, the provisions of this code do not necessarily preclude the application of other federal, state, and local laws, rules, regulations, and ordinances. Compliance in a given situation may require acting in accordance with regulations enacted by different regulatory bodies and obtaining permits and licenses required by those regulations. (Amended, Ord. No. 2015-08)

100.11. Incorporation of Ordinances. The city clerk is authorized to work with the city attorney to incorporate amendments made to this code by ordinance adopted by the city council. This authorization includes the authority to renumber sections, subsections, and clauses as may be required, and to make typographical and other non-substantive corrections to the code as part of incorporating the amendments. The updated code shall constitute the official Crystal city code. Ordinances of a temporary or transitory nature shall not be incorporated into the code unless otherwise directed by the city council. (Added, Ord. No. 2015-08)

Section 105 - Definition of terms; interpretation; conflicts

105.01. Definitions; common terms. Subdivision 1. For purposes of this code, the terms defined in this section have the meanings given them.

Subd. 2. "Charter" means the charter of the city.

Subd. 3. "City" means the city of Crystal and all the territory lying within its boundaries over which it has jurisdiction.

Subd. 4. "Code", "this code" or "code of ordinances" means the most current enactment of the Crystal city code, as organized, compiled and codified herein. (Amended, Ord. No. 2015-08)

Subd. 5. "Council" means the city council of the city of Crystal.

Subd. 6. "Manager" means the Crystal city manager.

Subd. 7. "Clerk" means the Crystal city clerk.

Subd. 8. "Owner" means, in the case of personal property, a person, other than a lien holder, having the property in or title to personal property. In the case of real property, the term means the fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, vendees under a contract for deed and mortgagors.

Subd. 9. "Person" means an individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

Subd. 10. "Health authority" means the health officer or the public health sanitarian.

Subd. 11. A reference to an elected or appointed city officer includes the duly authorized representative of that officer.

Subd. 12. "Local non-profit/civic organization" means (i) a non-profit organization located in the city, (ii) a club as defined in Minnesota Statutes, section 340A.101, subdivision 7, located in the city, (iii) the city, (iv) the West Metro-Fire Rescue District Firefighters Relief Association, (v) Independent School District 281, (vi) a volunteer committee organized for the sole purpose of sponsoring or assisting in the conduct of a civic celebration officially recognized by the city, or other organization identified as a local non-profit or civic organization by the city council. (Amended, Ord. No. 2015-08)

Subd. 13. “Misdemeanor” means a crime for which a sentence of not more than 90 days or a fine of not more than $1,000, or both, may be imposed. (Added, Ord. No. 2015-08)

Subd. 14. “Official” means a person elected or appointed to the council, or appointed to a committee or other group created by the city council to serve the city on its behalf. (Added, Ord. No. 2015-08)

Subd. 15. “Petty misdemeanor” means a petty offense which is prohibited by statute or this code, does not constitute a crime, and for which a sentence of a fine of not more than $300 may be imposed. (Added, Ord. No. 2015-08)

105.03. Definitions; statutory. For purposes of this code, the terms defined in Minnesota Statutes, sections 645.44 and 645.45 have the meanings given them by those sections; and terms defined by statutes, rules or regulations, and ordinances adopted by reference have the meanings given them therein.

105.05. Definition; internal. Terms defined in other sections of this code have the meanings given them by those sections.

105.07. Interpretation; conflicts. Subdivision 1. Common usage. Words and phrases used in this code are to be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases or such others as have acquired a specific or peculiar meaning are to be interpreted and understood in accordance with such meaning.

Subd. 2. Statutory rules. It is the intent of the city council that the rules and canons of construction, presumptions and miscellaneous provisions relating to statutory construction contained in Minnesota Statutes, chapter 645, apply to this code and govern its interpretation, and that all questions of meaning, construction and interpretation of this code be resolved by application of the rules contained in chapter 645. The provisions of Minnesota Statutes, chapter 645, are adopted by reference and are as much a part of this code as if fully set forth herein.

105.09. Zoning district classifications; conformance of references to zoning code. Subdivision 1. District classification. The zoning district classification listed in column 1, wherever they appear in this code, are to be interpreted to mean the corresponding zoning district classifications listed in column 2.

Column 1	Column 2
R-1, R-2, R-3, R-4	R-1, R-2, R-3, R-4, R-0, P-2, PUD-(GR)
C-1	B-1, B-2, B-3, B-4, P-1, PUD-(CI)
C-2	B-1, B-2, B-3, B-4, P-1, PUD-(CI)
C-3	B-1-A, P-1, PUD-(CI)
M-1	I-1, I-2, P-1, PUD-(CI)
M-2	I-1, I-2, P-1, PUD-(CI)

Subd. 2. Intent. The intent of this subsection is to conform the zoning district classification of this section to those of the city code, appendix I, section 515.

105.11. References to non-intoxicating liquor, beer. Subdivision 1. The term "3.2 percent malt liquor" is substituted for the term "beer" or "non-intoxicating malt liquor" whenever those terms appear in this code.

Subd. 2. The city clerk is authorized and directed to delete the term "beer" and "non-intoxicating malt liquor" and substitute the term "3.2 percent malt liquor" in all relevant city documents, licenses and permits. (Added, Ord. No. 97-9, Sec. 2)

Section 110 - Legislative procedure

110.01. Ordinances; enactment. Ordinances are enacted in accordance with the procedures set forth in the city charter. Ordinances are to be integrated into this code in accordance with this section.

110.03. Form of amendments and new ordinances. An ordinance amending this code must specify the subsection, subdivision and clause to be amended. Language to be added must be underlined; language to be repealed must be stricken. An ordinance repealing an entire chapter, section, subsection, subdivision or clause need refer only to that chapter, section, subsection, subdivision or clause, and the text need not be reproduced. The text of an ordinance adding only new provisions to the code need not be underlined.

110.05. Headnotes, etc. Chapter, section, subsection and subdivision headnotes, titles and cross references are not substantive parts of this code, but merely matters to expedite and simplify its use.

110.07. Integration of ordinances into code. Subdivision 1. Duties of manager and attorney. The manager and city attorney must recommend to the council a system for integrating ordinances into the code in the most expeditious manner possible. They must recommend to the council rules consistent with this section for the preparation, editing and format of ordinances to be presented to the council.

Subd. 2. Matters omitted. When an ordinance is integrated into this code, the following matters may be omitted:

a) title.
b) enacting clause.
c) section numbers.
d) definition of terms identical to those contained in this code.
e) validation and repealing clauses.
f) validating signatures and dates.
g) punctuation and other matters not an integral part of the text of the ordinance.
h) penalty provisions.

Subd. 3. Errors. When integrating ordinances into the code, the manager and attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, chapters and ordinances; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 4. Source notes. When an ordinance is integrated into this code, a source note must be added at the end of each new chapter, section, subsection or subdivision indicating the ordinance number and section from which the changed language was derived.

110.09. Ordinance records; special ordinances. The city clerk is responsible for the safe and orderly keeping of ordinances in a manner directed by the council. Any ordinance not included in this code by council direction is a special ordinance. The clerk must maintain an up-to-date, indexed record of all special ordinances. The council may direct that special ordinances and others be included in appendices to this code.

110.11. Effective date of ordinances. Ordinances are effective on the dates specified in the city charter.

110.13. (Added, Ord. No. 99-03, Sec.1) Summary publication of ordinances. Subdivision 1. Charter authority. Section 3.12 of the charter of the city of Crystal authorizes the City council to adopt procedures for the publication of ordinances in summary form. The procedures set forth in this section are established pursuant to that authority.

Subd. 2. Summary publication authorized. All ordinances approved by the City council will be published in summary form, unless the council directs otherwise by motion adopted prior to or immediately following the final passage of the ordinance. The form of summary must be approved by a motion of the council adopted immediately following the final passage of the ordinance.

Subd. 3. Procedures. The published summary must (a) state the title of the ordinance, (b) contain a general statement of the purpose and effect of the ordinance, and (c) indicate that a printed copy of the full text of the ordinance is available for public inspection in the office of the city clerk. The city clerk must record the published summary, the text of the ordinance, and the affidavit of publication in the ordinance book of the city.

Subd. 4. Effect of summary. Publishing of a summary in accordance with this section will fulfill all legal publication requirements as completely as if the entire ordinance had been published.

Section 115 - Penalties

115.01. General rule. A person who violates a provision of this code is guilty of a misdemeanor. Each act of violation and each day on which a violation occurs or continues is a separate violation. (Amended, Ord. No. 2015-08)

115.03. Exceptions. Where a provision of this code or a statute adopted by reference therein sets a lesser penalty or a different period constituting a violation than set in subsection 115.01, the code provision will prevail.

115.05. Applicability. It is the intention of the council that the penalty provided by this section or any other section of this code applies to any amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance unless otherwise provided in the amendatory ordinance.

115.07. Failure of officers to perform duties. The penalty imposed by this section does not apply to the failure of an official or employee of the city to perform a duty imposed by this code unless a penalty is specifically provided for such failure. (Amended, Ord. No. 2015-08)

115.09. Misdemeanor defined. For purposes of this code, the term "misdemeanor" means an offense or crime that the council is empowered to punish with fine or imprisonment, and a petty misdemeanor as defined by law.

CHAPTER II

COUNCIL - CITY

Section 200 - Council rules and procedures

200.01. Regular and special meetings. Regular meetings of the council must be held on the first and third Tuesday of each month in the council chambers of the city hall at 7:00 p.m. unless otherwise specified by council resolution. Meetings may be adjourned from time to time to a specified date or subject to the call of the mayor or any three members of the council upon at least twelve hours' notice to each member of the council and such other notice required by law. Regular and special meetings of the council are held in compliance with section 3.01 of the charter. Meetings of the council must be open to the public in accordance with Minnesota Statutes, chapter 13D. (Amended, Ord. 2015-08)

200.03. Quorum. A majority of council members constitutes a quorum, but a smaller number may adjourn from time to time. (Amended, Ord. 2015-08)

200.05. Presiding officer and secretary. The mayor presides at meetings of the council. The council must choose from its members a mayor pro tem in accordance with section 2.08 of the charter. The secretary of the council is appointed by the council and performs those duties stated in section 3.02 of the charter. The city clerk is the secretary of the council.

200.07. First meeting. At the first regular meeting of the council in each year, the council must designate an official newspaper, and depositories for official funds. The council may appoint such committees as it deems necessary.

200.09. Council rules; presiding officer. The presiding officer must preserve order and decorum, decide questions of order, and conduct meetings in accordance with these rules. The city council is governed in its procedure by the provisions of chapters 2 and 3 of the city charter and Roberts Rules of Order (Newly Revised Edition) except where otherwise provided by the charter or by this chapter. The council may make and change its own rules from time to time by resolution duly adopted and any such changes supersede Roberts Rules of Order (Newly Revised Edition) and any previously adopted rules to the extent they conflict with the new rules. The council may, as part of its rules, impose on itself specific voting requirements related to the adoption and amendment of its rules including, but not limited, that such actions must be approved by more than a majority of the council. Any such specific voting requirements must be clearly identified in the rules. Rules adopted by the council shall remain in effect until changed, repealed, or superseded by council action. The most current version of the council rules shall be posted on the city's website and a copy shall be available in the meeting room during regular and special council meetings. The presiding officer may speak on any question being considered, and has the rights, privileges, and duties of any other member of the council. The presiding officer may temporarily yield the chair to introduce or second a motion, resolution or ordinance. (Amended, Ord. No. 2015-03)

200.11. Motions reduced to writing. A motion must be reduced to writing at the request of any member present. Ordinances and resolutions must be presented in writing and read in full before a vote is taken thereon unless the reading is dispensed with by unanimous consent.

200.13. Signing and publishing of ordinances. Ordinances must be signed in accordance with section 3.08 of the charter, attested by the clerk, published after its passage by the council, and recorded by the clerk in a properly indexed book kept for that purpose.

Section 205 - Wards of the city

205.01. (Repealed, Ord. No. 2009-05, Sec. 2)

205.03. (Repealed, Ord. No. 2012-03, Sec. 2)

205.05. (Added, Ord. No. 2012-03, Sec. 1) Pursuant to the city charter, and in conformance with the 2010 United States Census of population, as issued by the United States Bureau of Census, the following are established as wards of the city.

Ward 1:

All that part of Crystal lying west of State Trunk Highway No. 100 and lying south and west of the following described line: beginning at the intersection of the centerline of 34th Avenue North and the westerly right-of-way line of said Highway No. 100, thence west along said centerline of 34th Avenue North to its intersection with the centerline of Louisiana Avenue North, thence north along said centerline of Louisiana Avenue North to its intersection of the centerline of 35th Avenue North, thence west along said centerline of 35th Avenue North to the centerline of Nevada Avenue North, thence north along said centerline of Nevada Avenue North to the centerline of 36th Avenue North, thence west along said centerline of 36th Avenue North to the centerline of Boone Avenue North and there terminating.

Ward 2:

All that part of Crystal lying east of State Trunk Highway No. 100 and north of Ward 1 and south and west of the following described line: beginning at the intersection of the east corporate limits and the centerline of 44th Avenue North, thence west along said centerline of 44th Avenue North to its intersection with the centerline of Brunswick Avenue North, thence north along said centerline of Brunswick Avenue North to its intersection with the centerline of 45th Avenue North, thence west along said centerline of 45th Avenue North to its intersection with the west corporate limits which is 163 feet more or less west of the intersection of the centerlines of 45th Avenue North and Louisiana Avenue North and there terminating.

Together with that part of Crystal described as: beginning at the intersections of the centerlines of Winnetka Avenue North and 36th Avenue North, thence east to the west line of the Canadian Pacific Railroad easement, thence north 1,843.2 feet more or less along said easement line to the city border, thence west along the city border to the centerline of Winnetka Avenue North, thence south along the centerline of Winnetka Avenue North to the point of beginning

Together with that part of Crystal described as: beginning at the intersections of the centerlines of 35th Avenue North and Nevada Avenue North, thence east to the centerline of Louisiana Avenue North, thence north to the centerline of 36th Avenue North, thence west to the centerline of Nevada Avenue North, thence south to the point of beginning.

Ward 3:

All that part of Crystal lying north of Ward 2 and south of a line beginning at the intersection of the centerlines of 54th Avenue North and Nevada Avenue North, thence southeasterly along the centerline of said 54th Avenue North to the centerline of Maryland Avenue North, thence east along the centerline of 54th Avenue North to the centerline of West Broadway Avenue (County Road No. 8), thence southeasterly along the centerline of West Broadway Avenue (County Road No. 8), to the centerline of Douglas Drive North, thence north along the centerline of Douglas Drive North to the centerline of 55th Avenue North, thence west along the centerline of 55th Avenue North to the centerline of Sherburne Avenue North, thence northerly along the centerline of Sherburne Avenue North to the centerline of 56th Avenue North (County Road No. 10), thence east along the centerline of 56th Avenue North (County Road No. 10), to the centerline of County Road 81/Bottineau Boulevard, thence southeasterly along the centerline of County Road 81/Bottineau Boulevard to the centerline of the Canadian Pacific Railroad easement, thence easterly along the centerline of said railway easement to the easterly corporate limits.

Ward 4:

All those parts of Crystal lying generally north of Ward 3.

Section 210 - Salaries of elected officials
(Repealed, Ord. No. 97-12, Sec. 1)

Section 211 - Salaries of elected officials
(Added, Ord. No. 97-12, Sec. 1)

211.01. Salary schedule. Subdivision 1. The annual salary of the mayor and other members of the city council are in the amounts shown below:

Mayor Salary	Councilmember Salary
$10,619.84	$8,169.72

The council may enact an ordinance to adjust the salaries of the mayor and the other councilmembers as provided in Minnesota Statutes, section 415.11.

(Amended, Ord. No. 2001-10, Sec. 1; Ord. No. 2006-5, Sec. 1; Ord. No. 2007-14, Sec. 1; Ord. No. 2009-04, Sec 1; Ord. No. 2010-02, Ord. No. 2011-07, 2012-05; Ord. No. 2015-08)

Subd. 2. Salary Adjustments. On or before December 1 of even numbered years beginning in 2018, the annual salaries of the mayor and other members of the city council shall be adjusted, as provided in this subdivision, with an effective date of January 1 in the following year. The salaries shall be adjusted and fixed by increasing them in the same amount as the most current percentage increase (CPI-U) in the Compensation Limit for Local Government Employees annually published by the Minnesota Office of Management and Budget, pursuant to Minnesota Statutes, section 43A.17. (Added, Ord. 2017-04, Sec. 1)

Section 215 - City elections

215.01. General. Elections in the city are conducted in accordance with the general laws of the state of Minnesota, chapter 4 of the city charter, and Laws 1971, chapter 213, as amended by Laws 1975, chapter 79.

215.03. Election dates. Primary elections in the city are held on the second Tuesday in August. General elections are held on the first Tuesday after the first Monday in November of even numbered years. The council may set the date for a special or primary election by resolution. (Amended, Ord. No. 2010-03; Ord. No. 2015-08)

215.05. Filing of office. The council must by resolution fix the dates within which candidates for municipal office must file in any municipal election, except that in the case of primary elections, the filing dates are those provided by law for cities of the same class as the city.

215.07. Absentee ballot counting board. Subdivision 1. Board established. As authorized by Minnesota Statutes, section 203B.13, an absentee ballot counting board is established. The board is appointed in the manner provided by law.

Subd. 2. Examination of ballots. The absentee ballot counting board is authorized to examine absentee ballot envelopes and receive or reject absentee ballots in the manner provided by Minnesota Statutes, section 203B.12.

Subd. 3. All elections. An absentee ballot counting board must be appointed for each general and special election in the city.

215.09. (Repealed, Ord. No. 2015-08)

215.11. (Repealed, Ord. No. 2015-08)

CHAPTER III

ADMINISTRATION OF CITY GOVERNMENT

Section 300 - Administrative code; officers; departments

(The administrative code of the city is
adopted by council resolution and
is embodied in appendix II)

Section 305 – Commissions and Boards

305.01. Commissions and boards. The city council may establish such commissions and boards as it determines are needed to assist it in conducting the business of the city. Commissions and boards shall be created and shall conduct themselves in accordance with this section. The city's planning commission and board of appeals and adjustments are provided for in sections 500 and 503.

305.03. Charter authority. Section 2.02 of the charter of the city of Crystal authorizes the city council to create such advisory commissions and boards, as it deems necessary. The commissions and boards created by ordinance are created pursuant to that authority, this code, and applicable state law.

305.05. Advisory nature. Except as otherwise provided by law or charter, the commissions and boards created under this section are advisory to the council and to the city manager, but the commissions and boards have no other official status or independent authority other than to provide investigative or quasi-judicial functions on behalf of the city council. Commissions and boards are not authorized to enter into contracts.

305.07. Compensation. Unless otherwise provided by law or charter, members of commissions or boards serve without compensation, but may be reimbursed for actual and necessary expenses if funds for that purpose are identified in the adopted city budget and city council authorizes the reimbursement of expenses when establishing the commission or board.

305.09. Open meetings. Meetings of commissions or boards are open to the public and all commissions or boards must comply with all applicable open meeting laws.

305.11. Creation. The city council may create a commission or board by adopting an ordinance that establishes the commission or board. The establishment ordinance shall, at a minimum, contain the following information:

1. The name of the commission or board;

2. The purpose and duties of the commission or board;

3. The number of members and whether they are to be appointed at-large or by geography;

4. The terms for the commission or board members, including the length of terms, when terms begin, whether terms will be staggered, whether members may serve concurrently on other commissions or boards, and whether there are term limits; and

5. Whether the commission or board will have a council liaison, a staff liaison, or a staff secretary.

305.13. Commission or Board Membership. Subdivision 1. Appointment. Members of commissions or boards are appointed by the city council with or without cause.

Subd. 2. Qualifications. Members of commissions or boards must be residents of the city and be at least 15 years old. The city council may establish additional qualifications for the particular commissions or boards in the ordinance it adopts to establish the commission or board.

Subd. 3. Removal. Members of commissions or boards may be removed from office by a majority vote of the city council.

Subd. 4. Applications and interviews. The city council shall establish, by resolution, a process for accepting applications and interviewing applicants to commissions and boards. The process must allow for interviews at least once annually for any open positions. All open positions must be advertised on the city's website and at city hall for at least 45 days prior to the application deadline. The application and interview process shall be posted on the city's website and made available at city hall.

Subd. 5. Vacancies. A vacancy is created when a commission or board member resigns or is removed from office. Vacancies may be filled at the discretion of the city council following the same process to make the initial appointment. Members appointed to fill a vacant position are appointed to serve the remainder of the unexpired term.

Subd. 6. Reappointment. Members of commissions or boards seeking reappointment shall go through the regular application and interview process to be eligible for reappointment.

305.15. Organization and governance. Subdivision 1. Bylaws. The city council shall approve bylaws for all commissions and boards, and such bylaws may not be amended except by approval of the city council. At a minimum, the bylaws shall provide for the election from its membership of a chairperson, vice-chairperson, and such other officers as are deemed necessary. The term of office for each officer is one year, and no officer may serve for more than two consecutive years in the same position. The bylaws must specify the month of the election of officers, duties of the officers, number of members to constitute a quorum, the order of business, attendance requirements, and other matters necessary for the conduct of the business of the commission or board. Each commission or board may propose changes to its bylaws to the city council for review and approval. The city council may also initiate and approve amendments to the bylaws of any commission or board.

Subd. 2. Meeting governance. The procedure at meetings is governed by the bylaws of the commission or board and the requirements of the open meeting law.

Subd. 3. Meeting Schedule. Each commission or board must adopt a regular meeting schedule for the next year by no later than the last regular meeting of each calendar year. The schedule of meetings for all commissions and boards must be posted on the city's website and at city hall.

Subd. 4. Minutes. The secretary of a commission or board shall keep the minutes of its meetings, unless the city council has provided for a staff secretary in the establishment ordinance. The secretary shall also perform the clerical duties of the commission or board as needed. The secretary shall transmit meeting minutes to the city clerk, who must furnish copies to each member of the particular commission or board, the mayor, and city council members. The minutes shall include a copy of all resolutions and other actions of the commission or board. These records shall be maintained by the city clerk in accordance with the Minnesota Government Data Practices Act and the city's records retention schedule.

Subd. 5. Reports. Commissions or boards must annually make a report to the city council which summarizes their activities, findings, and recommendations. The report must be submitted to the city clerk prior to August 1 each year. Other reports, findings, and recommendations must be made and submitted from time to time to the city council as may be requested by the city council. Commissions or boards that regularly submit recommendations to the city council are not required to summarize each recommendation as part of their annual report.

305.17. Task forces. The city council may establish such task forces as it determines are needed to assist it to address a particular item of city business. Task forces shall be established and shall conduct themselves in accordance with the following subsections.

305.19. Creation. The city council may establish task forces by resolution as it determines is appropriate to study and advise the city council on specific matters of limited scope. The resolution creating a task force must set forth the number of members, the specific issue or issues the task force is to study and advise, and the date by which the task force will be dissolved. The city council may, by resolution, extend the date of dissolution or alter the scope of the matters being reviewed by a task force. The requirements associated with the establishment and administration of commissions and boards shall not apply to task forces, except as hereinafter provided.

305.21. Appointment. The number of members of a task force and the process by which a member of a task force is appointed will be left to the discretion of the city council. Those appointed to serve on task forces serve at the will of the city council and may be removed by vote of the city council.

305.23. Advisory nature. Task forces are advisory to the city council and to the city manager, and have no other official status or independent authority other than to gather, discuss, and make recommendations to the city council.

305.25. Open meetings. Meetings of task forces are open to the public and members must comply with all applicable open meeting laws.

(Section 305 Amended, Ord. No. 2016-01)

Section 306 – Administrative Enforcement Program
(Added, Ord. No. 2002-15)

306.01. Administrative citations and civil penalties. Sections 306.07 through 306.17 govern administrative citations and civil penalties for violations of the city code.

306.03. Purpose. The city council finds that there is a need for alternative methods of enforcing the city code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for city code violations.

306.05. General provisions. Subdivision 1. Administrative offense. A violation of any provision of the city code is an administrative offense that may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.

Subd. 2. Exemption. Alcohol and tobacco license violations are not subject to administrative citation under this ordinance.

Subd. 3. Civil penalty. An administrative offense may be subject to a civil penalty not to exceed the maximum penalty for a misdemeanor violation under state law.

Subd. 4. Schedule of fines and fees. The city council must adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council is not bound by that schedule when a matter is appealed to it for administrative review under section 306.13. The city council may adopt a schedule of fees to be paid to administrative hearing officers.

306.07 Administrative citation procedures. Subdivision 1. Administrative notice.

a) Upon the first violation, the city will issue an administrative notice to the violator. The city will deliver the administrative notice to the violator in person or by regular mail. The violator will have ten calendar days to correct the violation after issuance of the administrative notice.

b) If the violator is making a good faith attempt to remedy the violation, the city may grant an extension, the length of which must be agreed upon in writing between the city and the violator.

Subd. 2. Administrative citation. If the violator fails to correct the violation within the time period provided in the Administrative Notice, the city may issue an administrative citation. The city must issue the citation to the violator in person or by certified and regular mail. In the case of a vehicular offense, the citation may be attached to the motor vehicle. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation

Subd. 3. Payment. The violator must either pay the scheduled fine or request a hearing within seven days after issuance of the citation. Penalties for failure to correct the violation or late payment of the fine may be imposed as set forth in section 306.15, subdivision 4. The city may issue a second citation or take other legal action to achieve compliance with the ordinances.

306.09. Administrative hearing. Subdivision 1. Hearing officers. The city council will periodically approve a list of qualified individuals, from which the city clerk will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The hearing officer will be a public officer as defined by Minnesota Statutes, section 609.415. The hearing officer must not be a city employee. The city clerk must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and city staff. These reports must be provided to the city council.

Subd. 2. Removal of hearing officer. No later than five days before the date of the hearing, the violator may make a written request that the assigned hearing officer be removed from the case. The city clerk will automatically grant one request for removal. A subsequent request must be directed to the assigned hearing officer who will decide whether they can fairly and objectively review the case. If the hearing officer determines they cannot fairly and objectively review the case, the hearing officer shall notify the city clerk in writing at least one day before the scheduled hearing date. The city clerk will then assign another hearing officer.

Subd. 3. Notice of hearing. Within 30 days of the request for a hearing, the city clerk will schedule the hearing and will notify the violator and involved city staff of the date, time and place for the hearing. Parties are expected to be available for two hours. Notice of the hearing must be mailed to the violator and the hearing officer at least ten days in advance of the scheduled hearing, unless a shorter time is accepted by all parties. The notice must contain the names of the parties, the identity of the hearing officer, the location of the alleged violation and the type of violation alleged.

Subd. 4. Continuance. A request for a continuance must be made to the city clerk at least five days prior to the scheduled hearing date. The city clerk may grant a continuance at the request of the violator or the city staff member only for good cause shown and for no more than ten days from the originally assigned date.

Subd. 5. File transmittal. a) Upon receipt of any request for a hearing, the city clerk's office will compile a summary report detailing the facts in support of any determination that the offense constitutes a violation. The summary report will include:

(i) copy of the citation issued;
(ii) copy of the Administrative Notice, which preceded the citation;
(iii) copy of any case history in the issuing employee's department;
(iv) photographs and/or videotape of property where available;
(v) proof of mailing and/or posting of notice on the property if the citation was not personally served on the violator.

b) The file must be ready for the hearing officer to pick up on the business day preceding the scheduled hearing.

Subd. 6. Presentation of case. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence will not apply. The hearing officer must tape record the hearing and receive testimony and exhibits. The hearing officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

Subd. 7. Decision.

a) The hearing officer must issue a written decision containing findings of fact, conclusions of law and an order. The decision will be mailed to the parties within ten days after the hearing. The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer may consider any or all of the following factors:

1) the duration of the violation;

2) the frequency of reoccurrence of the violation;

3) the seriousness of the violation;

4) the history of the violation;

5) the violator's conduct after issuance of the administrative notice and citation;

6) the violator's conduct after issuance of the notice of hearing;

7) the good faith effort by the violator to comply;

8) the impact of the violation upon the community;

9) prior record of city code violations; and

10) any other factors appropriate to a just result.

b) The hearing officer may not impose a fine greater than the established fine, except that the hearing officer may impose a fine for each week that the violation continues if: (i) the violation caused or is causing a serious threat of harm to the public health, safety, or welfare or (ii) the violator intentionally and unreasonably refused or refuses to comply with the code requirement.

Subd. 8. Decision. Except as provided in sections 306.11 and 306.13, the decision of the hearing officer is final without any further right of appeal.

Subd. 9. Failure to appear. The failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death in the immediate family or documented incapacitating illness of the violator; a court order requiring the violator to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness; lack of transportation or child care; and intentional delay.

306.11. Judicial review. An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council as provided in state law.

306.13. Administrative review. Subdivision 1. Appeal. A violator may appeal the hearing officer's decision in any of the following matters to the city council for administrative review:

a) an alleged failure to obtain a permit, license or other approval from the city council as required by an ordinance;

b) an alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval, that was granted by the city council; or

c) an alleged violation of regulations governing a person or entity who has received a license granted by the city council.

Subd. 2. Notice. The appeal under this section will be heard by the city council. Notice of the hearing must be delivered to the alleged violator or property owner and involved city staff, in person or by mail at least ten days in advance of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the hearing officer's decision.

Subd. 3. Decisions. The city council must consider the record, the hearing officer's decision, and any additional arguments before making a determination. The council is not bound by the hearing officer's decision, but may adopt all or part of the officer's decision. The council's decision must be in writing.

Subd. 4. Suspension or revocation. In addition to imposing a civil penalty, the council may suspend or revoke a city-issued license, permit, or other approval associated with the violation.

306.15. Recovery of civil penalties. Subdivision 1. Non-payment. If a civil penalty is not paid within the time specified, it will constitute:

a) a lien on the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or

b) a personal obligation of the violator in all other situations.

Subd. 2. Lien. A lien may be assessed against the property and collected in the same manner as taxes.

Subd. 3. Personal obligation. A personal obligation may be collected by appropriate legal means.

Subd. 4. Late fees/charges.

a) If after seven days the fine has not been paid or a hearing requested, the fine will increase by 10% for each seven days thereafter for one month. After four weeks and four late fee charges have been added to the original fine, the total bill will be assessed to the property taxes and all city licenses will be revoked. For continued violations, the city will correct the violation and assess the charges for doing so onto the property taxes or criminal charges may be filed.

b) If the same property and property owner are charged with a subsequent violation within a 12-month period for the same, or substantially similar offense, the fine will be increased by 25%. After a third infraction in a 12-month period, the fine will increase by 50%, and after a fourth infraction by 100%.

Subd. 5. License revocation or suspension. Failure to pay a fine is grounds for suspending or revoking a license related to the violation.

306.17. Criminal penalties.

a) The following are misdemeanors, punishable in accordance with state law:

1) Failure, without good cause, to pay a fine or request a hearing within 30 days after issuance of an administrative citation;

2) Failure, without good cause, to appear at a hearing that was scheduled under section 306.09;

3) Failure to pay a fine imposed by a hearing officer within 30 days after it was imposed, or such other time as may be established by the hearing officer.

b) If the final adjudication in the administrative penalty procedure is a finding of no violation, then the city may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the city from pursuing a criminal conviction for a violation of the same provisions based on a different set of facts. A different date of violation will constitute a different set of facts.

Section 310 - Personnel administration

310.01. Background; findings; charter amendment. Ordinance no. 90-22, adopted by the city council pursuant to Minnesota Statutes, section 410.12, subdivision 7, abolished the city's civil service commission and required the establishment of the employee review board whose powers and duties are set forth in section 315.

310.03 (Repealed, Ord. No. 2016-01)

310.05. Rules and regulations. The city manager has developed a set of personnel rules and regulations to carry out the intent expressed in subsection 310.03. The council has reviewed those rules and regulations and found that the rules and regulations embody an efficient, uniform, and comprehensive system of personnel administration for the city.

310.07. Rules adopted. The rules and regulations as proposed by the city manager are adopted by the council and are set forth in appendix V. Appendix V may be amended by the council by resolution from time to time.

Section 311 - Background Investigations
(Added, Ord. No. 96-3)

311.01. Computerized criminal history background check. Subdivision 1. Requirements. The police department is authorized to conduct a Minnesota Computerized Criminal History background investigation (a "CCH Investigation") on all applicants for positions with the city, and applicants for identified city licenses and permits, as provided by this section and Minnesota Statutes, section 299C.72. The CCH Investigation shall be performed pursuant to the requirements of the Minnesota Bureau of Criminal Apprehension for non-criminal justice purposes, as those guidelines may be amended, which are on file with the city clerk and the chief of police. (Amended, Ord. No. 2007-11, Sec. 1; Amended Ord. No. 2016-01)

Subd. 2. Job or volunteer CCH investigation. This section applies only to applicants who are finalists for paid or volunteer positions with the city. The police department may not perform a CCH Investigation unless the applicant consents in writing to the investigation and to the release of the investigation information to the city manager and other city staff as may be appropriate, unless authorized by law. An applicant's failure to provide consent may disqualify the applicant for the position sought. If the city manager rejects the applicant's application due, solely or in part, to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes, section 364.09, the city manager must notify the applicant in writing of the following: (Amended, Ord. No. 2007-11, Sec. 1; Amended, Ord. No. 2016-01)

a) the grounds and reasons for the rejection;

b) the applicable complaint and grievance procedure set forth in Minnesota Statutes, section 364.06, as amended; (Amended, Ord. No. 2007-11, Sec. 1)

c) The earliest date the applicant may reapply for employment; and

d) that all competent evidence of rehabilitation will be considered upon reapplication.

Subd. 3. CCH investigation for approval or denial of a license or permit. The police department is authorized to conduct a CCH Investigation to assist in determining the factual basis for the approval or denial of a city license or permit where the health, safety or welfare of the public is a concern based on the activity regulated and subject to the license or permit. A CCH Investigation is required for the applicant for a license or permit under the following ordinance sections: 1160.11; 1175.17; 1177.07; 1185.03; 1190.11; 1195.15; 1200.09; 1215.11. (Added, Ord. No. 2007-11, Sec. 2; Amended, Ord. No. 2016-01)

Section 315 - Employee Review Board

315.01. Board established. The employee review board ("Board") is established and continued. The Board has the powers and duties set out in this section. The Board is established pursuant to sections 2.02 and 6.07 of the charter and section 305 of the city code.

315.03. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Appendix V" means the rules and regulations adopted by section 310 of this code.

Subd. 3. "Board" means the employee review board.

Subd. 4. "Grievance" means a dispute or disagreement as to the interpretation or application of any term or terms of Appendix V.

Subd. 5. "Employee" means a city employee other than the city manager, the assistant city manager, or a department head. The term does not include an employee who is a member of a certified appropriate bargaining unit that has entered into a collective bargaining agreement with an employee organization pursuant to Minnesota Statutes, chapter 179A.

315.05. Board; membership. Subdivision 1. Appointment. The Board consists of three regular members and two alternate members. Members are appointed by the city council in accordance with the procedures established in section 305.13.

Subd. 2. Terms. Members of the Board serve for a term of three years. The terms of members are staggered so only one member is appointed each year. One or more alternate members may be appointed for three-year terms. The term of a member expires on February 28 of the final year of a term. Vacancies on the Board are filled for the unexpired term in the same manner as original appointments are made. Members may be appointed for consecutive terms.

Subd. 3. Qualifications. Members of the Board must be residents of the city. In making an appointment, the city council must give consideration to persons who are knowledgeable and experienced in the field of dispute resolution, including arbitration and mediation. An officer or employee of the city may not be appointed to the Board or otherwise serve on the Board. A member of the Board may apply and be appointed to any other board or commission at the discretion of the city council without such appointment creating a vacancy on the Board. A person who has been an elected officer or employee of the city may not be appointed to the Board until one year has elapsed since termination of that service or employment.

315.07. Organization; meetings. The Board shall organize, adopt bylaws, and govern itself in accordance with section 305.15. Meetings of the Board shall be held in accordance with open meeting laws and are open to the public unless closed as provided by law.

315.09. Council Liaison. The Board shall have one liaison from the city council that attends its meetings and reports back to the city council. The liaison is not an official member of the Board and may not vote on its issues.

315.11. Staffing; financing. The city manager must provide appropriate staff support including legal assistance to the Board from existing city personnel. Members of the Board serve without compensation, but may be reimbursed for actual and necessary expenses in accordance with normal city policy regarding such reimbursement for other boards and commissions of the city.

315.13. Grievances; procedures. Subdivision 1. Submission. An employee may submit a grievance to the Board subject to the provisions of this subsection.

Subd. 2. Exhaustion of remedies. An employee may not submit a grievance to the Board until the steps of the grievance procedure established by Appendix V have been completed and within ten days of that completion. The grievance procedure provided in Appendix V is complete on the date that the city manager gives written notice of the city manager's final determination of the grievance. The Board must provide in its bylaws for the form and details of a grievance submission.

Subd. 3. Review; discretion. The Board must promptly review the grievance submission. The Board may decline to review a grievance. The Board's decision not to review a grievance is final.

Subd. 4. Hearing. If the Board decides to review a grievance, it may conduct one or more hearings on the matter in the manner set forth in its bylaws. The bylaws must provide for written notice of its hearings to the city manager and the employee. The city manager must supply the Board with information reasonably requested by the Board. The employee may be represented by counsel at a hearing. If the manager's final determination of the grievance is not confirmed by the Board, the reasonable costs, including attorney's fees, incurred by the employee in the proceedings must be paid by the city. If the manager's final determination of the grievance is confirmed by the Board, the employee's costs, including attorneys' fees, will not be paid by the city.

Subd. 5. Decisions. Upon completion of hearings on a grievance, the Board must issue a written order stating its decision, the reasons for the decision, and the findings on which the decision is based. The order may confirm the decision of the city manager or modify it in any respect. The Board must send a copy of the order to the employee and to the city manager. The decision of the Board is final.

315.15. Information; publication. The city manager is directed to take appropriate steps to fully inform employees of the existence and functions of the Board. A notice describing the Board and its functions must be continually posted in conspicuous places in the workplace.

(Section 315, Amended, Ord. No. 2016-01)

Section 320 - Administrative code;
volunteer fire department; special provisions
(Repealed, Ord. No. 97-4, Sec. 2)

Section 320 – Crystal-New Hope
West Metro Fire-Rescue District
(Added, Ord. No. 2000-07)

320.01. Enabling legislation. Pursuant to Minnesota Statutes, section 471.59 and 1995 Minnesota Laws, chapter 262 (collectively, the "Act"), the city of Crystal has entered into a joint and cooperative agreement ("Agreement") with the city of New Hope that establishes a joint fire district. Article 11 of the Act further provides for the consolidation of the fire relief associations of the respective fire departments in New Hope and Crystal. (Amended, Ord. No. 2016-01)

320.03. West Metro Fire-Rescue District codified. Pursuant to the Act and Agreement, the West Metro Fire-Rescue District ("District") is hereby reaffirmed and shall continue to serve as the city's fire department. The District's fire department serves both the cities of Crystal and New Hope and provides each city with effective and economical fire suppression services. The Agreement establishing the District was acted upon and approved by the Crystal and New Hope city councils in Crystal resolution numbers 97-120 and 98-12 and New Hope resolution numbers 97-139 and 97-172. The effective date for operation of the District per the Agreement was July 6, 1998. (Amended, Ord. No. 2016-01)

320.05. Fire department. The District is authorized pursuant to the Agreement to exercise the delegated powers as needed to provide emergency services within the city as its fire department, including serving as the city's fire marshal. Major areas of involvement of the District are fire suppression, emergency medical support, fire prevention through code enforcement and public education, hazardous materials release response and specialized heavy rescue. The management, budgeting, and operations of the District shall be as provided in the Agreement. (Amended, Ord. No. 2016-01)

320.07. Amendment or dissolution of District. Amendments to the Agreement or dissolution of the District shall be governed by the Agreement. The Agreement may be amended by identical resolutions adopted by each city council. An amendment is effective when it is filed together with the authorizing resolutions with the fire chief. (Amended, Ord. No. 2016-01)

Section 321 - Fire department; special provisions
(Added, Ord. No. 97-4, Sec. 1)
(Repealed, Ord. No. 2016-01)

Section 325 - Disposition of unclaimed property

325.01. Unclaimed property; purpose and statutory authority. This section has been enacted to provide for the custody and disposal of property other than motor vehicles coming into the possession of the city in the course of municipal operations and remaining unclaimed by the owner. It has been adopted pursuant to the provisions of Minnesota Statutes, section 471.195.

325.02. The city manager shall maintain a complete file of unclaimed property which shall contain the following information:

a) a description of the property;
b) the finder of the property;
c) the time and place of the finding;
d) the disposition of the property; and
e) any other information deemed pertinent by the city manager. (Added, Ord. 2006-3, Sec. 1)

325.03. Method of disposition. Subdivision 1. The city manager shall take all reasonable steps to determine the owner of the unclaimed property prior to its disposal. (Amended, Ord. No. 2016-01)

Subdivision 2. Property that has come into the possession of the city and has remained unclaimed by its owner for a period of 60 days or more shall be disposed of by the city by sale to the highest bidder at public auction. The public auction shall be conducted under the direction of the city manager, following published notice in the official newspaper at least ten days in advance of the sale. The published notice shall state the place and time of such sale, and shall contain a general description of the property to be sold. In lieu of a public auction, any of the unclaimed property may be appropriated to the city for its use upon approval of the appropriation by the city council. In the event that any unclaimed property that is put up for sale at the auction and is not sold, the city manager shall submit a report to the city council advising the city council of the items unsold. The city council shall then make a disposition of the unsold items as it deems in the best interest of the city. (Amended, Ord. 2006-3, Sec. 2; Ord. 2007-07, Sec. 1; Amended, Ord. No. 2016-01)

Subd. 3. Notwithstanding any other procedural requirement of this section, once the property described in subdivision 2 above has remained unclaimed by its owner for a period of 60 days or more, the city may contract to dispose of such unclaimed property using an electronic selling process in which purchasers compete to make offers to purchase the surplus property at the highest price in an open and interactive environment. (Added, Ord. 2007-07, Sec. 1; Amended, Ord. No. 2016-01)

325.05. (Repealed, Ord. 2006-3, Sec. 3)

325.06. Reports on property sold. Upon the completion of any sale under section 325.03, the city manager shall maintain a list of the following:

a) a copy of the published notice of sale;
b) a list of property sold;
c) the amount for which each item of property was sold;
d) the name of the individual to whom each item of property was sold;
e) a list of property that was put up for sale at the auction that was not sold; and
f) a statement of the expenses of the sale. (Added, Ord. 2006-3, Sec. 4)

325.07. Items which may be destroyed. Items of personal property having nuisance potential, such as firearms, dangerous weapons, liquor and narcotics, may be destroyed upon order of the city manager. A list of items so destroyed and the pertinent facts of the disposal must be maintained for a period of at least six years. (Amended, Ord. 2006-3, Sec. 5)

325.09. Disposition of proceeds. The proceeds of the sale must be deposited in the general fund of the city, subject to the right of the former owner to payment of the sale price from such fund upon application and satisfactory proof of ownership within six months of the sale. In the event that the property has already been sold, the former owner shall be entitled to receive the actual sale price of the property, except that there shall be deducted from the sale price any expenses incurred by the city in connection with the retention, storage and/or sale of the property. (Amended, Ord. 2006-3, Sec. 6)

325.11. Property held as evidence. When any law enforcement officer seizes, with or without consent, any property, the property shall be safely kept as directed by the court, so long as may be necessary for the purpose of being produced as evidence in any trial or court proceedings. After the trial or court proceedings have been completed, the property shall, unless otherwise subject to lawful detention, be returned to the owner, or returned to such other persons as may be entitled to the possession of the property. If the owner cannot be located or does not want the property returned to them, or the court directs disposal of the property by the city, it may be sold by the city at auction pursuant to the procedure set forth in section 325.03 of this section. (Added, Ord. 2006-03, Sec. 7)

325.13. Unclaimed money. Any person finding money within the city shall deliver it personally to the police department to be held for a period of 90 days in order to determine the rightful owner. If no claim is made by the owner or if the owner cannot be located, the money shall be returned to the finder 90 days after delivery to the police department. If a party or parties claim ownership, the money shall be held until determination by the chief of police has been made whether any of the parties is the rightful owner. If none of the parties are the rightful owner, and no other claims have been made, the finder shall receive the money 90 days after delivery to the police department, or as soon as a determination has been made by the chief of police that no owner has been found. The police department shall keep a record of the amount of money found and the name, address and phone number of the finder. Upon delivery of the money to the finder as provided in this subdivision, the city shall have no further interest or obligation with respect to the money. The city shall, however, provide the name and address of the finder and the location of the money to any individual making a satisfactory claim and proof of ownership subsequent to the delivery of the money to the finder. Any money found by a city employee on public property shall be delivered to the police department to be held for a period of 90 days in order to determine the rightful owner. If no claim is made by the owner or if the owner cannot be located, the money shall be deposited in the general fund of the city 90 days after delivery to the police department. (Added, Ord. 2006-3, Sec. 8)

325.15. Exception. This section shall not apply to abandoned motor vehicles or to property forfeited to the city pursuant to Minnesota Statutes, section 169A.63, 609.531 through 609.5319. (Added, Ord. 2006-3, Sec. 9)

Section 330 - Partial prepayment of special assessments
(Added, Ord. No. 94-15, Sec. 1)

330.01. Special assessments; partial payment. Subdivision 1. Authority. This section is enacted pursuant to Minnesota Statutes, section 429.061, subdivision 3.

Subd. 2. Procedure. During the 30-day period following the adoption by the city council of the assessment roll in a local improvement proceeding conducted under Minnesota Statutes, chapter 429, but prior to the certification of the assessment to the taxpayer services division manager, the owner of property specially assessed in the proceeding may pay to the finance director, without interest, any portion of the special assessment not less than $100. The remaining balance of the special assessment is to be then spread over the period of time and at the interest rate established by the council for the installment payment of the special assessment. (Amended, Ord. No. 2016-01)

Section 335 – Deferment of special assessments
(Added, Ord. No. 2004-05)

335.01. Deferment of assessments. Subdivision 1. Authority. This section is enacted pursuant to Minnesota Statutes, sections 435.193 to 435.195. (Amended, Ord. No. 2011-2, Sec. 1; Amended, Ord. No. 2016-01)

Subd. 2. Standard for deferment. At its discretion, the city may defer the payment of a special assessment levied for a public improvement, if all of the following conditions applicable to the respective deferment category are present: (Amended, Ord. No. 2011-2, Sec. 1; Amended, Ord. No. 2016-01)

a) the property is one acre or less and is homestead property of the owner;

b) the owner is:

1) 65 years of age or older, or

2) totally and permanently disabled with income which does not exceed the limits in subdivision 3 a); or (Amended, Ord. No. 2011-2, Sec. 1)

3) a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in Minnesota Statutes, section 190.05, subdivision 5b or 5c, as amended, as stated in the person's military orders; (Added, Ord. No. 2011-2, Sec. 1)

4) for all deferment categories stated above in subdivisions 2 b) 1) – 3), payment of the assessment would be a hardship for the property owner. (Added, Ord. No. 2011-2, Sec. 1)

Subd. 3. Hardship based on income and military service defined. (Amended, Ord. No. 2011-2, Sec.1)

a) A hardship exists under subdivision 2 b) 2) for a deferment when the owner's gross income is at or below the low income standards, adjusted for family size, applicable in the year of application under the federal section 8 program, as determined by the regulations of the United States Department of Housing and Urban Development. (Amended, Ord. No. 2010-2, Sec. 1)

b) A hardship exists under subdivision 2 b) 3) for a military service deferment when there is a difficulty for the owner/service member in making the payments when due as a result of being called into active military service. The difficulty may include but not be limited to financial difficulties for the service member or the member's family while the member is on active duty or training for active duty, priority of requirements of military duty, problems with transacting financial matters from a military station for the service member or for the member's family while the member is at a military station, or a combination of these or other difficulties which make timely payment of the special assessment more difficult. The owner/service member on active duty shall provide the city with copies of orders evidencing the commencement and termination of the active duty status in order to be eligible for the deferment. (Added, Ord. No. 2010-2, Sec. 1)

335.03. Administration of deferment program. Subdivision 1. Application. An application for a deferment must:

a) be submitted to the city by November 15;

b) include information and any supplementary documentation necessary to establish and verify the following:

1) the legal description and property identification number;

2) the street address;

3) that the property is homestead property of one acre or less;

4) the description of the improvement;

5) the name of the homestead owner-occupant;

6) that the property owner either is (i) 65 years of age or older, or (ii) retired because of permanent and total disability as defined in section 335.01, subdivision 2; and

7) that paying the special assessment on the ordinary schedule constitutes a hardship as defined in this section.

Subd. 2. Interest accrual. Simple interest at the rate specified for the special assessment for the local improvement will accrue for the term of the assessment on any principal of the special assessment that is deferred.

335.05. Termination of deferment. The option to defer the payment of special assessments will terminate and all amounts accumulated, plus applicable interest, will become due upon the occurrence of any of the following events:

a) the death of the owner, provided that the spouse is otherwise not eligible for the benefits;

b) the sale, transfer or subdivision of the property or any part thereof;

c) if the property should for any reason lose its homestead status; (Amended, Ord. No. 2010-2, Sec. 1)

d) if the financial or disability status of the owner should change to the extent that the owner would no longer qualify for the deferment under this section; or (Amended, Ord. No. 2010-2, Sec. 1)

e) in the case of a military service deferment under subdivision 2 b) 3), the deferment shall terminate 90 days after the release of the service member from active duty. (Added, Ord. No. 2010-2, Section 1)

Section 340 – Domestic Partnership Registration
(Added, Ord. No. 2011-10)

340.01. Purpose.

The city of Crystal authorizes and establishes a voluntary program of registration of domestic partners. The domestic partner registry is a means by which unmarried, committed couples who reside or work in Crystal and who share a life and home together may document their relationship.

Crystal's domestic partnership ordinance is a city ordinance and does not create rights, privileges, benefits or responsibilities which are available to married couples under state or federal law, or rights, privileges, benefits or responsibilities which are not legally available to unmarried couples under state or federal law.

340.02. Definitions. Subdivision. 1. The following words and phrases used in this Code have the meanings given in this section.

Subd. 2. "Domestic Partner" means any two adults who meet all the following:

a. Are not related by blood closer than permitted under marriage laws of the state.
b. Are not married under that laws of this state.
c. Are competent to enter into a contract.
d. Are jointly responsible to each other for the necessities of life.
e. Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.
f. Do not have any other domestic partner(s).
g. Are both at least 18 years of age.

h. At least one of whom resides in or is employed in Crystal.

Subd. 3. "Domestic Partnership" includes, upon production of valid, government-issued documentation, in addition to domestic partnerships registered with the city of Crystal, and regardless of whether partners in either circumstance have sought further registration with the city of Crystal:

a. Any person who has a currently-registered domestic partnership with a governmental body pursuant to state, local or other law authorizing such registration. The term domestic partnership shall be construed liberally to include unions, regardless of title, in which two individuals are committed to one another as married persons are traditionally committed, except for the traditional marital status and solemnities.

b. Marriages that would be legally recognized as a contract of lawful marriage in another local, state or foreign jurisdiction, but for the operation of Minnesota law.

Sub. 4. "Health Care Facility" means a medical facility such as a hospital, sanitarium, a nursing home or similar facility licensed under Minnesota law.

340.03. Registration of Domestic Partnerships. Subdivision 1. Application. The city clerk shall accept an application in a form provided by the city to register domestic partners who state in such application that they meet the definition of domestic partners.

Subd. 2. Application Fee. The city clerk shall charge an application fee for the registration of domestic partners and shall charge a fee for providing certified copies of registrations, amendments, or notices of termination. The fees required by this subsection shall be established from time to time by resolution of the City Council and set forth in Appendix IV to this code.

Subd. 3. Certificate. The city clerk shall provide each domestic partner with a registration certificate.

Subd. 4. This application and certificate may be used as evidence of the existence of a domestic partner relationship.

Subd. 5. Records. The city clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain.

Subd. 6. Data. The application and amendments thereto, the registration certificate, and termination notices shall constitute government data and will be subject to disclosure pursuant to the terms of the Minnesota Government Data Practices Act.

340.04. Amendments. The city clerk may accept amendments for filing from persons who have domestic partnership registrations on file, except amendments that would replace one of the registered partners with another individual.

340.05 Termination of Domestic Partnership. Domestic partnership registration terminates when the earliest of the following occurs:

a. One of the partners dies; or
b. Forty-five days after one partner: 1) sends the other partner written notice, on a form provided by the city, that he or she is terminating the partnership; and 2) files the notice of termination and an affidavit of service of the notice on the other partner with the city clerk.

340.06. Benefits. Subdivision 1. This section does not create any rights, privileges, or responsibilities for domestic partners other than those expressly provided in this section.

Subd. 2. City Fees for Recreational Programs and General Services. If the city offers a family fee, family membership or family registration for any city-provided recreation program or service available to residents or the general public, domestic partners are entitled to the same family fee, family membership or family registration.

Subd. 3. Visitation in health care facilities. If a patient has not designated permitted or restricted visitors, or does not have a health care directive as defined in Minnesota Statutes Chapter 145 C, as amended, a health care facility shall allow the patient's domestic partner, the children of the patient's domestic partner, or the domestic partner of the patient's parent or child to visit the patient. Such visitation rights shall be consistent with the health care facility's visitation policy pertaining to other family members. A health care facility may reasonably determine based on the patient's medical condition not to allow visitors. The health care facility may deny visitation upon the reasonable determination that the presence of a particular visitor would endanger the health or safety of a patient or patients, or would endanger the primary operations of the facility.

Subd. 4. Other code provisions. Domestic partners shall be entitled to rights or benefits as expressly provided by this code for registered domestic partners.

CHAPTER IV.

BUILDING, HOUSING AND CONSTRUCTION REGULATIONS

Section 400 - Building code

400.01. State building code. Subdivision 1. Code adoption. The building code of the state of Minnesota, authorized by Minnesota Statutes, sections 16B.59 to 16B.75, as amended, and embodied in the rules of the commissioner of administration, is the building code of the city, and is a part of this code as completely as if fully set forth herein. A copy of the state building code must be kept available for public use in the office of the building official. (Amended, Ord. No. 95-12, Sec. 1; Ord. No. 2000-08, Sec. 1; Ord. No. 2004-2, Sec. 1)

Subd. 2. (Repealed, Ord. No. 95-12, Sec. 1)

Subd. 3. Rules adopted.

a) The following chapters of Minnesota Rules, as amended, are adopted by reference:

1300	Administration of the Minnesota Building Code
1301	Building Official Certification
1302	State Building Code Construction Approvals
1303	Minnesota Provisions
1305	Adoption of the 2006 International Building Code
1307	Elevators and Related Devices
1309	Adoption of the 2006 International Residential Code
1311	Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings
1315	Adoption of the 2005 National Electrical Code
1325	Solar Energy Systems
1330	Fallout Shelters
1335	Floodproofing Regulations
1341	Minnesota Accessibility Code
1346	Adoption of the Minnesota State Mechanical Code
1350	Manufactured Homes
1360	Prefabricated Structures
1361	Industrialized/Modular Buildings
1370	Storm Shelters (Manufactured Home Parks)
4715	Minnesota Plumbing Code
7670, 7672, 7674, 7676 and 7678	Minnesota Energy Code

(Amended, Ord. No. 2000-08, Sec. 2; Ord. No. 2004-2, Sec. 2; Ord. No. 2007-08, Sec. 1)

b) The following optional chapters of Minnesota Rules, as amended, are adopted by reference:

1) Chapter 1306, Special Fire Protection Systems, with option 1306.0020, subdivision 2. (Amended, Ord. No. 2007-17, Sec. 1)

2) Grading, appendix chapter J, 2006 International Building Code.

3) Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

(Added, Ord. No. 95-12, Sec. 2; Amended, Ord. No. 2000-08, Sec. 2; Ord. No. 2004-2, Sec. 2; Ord. No. 2007-08, Sec. 1)

400.03. Administration. The building official is responsible for the administration of the building code. (Amended, Ord. No. 2004-2, Sec. 3)

400.05. Licensed activities. Subdivision 1. Licenses required. Except as otherwise provided in this section, it is unlawful to perform a work subject to the provisions of the building code unless that person is currently licensed to do so under applicable provisions of this code or state law. Such work includes, but is not limited to, electrical installations, plumbing, gas appliance installation, high pressure steam fitting installation and elevator construction.

Subd. 2. Plumber's licenses; authority. Plumbers are licensed under this code pursuant to the following provisions of ordinance no. 3, adopted by the Crystal village council on May 12, 1925, which is specifically not repealed by the enactment of this code;

> "Plumbers must obtain license from the village council. No person or persons shall hereafter construct, alter or repair any plumbing or house drainage or construct cesspools, or construct or connect any house drainage with cesspools or the sewer system of the village of Crystal until he or they have first obtained a license from the village Council to do such work."

400.07. Permit fees. Subdivision 1. General rule. It is unlawful for any person to perform work subject to the building code for which a permit is required without having obtained such permit and paid the fees required by appendix IV of the code. The building inspector must establish a system for the issuance of required permits in accordance with the building code and appendix IV.

Subd. 2. Time limits. If the construction or alteration for which a building permit was issued is not commenced within 180 days after the date of the issuance of the permit, the permit expires. Construction in R-1 and R-2 zoning districts must be completed as to the exterior appearance within 12 months of the date of issuance of a permit.

400.09. Various trades licensed. Subdivision 1. It is unlawful to engage in a trade or profession specified in this subsection without a license therefor issued by the city council.

Subd. 2. Plumber.

Subd. 3. Gas appliance installer.

Subd. 4. Fees. The fees for the licenses required by this subsection are set by appendix IV.

Subd. 5. Bonds and insurance; amounts. The applicant for a license under this subsection must furnish a bond to the city in the amount specified in this subdivision.

a) Plumber - $2,000
b) Gas appliance installer - $1,000

The applicant for a license under this subsection must file with the clerk a policy or policies of insurance insuring the applicant against liability imposed by law in the amount of $100,000 because of bodily injury to or death of one person per accident, $300,000 because of bodily injury to or death of more than one person per accident, and $100,000 property damage liability per accident. The policy of insurance must provide that it may not be cancelled by the insurer except upon written notice to the city. If the insurance policy is cancelled the license is automatically suspended until the insurance has been reinstated.

Subd. 6. Bond conditions; form of insurance. Bonds required by this subsection must be conditioned on compliance with applicable state laws and provisions of this code. The city may impose additional conditions on the bond where it deems it necessary. Bonds and insurance policies must be approved as to form by the city attorney.

400.11. Penalties. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done contrary to or in violation of any provision of the building code embodied in this section. Each day during which a violation of the building code is committed, continued or permitted, constitutes a separate offense.

400.13. Exceptions; owner-occupied single family dwellings. Subdivision 1. Buildings. Permits may be issued to make repairs, additions, replacements and alterations to the plumbing, heating or electrical systems of single family dwelling structures used exclusively for living purposes and accessory buildings thereto. All such work in connection therewith may be performed only by a person who is a bona fide owner of such dwelling and a resident therein, or a member of the owner-occupant's immediate family.

Subd. 2. For purposes of this subsection, the term "immediate family" means a parent, children by birth or adoption, or their spouse living in the dwelling.

Subd. 3. Other provisions of the building code regulating the work permitted by this subsection must be complied with.

Subd. 4. When an application is made for a permit for work permitted by this subsection, the applicant must file with the building official an affidavit stating that the applicant or the member of the applicant's immediate family who is to do the work is qualified to perform it. (Amended, Ord. No. 2004-2, Sec. 4)

400.15. Gas appliance installers; special provisions. Subdivision 1. Licenses; examination. Every person desiring to engage in or carry on the gas appliance business must make a written application to the city for a license to do so stating therein the name of the person desiring such license and the address of the place of business. The applicant must pass a written examination to determine their qualifications. The examination is conducted by the building inspector of the city in conjunction with the currently franchised gas utility company.

Subd. 2. Enforcement. It is unlawful to sell or offer for sale or install any gas appliance or accessories or gas piping system if the same when installed for use would be in violation of any of the provisions of this section or would be unsafe. The building official must disconnect or order disconnection of any gas appliance, accessory or gas piping that does not conform to the requirements of this section or that may be found defective or in such condition as to endanger life or property. Where such disconnection has been made a notice must be attached to such appliance, accessory or gas piping which must state that it has been disconnected and the reason therefore and such notice may not be removed nor may the appliance, accessory or gas piping be reconnected until it has been made to conform with the requirements of this section and its reconnection has been authorized by the building official. (Amended, Ord. No. 2004-2, Sec. 5)

400.17. Numbering of houses and buildings. Subdivision 1. Numbers required. The owner and each and every occupant of a house or commercial building in the city must place on the front of each such house or commercial building, suitable house or building numbers in accordance with the instructions of the building official. The numbers must be large enough to be read from the street upon which the house or commercial building is located. (Amended, Ord. No. 2004-2, Sec. 6)

Subd. 2. Duties of building official; enforcement. The building official must enforce this subsection. The building official must give the owner or occupant of any house or commercial building that does not conform with this subsection 10 days written notice within which to comply with the terms of this subsection. (Amended, Ord. No. 2001-04, Sec. 1; Ord. No. 2004-2, Sec. 6)

400.19. Enforcement; inspection. The building official shall enforce this section, consistent with the Minnesota State Building Code, as currently adopted. The building official may enter buildings or premises at reasonable times to inspect property or to perform the duties imposed by the building code, consistent with the Minnesota State Building Code, as currently adopted. The building official or an agent designated by the building official may seek warrants authorizing the inspection of property. (Added, Ord. No. 2001-04, Sec. 2; Amended, Ord. No. 2004-2, Sec. 7)

Section 405 - Signs

405.01. Title; scope. Subdivision 1. Title. This section is the sign code of the city and is referred to as "this code."

Subd. 2. Scope. The purpose of this code is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building, except as provided herein.

Subd. 3. Enforcement authority; right of entry. The manager is authorized and directed to enforce the provisions of this code. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the manager has reasonable cause to believe that there exists a sign or a condition which makes such sign unsafe, the manager may enter the premises or building on which such sign is located at reasonable times to inspect the sign or to perform any duty imposed upon the manager by this code. If the building or premises on which the sign is located is occupied, the manager will first present proper credentials and demand entry; if the building or premises is unoccupied, the manager must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If entry is refused, the manager may pursue every remedy provided by law to secure entry. An owner or occupant or any other person having charge, care or control of any building or premise may not, after proper demand is made, refuse to permit entry by the manager for the purpose of inspection and examination pursuant to this code. A person who violates this subdivision is guilty of a misdemeanor.

405.03. Definitions. Subdivision 1. "Approved plastic materials" means those materials having a self-ignition temperature of 650 degrees fahrenheit or greater and a smoke-density rating not greater than 450 when tested in accordance with UBC Standard No. 42-1, in the way intended for use, or a smoke-intensity rating no greater than 75 when tested in the thickness intended for use by UBC Standard No. 52-2. Approved plastics are classified as and must meet the requirement for either CC1 or CC2 plastic.

Subd. 2. "Building code" means the building code contained in section 400.

Subd. 3. "Business" means an establishment, occupation, employment or enterprise where merchandise is manufactured, stored, exhibited or sold, or where services are offered for compensation.

Subd. 4. "Business property" means a parcel of land upon which is located one or more businesses or institutional uses. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 5. "Business proprietor" means a person owning or in effective control of a business.

Subd. 6. "Dwelling" means a building or portion thereof, designed exclusively for residential occupancy including one-family, two-family and multiple-family dwellings; the term does not include motels, hotels, and boarding houses.

Subd. 7. "Effective control" means that control exercised over property by a business proprietor, whether as owner or lessees, or by an owner or lessee of other property.

Subd. 8. "Electric sign" or "electrical sign" means a sign containing electrical wiring; the term does not include signs illuminated by an exterior light source.

Subd. 9. "Electronically or electrically controlled readerboard" means a sign, or section thereof, messages of which may be changed by electronic process or remote control and the only movement of which is the periodic changing of information against a solid, colorless background, having a constant light illumination level. (Amended, Ord. No. 2007-18, Sec. 1; Ord. No. 2013 - 07)

Subd. 10. "Face" or "face of the sign" means the area of a sign on which the copy is placed.

Subd. 11. "Institutional use" means a public building or facility, educational institution, place of worship, or cemetery. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 12. "Limited multiple dwellings" means a dwelling containing four or fewer family units.

Subd. 13. "Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property.

Subd. 14. "Multiple dwelling" means a dwelling containing more than four dwelling units.

Subd. 15. "Noncombustible," as applied to building construction materials, means a material that, in the form in which it is used, is either one of the following:

a) a material of which no part will ignite or burn when subjected to fire: any material conforming to UBC Standard No. 42-1 is noncombustible within the meaning of this section, or

b) a material having a structural base of noncombustible material as defined in item a) above, with a surfacing material not over 1/8 inch thick that has a flame-spread rating of 50 or less.

The term does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature will refer to material conforming to item a) above. A material is not classed as noncombustible that is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition. "Flame-spread rating" refers to rating obtained according to tests conducted as specified in UBC Standard No. 42-1.

Subd. 16. "Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways attached to the sign structure.

Subd. 17. "Roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

Subd. 18. "Sign" means a device, structure, fixture or placard using graphics, symbols, written copy or both for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services.

Subd. 19. "Sign, bench" means a sign affixed to a bench. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 20. "Sign, directional" means an on-premises sign whose function is to provide locational directions. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 21. "Sign, free-standing" means a sign completely or principally self-supported by posts or other supports independent of a building or other structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 22. "Sign, identification" means a sign whose primary function is to identify a business upon the premises; a secondary function of such a sign may be to call attention to products, goods or materials. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 23. "Sign, monument" means a sign mounted directly to the ground with the maximum height not to exceed six feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 24. "Sign, off-premise" means a sign structure advertising an establishment, merchandise, service or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located, e.g., "billboards" or "outdoor advertising." (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 25. "Sign, on-premises" means a sign that pertains to the use of the premises or the property on which it is located. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 26. "Sign, portable" means a sign so designed as to be movable from one location to another and that is not permanently attached to the ground or any structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 27. "Sign, projecting" means a sign, other than a wall sign, that is affixed to a building and projects outward more than 15 feet from the building wall. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 28. "Sign, roof" means a sign erected upon or above a roof or parapet of a building or structure. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 29. "Sign structure" means a structure that supports or is capable of supporting a sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of the building.

Subd. 30. "Sign, temporary" means a sign which is erected or displayed, or both, for a limited period of time. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 31. "Sign, wall" means a sign attached or affixed to the exterior wall of a building and projecting 15 inches or less from the surface of the wall. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 32. "Sign, commercial" means a sign advertising a business, profession, commodity, service or entertainment. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 33. "Sign, non-commercial" means a sign disseminating messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and information topics. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 34. "Street right-of-way" means that area limited by a lot line abutting a public street or alley.

Subd. 35. Terms defined elsewhere in the city code or in material adopted by reference in this section have the meanings given them.

405.05. Licenses. Subdivision 1. License required. It is unlawful to erect, install, reconstruct, alter, repair or remove a roof sign, wall sign, projecting sign, or free-standing sign within the city without a sign hanger's license.

Subd. 2. Application. Application for a sign hanger's license is made on forms furnished by the city clerk. The manager will evaluate and investigate the qualifications of the applicant and report those findings to the city council.

Subd. 3. Bonds and surety. Prior to the issuance of a sign hanger's license, the applicant must submit evidence of public liability and property damage insurance in the amount of $100,000 because of bodily injury to or death of one person per accident, $300,000 because of bodily injury to or death of more than one person per accident, and $100,000 property damage per accident as a result of failure of any work performed by the licensee and save the city harmless from any and all claims for expenses and damages by reason of negligence, for any work performed or product furnished by the licensee. A bond in the amount of $5,000 must be furnished conditioned such that all work performed by the licensee will be sufficient and secure support and attachments, and proper, suitable and skilled workmanship in the erection, construction, reconstruction, alteration, repair and removal of a sign requiring a permit under the provisions of this section.

Subd. 4. Issuance. The city council issues the sign hanger's license. The council may revoke, suspend or deny a license for cause as provided in appendix IV.

Subd. 5. Fee. The license fee must be submitted with the application for license and is set forth in appendix IV. Local non-profit/civic organizations are exempt from temporary sign permit fees for up to a maximum of six signs per event. Fees in effect at the time of application will be charged for any number of signs beyond six.

Subd. 6. License renewal. The license expires annually on the first Monday in February.

405.07. Permits. Subdivision 1. Permits required. It is unlawful to erect, install, repair, alter, relocate or re-paint a sign within the city, except a permitted sign, as defined in subsection 405.17, subdivision 1, without first obtaining a permit to do so from the manager and payment of a fee as set by appendix IV. Except for temporary signs, permits may only be issued to licensed sign hangers.

Subd. 2. Application for permit. Application for a permit are made upon forms provided by the clerk. The applicant must state or have attached to the application the following information:

a) name, address and telephone numbers of the applicant.

b) name, address and telephone number of person owning the sign.

c) a plot plan to scale, showing the location of lot lines, building, structures, parking areas, existing and proposed signs, and any other physical features.

d) plans, location and specifications and methods of construction and attachment to the building or placement method in the ground.

e) copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this code and the city code.

f) written consent of the owner or lessee (if other than the applicant) of any site on which the sign is to be erected.

g) an electrical permit if required and issued for the sign.

h) other information that the manager may require to show full compliance with this code.

Subd. 3. Permit issued if application in order. When an application for a permit is made, the manager must examine the plans, specifications and other data, and the premises upon which the proposed sign is to be erected. If the proposed structure is in compliance with all the requirements of this section and the city code, the permit will be issued. If the work authorized under a permit has not commenced within 180 days after the date of issuance of the permit, the permit is void. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 4. Annual licenses. (Repealed, Ord. No. 2001-02, Sec. 1)

405.09 Design and construction. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, and in full compliance with all requirements of this code. All signs shall be maintained in a safe, presentable condition and shall be structurally sound. Defective parts shall be promptly replaced. All signs shall be in compliance with the most currently adopted versions of the Minnesota State Building Code and 2006 International Building Code Appendix H. (Amended, Ord. No. 2007-18, Sec. 1)

405.11. Electrical signs. Subdivision 1. General. Except as otherwise provided in the code, electrical signs must be constructed of non-combustible materials. The enclosed shell of electric signs must be watertight, but service holes fitted with covers must be provided into each compartment of such signs.

Subd. 2. Installation. Electrical equipment used in connection with electric signs must be installed in accordance with national electrical code provisions regulating electrical installation.

405.13. Measurement standards. Subdivision 1. Area. The area of a sign is computed as follows:

Subd. 2. Calculating the area of the face of the sign. The area of the smallest geometric figure (circle, triangle, rectangle, or trapezoid) within a single continuous perimeter enclosing the extreme limits of the sign is considered the area of the face of the sign. The perimeter does not include any structural elements lying outside the limits of such sign when not forming an integral part of the sign area containing the message.

Subd. 3. Two or more faces. If a sign has two or more faces, the area of all faces will be included in determining the total area of the sign, except that if two sign faces are placed back-to-back, and are at no point more than 30 inches from one another, the area of the sign will be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. The area of free letter wall signs includes a border area equal to the letter spacing.

405.15. General provisions. Subdivision 1. Repair, removal. A sign or sign structure which is rotted, unsafe, defaced or otherwise altered, must be repainted, repaired, or replaced by the permit holder, owner or agent of the owner of the property on which the sign stands, as provided in subsection 405.37. (Amended, Ord. No. 2001-02, Sec. 2)

Subd. 2. Preservation. Signs, together with supports, braces, guys and anchors, must be kept in repair and in proper state of preservation. The faces of signs must be kept neatly painted or attached to the sign structure.

Subd. 3. Electrical signs. Electrical signs must be installed by a licensed electrician in accordance with the national electrical code.

Subd. 4. Signs in streets. Signs, other than governmental signs and courtesy bench signs regulated by chapter VIII, subsection 805.01 of the city code may not be erected or temporarily placed within a street right-of-way or upon any public lands or easements, or rights-of-way.

Subd. 5. Temporary signs. The temporary use of banners, pennants, portable signs and similar devices requires a permit. The permit is valid for seven consecutive days. Not more than six permits for each business property may be granted in a 12-month period. For business properties with multiple tenants, each tenant may be granted no more than four permits in a 12-month period. The permit must be prominently displayed at the principal use in the same manner required for building permits. Temporary signs shall conform to the same location and dimension requirements as permanent signs, including but not limited to subdivisions 6, 7 and 8 in this subsection and 405.19, subdivisions 2 and 4. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 6. Distance to lot line. No part of the sign or sign structure of any free-standing, roof sign or projecting sign may be within ten feet of any lot line except that in C-1, C-2 and I-1 districts, a projecting sign may be equidistant between the side lot lines of the land parcel if the parcel of land is less than 20 feet in width. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 7. Distance from street right-of-way. No part of any free-standing sign, roof sign, projecting sign or sign structure may be nearer than ten feet from the street right-of-way.

Subd. 8. Intersections. A sign or sign structure is not permitted on property at street intersections within a triangular area formed with two legs, lying along the street property line and being 25 feet long, and commencing at the intersection property corner, and the third leg connecting the ends of the other two legs. A sign (but not a sign structure) may be located in the triangular area provided that:

a) the clearance above street grade is not less than 14 feet;

b) no part of the sign structure encroaches in the triangular area at an elevation less than 14 feet above street grade;

c) no other free-standing, roof sign, or projecting sign is located on the premises; and

d) the provisions of subsection 405.15, subdivision 7, apply.

Subd. 9. Substitution of non-commercial speech permitted. The owner of any sign which is otherwise allowed by this code may substitute non-commercial copy in lieu of any other commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provisions prevails over any more specific provision to the contrary. (Added, Ord. No. 2007-18, Sec. 1)

405.17. Signs allowed without a permit. Subdivision 1. Except as otherwise provided in this subsection, the signs described in the following subsections are allowed without a permit but must comply with other applicable provisions of this code. (Amended, Ord. No. 2001-02, Sec. 3; Ord. No. 2007-18, Sec. 1)

Subd. 2. Public signs. Signs of a public, non-commercial nature, including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty. These signs need not comply with other provisions of the sign code.

Subd. 3. Home occupation identification signs. Signs that identify a lawful home occupation in accordance with section 515 (Zoning) and the address of the premises where the sign is located, but contain no other information. There may be one such sign per premise, not to exceed four square feet in area, not to be illuminated, and set back a minimum of ten feet from any property line. If the sign is free-standing, the total height may not exceed five feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 4. Integral signs. Names of buildings, dates of construction, commemorative tablets and the like, that are of a permanent type of construction and that are an integral part of the building or the structure.

Subd. 5. Political campaign signs. Temporary signs or posters announcing a candidate seeking political office or advocating political issues, and data pertinent thereto may not exceed eight square feet in all zoning districts. Campaign signs must contain the name and address of the person or committee responsible for such sign, and that person or committee will be responsible for its removal. These signs may remain in place for no longer than 45 days before and five days after the election for which they are intended. In state general election years noncommercial signs of any size may be posted from August 1 until ten days following the state general election. Political campaign signs must be confined to private property, may not be placed in the public street right-of-way, are not subject to the setback requirements of 405.15, subdivisions 6 and 7, but are subject to the intersection visibility requirements of 405.18, subdivision 8. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 6. Construction and development signs. A non-illuminated sign, announcing the names of architects, engineers, contractors, or other individuals or firms involved in the construction, alteration, or repair of a building (but not including any advertisement for any other service or product) or real estate development site or subdivision, or announcing the character of the building enterprise, or the purpose for which the building is intended. Construction signs must be confined to the site of the development, construction, alteration, or repair, shall be located on the respective property and not on any adjacent property or public street right-of-way, and shall only be displayed during the lawful duration of the project. One sign may be permitted for each street frontage which the project abuts. In the R-1 and R-2 districts, the area of a construction sign may not exceed four square feet per dwelling unit, up to a maximum of 32 square feet for each construction project or development site having more than one dwelling unit. In the R-3, C-1, C-2 and I-1 districts, the area of a construction sign may not exceed 32 square feet. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 7. Holiday signs. Signs or displays that contain or depict a message pertaining to a national or state holiday and no other matter, displayed for a period not to exceed 45 days.

Subd. 8. Individual property sale or rental signs. An on-premises sign announcing the name of the owner, manager, realtor or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered. The signs must be removed within 14 days after sale or rental of property. The signs may not be illuminated. The signs may not measure more than four square feet in R-1, R-2, and R-3 districts. Only one sign per premise is permitted. Corner properties may contain one sign for each street frontage. Such signs must be confined to private property, may not be placed in the public street right-of-way, are not subject to the setback requirements of 405.15, subdivisions 6 and 7, but are subject to the intersection visibility requirements of 405.15, subdivision 8. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 9. Product identification signs. A product identification sign is an emblem, decal, design illustration, or device, not located on a sign structure, that is placed on and intended to draw attention to a product contained in a container, vehicle or structure, or to a service offered by the owner of such container, vehicle or structure.

Subd. 10. Garage sale signs. Signs identifying the location and times of a garage sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. The signs may not exceed four square feet in area per side, may not be placed on or attached to any utility pole or public signs, and are subject to the provisions of subsection 405.15, subdivision 8. Garage sale signs must be removed within 24 hours of the time stated on such sign for the conclusion of the sale, and such time must be stated on the sign. For purposes of this subsection a garage sale is an occasional sale, of limited duration, of used goods or merchandise conducted by a property owner on the owner's premises.

Subd. 11. Recreational area signs. Signs may be placed on the interior surface of fencing surrounding a recreational area used for organized sports functions including, but not limited to, little league, Babe Ruth leagues and similar activities. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 12. Directional signs. A sign may be placed at or near primary vehicular entrances to an establishment provided that the sign:

a) is placed so as not to impair the vision of motorists either on a public street or entering or exiting therefrom;

b) is set back at least one foot off the property line (the signs are exempt from other setback provisions);

c) may not exceed six square feet in area nor six feet in height; and

d) may not contain any advertising copy other than the name of the shopping center or establishment, its logo, or both, and the relevant directional information.

405.19. Special provisions for C-1, C-2 and I-1 zoning districts. Subdivision 1. Number and type of signs in C-1, C-2 and I-1 districts. A business property is limited to the following number and type of signs:

one free-standing sign in addition to wall signs, or

one projecting sign in addition to wall signs.

A property abutting more than one street may have one additional free-standing or projecting sign on one of the additional street rights-of-way (except as provided in subsection 405.15, subdivision 8) provided that such street right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other free-standing, projecting or roof sign on the property. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 2. Free-standing signs. Free-standing signs in C-1, C-2, and I-1 zoning districts are subject to the following requirements: (Amended, Ord. No. 2007-18, Sec. 1)

a) a maximum height of 25 feet. The height of free-standing signs is measured from the center line of the street nearest to the proposed sign location.

b) a free-standing sign is not permitted on any street right-of-way frontage of less than 50 feet width, the provisions of subsection 405.19, subdivision 1 notwithstanding.

c) the area of a free-standing sign may not exceed:

Street designation (of street abutting frontage)	Area allowable (in square feet)
Principal arterial	200
Minor arterial and major collector	150
Collector	100
Local	50

For the purpose of establishing free-standing sign area allowances, frontage is that width of property abutting the public right-of-way from which the sign is intended to be viewed or, if that width cannot be determined, the width of the property that abuts the closest street to the proposed sign location.

d) The area of a free-standing sign is limited to one square foot of frontage on the public right-of-way. This allotment may not exceed the limits set forth in clause c) above.

e) A free-standing sign will not be permitted within 50 feet of a residence or any district zoned R-1, R-2, R-3, or of a public park, school, library, church, or similar institution or government property. (Amended, Ord. No. 2007-18, Sec. 1)

f) The minimum setback for a free-standing sign, or any part thereof (including the supports, structure, display or trim) will be ten feet, regardless of the sign's size.

Subd. 3. Projecting signs. Projecting signs in C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. No. 2007-18, Sec. 1)

a) Minimum clearance of sign. Projecting signs must have not less than ten feet minimum clearance above grade and no sign may project more than four feet six inches from the face of the building to which it is attached; a sign may not project beyond the property line.

b) Maximum area and height of sign. A projecting sign may not exceed the maximum height herein provided for free-standing signs. The area may not exceed 10% of the total area of the building frontage, either individually or in combination with wall signage.

c) A projecting sign is not permitted within 50 feet of any district zoned for residential purposes (R-1, R-2, and R-3) or of any public park, school, library, church or similar institution, or government property. (Amended, Ord. No. 2007-18, Sec. 1)

d) A projecting sign may not extend upward to a point higher than the roof line of the building to which the sign is attached.

Subd. 4. Wall signs. Wall signs in the C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. 2007-18, Sec. 1)

a) The total area of all wall signs and projecting signs may not exceed 10% of the area of the wall it is on, up to a maximum as defined by the street designation scheme contained in subsection 405.19, subdivision 2 c). For the purposes of assigning a street designation, that street from which the sign is intended to be viewed is used. In commercial or industrial districts, buildings exceeding 80,000 square feet in size on lots of over 200,000 square feet are permitted to have wall signage of up to 250 square feet. The maximum number of signs that will be permitted on each wall is two. The area of free letter wall signs will include border area equal to the letter spacing. Wall signs may not extend beyond the ends of the wall. (Amended, Ord. No. 94-7, Sec. 1)

b) A wall sign may be displayed on the side or rear of a building facing a yard not abutting on a street under the following conditions:

1) The sign is visible from a public roadway on which the building abuts.

2) The side or rear yard on the side of the building to be signed must meet district setback and buffering requirements.

3) The sign(s) may not be larger in area than the largest sign permitted elsewhere on the building.

4) If the side or rear yard on the side of the building to be signed abuts a park property or a residential district, any lighting of sign must be shielded in accordance with zoning code provisions in subsection 515.13. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 5. Canopies and marquees. Canopies and marquees in the C-1, C-2 and I-1 zoning districts are subject to the following regulations: (Amended, Ord. No. 2007-18, Sec. 1)

a) Signs may be attached to canopies and marquees. A sign above or below the canopy or marquee is considered a projecting sign. A sign on the face of the canopy or marquee is considered a wall sign.

b) Canopies and marquees are a part of the building structure but the area of canopies and marquees may not be used in the computation of total wall area.

c) Signs attached to canopies or marquees may not extend over the roof line of the building structure.

d) Signs attached below a canopy or marquee may not be less than eight feet above the grade below.

Subd. 6. Bench signs. An advertising matter may not be placed on benches unless the bench bears a legend indicating the name of the person donating or sponsoring the bench. The advertising copy may not exceed 12 square feet in area.

405.21. Special provisions for residential zoning districts. Subdivision 1. In the R-1, R-2 and R-3 districts, multiple family dwellings and institutional, commercial or industrial uses may have monument signs subject to the following limitations: (Added, Ord. No. 2007-18, Sec. 1)

a) No monument sign shall exceed six feet in height above the average grade around the perimeter of the sign. (Added, Ord. No. 2007-18, Sec. 1)

b) No monument sign shall exceed 75 square feet in area. (Added, Ord. No. 2007-18, Sec. 1)

c) No more than one monument sign is permitted per business property, except that parcels fronting on more than one principal arterial, minor arterial or major collector may have a monument sign on each such frontage, provided such frontage is at least 150 feet in width. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 2. In the R-1, R-2 and R-3 districts, multiple family dwellings and institutional, commercial or industrial uses may have wall signs subject to the following limitations: (Added, Ord. No. 2007-18, Sec. 1)

a) Wall signs are only permitted on walls fronting on a public street or facing other property used for institutional, commercial or industrial purposes. (Added, Ord. No. 2007-18, Sec. 1)

b) No more than one sign is permitted on each wall. (Added, Ord. No. 2007-18, Sec. 1)

c) No wall sign shall exceed 10% of the wall area or 75 square feet in area, whichever is less. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 3. Multiple family dwellings may have one identification sign per building containing the name of the building or complex. Such signs shall not exceed four square feet in the R-1 district and 12 square feet in the R-2 and R-3 districts. (Added, Ord. No. 2007-18, Sec. 1)

405.23. Prohibited signs. The following signs are prohibited by this code:

a) A sign that obstructs or distracts the vision of drivers or pedestrians, or detracts from the visibility of any official traffic control device.

b) A sign that contains or imitates an official traffic sign or signal, except for private, on-premise directional signs.

c) A sign that rotates more than five revolutions per minute. A moving part of any rotating sign may not extend more than four feet from the rotational axis.

d) A sign that contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, except as provided in subsection 405.15, subdivision 5.

e) Portable signs, except as provided in subsection 405.15, subdivision 5.

f) Signs that are tacked or posted on trees, fences, utility poles, or other such supports.

g) Signs painted directly on walls of buildings; this clause does not apply to temporary on-premise signs painted on the window portion of a wall.

h) Signs displaying moving parts, or illuminated with any flashing or intermittent lights, or animated except as provided below:

Electronically or electrically controlled readerboards that provide time and temperature, public service information, or on-site advertising are permitted provided that the sign:

1) meets all the requirements of this section;

2) displays a given copy or graphic image for a minimum of three seconds within the readerboard frame if having lamps of a single color, or for a minimum of two minutes if having lamps of more than one color;

3) is included in an otherwise permitted and conforming wall, free-standing or monument sign, and the area of the readerboard may not exceed 50% of the total area of the sign in which it is integrated, or 50 square feet, whichever is less, and only one readerboard per premise is allowed; (Amended, Ord. No. 2007-18, Sec. 1; Ord. No. 2013 - 07)

4) displays a static message with no fade, dissolve, scrolling, spinning or zooming action; and (Added, Ord. No. 2007-18, Sec. 1)

5) does not cast light on any public street in excess of 1 foot candle at the lot line along said street, or in excess of 0.4 foot candle at the lot line of any residential property. (Added, Ord. No. 2013 – 07)

i) Unshielded display lighting that permits light to be directed at traffic in such brilliance that it may impair or distract the vision of the driver of a motor vehicle.

j) A sign or illumination that may interfere, obscure, or cause confusion with an official

traffic sign or signal. This provision is applicable to indoor signs visible from public streets.

k) Roof signs.

l) Off-premise signs. (Added, Ord. No. 2007-18, Sec. 1)

m) Animated signs that utilize any motion picture, laser or visual projection of images or copy in conjunction with any business or advertisement. (Added, Ord. No. 2007-18, Sec. 1)

n) Signs attached to or painted on motor vehicles or trailers that are parked on or adjacent to a property for more than 24 consecutive hours, the principal purpose of which is to attract attention to a product sold or business located on the property. This is not meant to include logos and product identification signs on trucks and equipment as described in 405.17, subdivision 11, unless it is used as a stationary advertising device for more than 24 hours. (Added, Ord. No. 2007-18, Sec. 1)

405.25. Variances. Subdivision 1. Purpose. To provide for flexibility and a reasonable interpretation of the provisions of this code, a permit applicant who wishes the council to vary the strict application of the provisions of this code may file a variance application. It is the policy of the city to ensure that no variance is granted that violates the literal provisions, intent or spirit of this code without the satisfaction of the several criteria specified in subsection 405.25, subdivision 3, below, which constitute undue hardship.

Subd. 2. Procedure. A person seeking a variance from the provisions of this code may apply to the manager showing such information as may be required to properly identify the sign and the proposed conditions of the requested variance. Upon receipt of the application and the fees required by appendix IV, the manager must forward the application to the planning commission together with necessary documentation and such other information as in the manager's judgment is necessary for the planning commission to make a recommendation.

Subd. 3. Hearing. The planning commission will hear the application at its next regular meeting, or as soon thereafter as is practicable. The commission, acting as the board of adjustment and appeals, must make its recommendation to the city council within 60 days. After reviewing the written recommendation of the planning commission, the council will consider requests for variances from the literal provisions of the code in instances where their strict enforcement would cause an undue hardship because of circumstances unique to the individual property under consideration and may approve the granting of variances where such an action will be in keeping with the spirit and intent of this code. The council may conduct a public hearing on such notice as the council deems advisable, about the variance request prior to council consideration of the request. Before the council may grant a variance, it is the responsibility of the applicant to prove, and the council must make the following findings:

a) that there are exceptional or extraordinary circumstances applicable to the property or to the intended use that do not apply generally to other property similarly situated;

b) that the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property similarly situated, but which right is denied to the property in question;

c) that the strict application of this code would constitute an undue hardship;

d) that the granting of the variance would not be materially detrimental to the public health, safety or general welfare;

e) that the alleged difficulty or hardship is caused by this code and has not been created by any persons presently having an interest in the parcel;

f) that the difficulty or hardship is not based solely on economic considerations; and

g) that the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, or interfere with the function of the police and fire department of the city.

Subd. 4. Lapse of variance. If within a period of one year after the granting of a variance, the work as permitted thereby is not completed the variance will lapse unless such time is extended by the council. The application for the same variance will not be considered by the council for a period of one year after such lapse.

Subd. 5. Termination of variance. A variance granted after the effective date of this section will terminate upon a change in the effective control of:

a) the business property upon which the sign is located;

b) the business to which the sign relates;

c) the property on which the sign is located.

405.27. Non-conforming signs. Subdivision 1. Defined. A non-conforming sign is a sign or sign structure that was lawful at the time it was installed or constructed, but does not meet the requirements of this code. The term includes a sign that was granted a variance prior to the effective date of this code where the variance permitted conditions that do not conform to the provisions of this code. (Amended, Ord. No. 2007-18, Sec. 1)

Subd. 2. Non-conforming signs. Any nonconforming sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless the sign is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no sign permit has been applied for within 180 days of when the sign is damaged. (Added, Ord. No. 2007-18, Sec. 1)

Subd. 3. Removal. A non-conforming sign must be removed as provided in subsection 405.37, when the owner is notified that the sign is unsound, damaged, in disrepair, or hazardous. Failure of notification on the part of the city will not place any liability on the part of the city nor absolve or mitigate any liability on the part of the owner of such sign. (Amended, Ord. No. 2007-18, Sec. 1)

405.29. Special area identification provision for multiple use buildings. Multiple use buildings are considered a single commercial establishment and are limited to one free-standing sign per qualifying street frontage, up to the limit set forth in subsection 405.19. However, in order to achieve a higher degree of area identification while pursuing the goal contained in the municipal comprehensive plan of reducing signage in the city, multiple use buildings located at a street intersection may opt to combine the free-standing sign area allowances for the two individual qualifying frontages into a single sign provided that:

a) all setback requirements are met, including those provided in subsection 405.15, subdivision 8;

b) the sign is placed within 35 feet of the intersection of the two streets in question and is intended to be viewed from both streets; and

c) the total area of such sign may not exceed an area equal to 2/3rds of the sum of the area allowances for free-standing signs for the individual frontages, as provided in 405.19, subdivision 2, clauses c) and d).

405.31. Comprehensive sign plan required. Subdivision 1. General. Upon the first occasion of annual permit renewal after the effective date, owners (or their designated operating agents) of shopping centers and multiple use buildings of two or more businesses or industries, if they have not already done so, must submit a comprehensive sign plan to the manager for approval. The manager's approval will be contingent upon a) demonstrated consistency with all applicable provisions of this code and b) consistency with any other design guidelines or principles which have been applied to the area within which the development is contained, including, but not limited to, special provisions of a designated redevelopment project over a development district.

Subd. 2. Conformance. Signs erected within the shopping center or multiple use building must conform to the conditions of the sign plan.

Subd. 3. Non-conforming signs. Existing signs within a multiple use development that do not meet the requirements of this section or the development's sign plan are non-conforming signs and are subject to the restrictions set forth in subsection 405.27.

405.33. Illuminated signs. Where a sign is illuminated, the source of light may not be directed upon any part of a residence or into any area zoned for residential use. Such illumination must be indirect or diffused.

405.35. (Deleted, Ord No. 2007-18, Sec. 1)

405.37. Violations; notice; procedures. Subdivision 1. Nuisance declared. Signs placed, erected, or maintained in violation of this section are declared a public nuisance and may be abated as such.

Subd. 2. City manager; powers. If the manager finds a sign being erected by an unlicensed person, where a license is required, or finds a sign being erected without a permit or where continuation of such sign erection would constitute an immediate threat to the safety of the public, the manager must immediately orally notify the person erecting the sign that the action is in violation of this ordinance and will issue a stop-order as to such erection in the same manner as provided in the building code. It is unlawful to continue such erection after the notification provided for in this subsection.

Subd. 3. Notice. If the manager finds a sign placed, erected or maintained in violation of this section the manager will notify the owner of the sign, and the owner of the property upon which the sign is located of such violation. The notice must be in writing, handed to or mailed to the last known address of such person or persons. The notice must state in substance the nature of the violation and that if the sign is not removed or action taken to make the sign comply with this section within five days excluding Saturdays, Sundays and legal holidays, of receipt of the notice, the manager may cause the sign to be removed and disposed of by any appropriate means.

Subd. 4. Cost of removal. The cost of removal of a sign in violation of this section will be computed by the manager and will be assessed against the property involved as in the manner provided for in Minnesota Statutes, section 429.101.

Subd. 5. Penalty. It is unlawful for any person to fail to modify or remove a sign after the expiration of the five-days' notice provision of this subsection or to fail to comply with a lawful order given by the manager with respect to a sign. Violation of the provisions of this code is a misdemeanor.

Section 410 - Moving Buildings

410.01. Definitions. Subdivision 1. For the purposes of section 410, the terms defined in this subsection have the meanings given them.

Subd. 2. "Building" means any structure subject to the provisions of the state building code and section 400 of this code. The term also includes farm buildings and dwellings.

Subd. 3. "Removal location" means a location in the city to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this section.

410.03. House mover's license. It is unlawful to move, remove, raise, or hold up any building within the limits of the city without a license to do so by the city. License fees are set by appendix IV of this code. Upon the filing of an application for a house mover's license, the application will be referred to the building official who must make an investigation of the qualifications of the applicant to carry on the work of moving, raising and holding up buildings and report findings thereon to the council. Upon a report being filed with the council and the execution of the required bond and its acceptance by the council such license may be granted or refused, in the discretion of the council. A license may not be granted to any person less than 21 years of age. (Amended, Ord. 2004-2, Sec. 8)

410.05. Insurance and bond. A house mover's license may not be issued unless the applicant first files with the clerk a policy or policies of insurance insuring the applicant against liability imposed by law in the limits of $100,000 because of bodily injury or death of one person per accident; $300,000 because of bodily injury to or death of two or more persons per accident, and $100,000 property damage liability per accident. The policy must provide that it may not be cancelled by the insurer except upon notice to the city. In case of cancellation of such insurance the license will be automatically suspended until the insurance has been replaced. A license may not be granted until the party applying therefor has given a bond in the sum of $3,000 with good and sufficient sureties to be approved by the city attorney and the council, and conditioned that the party will save, indemnify and keep harmless, the city against all liabilities, judgments, costs and expenses, that in any way accrue against the city in consequence of the granting of the license, including the cost of the city for the services of public utility maintenance personnel necessitated by the moving of any building, and will comply with the provisions of this section and with the conditions of any permits which may be issued to them.

410.07. Building moving permit. Subdivision 1. Prohibition. It is unlawful for a licensed house mover to move a building over, along or across any highway, street or alley in the city without first obtaining a building moving permit from the building safety division. (Amended, Ord. No. 2004-2, Sec. 9).

Subd. 2. Application. A person seeking issuance of a permit must file an application with the building safety division on forms provided by the building safety division. The application must set forth the following information: (Amended, Ord. No. 2004-2, Sec. 9)

a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior, and photographs, showing ground and street elevations;

b) A legal description of the premises from which the building is to be moved;

c) A legal description of the premises to which it is proposed the building be moved, if located in the city;

d) The portion of the premises to be occupied by the building when moved if located in the city;

e) The highways, streets and alleys over, along or across which the building is proposed to be moved;

f) The proposed moving date and hours; and any additional information which the department finds necessary to make a determination of whether a permit should be issued.

Subd. 3. Filing date of application. The application for a building moving permit must be made at least 30 days prior to the proposed moving date in order to allow the departmental personnel to make the inspection required.

Subd. 4. Certificate of non-incumbrance. The owner of the building to be moved must file with the application sufficient evidence that the building and lot from which it is to be removed are free of any mortgages, liens or other encumbrances and that all taxes and any other charges against the real and personal property are paid in full.

Subd. 5. Certificate of ownership or entitlement. The applicant must file with the application a written statement or bill of sale or other sufficient evidence that the applicant is entitled to move the building.

Subd. 6. Permit fee. The application must be accompanied by the permit fees required by appendix IV of this code together with a sufficient sum, as estimated by the building inspector, to cover all other charges required under the terms of this section.

410.09. Deposit for expense. Subdivision 1. Amount. Upon receipt of an application for a building moving permit, the department will compute an estimate of the expenses that will be incurred in removing and replacing any electric wires, street lamps or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit the building official will require of the applicant a deposit of a sum of money equal to the amount of the estimated expenses. (Amended, Ord. No. 2004-2, Sec. 10)

Subd. 2. Accounting. After the building has been removed, the building safety division must furnish the clerk with a written statement of all expenses incurred in removing and replacing all property belonging to the city and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. If any wires, poles, lamps or other property are not located in conformity with this code, the permittee is not liable for the cost of removing them. The clerk may authorize the building safety division to return to the applicant all deposits after the deduction of a sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application will not be returned. (Amended, Ord. No. 2004-2, Sec. 10)

Subd. 3. Expenses above deposit. The permittee is liable for any expense, damage or costs in excess of deposited amounts or securities. The city attorney must prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such damages, costs or expenses.

Subd. 4. Unsafe premises. The city will do the work necessary to leaving the original premises in a safe and sanitary condition if the permittee does not comply with the requirements of this section. The cost thereof will be charged against the house mover's deposit.

410.11. Duties of building official. Subdivision 1. The building official has the powers and duties enumerated in this subsection in connection with building moving. (Amended, Ord. No. 2004-2, Sec. 11)

Subd. 2. Inspection. The building official must inspect the building, wherever located, and the applicant's equipment to determine whether the standards for issuance of a permit are met. (Amended, Ord. No. 2004-2, Sec. 11)

Subd. 3. Standards. The building official must refuse to issue a permit if it is found that: (Amended, Ord. No. 2004-2, Sec. 11)

a) any application requirement or any fee or deposit requirement has not been complied with;

b) the building is too large to move without endangering persons or property in the city;

c) the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

d) the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

e) the applicant's equipment is unsafe and that persons and property would be endangered by its use;

f) zoning regulations or other portions of this code would be violated by the building in its removal location;

g) for any reason persons or property in the city would be endangered by the moving of the building;

h) the building to be moved is not worth at least 50% of the cost of a similar new building;

i) the building in its removal location would fail to comply in any respect with any provision of this code or that proper assurances of future compliance have not been given.

Subd. 4. Permit fees and deposits. The department must deposit all fees and deposits with the city in the same manner as all other receipts to the city are deposited. If the building official refuses to issue the permit, all deposits, bonds and insurance policies will be returned to the applicant. Permit fees filed with the application will not be returned. (Amended, Ord. No. 2004-2, Sec. 11)

Subd. 5. Designate streets for removal. The department must obtain from the director of public works a list of designated streets, railroad crossings and bridges over which the building may be moved. The list must be approved by the chief of police and reproduced on the permit. In making their determinations, the director and the chief must assure maximum safety to persons and property in the city and minimize congestion and traffic hazards on public streets.

410.13. House mover's duties. Subdivision 1. General. Permittees under this section must conform to the provisions of this subsection.

Subd. 2. Designated streets. The permittee must move a building only over streets designated for such use in the written permit.

Subd. 3. Changes. The permittee must notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.

Subd. 4. Damage. The permittee must notify the building inspector of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred.

Subd. 5. Warning signals. The permittee must display red lights on every side of the building during the nighttime and red flags during the daytime while building is being moved or standing on a street, in such manner as to warn the public of the obstruction, and must where necessary erect and maintain barricades across the streets in a manner to protect the public from damage or injury by reason of the removal of the building.

Subd. 6. Time limit. The permittee must remove the building from the city streets after four days of presence thereon, unless an extension is granted by the department.

Subd. 7. Other provisions. The permittee must comply with the building code, the zoning regulations, and all other applicable portions of this code.

Subd. 8. Police protection. The permittee must pay the expense of a traffic officer, ordered by the chief of police, to accompany the movement of the building to protect the public from injury at the rate specified in appendix IV of this code.

Subd. 9. Restoration of premises. The permittee must remove all rubbish and materials and fill all excavations to existing grade at the original building site, when located in the city, so that the premises are left in a safe and sanitary condition.

410.15. Miscellaneous building moving conditions. Subdivision 1. Other requirements. In addition to other provisions of this section, the provisions of this subsection apply to the moving of buildings within the city.

Subd. 2. Land covenants. Where the removal location of any building is known by the building official to be subject to any restrictive covenants of record, the building official must not issue a permit under the provisions of this section until satisfied that all of the terms and conditions of the covenants have been complied with. (Amended, Ord. No. 2004-2, Sec. 12)

Subd. 3. Neighborhood conformity. A permit may not be issued unless the building official is satisfied that the building moved will in its removal location conform to the general character and to the type of architecture of the neighborhood. (Amended, Ord. No. 2004-2, Sec. 12)

Subd. 4. Non-interference. This section does not affect, abrogate, or annul any easement, covenant, or other agreement between parties. If this section imposes a greater restriction than is imposed by any other ordinance, rule, regulation or by easements, covenants, or agreements, the provisions of this section control.

Subd. 5. Additional fees. The applicant must pay, in addition to all other required fees, an additional fee for mileage traveled by each inspector of the building safety division in making any inspection under the provisions of this section or any other ordinance of the city computed from the city hall to the site, location or premises where an inspection is to be made, together with an hourly fee for each inspector for the time spent in connection with the inspection. The charges are computed at the rates specified in appendix IV. (Amended, Ord. No. 2004-2, Sec. 12)

Section 415 - Grading

415.01. Appendix chapter J (Grading), of the 2006 International Building Code, as amended, adopted by reference in chapter IV of this code is amended by adding the following: "The building official may require a person proposing a grading project, defined as any excavation or filling or combination thereof, to submit a detailed grading plan. The building official's determination of whether the proposed grading project requires a permit under this section is final." (Amended, Ord. No. 95-12, Sec. 2; Ord. No. 2004-2, Sec. 13; Ord. No. 2007-08, Sec. 2)

415.03. Fees. The fees for grading permits are set by appendix IV to this code.

415.05. Permits. Notwithstanding Appendix chapter J (Grading), of the 2006 International Building Code, as amended, grading permits are granted by the city council. The council may impose reasonable conditions on the permittee including the posting of a suitable bond or other security. (Amended, Ord. No. 95-12, Sec. 3; Ord. No. 2004-2, Sec. 14; Ord. No. 2007-08, Sec. 3)

415.07. Compliance; penalty. It is unlawful for a person to fail to (i) secure a required grading or excavation permit, (ii) comply with the conditions of that permit, (iii) complete the excavating or grading in the time or extension of time prescribed by the permit, or (iv) act in accordance with the requirements of the permit or this code.

415.09. Suspension. The building official may suspend the permit and order the permittee to comply with the terms and conditions of the permit within ten days. No work other than that necessary to comply with the building official's order may be performed during the compliance period.

415.11. Revocation. The council may, on the recommendation of the building official, revoke a grading permit for violation of this section or to otherwise protect the public health and safety.

Section 420 - Housing and redevelopment

420.01. Housing and redevelopment authority; membership. The commissioners of the housing and redevelopment authority of the city of Crystal will consist of no more than three members of the city council and no less than two other residents of the city, all of whom are appointed by the mayor with the approval of the city council. For the purposes of this ordinance, the mayor is a member of the council.

420.03. Vacancies. If a member of the city council who is a commissioner vacates the office of councilmember, or if the councilmember completes the term of office and is not re-elected to the office, the council must declare the office of commissioner vacant, and the vacancy is to be filled by appointment for the uncompleted portion of the term. The person so appointed need not be a councilmember.

420.05. Authority. This ordinance is enacted pursuant to the provisions of Laws of Minnesota 1974, chapter 124, and the Minnesota housing and redevelopment act.

(NOTE: This section is included for informational purposes only. The Crystal economic development authority exercises the powers of the housing and redevelopment authority.)

Section 425 – Property maintenance code
(Repealed, Ord. 2007-06)
(Added, Ord. 2007-06)

425.01. Short title. This section may be cited as "The city of Crystal property maintenance code", or the "property maintenance code".

425.03. Policy; purpose; objectives; intent. Subdivision 1. Policy. It is the policy of the city to enhance the supply of safe, sanitary and adequate housing for its citizens and to prevent the deterioration of property in the city, including buildings, other structures, site improvements and landscaping.

Subd. 2. Purpose. The purpose of the property maintenance code is to carry out the policy stated in subdivision 1 by establishing minimum standards and procedures for its enforcement for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of buildings and property.

Subd. 3. Objectives. The objectives of this code include, but are not limited to, the following:

a) Protection and preservation of the stability, quality and character of all areas and structures in the city.

b) The prevention and correction of conditions that adversely affect or are likely to adversely affect the life, safety, and general welfare and health, including the physical, mental and social well-being of persons occupying or utilizing structures in the city.

c) The establishment of minimum standards for light, ventilation, cooling, heating and sanitary equipment necessary to insure health and safety.

d) The establishment of minimum standards for the maintenance of property, and thus to prevent deterioration and blight.

e) The prevention of overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit.

f) The preservation of the value of land and buildings in the city.

Subd. 4. Intent; relation to the provisions of city code. The city council intends that the property maintenance code be an integral part of the city's program of health, safety, building, and land use regulation. This code is to be construed liberally in conjunction with other provisions of the city code to give effect to the policy, purpose, and objectives of this section, but is not to be construed to modify, amend or otherwise alter the provisions of the city code relating to health, safety, building or land use regulation.

Subd. 5. General requirements.

a) The requirements of this property maintenance code shall apply to all buildings, structures and property within the city.

b) All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with the city and state codes, must be maintained in conformity with the requirements of the codes in effect at the time of construction or installation.

c) State statutes and codes that apply to or affect existing buildings are considered part of the code.

d) Specific requirements of other sections of this code, including, but not limited to, zoning, fire and nuisances, shall supersede the general requirements of section 425 of this code.

e) In cases where a conflict may occur between requirements of this section or other codes, the requirements providing the greatest degree of life safety, property maintenance and general welfare to the city shall govern.

f) Separability. Every section, provision, or part of this property maintenance code is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this property maintenance code shall be held invalid by a court of law, it shall not invalidate any other section, provision, or part thereof.

425.05. Adoption of international property maintenance code by reference. Subdivision 1. Code adopted. The International Property Maintenance Code, 2006 edition, as published by the International Code Council and as it may be amended, is adopted as the property maintenance code of the city, for the control of buildings, structures and property as provided in this section, and each and all of the regulations, provisions, penalties, conditions and terms of such code are referred to, adopted and made a part of this section as if fully set out in this section, with the additions, insertions, deletions and changes as set forth in section 425.05, subdivision 2 "Revisions" of this code.

Subd. 2. Revisions. The following sections of the International Property Maintenance Code, 2006 edition, are revised as follows:

a) Section 101.1. Title. Amended to read: These regulations shall be known as the property maintenance code of the city of Crystal, hereinafter referred to as property maintenance code.

b) Section 102.3. Application of other codes. Amended to read: Repairs, additions or alterations to a structure of changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and the Crystal city code.

c) Section 102.7. Referenced codes and standards. Amended to read: All references to other codes or standards within this property maintenance code shall mean the applicable provision of the Crystal city code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute.

d) Section 103.2. Appointment. Delete entire section and amend to read: The city manager or the manager's designee shall be the code official responsible for the administration and enforcement of this code.

e) Section 103.5. Fees. Amended to read: The fees for activities and services performed by the city in carrying out its responsibilities under this code are established in appendix IV, as amended from time to time.

f) Section 111. Means of appeal. Delete entire section and amend to read:

1) Appeals. Appeals of correction or compliance orders issued by the city pursuant to the property maintenance code are governed by and subject to the provisions of section 306 of the Crystal city code.

2) Penalties. Any person who fails to comply with a correction or compliance order after right of appeal has expired, and any person who fails to comply with a modified correction or compliance order within the time set therein, and any person who violated any of the provisions of this property maintenance code by doing any act or omitting to do any act that constitutes a breach of any section shall be subject to administrative citations and civil penalties contained in sections 306.07 through 306.17 of the city code.

3) Alternative sanctions. In the case of commercial facilities and rental dwellings that require licensing, said licensing may be revoked or renewal withheld until compliance with this property maintenance code in accordance with licensing provisions contained in section 1005.21 of the city code.

4) Execution of correction or compliance order by public authority. Upon failure to comply with a correction or compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified correction or compliance order within the time set therein, the city may cause the cited deficiency to be remedied as set forth in section 306 of the city code.

g) Section 202. General definitions. Amended by adding:

1) "Occupied" for dwelling units means occupied areas will include those areas designated and utilized as habitable space, as well as non-habitable spaces that are easily accessible and normally utilized by the occupants. For nonresidential facilities, occupied areas will include all areas utilized in the operation of whatever use occupies the building.

2) "Unsanitary" as applied to a structure means failure to maintain healthy conditions and liable to be a danger or hazard to the health of persons occupying or frequenting it, or to the public, if such danger arises from the methods or materials of construction, or from equipment installed therein for the purposes of lighting, heating, ventilation, or plumbing, or from existing conditions liable to cause rat infestation, vermin infestation, accumulation of trash or debris in the building, yards or accessory structure on the premises or from mold-causing conditions. Same as unsanitary.

h) Section 302. Exterior Property Areas. Amended by adding an amended Section 302.3, and adding Sections 302.10, 302.11 and 302.12, to read: (Amended, Ord. 2008-08)

1) Section 302.3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All driveways and lawful auxiliary spaces shall be hard-surfaced with bituminous or concrete pavement in accordance with standards approved by the city engineer. Alternative hard-surfacing such as pavers may be approved on a case-by-case basis by the city engineer upon a determination that the standards of Crystal City Code Section 515.17, Subd. 4 g) 8) can be met. Any non-hard-surfaced driveways existing at the time of inspection for rental license shall be hard-surfaced within 180 days of issuance of a rental license, whether new or renewal. (Amended, Ord. 2015-06)

2) Section 302.10. Removal of snow and ice. The owner of an apartment or commercial building shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises within 24 hours of the cessation of the snowfall causing the accumulation. (Amended, Ord. 2008-08)

3) Section 302.11. Illumination. The owner of a multiple occupancy building shall be responsible for providing and maintaining illumination in all exterior parking lots and walkways with provisions to control glare affecting surrounding properties. (Amended, Ord. 2008-08)

4) Section 302.12. Landscaping in yards and setbacks. The owner of any building shall be responsible for providing and maintaining landscaping in all yards and/or setbacks and all areas not designated for buildings, circulation, parking or storage on the premises. (Amended, Ord. 2008-08)

i) Section 304.13. Window, skylight and doorframes. Amended by adding section 304.13.3. Storm windows.

1) Section 304.13.3. Storm windows. All operable windows with a single layer of glass must be provided with tight fitting storm windows. Storm windows may be temporarily removed to allow for the installation of screens during periods of warm weather.

j) Section 304.14. Insect screens. Insert: June 1 to September 1. (Added Ord. 2012-04, Sec. 1)

k) Section 304.15. Doors. Amended by adding section 304.15.1. Apartment security system. (Amended, Ord. 2012-04, Sec. 1)

1) Section 304.15.1. Apartment security system. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying apartment dwellings, an approved security system shall be maintained for each apartment building to control access. The security system shall consist of locked building entrance or foyer doors and lock doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with lever knobs (or doorknobs) on the inside of the building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that is permanently locked from the outside and permanently unlocked from the inside.

l) Section 402. Light. Amended by adding Section 402.4.
Section 402.4. Convenience switches. A convenience switch or equivalent device for turning on a light in each dwelling unit shall be located near the points of entrance to such unit. (Amended, Ord. 2012-04, Sec. 1)

m) Section 404.5 Overcrowding. Amended to read as follows: In order to prevent conditions that endanger the life, health, safety or welfare of the occupants, no dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 150 square feet of gross floor area of finished space in the dwelling unit. For the purposes of this section, finished space excludes kitchens, bathrooms and utility rooms. (Amended, Ord. 2012-04, Sec. 1)

n) Section 505.1. General. Delete all references to the "International Plumbing Code" and replace with "Minnesota State Building Code." (Amended, Ord. 2012-04, Sec. 1)

o) Section 602.2. Residential occupancies. Delete the reference to Appendix D of the "International Plumbing Code" and replace with "Minnesota State Building Code." Also, delete 65º F (18º C) and replace with 68º F (20º C). (Amended, Ord. 2012-04, Sec. 1)

p) Section 602.3. Heat supply. Insert: September 1 to June 1 and delete 65º F (18º C) and replace with 68º F (20º C). Delete the reference to Appendix D of the "International Plumbing Code" and replace with "Minnesota State Building Code." (Amended, Ord. 2012-04, Sec. 1)

q) Section 602.4. Occupiable workspace. Insert: September 1 to June 1 and delete 65º F (18º C) and replace with 68º F (20º C). (Amended, Ord. 2012-04, Sec. 1)

r) Section 604.2. Service. Delete the reference to the "ICC Electrical Code" and replace with "Minnesota State Building Code." (Amended, Ord. 2012-04, Sec. 1)

s) Section 702. Means of egress. Delete all references to the "International Building Code" and replace with "Minnesota State Building Code." (Amended, Ord. 2012-04, Sec. 1)

t) Chapter 8. Referenced standards. Amended to read: All references to other code standards within this code shall mean the applicable provision of Crystal city code or Minnesota State Building code, whichever is the most restrictive requirement permitted under statute. (Amended, Ord. 2012-04, Sec. 1

Subd. 3. Copy on file. One copy of the International Property Maintenance Code, together with a copy of this code, each marked "official copy", must be kept on file in the office of the city clerk and available for public inspection. The clerk and the building official must keep a reasonable number of additional copies of the International Property Maintenance Code and this code available for use and inspection by the public at reasonable times.

425.07. Definitions. Subdivision 1. General. For purposes of this code, the terms defined in this section have the meanings given them.

a) "Apartment" means a community, complex, or building having a common owner and containing four or more living units.

b) "Code" or "this code" means the property maintenance code; "city code" means the Crystal city code of ordinances; "building code" means chapter IV of the city code; "zoning code" means the city code, appendix I, section 515.

c) "Common areas" means halls, corridors, passageways, utility rooms, recreational rooms and extensive landscaped areas, not under the exclusive control of one person or family, in or adjacent to an apartment dwelling.

d) "Dwelling" means a building or a portion of a building designed for residential occupancy: the term includes single-family, two-family, three-family and apartment dwellings but does not include hotels, motels, nursing homes and boarding houses.

e) "Dwelling unit" means (i) a single-family dwelling or (ii) a discrete portion of a dwelling designed for occupancy by one family.

f) "General housing unit" means a dwelling unit other than an apartment, including but not limited to those within a townhouse, condominium, double bungalow, single-family, two-family or three-family building.

g) "Gross floor area" means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior or from the centerline of party walls separating two buildings. Basements devoted to storage and space devoted to off-street parking shall not be included.

h) "Housing official" means the city officer or officers in the community development department designated by the city manager to administer this code. (Amended, Ord. 2012-04, Sec. 2)

i) "Let for Occupancy" or "To Let" means to permit possession or occupancy of a dwelling or living unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.

j) "Living unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

k) "Nonresident owner" means an owner who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington.

l) "Occupant" means any person living or sleeping in a dwelling; or having possession of a space within a dwelling.

m) "Owner", means any person, firm or corporation who alone or jointly or severally with others is in actual possession of a dwelling or dwelling unit in the city as owner.

n) "Rent" means to let for occupancy or to let.

o) "Rental dwelling" means any apartment or general housing unit let for occupancy, or any apartment or general housing unit occupied by someone other than the owner of record regardless of familial relationship or whether rent or other compensation is paid to the owner.

p) “Repair" means to restore to a sound acceptable state of operation, serviceability or appearance.

q) “Replace" means to remove an existing item or portion of a system and to construct or install a new item of similar or new quality as an existing item when repair of the item is impractical.

r) “Resident agent” means an authorized representative of a nonresident owner who resides in Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington.

(Amended, Ord. 2015-06)

Subd. 2. Code official. The term “code official” where the term is used in the International Property Maintenance Code means the housing official. (Amended, Ord. 2012-04, Sec. 2)

Subd. 3. Relation to other code definitions. Except as expressly provided in this code, words, terms, and phrases used in this code have the meanings given them by the city code. In cases where conflicting definitions of a word, term, or phrase make its precise meaning unclear in its application to particular facts, the housing official is authorized to resolve the conflict subject to the provisions of subsection 425.27 relating to appeals. (Amended, Ord. 2012-04, Sec. 3)

425.09. Application. Subdivision 1. General. This code applies to buildings, their premises, accessory structures thereto, and dwelling units therein or thereon, used or designed to be used for human habitation.

Subd. 2. Existing buildings. A building lawfully existing under the building code must conform to this code. A building need not be altered or changed to exceed the requirements of the building code in effect at the time of its construction, except in the following cases:

a) If the building is altered or enlarged pursuant to the building code;

b) If the building is moved or relocated; or

c) If the building is determined to be unsafe or hazardous by the building inspector pursuant to applicable codes and ordinances.

Occupancy in buildings lawfully existing under the building code may be continued under this code.

425.11. Duties of owners and occupants. Subdivision 1. Sanitation. The occupant of a general housing unit must maintain in a clean and sanitary condition that part of the unit and yard that the occupant occupies and controls; and is responsible for the occupant's own misuse of areas and facilities available in common. The owner of an apartment must maintain in a clean and sanitary condition the shared or public areas of the apartment and yard. The occupant of a general housing unit or apartment must keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and is responsible for the exercise of reasonable care in their proper use and operation.

Subd. 2. Removal of waste matter and recyclable materials. The occupant of a general housing unit must dispose of rubbish, ashes, garbage and other organic waste in a clean and sanitary manner as provided by section 605 of the city code. The owner of an apartment is responsible for the clean and sanitary maintenance of common storage or disposal facilities and must dispose of rubbish in a clean and sanitary manner as provided in section 605 of the city code. The owner of an apartment containing more than eight units must comply with the requirements of subsection 650.19 of the city code.

Subd. 3. Pest extermination. The occupant of a single dwelling unit is responsible for the extermination of vermin infestations or rodents on the premises. The occupant of a dwelling unit in a building containing more than one dwelling unit is responsible for such extermination when the dwelling unit is infested. When infestation is caused by the failure of the owner or occupant to maintain a building containing dwelling units in a reasonably rodent-resistant or reasonably vermin-resistant condition, pest extermination is the responsibility of the owner. After extermination, it is the responsibility of the owner or occupant, as the case may be, to correct such maintenance or other problems as designated by appropriate city officials to eliminate the source of the infestation. If infestation exists in two or more dwelling units in any residential structure, or in the shared or public parts of any residential structure containing two or more dwelling units, pest extermination is the responsibility of the owner.

Subd. 4. Heat. The owner of a building containing two or more dwelling units must supply facilities capable of providing adequate heat to every habitable room therein; for the purposes of this subdivision "adequate heat" means heat sufficient to maintain a temperature of 68º F (20º C) at a height of three feet above the floor in all habitable rooms, bathrooms, and water closet compartments.

Subd. 5. Utilities. Except as otherwise provided by law, an owner or occupant may not cause service equipment or utility service that is required by this code to be removed, shut off or discontinued for any occupied dwelling let or occupied by that person, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.

Subd. 6. Notice of maximum occupancy. An owner must advise the occupant, in writing, by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in occupied premises subject to this code.

425.13. (Repealed, Ord. 2015-06)

425.15. Administration, enforcement; inspection. Subdivision 1. Administration and enforcement. The housing official is responsible for the administration and enforcement of this code. (Amended, Ord. 2012-04, Sec. 4)

Subd. 2. Compliance. When the housing official determines that there exists in a building or a portion thereof conditions that constitute a violation of this code, the housing official may begin enforcement procedures set forth in section 306 of the Crystal city code.

425.17. Licensing of rental units. Subdivision 1. General rule. It is unlawful to operate a rental dwelling without first having obtained a license. The license is issued each year and expires on the anniversary date of issuance.

Subd. 2. Application. This subsection establishes minimum standards for maintaining rental properties; i.e., general housing units, apartments, dwellings, dwelling units, accessory structures and related premises. A building and its premises used in whole or in part as a home or residence, or as an accessory structure thereto, for a single family or person, and a building used in whole or in part as a home or residence of two or more persons or families living in separate units must conform to the requirements of this section without regard to when the building may have been constructed, altered, or repaired. This subsection is intended to provide standards for licensed rental housing and to provide standards to allow resolution of violations of this code. (Amended, Ord. 2012-04, Sec. 5)

Subd. 3. License fees. For license renewals, license fees are due no later than 60 days prior to the license expiration date. If an application for license renewal is made less than 60 days before the beginning date of the license period applied for then the fee shall be accompanied by an additional amount equal to 100 percent of such license fee. The additional amount shall be a penalty for a late application. For general housing units or apartments intended for rental for which a license was not issued for the previous year, license fees must accompany the completed license application. License fees are set in appendix IV.

Subd. 4. Conditions. A license is nontransferable. The license fee is not refundable upon revocation or suspension.

Subd. 5. Application; information. Applications for a license or renewal of a license must be made by the owner of a rental dwelling. Application forms are filed with the city, accompanied by the applicable fee. The applicant must provide:

a) Name, street address (a post office box number is not acceptable), email address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation; (Amended, Ord. 2012-04, Sec. 5)

b) Name, address, email address, and telephone number of designated resident agent, if any; (Amended, Ord. 2012-04, Sec. 5)

c) Name, address, email address, and telephone number of vendee, if the rental dwelling is being sold through a contract for deed; (Amended, Ord. 2012-04, Sec. 5)

d) Legal address of the rental dwelling;

e) Number of rental dwelling units within the structure; and

f) Description of procedure by which tenant inquiries and complaints are handled by the owner.

g) For properties with multiple owners, the names, street addresses and telephone numbers of all owners, one of whom must be designated as the primary contact.

Subd. 6. Notice of change. The licensee shall give notice in writing to the housing official within five business days after any change of the information in the application. Notice of transfer of ownership is governed by subdivision 12 of this section. (Amended, Ord. 2012-04, Sec. 5)

Subd. 7. Resident agent required. An operating license will not be issued or renewed for a nonresident owner of rental dwellings unless the owner designates in writing the name of a resident agent who is responsible for maintenance and upkeep and to institute remedial action to effect remediation of such orders on behalf of the owner. The housing official must be notified in writing by the owner of a change of resident agent.

Subd. 8. Conformance to laws. A license will not be issued or renewed unless the rental dwelling and its premises conform to this section, the ordinances of the city and the laws of the state of Minnesota.

Subd. 9. Inspection condition. A license will not be issued or renewed unless the owner of the rental dwelling agrees in the application to permit inspections pursuant to subdivision 18.

Subd. 10. Issuance of license following inspection. A rental license shall be issued in instances where no compliance orders are identified by the housing official for a rental dwelling unit. A conditional rental license shall be issued in instances where compliance orders have been identified and a copy of the orders provided to the owner. Compliance orders shall be provided to the owner within fifteen days after gaining access to the interior of all structures for the purpose of conducting the inspection. The owner of the property for which a conditional license is issued shall have a maximum of 60 days from the date of the inspection to make the necessary corrections and request reinspection for compliance. The conditional license may be revoked automatically by the city if the compliance orders have not been completed and verified as such by a reinspection within 60 days of the date of the initial inspection. (Amended, Ord. 2012-04, Sec. 5)

Subd. 11. Posting of license. The licensee of a building containing three or more rental dwellings must post the current license in a conspicuous location in the main entry in a frame with a glass or plastic cover. Every owner of a single-family or two-family rental dwelling must post the license issued by the city in a conspicuous location.

Subd. 12. Transfer. The licensee must give notice in writing to the housing official within five business days after having legally transferred or otherwise disposed of the effective control of licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings. For purposes of this subsection the term "effective control" means that control exercised over property by a business proprietor, whether as owner or lessee or by an owner or lessee of other property.

Subd. 13. Occupancy register required. The owner of a licensed rental dwelling containing one or more dwelling units must keep a current register of occupancy for each dwelling unit. The register must be available for viewing or copying by the housing official at reasonable times and at the scheduled time of the annual inspection. The register must provide the following information:

a) Dwelling unit address;

b) Number of bedrooms in dwelling unit;

c) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units;

d) Dates renters occupied and vacated dwelling units;

e) A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this section; and

f) A similar chronological list of corrections made in response to requests and complaints.

Subd. 14. License suspension or revocation. An operating license is subject to suspension, denial, or revocation by the council if the licensed owner fails to operate or maintain licensed rental dwellings and units therein consistent with this section and the law. If an operating license is suspended or revoked by the council in accordance with section 1005.21 through 1005.23 of the city code, it shall be unlawful for the owner to permit occupancy of a rental dwelling until a valid operating license is issued by the council. Issuance of a new license after suspension, denial or revocation shall be made in the manner set forth in this section, but only after the housing official determines that the applicant/owner has remedied the conditions identified by the city council as the basis for its action, and only after the applicant/owner has appeared before the city council to formally request approval of the license application. The license application must be accompanied by all fees required by this section.

Subd. 15. License expiration or non-renewal. If a rental license expires and/or is not renewed, it shall be unlawful for the owner or owner’s agent to thereafter permit the occupancy of the then vacant, or thereafter vacated, rental dwelling until such time as a valid rental license is obtained. In instances where the rental dwelling is occupied beyond the license expiration date and application for a license is subsequently submitted to the city, the application fee shall be doubled.

Subd. 16. Posted to prevent occupancy. Whenever a rental dwelling is occupied without having first been issued a rental license, or any initial or renewal application for a rental license has been denied, or a rental license has been revoked, suspended, or not renewed, the rental dwelling shall be posted by the housing official, and no person shall reside in, occupy, or cause to be occupied that rental dwelling until permitted by the housing official. No person other than the housing official shall remove or alter any posting. (Amended, Ord. 2012-04, Sec. 5)

Subd. 17. Enforcement; inspection authority. The housing official administers and enforces the provisions of this subsection. The housing official may inspect upon receiving a complaint, change in ownership, or otherwise when reason exists to believe that a violation of this subsection has been or is being committed. If the city finds that the circumstances of the occupancy following the issuance of the license involve possible code violations, substandard maintenance, or abnormal wear and tear, the city may re-inspect the premises during the licensing period. The housing official may seek warrants authorizing the inspection of property. Inspections must be conducted during reasonable daylight hours. The housing official must present evidence of official authority to the occupant in charge of a licensed rental dwelling.

Subd. 18. Inspection access. If an owner, occupant, or other person in charge of a rental dwelling licensed under this section fails or refuses to permit free access and entry for inspection purposes, the housing official may, upon a showing of probable cause, obtain orders from a court of competent jurisdiction for the inspection.

Subd. 19. Administrative fees. An administrative fee may be charged in instances where the property owner or resident agent fail to appear for a scheduled inspection or fail to contact the city to reschedule an inspection less than twenty-four hours prior to the scheduled inspection time. (Added, Ord. 2012-04, Sec. 5)

425.19. Minimum requirements; implementation standards; policies. Subdivision 1. Minimum requirements. The minimum requirements imposed by this code include (i) those standards or requirements in effect on the date of the construction of a building subject to this code; (ii) the 2006 International Property Maintenance Code as amended; and (iii) imminent hazards including but not limited to:

a) Heating systems that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space;

b) Water heaters that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out, rusted out, or plugged flues; not being vented; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves;

c) Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; exposed, uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded systems; ungrounded appliances in contact with earth;

d) Plumbing systems that are unsanitary due to: leaking waste systems fixtures and traps; lack of a water closet; lack of washing and bathing facilities; or cross connection of pure water supply with fixtures or sewage lines;

e) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads;

f) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering it unsanitary for human occupancy, including lack of light and air;

g) Infestation of rats, insects, and other vermin.

Subd. 2. Implementation policies. The city council, upon recommendation of the city manager, will adopt by resolution policies and guidelines for the implementation and administration of this code. These policies and guidelines must include, but are not limited to, standards and guidelines relating to:

a) Procedures for housing inspections;

b) Proper disposition of information gathered in connection with housing inspections;

c) Conditional occupancy of housing during periods needed for compliance;

d) Methods of encouraging the correction of deficiencies by cooperation between owner and proposed and current occupants;

e) Ongoing training and education for owners of rental dwellings and city housing official.

425.21. Conduct on licensed premises. Subdivision 1. It is the responsibility of the owner or licensee to prevent conduct by tenants or their guests on the licensed premises which is hereby deemed to be disorderly in violation of any of the following statutes or ordinances. (Amended, Ord. 2012-04)

a) Sections 2010 (public nuisances), 605 (garbage and refuse) and 635 (litter) of this code.

b) Section 645 of this code (noise control).

c) Section 910 of this code (dog control, animals) and M.S. §§ 609.226 and 347.56 relating to dangerous dogs.

d) Section 930 of this code (drug abuse and control) or laws relating to the possession of controlled substances, unlawful sale or possession of small amounts of marijuana, and possession or use of drug paraphernalia as defined in M.S. §§ 152.01 et seq.

e) Subsection 2005.01 of this code (disorderly conduct) or laws relating to disorderly conduct as defined in M.S. §§ 609.72.

f) Chapter XII of this code (sale, consumption and display of liquor and beer) or laws relating to the sale of intoxicating liquor as defined in M.S. §§ 340A.701, 340A.702 or 340A.703.

g) Laws relating to prostitution or acts relating to prostitution as defined in M.S. §§ 609.321, subdivision 9 and 609.324, housing individuals engaged in prostitution.

h) Sections 935 (gun control) and 945 (use of firearms) of this code or laws relating to unlawful use or possession of a firearm as defined in M.S. §§ 609.66 et seq., on the licensed premises.

i) Laws relating to assault as defined in M.S. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.

j) Laws relating to contributing to the need for protection or services or delinquency of a minor as defined in M.S. §§ 260C, et. seq.

k) Laws relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house, all as defined in M.S. §§ 609.33.

l) M.S. § 617.23, which prohibits indecent exposure.

m) M.S. § 609.595, which prohibits criminal damage of property.

n) M.S. § 609.50, which prohibits interference with a police officer.

o) M.S. § 609.713, which prohibits terroristic threats.

p) M.S. § 609.715, which prohibits presence of unlawful assembly.

q) M.S. § 609.71, which prohibits riot.

r) M.S. § 609.78, which prohibits interfering with "911" phone calls.

s) M.S. §§ 609.75 through 609.76, which prohibits gambling.

t) M.S. § 243.166 (Predatory Offender Registration).

u) M.S. § 609.229 (Crime committed for benefit of a gang).

v) M.S. § 609.26, subdivision 1(8) (causing or contributing to a child being a runaway).

w) M.S. § 609.903 (Racketeering).
(Amended, Ord. 2012-04, Sec. 6)

Subd. 2. The housing official is responsible for enforcement and administration of this section. (Amended, Ord. 2012-04, Sec. 6)

Subd. 3. First notice. Upon determination by the housing official that a licensed premise was used in a disorderly manner, as described in subdivision 1 of this section, the housing official must give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations. (Amended, Ord. 2012-04, Sec. 6)

Subd. 4. Second notice. If another instance of disorderly use of the licensed premises occurs within the twelve-month period following an incident for which a notice in subdivision 3 of this section was given, the housing official must notify the licensee of the violation and must also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report must be submitted to the housing official within five days of receipt of the notice of disorderly use of the premises and must detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve months. (Amended, Ord. 2012-04, Sec. 6)

Subd. 5. Third notice. If another instance of disorderly use of the licensed premises occurs within the twelve-month period after the second of any two previous instances of disorderly use for which notices were given to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. (Amended, Ord. 2012-04, Sec. 6)

a) An action to deny, revoke, suspend, or not renew a license under this section must be initiated by the housing official who must give to the licensee written notice of a hearing before the city council to consider such denial, revocation, suspension or non-renewal. Such written notice must specify all violations of this section, and must state the date, time, place and purpose of the hearing. The hearing must be held no less than ten days and no more than 30 days after giving such notice. (Amended, Ord. 2012-04, Sec. 6)

b) Following the hearing, the city council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

Subd. 6. Upon a decision to revoke, suspend or deny or not renew a license for violations of this section, the owner/licensee will not be eligible for any new rental licenses for a period determined by the housing official, but not to exceed one year. Any person who has had two or more licenses revoked, suspended, denied or not renewed for violations of this section will not be eligible for any new rental licenses for a period determined by the housing official, but not to exceed two years. (Amended, Ord. 2012-04, Sec. 6)

Subd. 7. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings are not a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use. (Amended, Ord. 2012-04, Sec. 6)

Subd. 8. A determination that the licensed premises have been used in a disorderly manner as described in section 425.21, subdivision 1 of this section shall be made upon a fair preponderance of the evidence to support such a determination. It is not necessary that criminal charges be brought in order to support a determination of disorderly use nor does the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section. (Amended, Ord. 2012-04, Sec. 6)

Subd. 9. All notices given by the city under this section must be personally served on the licensee, sent by certified mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises. (Amended, Ord. 2012-04, Sec. 6)

Subd. 10. Enforcement actions provided in this section are not exclusive, and the city council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the city code, state or federal law. (Amended, Ord. 2012-04, Sec. 6)

425.23. Reporting; forms; records. The Crystal community development department is responsible for the preparation of forms and certificates necessary to carry out the provisions of this code. The community development department will maintain records of rental licensing and will provide reports to the city manager upon request.

425.25. Hazardous conditions; built-in deficiencies; procedure. Subdivision 1. Procedure. If the housing official determines that there exists in a building a condition that constitutes an immediate hazard to the health and safety of its occupants, including but not limited to those identified in section 425.19, subdivision 1, the official may:

a) Issue a compliance order requiring immediate compliance if the condition can reasonably be corrected;

b) Proceed against the building pursuant to applicable state laws relating to hazardous or unsafe structures; or

c) Recommend that the city council proceed to correct the condition by abating it as a nuisance under Minnesota Statutes, section 429.101, and this clause is to be construed as authorizing the imposition and billing of charges for the cost thereof and the assessment of unpaid charges against the property on which the building is located in the manner provided by Minnesota Statutes, section 429.101.

Subd. 2. Built-in deficiencies. It is determined that certain conditions within existing buildings, lawful at the time of the construction of the building, may not comply with the minimum requirements of this code. Such conditions are herein referred to as "built-in deficiencies", and the housing official, in administering this code, must consider the following built-in deficiencies as being beyond reasonable correction:

a) Ceiling heights: An existing habitable room with less than a seven foot six inch ceiling height.

b) Superficial floor area: An existing habitable room of less than 90 square feet.

c) Natural light and ventilation: An existing habitable room with window area less than 10% of the floor area; provided, however, that in no case may the required area of light and ventilation be less than 5% of the floor area.

425.27. Inspections. Subdivision 1. Records. Inspections must be conducted during reasonable hours. The housing official must present evidence of authority to the owner or occupant in charge of a dwelling. Subject to the provisions of law, the housing official must keep evidence, exclusive of the inspection records, discovered or obtained in the course of an inspection confidential.

Subd. 2. Unfit for human habitation. A dwelling or portion thereof that is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. If a dwelling or portion thereof has been declared unfit for human habitation, the housing official must order the dwelling vacated within a reasonable time and post a placard on the dwelling indicating that it is unfit for human habitation. No person other than the housing official shall remove or alter any posting. The housing official will post the date the dwelling shall be vacated, and no person shall reside in, occupy or cause to be occupied that rental dwelling until the housing official permits it. An operating license previously issued for the dwelling will be revoked pursuant to law.

Subd. 3. Correction. It is unlawful to use a dwelling or portion thereof for human habitation until the defective conditions have been corrected and written approval has been issued by the housing official. It is unlawful to deface or remove the declaration placard from a dwelling or property.

Subd. 4. Secure unfit and vacated dwellings and accessory structures. The owner of a dwelling that has been declared unfit for human habitation or that is otherwise vacant for a period of 48 hours or more must make the same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. A vacant dwelling or accessory structure open at doors, windows, or wall opening, if unguarded, is deemed a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this section. (Amended, Ord. 2012-04, Sec. 7)

Subd. 5. Hazardous building declaration. If a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and may be removed, razed or corrected pursuant to the provisions of Minnesota Statutes, sections 463.15 to 463.26.

Subd. 6. Compliance procedure. Subdivision 1. Order. If the city determines that a structure or dwelling or portion thereof is in violation of an order or this code, the city may issue ~~a~~ compliance orders in accordance with section 306 of city code.

425.29. Appeals; right of appeal. When it is alleged by a person to whom a compliance order is directed that the compliance order is based upon erroneous interpretation of this section or upon a misstatement or mistake of fact, that person may appeal the compliance order to the housing official. The housing official must forward the recommendation to the city council within 30 days after receipt of this appeal. The appeal (i) must be in writing, (ii) must specify the grounds for the appeal, and (iii) must be filed with the housing official within ten business days after transmittal of the compliance order. The filing of an appeal stays proceedings in furtherance of the action appealed from unless such a stay in the judgment of the housing official would cause imminent peril to life, health or property. The city council must act promptly on the housing official's recommendation, and the housing official's recommendation may be reversed, modified or affirmed in whole or in part by the council. The council's disposition of the appeal is final. (Amended, Ord. 2012-04, Sec. 8)

425.31. Execution of compliance orders. Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken in accordance with section 306 of city code, or upon failure to comply with a modified compliance order within the time set therein, the city may remedy the cited deficiency in the manner provided for in section 306 of city code.

425.33. Violations; penalties. Subdivision 1. General. It is unlawful to erect, construct, enlarge, alter, repair, move, improve, equip, use, occupy or maintain any building or structure within the city contrary to the provisions of this code.

Subd. 2. Non-compliance. Failure to comply with a lawfully issued compliance order is a violation of this code and is subject to enforcement procedures set forth in section 306 of city code.

Section 430 – Graffiti
(Added, Ord. No. 2008-02)

430.01. Findings and purpose. Subdivision 1. The Crystal city council is enacting this section to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property.

Subd. 2. The city council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Graffiti perpetrators are often associated with other criminal activities, including violent crimes. Unless the city acts to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the city.

Subd. 3. The city council intends, through the adoption of this section, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement of public and private property. The council does not intend for this **section** to conflict with any existing anti-graffiti state laws of "criminal damage to property" laws.

430.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

"Aerosol paint container" means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

"Broad-tipped marker" means any felt tip marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth of an inch, containing indelible ink or other pigmented liquid that is not water soluble.

"Etching equipment" means any tool, device, or substance that can be used to make permanent marks on any natural or man-made surface.

"Graffiti" means any unauthorized inscription, word, figure, painting, symbol, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or despite advance authorizations otherwise deemed a public nuisance by the city council.

"Graffiti implement" means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

"Paint stick or graffiti stick" means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-fourth of an inch in width.

"Person" means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

430.05. Prohibited acts. Subdivision 1. Defacement. It is unlawful for any person to apply graffiti to any natural or human-made surface on any publicly owned property or, without the permission of the owner or occupant, on any privately owned property.

Subd. 2. Possession of graffiti implements. Unless otherwise authorized by the owner or occupant, it is a strict liability and unlawful for any person to possess any graffiti while:

a) Within 200 feet of any graffiti located in or on a public facility, park, playground, swimming pool, recreational facility, bridge, or other public building or structure owned or operated by a governmental agency; or

b) Within 200 feet of any graffiti located in any public place or on private property, between the hours of 10:00 p.m. and 5:00 a.m.; or

c) In violation of a) or b), above, and with intent to affix graffiti to any surface.

Subd. 3. Minors at or near school facilities. It is a strict liability and unlawful for any person under the age of 18 years to possess any graffiti implement while on any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. It is an affirmative defense and the provision of this subsection does not apply to the possession of broad-tipped markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of broad-tipped markers. The burden of proof in any prosecution for violation of this subsection is upon the minor student to establish the need to possess a broad-tipped marker.

430.07. Graffiti as nuisance. Subdivision 1. Declaration. The existence of graffiti on public or private property in violation of this chapter is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this **section.**

Subd. 2. Duty of property owner. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

Subd. 3. Repeat violations. If a property is subject to three or more occurrences of graffiti within a year, application of anti-graffiti material of a type and nature that is acceptable to the city may be required for each of the publicly viewable surfaces after notification by the city, or imposed during improvements or construction activities to the site as determined by the city.

430.09. Removal of graffiti. Subdivision 1. By perpetrator. The city may require any person applying graffiti on public or private property to either remove or pay for all costs for removal of the graffiti within 24 hours after notice by the city or property owner. The removal must be performed in a manner prescribed by the city, with materials and colors compatible with existing surfaces, and to a comparable or improved condition before the graffiti application as determined by the city. Where graffiti is applied by a person under 18 years old, the parents or legal guardian will also be responsible for such removal or for payment for the costs of removal. Failure of any person to remove graffiti or pay for the removal will constitute an additional violation of this chapter.

Subd. 2. By property owner or city. In lieu of the procedure set forth in subdivision 1, the city may order that the graffiti be removed by the property owner or any person who may be in possession or who has the right to possess such property, pursuant to the nuisance abatement procedure herein. Graffiti removal and corrections must be performed with materials and colors compatible with existing surfaces as determined by the city. If the property owner or responsible party fails to remove offending graffiti in compliance with the provisions of this section and within the time specified by the city, the city may commence abatement and cost recovery proceedings for the graffiti removal in accordance with this section.

Subd. 3. Right of entry on private property. Prior to entering upon private property or property owned by a public entity other than the city for the purpose of graffiti removal, the city must attempt to secure the consent of the property owner or responsible party and a release of the city from liability for property damage or personal injury. If the responsible party fails to remove the offending graffiti in compliance with the provisions of this section and within the time specified by this section, or if the city has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the city and consistent with the terms of this section, the city will commence abatement and cost recovery proceedings for the graffiti removal according to the provisions specified below.

430.11. Abatement procedure. Subdivision 1. Abatement by city. If the owner, occupant, or other responsible party does not comply with the notice within the time specified, the city may abate the public nuisance.

Subd. 2. Notice and hearing. The following notification must be conducted prior to city abatement of the public nuisance. Whenever it is determined that a public nuisance is being maintained or exists on a property, the city manager or authorized designee must give ten day's written notice through service by mail, by posting a notice on the property, or by personal delivery to the owner of or person in control of the property on which the public nuisance is located. When the property is occupied, service upon the occupant is deemed service upon the owner. Where the property is unoccupied or abandoned, service may be by mail to the last known owner of record of the property or by posting on the property and upon all lienholders of record if so required by state law. The notice must state:

a) A description of the public nuisance;

b) That the public nuisance must be corrected within ten days of the service of the notice;

c) That if the public nuisance is not properly removed or corrected as ordered, the public nuisance will be abated by the city and the costs of abatement will be specially assessed to the property taxes; and

d) That the owner of or person in control of the property on which the public nuisance is located may in writing request a hearing before the city manager or authorized designee.

Subd. 3. Hearing, action. If a hearing is requested during the ten-day period, the city manager or authorized designee must promptly schedule the hearing, and no further action on the abatement of the public nuisance may be taken until the manager's decision is rendered. The property owner or responsible party may present evidence and argue the property does not constitute a public nuisance. At the conclusion of the scheduled hearing, the **city** manager or authorized designee may cancel the notice to remove or correct the public nuisance, modify the notice, or affirm the notice to remove or correct the public nuisance. If the notice is modified or affirmed, the public nuisance must be disposed of in accordance with the city's written order. Any written order shall be served upon the property owner or responsible party in the same manner as set forth in **subsection** 430.11, subdivision 2.

Subd. 4. Use of public funds. Whenever the city becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city is authorized to use public funds for the removal of the graffiti, or painting or repair of any more extensive an area than that where the graffiti is located, unless the city manager or the designee of the city manager determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

430.13. Summary abatement. Subdivision 1. The enforcing officer may provide for abating a public nuisance without following the procedure required in **subsection** 430.11, subdivisions 2 and 3 when:

a) There is an immediate threat to the public health or safety;

b) There is an immediate threat of serious property damage;

c) A public nuisance has been caused by private parties on public property; or

d) Any other condition exists that violates state or local law and that is a public health or safety hazard.

Subd. 2. A reasonable attempt must be made to notify the owner, occupant, or other responsible party of the intended action and the right to appeal the abatement and cost recovery at the next regularly scheduled city council meeting.

Subd. 3. Right of entry on private property. For summary abatement proceedings, the city may enter upon private property or property owned by a public entity other than the city and commence abatement and cost recovery proceedings for the graffiti removal.

430.15. Abatement of graffiti in specific cases. Subdivision 1. The **city** manager may without notice summarily abate any graffiti on any utility poles and cabinets including, but not limited to, traffic signs and lights or on any property owned by the city or on any property located in the public right-of-way, but privately owned. The right to summarily abate graffiti on such property shall be a condition of its permission to be in the right-of-way. Reasonable care shall be taken to avoid damage to such property.

Subd. 2. The **city** manager may without notice summarily abate any graffiti located anywhere on exterior walls and fences immediately abutting public streets and right-of-way or public property, or within five feet of such street, right-of-way or public property. The **city** manager may summarily abate graffiti located on such walls and fences that is beyond five feet of such street, right-of-way or public property provided that the graffiti is visible from the street, right-of-way or public property. The **city** manager shall ensure (1) that such abatement shall not entirely penetrate the wall of any building nor impair the structural integrity of the structure involved; (2) that reasonable efforts are made to avoid damage to the property; and (3) that the wall is not in an area of a building that is designed for and used principally as a residence. In the case of a summary abatement without notice on private property or on private structures or equipment located in the right-of-way, the expense of such abatement and restoration shall be borne by the city.

430.17. Cost recovery. Subdivision 1. The owner of property on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, is personally liable to the city for the cost of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, city staff will prepare a bill for the cost and mail it to the owner or other responsible party. The amount is immediately due and payable to the city.

Subd. 2. Assessment. If the cost, or any portion of it, has not been paid within 30 days after the date of the bill, the council may certify the unpaid cost against the property to which the cost is attributable in accordance with the process set forth in section 306.15 of this code.

430.19. Penalties. Subdivision 1. Any violation of this section is a misdemeanor, punishable in accordance with state law.

Subd. 2. Any violation of this section may be subject to civil penalties in accordance with section 306 of this code.

Subd. 3. Minors. In the case of a minor, the parents or legal guardian is jointly and severely liable with the minor for payment of all fines. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fine and administrative costs.

Subd. 4. This chapter is not intended to prohibit a private property owner from seeking additional penalties or remedies.

Section 435 – Vacant building registration
(Added, Ord. No. 2009-02)

435.01. Purpose and findings. Subdivision 1. The Crystal city council is enacting this section to help protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings within the city. This section also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with same.

Subd. 2. The city council finds that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, homeless people, trespassers and criminals, including drug abusers. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. Vacant properties often are used as dumping grounds for junk and debris and often are overgrown with weeds and grass. Vacant buildings that are boarded to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values. There is a substantial cost to the city for monitoring vacant buildings whether or not those buildings are boarded. This cost should not be borne by the general taxpayers of the community; but, rather, these costs should be borne by those who choose to leave their buildings vacant.

435.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them and shall apply in the interpretation and enforcement of this section.

"Abandoned property" means property that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

"Compliance official" means the city manager and the city manager's designated agents authorized to administer and enforce this section.

"Building" is any roofed structure used or intended for supporting or sheltering any use or occupancy.

"Owner" or "property owner" is the owner of record according to Hennepin County property tax records; those identified as owner or owners on a vacant building registration form, a holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. An owner also means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

"Responsible party" is an owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located; any party having a legal or equitable interest in the property. Responsible party may include but is not limited to a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

"Vacant building" a building is vacant if no person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, nontransient basis in accordance with city of Crystal zoning regulations.

435.05. Vacant building registration. Subdivision 1. Application. The owner or responsible party shall register a vacant building with the city no later than 30 days after the building becomes vacant. The registration shall be submitted on a form provided by the city and shall include the following information supplied by the owner:

a) The name, address, telephone number and email address, if applicable, of each owner and each owner's representative;

b) The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and all other parties with any legal interest in the building;

c) The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property;

d) The tax parcel identification number and street address of the premises on which the building is situated;

e) The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and correcting code violations and nuisances, or for demolition of the building;

f) The status of water, sewer, natural gas and electric utilities.

g) The owner shall notify the compliance official within 30 days of changes in any of the information supplied as part of the vacant building registration.

Subd. 2. Property plan. The property plan identified above in subsection 435.05, subdivision 1 e) shall meet the following requirements:

a) General provisions. The plan shall comply with all applicable regulations and meet the approval of the compliance official. It shall contain a timetable regarding use or demolition of the property. The plan shall be completed within 30 days after the building is registered.

b) Maintenance of building. The plan shall identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property shall comply with building code provisions and applicable city regulations.

c) Plan changes. If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall meet the approval of the compliance official.

d) Demolition required. If a building has remained vacant for a period of 365 consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the city may declare the building to be a nuisance and direct the owner to demolish the building and restore the grounds. If the owner does not demolish the building and thereby eliminate the nuisance conditions, the city may commence abatement and cost recovery proceedings for the abatement of the violation in accordance with subsection 425.25 of this code and Minnesota Statutes, section 429.101.

Subd. 3. Non-compliance and notification. If the owner does not comply with the property plan, or maintain or correct nuisance violations, the city may commence abatement and recover its costs for correction of those items in accordance with subsection 425.25 of this code and Minnesota Statutes, section 429.101. In the case of an absent owner and ongoing nuisance issues, the city need not provide notice of each abatement act to the owner. A single notice by the city to the owner is determined to be sufficient notice that it intends to provide ongoing abatement until the owner corrects the violations.

Subd. 4. Exemptions.

a) Fire damage. A building that has suffered fire damage is exempt from the registration requirement for a period of 90 days after the date of the fire if the owner submits a request for exemption in writing to the compliance official. An exemption request for review by the compliance official shall include the following information supplied by the owner:

1) A description of the premises;

2) The name and address of owner or owners;

3) A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion;

4) Actions the owner will take to ensure the property does not become a nuisance for the neighborhood.

b) Snowbirds. Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season and have the intent to return are exempt from the registration requirement. Requests for “snowbird” exemption will be considered annually with proper verification.

Subd. 5. Fees. The owner shall pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the city council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the city in monitoring the vacant building site. The fee shall be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

Subd. 6. Waiver of fees. The city may waive the registration fee if the owner or responsible party has paid all past due registration fees and all other financial obligations and debts owed to the city that are associated with the vacant property and demonstrates, to the satisfaction of the compliance official that:

a) The property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the compliance official; and either

b) The owner or responsible party is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or

c) The owner or responsible party has a plan for the demolition, rehabilitation, or other substantial repair of the vacant building in a period of time that is deemed reasonable to the compliance official.

Subd. 7. Assessment. If the registration fee or any portion is not paid within 60 days after billing or within 60 days after any appeal becomes final, the city council may certify the unpaid fees against the property in accordance with Minnesota Statutes, section 429.101.

Subd. 8. Issuance of registration. Upon completion of the registration process and payment of the fee, the city will issue a Vacant Building Registration to the owner. The owner shall securely post the registration on the vacant building on a side entrance door, where possible, that is not generally visible from the public street. If no side entrance door is available, the registration shall be securely posted on another available entrance door.

Subd. 9. Failure to register. If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

435.10. Change of ownership. A new owner(s) shall register or re-register a vacant building in accordance with subsection 435.05 within 15 days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved property plan and timetable submitted by the previous owner or shall submit any changes proposed to the property plan to the compliance official for review and approval as required by subsection 435.05 of this section. For the purposes of this section, a new owner is an "owner" as defined in subsection 435.03 who has purchased the vacant building since its registration by the previous owner and has succeeded to all rights of that previous owner.

435.15. Inspections. The compliance official may inspect any vacant building in the city for the purpose of enforcing and assuring compliance with this section and other applicable regulations. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the city may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, the owner or responsible party shall request an inspection of the vacant building by the compliance official to determine compliance with section 425 of this code and all other applicable regulations. All application and reinspection fees also shall be paid prior to building occupancy.

435.20. Maintenance of vacant buildings. Subdivision 1. The owner shall comply with and address the following items in the property plan, as described in subsection 435.05, subdivision 2:

a) Appearance. All vacant buildings shall be so maintained and kept that they appear to be occupied.

b) Securing. All vacant buildings shall be secured from outside entry by unauthorized persons or pests. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each dwelling unit. Exterior walls and roofs shall remain intact without holes.

1) Architectural (cosmetic) structural panels. Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.

2) Temporary securing. Untreated, exterior grade (CDX) plywood or similar structural panels may be used to secure windows, doors and other openings for a maximum period of 90 days.

3) "Artistic" board-up. With prior approval of the compliance official, artistic options may be utilized to secure a vacant building.

4) Emergency securing. The compliance official may take immediate steps to secure a vacant building at their discretion in emergency circumstances.

c) Fire safety.

1) Fire protection systems**.** Owners of non-residential vacant buildings shall maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.

2) Removal of hazardous and combustible materials**.** The owner of any vacant building, or vacant portion thereof, shall remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.

d) Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable codes. The building's water systems shall be protected from freezing.

e) Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.

f) Lighting. All exterior lighting fixtures shall be maintained in good repair, and illumination shall be provided to the building and all walkways in the same manner as provided at the time the building was last occupied or as otherwise provided in the approved vacant building plan.

g) Heating. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes.

h) Termination of utilities. The compliance official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, the city will provide written notice to the owner. No utility may be restored until consent is given by the compliance official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The compliance official may authorize immediate termination of utilities at their discretion in emergency circumstances and provide subsequent notice to the owner or responsible party.

i) Signs. Obsolete or unused exterior signs and installation hardware shall be removed. Holes and penetrations shall be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building shall be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces. All signs shall be maintained in good condition and comply with the provisions of section 405 of this code.

j) Exterior maintenance. The owner shall comply with all applicable property maintenance regulations and city codes including, but not limited to, the following:

1) Nuisances. The owner shall eliminate any activity on the property that constitutes a nuisance as defined by section 425, section 2005 and section 2010 of this code.

2) Grass and weeds. Any weeds or grass shall be maintained at a height of no greater than eight inches and in accordance with subsection 640.13 of this code.

3) Exterior structure maintenance. The owner shall maintain the vacant building in compliance with section 425 as determined to be necessary by the code official.

4) Abandoned or junk vehicles. The owner shall keep the property free of unlicensed, inoperable, abandoned or junked vehicles. The city may cause such vehicles to be removed.

5) Storage and disposal of refuse. The storage and disposal of refuse shall comply with the requirements of section 605 of this code.

6) Animals. The owner shall ensure that all animals, including domestic, exotic and feral, are removed from the property and handled in a humane manner.

7) Diseased, dead or hazardous trees. The owner shall remove diseased, dead or hazardous trees or branches from the property in accordance with section 2020 of this code.

8) Graffiti. The owner shall remove all graffiti from the property in accordance with section 430 of this code.

9) Abandoned pools. Swimming pools shall be covered and secured to prevent accidental entry, treated to prevent pest harborage, and properly drained and winterized.

k) Removal of garbage and refuse. The owner of any vacant building or vacant portion thereof shall keep the building and property free of all garbage, refuse, litter, rubbish, swill, filth, or other materials identified in section 605 of this code.

l) Police protection systems. All alarm systems in any vacant building or portion thereof shall be maintained in operating condition.

m) Loitering, criminal activities. Loitering or engaging in criminal activities is prohibited in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party shall not allow these activities and shall take immediate actions to eliminate these conditions upon notification by the city or upon discovery.

n) Emergency abatement. The compliance official may authorize immediate abatement of any public nuisance or correction of any maintenance item if the compliance official determines that conditions exist that present an imminent threat to the public health and safety in accordance with section 425 of this code.

o) Other codes. The property owner or responsible party shall comply with all other city codes and applicable regulations.

435.25. No occupancy or trespass. No person may trespass, occupy or reside, on a temporary or permanent basis, in any vacant building, registered or not, without the owner's consent.

435.30. Vandalism or removal of items prohibited. No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

435.35. Appeal. Any person or responsible party aggrieved by a decision rendered under section 435 may appeal to the city council. The appeal shall made be in writing, shall specify the grounds for the appeal, and shall be submitted to the city manager within ten business days of the decision that is basis of the appeal.

435.40. Penalties. Any person or responsible party who violates the provisions of section 435 is subject to penalty as provided under section 306 of this code. Nothing in this section, however, is deemed to impair other remedies or civil penalties available to the city under this code or state law, including, but not limited to, Minnesota Statutes, sections 463.15 through 463.261.

Section 440 – Electrical
(Added, Ord. No. 2011-06)

440.01. State electrical code. Subdivision 1. Authority. The purpose of this ordinance is to establish an electrical inspections program administered and enforced by the City. The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Sections 326B.31 to 326B.399, as amended, is hereby incorporated into this ordinance as if fully set out herein. The Minnesota State Building Code incorporates by reference the National Electrical Code pursuant to Minn. R. 1315.0020, as amended. All such codes incorporated herein by reference constitute the electrical code of the City of Crystal.

Subd. 2. Authority to inspect. The City hereby provides for the inspection of all electrical installations, pursuant to Minn. Stat. § 326B.36. subd. 6, as amended.

Subd. 3. Compliance. All electrical installations shall comply with the requirements of the electrical code of the City and this ordinance.

Subd. 4. Permits and fees**.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 326B.37, as amended, and in Appendix IV of this code.

Subd. 5. Notice and appeal**.** All notices of violations and orders issued under this ordinance shall be in conformance with Minn. Stat. § 326B.36, subd. 4, as amended.

Subd. 6. Sunset. This ordinance may be revoked by the city council once the Department of Labor and Industry is funded for the 2011 fiscal year by legislative enactment of a state budget.

CHAPTER V

PLANNING AND LAND USE REGULATIONS

Section 500 - Planning Commission

500.01. Established. The planning commission is hereby created and continued. The planning commission is designated the planning agency of the city in accordance with Minnesota Statutes, section 462.354.

500.03. Duties. The planning commission has those powers and duties assigned to it by Minnesota Statutes, sections 462.351 to 462.364, (the Municipal Planning Act) and by this code.

500.05. Membership. The planning commission consists of nine members. Two members are appointed from each of the four wards of the city and one member is appointed at large. Members shall be appointed in accordance with the procedures established by the city council as provided in section 305.13. Members may serve on one additional city commission or board in addition to the planning commission.

500.07. Terms. Commissioners serve three-year terms. Terms of members commence on March 1 of the year of appointment and run through February 28 of the year of expiration. There are no term limits.

500.09. Oath of office. Members of the planning commission must, before entering upon the discharge of their duties, take an oath as prescribed by the city charter that they will faithfully discharge the duties of their office.

500.11. Liaison. The planning commission shall have one liaison from the city council that attends its meetings and reports back to the city council. The liaison is not an official member of the planning commission and may not vote on planning commission issues.

500.13. Bylaws. The planning commission shall adopt bylaws consistent with section 305.15.

(Section 500 Amended, Ord. No. 2016-01)

Section 503 – Board of Appeals and Adjustments

503.01. Board of appeals and adjustments. Pursuant to Minnesota Statutes, section 462.354, a board of appeals and adjustments ("Board") is hereby created and continued. The city's planning commission shall serve as the Board for the city. Pursuant to Minnesota Statutes, section 462.354, subdivision 2, the decisions of the Board are advisory to the city council, which will make the final decision.

503.03. Duties of the board. The Board shall have the following duties:

a) The Board hears and makes recommendations with respect to appeals from any order, decision, or determination made by an administrative officer in the enforcement of the zoning code.

b) The Board hears requests for variances from literal provisions of the zoning code in accordance with the provisions of Minnesota Statutes, section 462.357.

c) The Board hears appeals from the denial of a building permit for structures within the limits of a mapped street pursuant to Minnesota Statutes, section 462.359.

503.05. Rules; records. The Board may adopt rules governing its procedure. The Board must provide for a record of its proceedings, including minutes of its meetings, its findings, and its recommendations.

503.07. Appeals. No appeal may be heard by the Board unless a statement of appeal is provided to the city within 14 days of the order, decision, or determination being appealed. The statement must explain the basis for the appeal, the legal support for appellant's position, and the specific relief being sought.

503.09. Hearings. At least ten days' published notice shall be provided prior to any public hearing held by the board on a variance or an appeal. The city shall also mail notice to the person seeking the variance or appeal at least ten days prior to the hearing. The notice is given by mailing to applicant at the applicant's last known address. At the conclusion of the hearing, the board shall forward its recommendation to the city council for a final decision.

(Section 503 Added, Ord. No. 2016-01)

Section 505 - Subdivision regulations

505.01 Title. This section may be cited and referred to as the Crystal subdivision regulations.

505.03. Subdivision regulations. Subdivision 1. Purpose. The city finds that regulation of the subdivision of real property in the city is necessary for the following purposes:

a) to insure the orderly, economic, and safe development of land in the city;

b) to insure the adequate and timely provision of urban services and facilities; and

c) to protect and promote the public health, safety, and welfare.

Subd. 2. Scope. This section is adopted pursuant to Minnesota Statutes, section 462.358. A proposed subdivision of property in the city must be submitted to the city for review and approval before being filed for record with the appropriate county officer as defined in this section. The provisions of this section apply to property or a project to which the Minnesota condominium law, Minnesota Statutes, chapter 515 applies.

505.05. Restrictions. Subdivision 1. General rule. It is unlawful for a person to convey land or to attempt to file for record a conveyance of land that is described by metes and bounds, or by reference to an unapproved subdivision plat or by reference to an unapproved registered land survey unless otherwise authorized by this section or approved by the council. This provision does not apply to a conveyance of land described in Minnesota Statutes, section 462.358, subdivision 4b.

Subd. 2. Building permits. A building permit or other permit will not be issued by the city for the construction of a building, structure, or other improvement to land in the city unless the requirements of this section have been complied with.

Subd. 3. Taxes. A proposed subdivision of land will not be considered by the city unless past due taxes and special assessments thereon have been paid in full or arrangements for their payment satisfactory to the city have been made.

Subd. 4. Flood hazard. Land will not be subdivided if the council determines that the land is unsuitable for development because of flood hazard unless corrective measures consistent with subsection 515.47 of the zoning code can be feasibly accomplished.

Subd. 5. Conditions. The city council may impose additional conditions on subdivisions where deemed necessary for the protection and promotion of the public health, safety and welfare.

505.07. Conflicts. Where the requirements of this section are either more or less restrictive than comparable requirements imposed by other pertinent laws, ordinances, statutes, or other regulations, the regulations that are more restrictive or impose higher standards govern.

505.09. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Alley" means public or private right-of-way designed to serve primarily as a means of secondary access to the side or rear of adjacent properties whose principal frontage is on a street.

Subd. 3. "Applicant" means the owner of land proposed to be subdivided or the owner's designated representative. Where the applicant is not the owner of the land the written consent of the owner is required, accompanied by a statement of the representative's legal interest, if any, in the land.

Subd. 4. "Appropriate county officer" means the county recorder of Hennepin county or the registrar of titles of Hennepin county.

Subd. 5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroads, waterways, other natural barriers, the exterior boundary of the subdivision or any combination of the preceding.

Subd. 6. "Building" means any structure which is built for the support, shelter, or enclosure of persons, animals, or chattels.

Subd. 7. "Comprehensive plan" means the formally adopted comprehensive development plan of the city, composed of maps, charts, diagrams, and text describing and explaining the recommended policies and programs to guide the city's future development and redevelopment.

Subd. 8. "Director" means the person designated by the city manager to administer the provisions of this section.

Subd. 9. "Easement" means a grant by a property owner to either the public or an individual for the use of a portion of the owner's property for certain specified purposes (e.g., drives, utilities, etc.)

Subd. 10. "Lot" means the smallest unit of land created by a subdivision that meets minimal requirements of both this section and the zoning code: each lot is individually depicted and numbered on the subdivision plat.

Subd. 11. "Lot split" means the subdivision of an existing lot of record: this may include creating new lots for building purposes or dividing a lot for combination with existing, adjacent, lots of record.

Subd. 12. "Outlot" means unbuildable land so delineated on a plat.

Subd. 13. "Parcel" means a parcel of land of any legal description or size.

Subd. 14. "Parcel of record" means a parcel of land of any legal description or size that is recorded with the appropriate county officer.

Subd. 15. "Plat, final" means the final, formally approved layout of the proposed subdivision showing the same information as the preliminary plat, complying with the requirements of this section and any additional requirements imposed by the council, and prepared in the form required by the appropriate county officer and by Minnesota Statutes, section 506.

Subd. 16. "Plat, preliminary" means a tentative layout of the proposed subdivision prepared for the purpose of formal review by the city; the preliminary plat shows lots, blocks, streets, and other features relevant to the development of the property, but not in the detail or final form of the final plat.

Subd. 17. "Plat, sketch" means a rough drawing of a proposed subdivision intended for informal review by the city; the sketch plat is not typically drawn as accurately as the preliminary plat and usually does not contain all the information normally required of a preliminary plat.

Subd. 18. "Restrictive covenant" means a contract or agreement entered into between private parties establishing restrictions on the development or use of property other than those established by this section or the zoning code.

Subd. 19. "Street" means a public or private right-of-way designed to serve as a means of principal access to adjacent properties and includes a public or private right-of-way that is not an alley.

Subd. 20. "Subdivision" means, as a verb, the process of separating a parcel of land into two or more parcels for the purpose of building or conveyance including the division of previously subdivided property; as a noun, the term means the product resulting from the separation of a parcel into two or more parcels: the term also includes activity regulated by the Minnesota condominium law.

Subd. 21. "Survey, certified" means a scaled drawing prepared by a registered land surveyor of a parcel indicating the location and dimension of property lines and, if appropriate, the location and dimensions of existing or proposed buildings; a survey visually depicts a parcel's legal description and may also show additional information such as topographic data and the location of recorded easements.

Subd. 22. "Zoning code" means section 515 of this code contained in appendix I (zoning).

Subd. 23. When the term "findings of fact" is used in this section the term means written findings embodied in a resolution of the body making the findings.

505.11. Procedures. Subdivision 1. General. Except as provided in subsection 505.13 when land in the city is proposed to be subdivided, the owner of the land or the owner's authorized representative must apply for and secure approval of the proposed subdivision in accordance with the following procedure:

a) sketch plat (optional);

b) preliminary plat; and

c) final plat.

Subdivision review will be carried out simultaneously and coordinated with applicable flexible zoning regulations and flood plain regulations contained in the zoning code.

505.13. Procedural exceptions. Subdivision 1. Parcel combinations. Combinations of adjacent complete parcels of record may be approved administratively by the director. When a combination is requested for the purpose of obtaining a building permit, or for the purpose of meeting minimum development standards imposed by this section or any other provision of this code, the city must be provided with (i) satisfactory evidence that the combination has been recorded with the appropriate county officer, (ii) a signed, notarized affidavit stating the purpose for which the combination is requested, and (iii) a certified survey of the lots to be combined as deemed necessary by the director. When a combination is requested solely for the purpose of receiving a single tax statement for adjacent parcels, the applicant must present satisfactory evidence that the parcels involved are complete parcels of record. There is no fee for a parcel combination.

Subd. 2. Division; tax parcels. The division of a parcel of record that was combined for the sole purpose of receiving a single tax statement may be approved administratively by the director. The applicant must submit (i) satisfactory evidence that the previous combination was made solely for the purpose of receiving a single tax statement, (ii) satisfactory evidence that the proposed manner of division corresponds to the legal descriptions of the parcels which existed prior to the combination, and (iii) a certified survey of the parcels being divided as deemed necessary by the director to show the lots in the division meet all current code requirements. The director may require that a proposed division of tax combined real estate follow the procedures for either a lot split or a normal subdivision plat. There is no fee for a parcel division.

Subd. 3. Lot splits. Lot splits may be approved by submission of a certified survey and legal description indicating the proposed manner of division, provided that the division can be described in fractional or proportional parts by reference to the legal descriptions existing of record on the date of the request. A lot split will not be approved for a parcel described by metes and bounds. Lot splits require council approval, following review and recommendation by the planning commission. Pursuant to Minnesota Statutes, section 462.358, approval of a lot split by the council is deemed to include waiver of the prohibitions against conveyance of property as contained in subsection 505.05 of this section. Lot splits are approved by the city council following the same hearing procedures required for a normal subdivision. The director may waive the technical information requirements of a normal subdivision determined to be unnecessary. The normal preliminary plat and final plat procedures will be waived. The director may require that a proposed lot split be processed by means of the normal subdivision plat procedure. Submission of a lot split for approval must be accompanied by the same fee required for a plat.

505.15. Sketch plats. Subdivision 1. Submission. When a subdivision of property is proposed, a sketch plat may, in the director's judgment, be prepared and submitted for review. Submission of a sketch plat is not normally required, but is encouraged. The director may require a sketch plat if the proposed subdivision presents substantial problems or difficulties on its face.

Subd. 2. Initiation. Submission of a sketch plat is the initiation of the plat approval process.

Subd. 3. Content. The sketch plat must be a conceptual plan of the proposed subdivision.

Subd. 4. Review and approval. Sketch plats are reviewed by the director and, upon the request or approval of the applicant, by the planning commission. Sketch plat review is for the purpose of identifying potential problems, suggesting design considerations and otherwise discussing the requirements of this section, other ordinances and the comprehensive plan and their objectives as they apply to the parcel of land contained in the application. The review of a submitted sketch plat is for purposes of discussion and comment only. The applicant may not infer any future approval of a preliminary or final plat based upon the sketch plan review. Vested rights to a particular subdivision plan do not accrue because of favorable comments made by either the director or the commission.

505.17. Preliminary plats. Subdivision 1. Submission. Except as provided in subsection 505.13, when a subdivision of property is proposed, a preliminary plat must be prepared and submitted by the applicant for approval. Requests for review and approval of preliminary plats are filed with the director on an approved application form, accompanied by ten copies of the plat and other required information items. Application must be made at least two weeks prior to the planning commission meeting at which formal action is requested.

Subd. 2. Fee. The fee for preliminary plat review and approval is set in appendix IV.

Subd. 3. Content. The application must include the following:

a) a location map outlining the area to be subdivided and its relation to the remainder of the city.

b) a location map outlining the area to be subdivided and its relation to adjacent properties.

c) the names and addresses of owners of property located within 350 feet of the exterior boundaries of the proposed subdivision.

d) an existing site schematic, drawn to the same scale as the preliminary plat, showing:

1) north arrow, scale, and acreage of the subject property;

2) existing topographic contours at intervals of five feet or less, as determined by the director, for the property and adjacent properties;

3) existing streets, utilities, and public facilities (e.g., schools, parks, etc.) on the property and adjacent properties;

4) unusual topographic or physiographic features, including, but not limited to, waterways, steep slopes, wooded areas, etc.;

5) existing easements, public and private, on the property and the purposes for which they are provided.

e) a preliminary plat drawn to a scale of not greater than one inch to 100 feet (1" = 100') embodying the design standards provided for by subsection 505.31 showing:

1) north arrow and scale;

2) names and addresses of persons who prepared the plat;

3) proposed topographic contours at the same interval as contained on the existing site schematic;

4) proposed streets, utilities, and public facilities on the property and, where appropriate, the manner of coordination of these items with adjacent properties;

5) proposed layout of lots and blocks including approximate dimensions of each and manner of numbering;

6) name of the proposed subdivision;

7) proposed easements or existing easements to be maintained and the purpose for which they are provided; and

8) other information deemed necessary by the director.

Subd. 4. Preliminary plats; review. Preliminary plats must be reviewed by the planning commission. The commission must hold a public hearing on the proposed subdivision. Notice of the public hearing must be published as provided by law. Individual notices of the public hearing must be mailed to each owner of record of property located within 350 feet of the exterior boundaries of the proposed subdivision at least five days prior to the public hearing. Failure of a property owner to receive the notice does not invalidate the proceedings. The publication and mailing notice process is performed by the city.

Subd. 5. Reports. The director, upon submission of a preliminary plat for review and approval, must prepare a report on the proposal for the planning commission and council. Copies of the report and the submissions of the applicant must be provided to the planning commission at least five days prior to the public hearing. The report must be entered in and made a permanent part of the record of the public hearing.

Subd. 6. Conduct of hearing. At the public hearing the planning commission will consider the report and recommendation of the director along with the comments of members of the public. The planning commission may question the applicant regarding the proposal, request additional information of the applicant, or retain expert testimony at the expense of the applicant.

Subd. 7. Actions. The planning commission acts on the proposed subdivision in one of the following ways:

a) recommends approval of the preliminary plat as submitted to the council;

b) recommends approval of the preliminary plat with modifications or conditions to the council;

c) recommends denial of the preliminary plat to the council;

d) postpones action on the preliminary plat to the next regular meeting of the planning commission or to a later date agreed to by the applicants; or

e) with the consent of the applicant, tables action on the preliminary plat.

Subd. 8. Procedure. Unless postponed or tabled the recommendation of the planning commission with findings of fact is forwarded to the council for its consideration. If the planning commission postpones consideration of the proposed subdivision, the applicant must be provided with a written statement of the reasons for such action and the facts on which the action is based. A preliminary plat may not be postponed more than once without the consent of the applicant, and may only be postponed to the next regular meeting of the planning commission or to a later date agreed to by the applicant. Following initial postponement or failure of the applicant and commission to agree to a satisfactory later date, the applicant may request the planning commission to forward the preliminary plat with or without recommendation to the council for consideration. A decision to forward the preliminary plat without recommendation is at the discretion of the planning commission. The commission may table the preliminary plat only with the consent of the applicant. Thereafter, the planning commission will consider the proposed subdivision at a regular meeting requested by one of its members or by the applicant.

Subd. 9. Schedule. The preliminary plat must be forwarded to the council after consideration of the plat by the planning commission. Consideration of the preliminary plat by the council must be scheduled not more than 30 days following the date the plat was forwarded by the planning commission, unless otherwise agreed to by the applicant. The council must be provided with copies of the director's report, the submissions of the applicant, the minutes of the commission's public hearing including the commission's findings of fact. These items will be made a permanent part of the record of the meeting of the council.

Subd. 10. Council consideration. The council may hold a public hearing as part of its deliberations on the proposed subdivision. If the council determines to hold a public hearing, the procedures of subsection 505.17 must be complied with. The council may question the applicant regarding the proposal, to request additional information of the applicant, or to retain expert testimony at the expense of the applicant.

Subd. 11. Council action. The council acts on the proposed subdivision in one of the following ways:

a) approves the preliminary plat as submitted;

b) approves the preliminary plat with modifications or conditions;

c) disapproves the preliminary plat;

d) postpones action on the preliminary plat to the next regular meeting of the council or to such later date agreed to by the applicant; or

e) with the consent of the applicant, tables action on the preliminary plat.

Subd. 12. Findings. Action by the council approving, approving with modifications, or disapproving a preliminary plat must be accompanied by findings of fact. The applicant must be provided with written documentation of the council's action stating the reasons for the council's decision. If the council postpones consideration of the proposed subdivision, the applicant must be provided with a written statement of the reasons for that action. A preliminary plat may not be postponed more than once without the consent of the applicant, and must be postponed to the next regular meeting of the council, or a later date agreed to by the applicant. Following initial postponement or failure of the applicant and council to agree upon a later date, the applicant may request that the council act to approve, approve with modifications, or disapprove the preliminary plat, unless the preliminary plat is postponed or tabled. Failure of the council to act on the preliminary plat within 60 days of receipt of the preliminary plat is approval of the plat. The council, with the consent of the applicant, may table the preliminary plat and thereafter the council will consider the proposed subdivision at a regular council meeting as requested by a councilmember or by the applicant.

Subd. 13. Time limit. Approval of a preliminary plat is valid for one year from the date of the approval, unless prior to or within that one year period an extension is granted by the council. If after the one year period or extension thereof a final plat has not been submitted for review and approval, the approval of the preliminary plat is void.

505.19. Final plats. Subdivision 1. Submission. Upon approval or approval with modifications of the preliminary plat by the council the applicant may proceed to prepare the final plat for review and approval. Except as provided in subsection 505.13, a final plat is required for all subdivisions. Requests for review and approval of final plats are filed with the director on an approved application form, accompanied by ten diazo reproduction copies of the final plat and any other required submissions. Application must be made at least two weeks prior to the council meeting at which formal action is requested.

Subd. 2. Fee. The fee for final plat review and approval is set by appendix IV.

Subd. 3. Final plat; form. Final plats must be prepared at a scale not less than one inch to 100 feet (1" - 100'), and consistent with Minnesota Statutes, section 505 and rules of the appropriate county officer. Two exact transparent reproducible copies of the final plat must be submitted for official certification and execution by the city. Multiple sheets with match lines and master index may be used. The final plat must be consistent with the approved preliminary plat and must comply with all conditions or modifications imposed by the council. The final plat must also include the following:

a) primary control points approved by the appropriate county officer, or descriptions to such control points, by which all dimensions, angles, bearings, and similar data on the plat referenced;

b) boundary lines; right-of-way lines for all streets and alleys; easements; and property lines with accurate dimensions, bearings, deflection angles, radii, arcs, central angles or curves;

c) names of rights-of-way and the width of each;

d) location and description of monuments to be placed or maintained;

e) certification as to accuracy of the plat by a certified surveyor;

f) language dedicating for public use any streets or other rights-of-way, easements, parks, or other public lands or ways required by this section or imposed as a condition of approval by the council; and

g) spaces for certification of approval to be signed by the mayor and clerk and official seal of the city.

Subd. 4. Final plat; content. The final plat must be accompanied by the following items if required by the director:

a) an abstract of title or certificate of title for the land contained in the proposed subdivision;

b) an express written, irrevocable offer of dedication of all public streets, municipal uses, utilities, parks, public easements, etc. as shown on the final plat;

c) a warranty deed and title policy in the name of the city, for each parcel proposed for dedication (the title policy will be in an amount determined necessary by the city), and if required by the director a title opinion from the city attorney;

d) as may be required by subsection 505.23, a letter of credit, cash escrow deposit, or other security determined acceptable by the attorney in an amount equal to 100% of the engineer's estimate of the costs for improvements required to be installed by the subdivider; and

e) as may be required by subsection 505.23, a contract establishing the subdivider's obligation to complete the required improvements.

Subd. 5. Final plat; review; approval. The director will compare the final plat with the preliminary plat and conditions or modifications imposed by the council. The attorney will examine the abstract of title or certificate of title to ascertain that the land contained within the proposed subdivision is in the name of the applicant and that it is free and clear of all encumbrances or liens. The attorney will also review the offers of dedication and warranty deeds attached thereto. The director will review the final plat for accuracy in its preparation and compliance with the design standards provided for by subsection 505.37. The engineer will certify that the financial surety, if required, is of sufficient amount.

Subd. 6. Final plat; council consideration. Upon completion of the review of the final plat and submissions by the director and city attorney, the director must schedule the final plat for consideration of the council. If the review of the final plat by the director or attorney identifies deficiencies in the final plat or the required submissions, the applicant will be notified by the director. Noted deficiencies must be corrected prior to consideration of the final plat by the council. Unless deficiencies in the final plat or required submissions have been noted, the final plat must be scheduled for council consideration no later than 60 days after its submission to the director.

Subd. 7. Final plat; council action. When considering the final plat the council must be provided with certifications by the director and city attorney that the final plat and required submissions conform to the requirements of this section. The council must then act to approve or disapprove the final plat. The council's action must be based upon findings of fact, and the applicant will be provided with written documentation of the council's action. The council may postpone or table consideration of the final plat. Unless the final plat is postponed or tabled, failure of the council to act on the plat within 60 days of the receipt of the final plat is approval.

Subd. 8. Final plat; execution. The mayor and city clerk must affix their signatures and the official seal of the city to the final plat. The council must accept by separate resolution the lands and improvements offered for public dedication. The applicant must file approved subdivisions and all accompanying legal documents with the appropriate county officer. If the final plat is not recorded within 90 days after its approval by the council the plat is void.

505.21. Required improvements. Subdivision 1. Responsibility. The subdivider is responsible for completing the improvements required by this section and as stipulated by the council in its approval of the final plat. The required improvements must be constructed in compliance with the design standards of subsection 505.31 and completed to the satisfaction of the director.

Subd. 2. Required improvements. Unless waived pursuant to subdivision 3, the following improvements must be completed and paid for by the subdivider as approved in the development contract:

a) curb and gutter;

b) sidewalks;

c) watermains;

d) sanitary sewers;

e) utility services;

f) street paving;

g) alley paving;

h) storm sewers and culverts;

i) bridges;

j) pedestrian paths and walks;

k) monuments;

1) ornamental street lights;

m) necessary approved alterations to natural drainage ways;

n) temporary street signs;

o) reforestation and landscaping;

p) miscellaneous items as agreed upon by the city council and the subdivider;

q) miscellaneous items as contained in the design standards provided for by subsection 505.31.

Subd. 3. Waiver. The council may waive required improvements deemed to be necessary or which the city may itself undertake. The city may construct the improvements as public improvements and assess all or part of the cost thereof against benefitted properties. A waiver must be requested by the subdivider and must be considered by the council at the time of preliminary or final plat approval.

Subd. 4. Required plans. Prior to the commencement of construction of any required improvements, the subdivider must submit sufficiently detailed plans, profiles, and specifications for the required improvements for the review and approval of the engineer. The plans, profiles, and specifications must comply with the design standards of subsection 505.31 and other provisions of this code. The subdivider is responsible for obtaining permits required for construction of the improvements.

505.23. Improvements; bond. Subdivision 1. Form. The subdivider must provide the city with a letter of credit, cash escrow, or other acceptable security in an amount equal to 100% of the director's estimate of costs for the required improvements. The surety must be submitted simultaneously with the request for approval of the final plat. The surety must (i) name the city as obligee, (ii) specify the improvements that the surety secures, and (iii) stipulate that the surety secures the dedication of all the specified improvements and land, as required by the council, free and clear of encumbrances and liens. The subdivider may submit separate sureties for separate required improvements. Prior to approval of the final plat by the council the city attorney must review the submitted bond, or other security, as to its conformance with statutory provisions, form, sufficiency, and manner of execution. The required bond must be furnished in addition to a standard form development contract.

Subd. 2. Waiver. The council may waive the requirement that the subdivider provide a bond or other security. In such case the council must be provided with a signed, legally enforceable development contract specifying the required improvements and the subdivider's responsibility to complete them. The development contract must also specify that the city may undertake completion of the required improvements and assess the cost of same against the land contained in the subdivision upon failure of the applicant to satisfactorily complete the improvements. The contract must stipulate an agreed upon date for completion of the required improvements not later than two years from the date of approval of the development contract. The contract must be submitted at the time of final plat consideration by the council. The council may either waive the required bond submission and subsequently approve the development contract or require that a bond be submitted prior to approval of the final plat. If the development contract is accepted by the council, the approval of the final plat is conditional pending satisfactory completion of the required improvements. If the security is waived and a development contract is submitted the final plat may not be signed or recorded until the required improvements have been completed to the satisfaction of the director.

Subd. 3. Governmental units. Governmental units to which these bond and contract requirements apply may file in lieu of the bond or contract a certified resolution, from the officers or agencies empowered to act on their behalf, agreeing to comply with the provisions of this subsection.

505.25. Improvements; completion. Subdivision 1. Time. Required improvements must be completed within a time period specified by the council. At the request of the subdivider and on the recommendation of the planning commission, the council may extend the completion deadline for a period of one year provided the term of the required security is extended.

Subd. 2. Quality. The subdivider must request inspection of completed improvements by the director. The director will inspect improvements for compliance with the approved final plat, the submitted plans, profiles, and specifications for the improvements and the quality of their construction. Upon a finding that the improvements have been satisfactorily completed, the director must certify their completion by letter to the subdivider and the council. Upon a finding that improvements have not been satisfactorily completed, the director must certify the deficiencies by letter to the subdivider and the council.

Subd. 3. Remedies. If the required improvements have not been satisfactorily completed by the completion deadline, the council may:

a) extend the deadline for completion of the improvements for a period of not to exceed one year;

b) declare any submitted bonds or other securities in default and apply funds obtained from such to complete the required improvements;

c) declare the development contract, if such has been entered into, to be violated and thereupon undertake to complete the required improvements, assessing the cost of same against the land contained in the subdivision; or

d) when no improvements have been commenced, rescind its previous approval of the final plat and, if the plat has been recorded, undertake necessary action to vacate the plat or the public rights-of-way contained therein.

Subd. 4. Bond waiver. If the bond requirement has been waived and a development contract entered into, the director must certify satisfactory completion of the required improvements prior to the execution of the final plat by the mayor and clerk.

Subd. 5. Building permits. A building permit for private construction may not be issued for land in a subdivision for which the final plat has not been recorded with the appropriate county officer. A building permit for private construction may not be issued for more than 60% of the lots or dwelling units contained in a subdivision for which all required improvements have not been completed. When the subdivision is to be accomplished in stages this requirement applies to each phase.

Subd. 6. Release. Bonds or other security held by the city to secure required improvements will be released one year following the date of certification of satisfactory completion of the improvements by the director.

505.27. Land dedication, easements, and covenants. Subdivision 1. Dedications. The council may require dedication of public improvements and lands designated on the plat or intended for public use. The city may require reservations and dedications for improvements that are not to be undertaken or completed immediately or as part of an approved subdivision. These requirements include, but are not limited to, lands for public utilities, streets, and park and recreation facilities. The city may approve or disapprove the locations of lands proposed for dedication pursuant to this subsection. The provisions of section 510 apply to these dedications.

Subd. 2. Streets. The final plat must indicate the location and reservation of rights-of-way, public and private, in the proposed subdivision.

Subd. 3. Utilities. The city requires that easements be provided for the location of public utilities and that proper legal instruments accomplishing that be provided prior to the approval of final plat. The final plat must show the location of the easements to be located in conformance to the design standards provided for by subsection 505.31. The city may require the dedication of certain lands in fee simple for public utility use where deemed necessary or desirable in the public interest. In such case the dedication will be accomplished by submission of a warranty deed and a written irrevocable offer of dedication prior to approval of the final plat. Unless authorized by the city council, private water, sanitary, or storm sewer facilities may not be constructed within a proposed subdivision to meet the requirements of this subsection.

505.29. Plats; restrictive covenants. Restrictive covenants may not appear on the face of a plat. The council may not impose a condition in the form of a restrictive covenant as part of its approval of a final plat.

505.31. Plats; design standards. Subdivision 1. Adoption. The director must prepare a set of comprehensive, detailed design standards and guidelines for platting. The design standards must be submitted to the council for approval by resolution.

Subd. 2. Application of standards. The design standards apply to property, lands, structures, or projects regulated by this section and are the minimum requirements for the design and development of subdivisions or projects. The council may waive any design standards as part of its approval of final plat when it finds that the public interest will not be adversely affected thereby. The council may impose additional or more restrictive design standards as part of its approval of final plat where a finding is made that the public interest will be served thereby.

Subd. 3. Amendment. The design standards may be amended as necessary in the same manner as adopted. Proposed subdivisions for which the final plat has not yet been approved are subject to any adopted amendment of the design standards.

Subd. 4. Copies. Copies of the design standards will be provided to all interested parties on request at a reasonable charge.

505.33. Variances; appeals; procedures. Subdivision 1. Authority. The council may consider and grant variances to the provisions of this section when it finds that unusual hardship on the land or practical difficulties related to the land would result from the strict application of the provisions of this section. The council may review and rule upon appeals by an affected property owner where it is alleged that there has been an error in the interpretation or application of the provisions of this section. Variances and appeals will be processed in accordance with subsection 515.55 of the zoning code.

505.35. Fees required. Subdivision 1. Basic fee. In order to defray the administrative costs of processing requests for review and approval of sketch plats, preliminary plats, final plats, variances, appeals, or amendments a base fee as described in appendix IV is required.

Subd. 2. Additional cost. In order to defray the additional costs of processing requests for applications submitted pursuant to the provisions of this section, additional costs for staff and consulting time and materials expended by the city in the processing of the applicant's requests may be required of the applicant.

505.37. Enforcement and penalties. Subdivision 1. Director. The director must enforce the provisions of this section and bring to the attention of the city attorney any violations or lack of compliance with this section.

Subd. 2. Permits. A building permit may not be issued for property found to be in violation of this section until the violation has been corrected.

Section 510 - Park dedication

510.01. Dedication required. A reasonable portion of the buildable land to be divided must be dedicated to the public or preserved for public use as parks, playgrounds, trails, or open space. "Buildable land" means the gross acreage of all property in the proposed plat or subdivision excluding wetlands designated by federal or state agencies, wetlands classified by the Wetland Conservation Act, as amended, state or county rights of way, and steep slopes as defined by the zoning ordinance. This requirement applies to plats, subdivisions, or lot divisions that (i) create at least one additional lot, or (ii) combine lots for the purpose of development involving changed or mixed land uses or the intensification of uses, or (iii) consist of a planned development as defined and regulated by the zoning code. The dedication requirements are not satisfied if the city reasonably determines that the land proposed for dedication is unsuitable for public recreational use. The dedication required by this section is in addition to dedication required for streets, roads, utilities, storm water ponding areas, or similar utilities and improvements. Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of subdividing the property, the number of lots is increased, then the park dedication fee applies only to the net increase of lots. (Amended, Ord. 2008-06, Sec. 1)

510.03. Amount required. The amount of land required for dedication is based upon the buildable land area and equals the land the city reasonably finds it will need to acquire for park or other recreational purposes as a result of approval of the land division. Generally, 10% of the buildable land area to be subdivided must be dedicated for residential subdivisions and 5% for commercial and industrial subdivisions. (Amended, Ord. 2008-06, Sec. 1)

510.05. Cash payment in lieu of dedication. The city may require a cash payment in lieu of land dedication. In determining whether to require payment or dedication, the council will consider such factors as whether park land is needed in the proposed location, whether the proposed dedication is suitable for the intended use, and whether a cash payment would be more beneficial to development of the entire park system. (Amended, Ord. 2008-06, Sec. 1)

510.07. Amount of cash payment. The cash payment in lieu of dedication is determined by the fair market value of the buildable land as determined by the city Assessor at the time of final plat approval, including the value added by existing utilities, streets and other public improvements serving the property but excluding the value added by all other existing improvements to the land. The amount of the cash payment shall be 2% of the fair market value as determined by the assessor. The cash payment is for each lot in residential subdivisions and for each acre in commercial and industrial subdivisions as set out in the fee schedule. (Amended, Ord. 2006-08, Sec. 1; Ord. 2008-06, Sec. 1)

510.09. Park and open space fund. Cash payments in lieu of dedication are payable no later than at the time of final subdivision approval. The payment must be placed in a special fund established by the city to be used solely for the purposes of acquisition and development or improvement of parks, playgrounds, trails, or open space. (Amended, Ord. 2008-06, Sec. 1)

510.11. Partial dedication. The City may accept a dedication of land in an amount less than that specified in subsection 510.03 and require a cash payment equivalent to the balance of the dedication requirement. The partial cash payment is determined by subtracting the percentage of land actually dedicated from the percentage of land required to be dedicated under subsection 510.03, and applying the resulting percentage to the fair market value of the buildable land. (Amended, Ord. 2008-06, Sec. 1)

510.13. Credit for private land. A credit of up to 25% of the dedication requirements may be awarded for park and open space that is to be privately owned and maintained by the future residents of the subdivision. A credit will not be awarded unless the following conditions are met:

a) private open space may not be occupied by nonrecreational buildings and must be available for the use of all the residents of the proposed subdivision;

b) required building setbacks will not be included in computation of private open spaces;

c) use of the private open space must be restricted for park, playground, trail, or open space purposes by recorded covenants that (i) run with the land in favor of future owners of property within the subdivision and (ii) cannot be defeated or eliminated without the consent of the city council;

d) the private open space will be of a size, shape, location, topography, and useability for park or recreational purposes, or contain unique features which are important to be preserved; and

e) the private open space must reduce the demand for public recreational facilities or public open space occasioned by development of the subdivision.

510.15. In establishing the portion to be dedicated or preserved, or the cash fee in lieu thereof, the city shall give due consideration to the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve in the subdivision. (Added, Ord. 2008-06, Sec. 1)

Section 515 - Zoning

(The Zoning Code is contained in Appendix I)

Section 520 – Site and Building Plan Review
(Added, Ord. No. 95-2, Repealed and Replaced, Ord. No. 2013-02)

520.01. Purpose. It is the intent of this section to serve the public interest by promoting a high standard of development within the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified development, the city seeks to accomplish the following:

a) implement the comprehensive plan;

b) maintain and improve the city's tax base to a reasonable extent;

c) mitigate to the extent feasible adverse impacts of one land use upon another;

d) promote the orderly and safe flow of vehicular and pedestrian traffic; and

e) preserve and enhance the natural and built environment.

520.03. Approval required. Except as provided in subsection 520.05, without first obtaining site and building plan approval it is unlawful to do any of the following:

a) construct a building;

b) move a building to any lot within the city;

c) expand or change the use of a building or parcel of land or modify a building, accessory structure or site or land feature in any manner which results in a different intensity of use, including the requirement for additional parking;

d) grade or take other actions to prepare a site for development, except in conformance with a permit or an approved plan; or

e) remove earth, soils, gravel or other natural material from or place the same on a site, except in conformance with a permit or an approved plan.

520.05. Exceptions. The following do not require site or building plan approval:

a) construction or alteration of a single family or two family residential building or accessory building;

b) enlargement of a building by no more than 10% of its gross floor area, provided that there is no other special land use action required; or

c) changes in the leasable space of a multi-tenant building where the change does not intensify the use, require additional parking, or result in an inability to maintain required performance standards.

520.07. Review procedure. Subdivision 1. Application. Application for a site and building plan review is made to the director of community development on forms provided by the city and must be accompanied by the following:

a) Plat or map of the property showing the proposed improvements

b) Evidence of ownership or an interest in the property

c) The fee required by appendix IV

d) Complete site and building plans, signed by a registered architect, civil engineer, landscape architect or other qualified person acceptable to the director of community development and showing the following, unless determined by the director to be unnecessary:

1) elevations of all sides of the building;

2) type and color of exterior building materials;

3) floor plan;

4) dimensions of all structures, including not only buildings but also curbs, sidewalks, hard surfaced areas and anything else that is built or proposed to be built; and

5) the location of utility connections, trash and recycling containers, heating, ventilation and air conditioning equipment, and any other fixtures or equipment on the property.

e) Landscape plans prepared by a landscape architect or other qualified person acceptable to the director of community development and showing the following unless determined by the director to be unnecessary:

1) boundary lines of the property with accurate dimensions;

2) locations of existing and proposed buildings, parking lots, roads and other improvements;

3) proposed grading plan with two foot contour intervals;

4) location, approximate size and common name of existing trees and shrubs;

5) a planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition and special planting instructions;

6) planting details illustrating proposed locations of all new plant material;

7) locations and details of other landscape features including berms, fences and planter boxes;

8) details of restoration of disturbed areas including areas to be sodded or seeded;

9) location and details of irrigation systems; and

10) details and cross sections of all required screening.

f) Such other information as may be required by the city.

Subd. 2. Planning commission review. Except as provided for in Subd. 4, upon receipt of a completed application a date will be set for planning commission consideration using the same procedure as for consideration of conditional use permits in the zoning ordinance.

Subd. 3. Multiple applications. A site and building plan application that is accompanied by a request for another special land use application must be considered by the planning commission concurrently with the other application.

Subd. 4. Administrative approvals. Site and building plans that involve enlargement of a building by more than 10% and no more than 50% of its gross floor area, and do not require any other special land use action may be approved by the director of community development. If any application is processed administratively, the director of community development must render a decision within 10 business days after receipt of a complete application and notify the applicant. There is no application fee for administrative approvals.

Subd. 5. Appeal. Any person aggrieved by a decision of the director of community development may appeal the decision to the planning commission in the manner specified for administrative appeals in the zoning ordinance.

Subd. 6. Term of approval. Commencement of construction. Construction of the building or initiation of the use must begin no later than December 31 of the year following the year in which site and building plan approval is granted. After the expiration of such period the approval is null and void unless the city council grants an extension of time or a building permit has been issued and substantial work performed on the project.

Subd. 7. Extension. Upon request by the applicant, the city council may grant a one-year extension of time for a site and building plan approval following compliance with the notice and public hearing requirements of this section. The city may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstance may be an approved modification to the comprehensive guide plan, substantial changes to the surrounding development pattern or other items as determined by the city.

Subd. 8. Three extensions. Three consecutive one-year extensions constitutes conclusive proof that the development has not made adequate progress toward completion, and no further extensions may be granted.

Subd. 9. Conditions. The planning commission, city council or director of community development may impose conditions in granting approval to site and building plans to carry out the intent of this section or to protect adjacent properties.

Subd. 10. Specific project. Site and building plans are valid only for the project for which approval is granted. Construction of all site elements must be in substantial compliance with the plans and specifications approved by the planning commission, city council or director of community development.

520.09. General Standards. In evaluating a site and building plan, city staff, the planning commission and city council must consider the plan's compliance with the following:

a) consistency with the elements and objectives of the city's development guides, including the comprehensive plan, general building requirements, zoning ordinance and stormwater management plan;

b) consistency with this section;

c) preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

d) creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

e) promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading;

f) provision of facilities conducive to non-motorized transportation where practicable and consistent with the use of the property and existing or proposed off-site facilities;

g) protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sign buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations that may have substantial effects on neighboring land uses; and

h) creation of a functional and harmonious design for structures and site features, with special attention to the following:

1) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

2) the amount and location of open space and landscaping;

3) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

4) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

520.11. Design standards. Subdivision 1. Intent. It is not the intent of the city to restrict design freedom unduly when reviewing project architecture in connection with a site and building plan. However, it is in the best interest of the city to promote high standards of architectural design and compatibility with surrounding structures and neighborhoods.

Subd. 2. Exterior materials. Blank walls, unadorned prestressed concrete panels, concrete block, unfinished metal and corrugated metal are not permitted as exterior materials for residential or non-residential buildings. This restriction does not apply to industrial uses, provided that adequate screening is included in the design. This restriction applies to principal structures and to accessory buildings except those accessory buildings not visible from any exterior property line. The city council may, at its discretion, allow architecturally enhanced block or concrete panels.

Subd. 3. Mechanical equipment. Rooftop or ground mounted mechanical equipment and exterior trash and recycling storage areas must be constructed of or enclosed with materials aesthetically compatible with the principal structure. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.

Subd. 4. Utilities. Underground utilities must be provided for new and substantially renovated structures.

520.13. Landscaping Standards. Subdivision 1. Plan. Open areas of a lot that are not used or improved for required parking areas, drives or storage must be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials. The plan for landscaping will include ground cover, bushes, shrubbery, trees, sculpture, foundations decorative walks or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:

Project Value (including building construction, site preparation, and site improvements)	Minimum Landscape Value
Below $1,000,000	= 2%
$1,000,001 - $2,000,000	= $20,000 + 1% of Project Value in excess of $1,000,000
$2,000,001 - $3,000,000	= $30,000 + 0.75% of Project Value in excess of $2,000,000
$3,000,001 - $4,000,000	= $37,500 + 0.25% of Project Value in excess of $3,000,000
Over $4,000,000	= 1%

Where healthy plant materials of acceptable species exist on a site prior to its development, the application of the standards in this subdivision may be adjusted by the city council to allow credit for such material, provided that such adjustment is consistent with the intent of this section. The city may permit the seeding of areas reserved for future expansion of the development if consistent with the intent of this section.

Subd. 2. Trees. A reasonable attempt must be made to preserve as many existing trees as is practicable and to incorporate them into the site plan.

Subd. 3. Overstory trees. New overstory trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees must have a minimum caliper of 2½ inches. Coniferous trees will be a minimum of six feet in height. Ornamental trees must have a minimum caliper of 1½ inches. The city forester may waive these tree size standards in specific cases where smaller sizes may produce a better outcome as determined by the city forester.

Subd. 4. Uncovered areas. Site areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials must be covered with sod or an equivalent ground cover approved by the city. This requirement must not apply to site areas retained in a natural state.

Subd. 5. Sprinkler system. In order to provide for adequate maintenance of landscaped areas, an underground sprinkler system must be installed when a new building is constructed or an existing building is being enlarged by 50% or more of its existing gross floor area. A sprinkler system is not required for areas to be preserved in a natural state or are designed and will be maintained in a manner as to not require irrigation, subject to the review and approval of the city forester.

Subd. 6. Trees: species. Not more than 30% of the required number of trees must be composed of one species, and no tree may be planted if it is listed on the city forester's prohibited tree list.

Subd. 7. Internal parking lot landscaping. Parking stalls. Parking lots containing over 150 stalls must be designed to incorporate unpaved, landscaped islands in number and dimension as required by the city. Landscape islands must contain a minimum of 180 square feet. Striped no parking areas that are necessary to promote the safe and efficient flow of traffic are not to be counted in the calculation of the 150 stalls.

Subd. 8. Landscape areas. Parking lot landscape areas must cover at least 8% of the surface in which they are contained. Such areas, including landscape islands, must be reasonably distributed throughout the parking lot area so as to break up expanses of paved areas. Such areas must be provided with deciduous shade trees, ornamental or evergreen trees, plus ground cover, mulch or shrubbery subject to review and approval by the city forester. Landscape trees must be provided at the rate of one tree for each 15 surface parking spaces provided, or major fraction thereof. Landscaping must be contained in planting beds bordered by a raised concrete curb or equivalent approved by the planning commission.

Subd. 9. Maintenance of landscaping. The owner, tenant and their respective agents are jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat and orderly appearance and free from refuse and debris. Plants and ground cover that are required by an approved site or landscape plan and which have died must be replaced within three months of notification by the city. However, the time for compliance may be extended up to nine additional months by the director of community development in order to allow for seasonal or weather conditions.

Subd. 10. Retaining walls. Retaining walls must be constructed in accordance with plans prepared by a registered engineer or landscape architect if required by the building code.

520.15. Escrow deposit required. Subdivision 1. Improvements. When screening, landscaping, paved areas or other similar improvements to property are required, then a cash escrow deposit is required to guarantee completion of the work and survival of the landscaping and trees for at least one year after installation. The guarantee of work, escrow release and related matters shall be governed by a site improvement agreement between the city and the property owner in accordance with the city's standard form for such agreement prepared by the director of community development.

Subd. 2. Completion of work. Upon completion of the work, the escrow deposit shall be released. In cases where various elements of the work are completed in distinct stages, a request for partial release of the escrow may be approved by the director of community development. In the event construction of the project is not completed within the time prescribed by building permits or other approvals, the city may, at its option, complete the work using the escrow.

Subd. 3. Extension. The city may allow an extended period of time for completion of all landscaping if the delay is due to conditions which are reasonably beyond the control of the developer. Extensions not exceeding nine months may be granted due to seasonal or weather conditions. If an extension is granted, the city may require additional security as appropriate.

520.17. Screening and buffering. Subdivision 1. Certain uses. The following uses must be screened or buffered in accordance with the requirements of this subdivision:

a) Principal buildings and structures, and any building or structure accessory thereto, located in any commercial, industrial or planned development zoning district and containing non-residential uses, must be buffered from adjacent property located in any residential or planned development district and used for any residential purpose.

b) Principal buildings and structures and any building or structure accessory thereto having densities exceeding five units per acre must be buffered from adjacent property having a lower residential density than the subject property.

c) Off-street parking facilities containing five or more spaces must be buffered from adjacent property used for any residential purpose.

d) Loading docks must be screened from lot lines and public roads unless specifically determined by the city council to be unnecessary.

e) Trash and recycling storage facilities must be screened from lot lines and public roads unless specifically determined by the city council to be unnecessary.

f) Outside storage in commercial and industrial districts that is allowed by other provisions of this code must be screened from all public views.

Subd. 2. Materials. Required screening or buffering may be achieved with fences, walls, earth berms, hedges or other landscape materials. Walls and fences must be architecturally harmonious with the principal building. Earth berms may not exceed a slope of 3:1. The screen must be designed to employ materials that provide an effective visual barrier.

Subd. 3. Location. Required screening or buffering must be located on the lot occupied by the use, building, facility or structure to be screened. No screening or buffering may be located on a public right of way or within eight feet of the traveled portion of a street or highway, nor within the sight triangle described in the zoning ordinance.

Subd. 4. Height. Required screening or buffering must be of a height needed to accomplish the goals of this section. Height of plantings required under this section must be measured at the time of installation unless this requirement is specifically waived by the city council.

Section 525 – Cemeteries
(Renumbered, Ord. No. 95-2)

525.01. Establishment. A cemetery or place of burial of the dead may not be established or set apart in the city and a cemetery may not be enlarged or extended without the consent of the council after favorable recommendation of the planning commission.

525.03. Burial permits. A permit may not be issued for the interment of any dead body or the disposal of the remains of the dead except in a cemetery existing on July 28, 1949 or one thereafter licensed according to the provisions of this section.

525.05. Application for cemetery license. Before the granting of any license as provided for in this section, the applicant, if a corporation, association or organization, must file with the clerk a copy of its articles of incorporation, by-laws, rules and regulations, together with a plat of the cemetery, and a list of all members of the association or organization, all of which will be certified by its secretary.

525.07. Interment. Interment of the dead bodies or the remains of any human being or any other disposition thereof, may not be made in any tomb, vault, cemetery or place within the city, or within the enlargement of any cemetery, until such tomb, vault, cemetery or place has been set apart and devoted to that purpose by the council.

525.09. Cemetery lots. Subdivision 1. General. Cemetery lots are governed by this subsection.

Subd. 2. Encumbrance. A grave, lot or tract of land may not be sold for burial purposes if the same is encumbered with a mortgage or other encumbrance, until a release therefrom is recorded.

Subd. 3. Transfer. A lot or grave in a cemetery that has been sold and conveyed for burial purposes may not be resold or transferred except as provided by law. All instruments of conveyance, including contracts of sale, of graves or lots must have printed in large type at the top or beginning thereof the words, “non-transferable” and followed by the words, “except by descent or resale to the cemetery association.”

Subd. 4. Special use permit. A grave, lot, tract or other subdivision of property set apart for burial cemetery purposes or for the burial, cremation or disposal of the remains of the dead may not be sold or conveyed for burial purposes until a conditional use permit has been issued as required by the zoning code and a plat of the cemetery tract has been filed with the city and approved by a resolution of the council.

Subd. 5. Subdivisions. A grave may not be divided or subdivided for sale or burial. No part of the cemetery may be used for interment of a human body or the ashes thereof except such as is platted as a grave, or burial lot, or is designated as an area for a mausoleum. Not more than one body of an adult human being may be buried in any one grave.

Subd. 6. Copies of intruments. A copy of all forms or instruments used for conveyancing, including contracts for sale, must be filed with the city clerk.

525.11. Assessments. When a grave, lot or tract or niche in a mausoleum has been sold for burial purposes, and conveyed as such by contract or deed by the cemetery association there may be no further assessment for perpetual care or upkeep made against the property.

525.13. Vandalism. It is unlawful to cut or remove shrubs or trees in any cemetery or burial ground within the city, or remove, injure or cut flowers or verdure therein, or deface or damage any fence, ornament, market, or other memorial, or otherwise desecrate the sepulchre of the dead in any cemetery or burial place in the city.

Section 530 – Statutory authorization
(Added, Ord. No. 2002-04)

530.01. Statutory authorization. This section is adopted pursuant to Minnesota Statutes, section 462.351.

530.03. Findings. The city of Crystal hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage.

530.05. Purpose. The purpose of this section is to promote, preserve and enhance the natural resources within the city of Crystal and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

530.07. Definitions. Subdivision 1. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directive.

Subd. 2. For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meaning stated below.

a) Applicant. Any person who wishes to obtain a building permit, zoning or subdivision approval.

b) Control measure. A practice or combination of practices to control erosion and attendant pollution.

c) Detention facility. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

d) Flood fringe. The portion of the floodplain outside of the floodway.

e) Floodplain. The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

f) Floodway. The channel of the watercourse, the bed of water basins, and those portions of the adjoining flood plains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

g) Hydric soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

h) Hydrophytic vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

i) Land disturbing or development activities. Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

j) Person. Any individual, firm, corporation, partnership, franchise, association, or governmental entity.

k) Public waters. Waters of the state as defined in Minnesota Statutes, section 103G.005, subdivision 15.

l) Regional flood. A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

m) Retention facility. A permanent natural or man made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

n) Sediment. Solid matter carried by water, sewage, or other liquids.

o) Structure. Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

p) Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

1) Have a predominance of hydric soils;

2) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

3) Under normal circumstances support a prevalence of such vegetation.

530.09. Scope and effect. Subdivision 1. Applicability. Every applicant for a building permit, subdivision approval, or other permit to allow land disturbing activities must submit a storm water management plan to the community development department. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this section.

Subd. 2. Exemptions. The provisions of this section do not apply to:

a) Any part of a subdivision if a plat for the subdivision has been approved by the city council on or before the effective date of this section;

b) Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this section;

c) A lot for which a building permit has been approved on or before the effective date of this section;

d) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; or

e) Emergency work to protect life, limb, or property.

Subd. 3. Waiver. The city council, upon recommendation of the planning commission, may waive any requirement of this section upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in Section 530.11. The city council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

530.11. Storm water management plan approval procedures. Subdivision 1. Application. A written application for storm water management plan approval, along with the proposed storm water management plan, shall be filed with the community development department. Said application shall include at a minimum, a completed planning & zoning application form, any required fee according to the adopted fee schedule, and a narrative or attachments that provide adequate evidence showing that the proposed use will conform to the standards set forth in this section.

Two copies of clearly legible blue or black lined drawings, one full size and the other reduced to either 8-½ " x 11" or 11" x 17", shall be accompanied by the completed form and fee required by the community development department. Full-size drawings shall be prepared to a scale appropriate to the project site and suitable for the review to be performed.

Subd. 2. Storm water management plan. At a minimum, the storm water management plan shall contain the following information.

a) Existing site map. A map of existing site conditions showing the site and immediately adjacent areas, including:

1) The street address, property identification number or legal description of the subject property;

2) North point, date, scale of drawing, and number of sheets;

3) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;

4) A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;

5) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;

6) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable;

7) Vegetative cover and clearly delineating any vegetation proposed for removal; and

8) 100-year floodplains, flood fringes and floodways.

b) Site construction plan. A site construction plan including:

1) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;

2) Locations and dimensions of all temporary soil or dirt stockpiles;

3) Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this section;

4) Schedule of anticipated starting and completion date of each land disbursing activity including the installation of construction site erosion control measures needed to meet the requirements of this section; and

5) Provisions for maintenance of the construction site erosion control measures during construction.

c) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes including:

1) Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;

2) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;

3) A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;

4) The proposed size, alignment and intended use of any structures to be erected on the site;

5) A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and

6) Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project.

530.13. Plan review procedure. Subdivision 1. Process. Storm water management plans meeting the requirements of section 530.11 shall be submitted by the community development department to the planning commission for review in accordance with section 530.15. The commission shall recommend approval, recommend approval with conditions, or recommend denial of the storm water management plan. Following planning commission action, the storm water management plan shall be submitted to the city council at its next available meeting.

Subd. 2. Duration. Approval of a plan submitted under the provisions of this section shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the community development department for an extension of time to commence construction setting forth the reasons for the requested extension, the department may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the community development department within 15 days. The department shall make a decision on the extension within 30 days of receipt, or shall refer it to the planning commission and city council for a decision. Any plan may be revised in the same manner as originally approved.

Subd. 3. Conditions. A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this section are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance to the city of Crystal or other public entity of certain lands or interests therein.

Subd. 4. Performance bond. Prior to approval of any storm water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a bond to cover the amount of the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with section 530.13, subdivision 2. The adequacy, conditions and acceptability of any agreement and bond shall be determined by the community development director.

Subd. 5. Fees. All applications for storm water management plan approval shall be accompanied by a processing fee in the amount listed in the city's fee schedule.

530.15. Approval standards. Subdivision 1. No storm water management plan which fails to meet the standards contained in this section shall be approved by the city council.

Subd. 2. Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

Subd. 3. Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.

Subd. 4. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

Subd. 5. Drain inlet protection. All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas."

Subd. 6. Site erosion control. The following criteria apply only to construction activities that result in runoff leaving the site.

a) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than 0.5 ft./sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

b) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

c) Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections 1 and 2 below or 1 and 3 below.

    1) All disturbed ground left inactive for 14 or more days shall be stabilized by seeding or sodding, or by mulching or covering or other equivalent control measure.

2) For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

3) For sites with less than ten acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.

d) Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the stormdrain inlets must be protected with straw bale or other appropriate filtering barriers.

Subd. 7. Storm water management criteria for permanent facilities.

a) An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that (1) the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased, and (2) accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

b) The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

c) The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:

1) Natural infiltration of precipitation on-site;

2) Flow attenuation by use of open vegetated swales and natural depressions;

3) Storm water retention facilities; and

4) Storm water detention facilities.

d) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection a) above. Justification shall be provided by the applicant for the method selected.

Subd. 8. Design standards. Storm water detention facilities constructed in the city of Crystal shall be designed according to the most current technology as reflected in the MPCA publication "Protecting Water Quality in Urban Areas", and shall contain, at a minimum, the following design factors:

a) A permanent pond surface area equal to 2% of the impervious area draining to the pond or 1% of the entire area draining to the pond, whichever amount is greater;

b) An average permanent pool depth of four to ten feet;

c) As an alternative to subsections a) and b) above, the volume of the permanent pool shall be equal to or greater than the runoff from a 2.0-inch rainfall for the fully developed site.

d) A permanent pool length – to – width ratio of 3:1 or greater;

e) A minimum protective shelf extending ten feet into the permanent pool with a slope of 10:1, beyond which slopes should not exceed 3:1;

f) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet);

g) All storm water detention facilities shall have a device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations;

h) Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;

i) All storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.

Subd. 9. Wetlands.

a) Runoff shall not be discharged directly into wetlands without presettlement of the runoff.

b) A protective buffer strip of natural vegetation at least one rod (16.5 feet) in width shall surround all wetlands.

c) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the allowing principles in descending order of priority.

1) Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

2) Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

3) Rectifying the impact by repairing, rehabilitation, or restoring the affected wetland environment;

4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

5) Compensating for the impact by replacing or providing substitute wetland resources or environments.

Subd. 10. Steep slopes. No land disturbing or development activities shall be allowed on slopes of 18% or more.

Subd. 11. Catch basins. All newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material. Such basins shall be cleaned when they are half filled with material.

Subd. 12. Drain leaders. All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.

Subd. 13. Inspection and maintenance. All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. The director of public works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the public works department for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.

Subd. 14. Models/methodologies/computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the public works director. Plans, specification and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the public works director.

Subd. 15. Watershed management plans and groundwater management plans. Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes, section 103B.231 and 103B.255 respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.

Subd. 16. Easements. If a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

530.17. Penalty. Any person, firm or corporation violating any provision of this section shall be fined not less than $5.00 nor more than $500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

530.19. Other controls. In the event of any conflict between the provisions of this section and the provisions of an erosion control or shoreland protection ordinance adopted by the city council, the more restrictive standard prevails.

530.21. Severability. The provisions of this section are severable. If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application.

CHAPTER VI

PUBLIC HEALTH

Section 600 – Public nuisances

600.01. Public nuisance prohibition. Subdivision 1. Prohibition. A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this section, a person that does any of the following is guilty of maintaining a public nuisance:

(a) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public;

(b) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

(c) Does any other act or omission declared by law or city ordinance to be a public nuisance.

Subd. 2. Hazardous buildings. This section does not apply to the procedures available to the city under Minnesota Statutes, sections 463.15 through 463.261 to correct or remove a hazardous condition of any hazardous building or property, which may occur through a separate action or in conjunction with a nuisance abatement action under this section.

600.03. Duties of city officials. City officials may apply and enforce any provision of this section relating to public nuisances in the city. Any peace officer or other designated city official may inspect private premises in accordance with the law and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

600.05. Abatement procedure. Subdivision 1. Severability. The nuisance abatement procedure in this subsection is separate from, but may run concurrent with, the administrative enforcement procedure in Section 306 of this code.

Subd. 2. Nuisance abatement order. Whenever a peace officer or other designated city official determines that a public nuisance is being maintained or exists in the city, the official may issue a nuisance abatement order to the owner of record and occupant of the premises. The order shall be mailed to the owner at the address on record with the county for mailing tax statements for the premises and shall also be posted on the premises. The order shall identify the nuisance, specify what must be done to abate the nuisance, and provide a reasonable period of time, not less than 10 days, within which the nuisance must be abated. The order shall also contain a clear statement of the right of the owner or occupant to request a hearing before the city council. If the nuisance conditions identified in the order are not fully corrected by the indicated date, the city may abate the nuisance.

Subd. 3. Opportunity to be heard. Upon receipt of a nuisance abatement order, the owner or occupant may forestall abatement action by the city by requesting a hearing before the city council. Such request must be in writing and received by the city no later than 4:30 p.m. on the compliance date indicated in the order. Upon receipt of such request, the city manager shall place the matter on the agenda for the next available city council meeting. At the meeting the city council will provide the owner and occupant an opportunity to be heard regarding the matter. At the conclusion of the hearing the city council may act to uphold, modify or dismiss the nuisance abatement order. If the city council upholds or modifies the order, it shall also identify a date by which the nuisance must be abated. The city shall provide the owner and occupant written notice of the city council's decision and the date by which the nuisance must be abated.

Subd. 4. City abatement. If the owner or occupant fails to comply with the nuisance abatement order by the established compliance date, the city may act to protect the public health, safety, and welfare by taking such actions as it determines are reasonable to abate the nuisance.

Subd. 5. Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedural requirements as set forth in subdivisions 2 and 3 of this subsection will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the city manager may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated city official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant and owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivisions 2 and 3 of this subsection and may order that the nuisance be immediately terminated or abated. The order shall be hand delivered to the owner or occupant and, if neither is available, it shall be mailed to the owner at the address on record with the county for mailing tax statements for the premises and shall also be posted on the premises. If the nuisance is not immediately terminated or abated, the city manager may order summary enforcement and abate the nuisance.

Subd. 6. Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 7. Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy as authorized by law.

600.07. Recovery of costs. Subdivision 1. Personal liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. After the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the responsible party. Thereupon the amount shall be immediately due and payable to the city.

Subd. 2. Assessment. After notice and hearing as provided in Minnesota Statutes, section 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the city clerk shall, on or before September 1 following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, section 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the city council may determine in each case.

600.09. Penalty. Any person who fails to comply with an abatement notice shall be guilty of a misdemeanor. Each additional day of noncompliance constitutes a separate offense.

Section 605 – Garbage and refuse

605.01. Definitions. For purposes of this section, the following terms shall have the meanings given them.

Subd. 1. Approved. "Approved" means acceptable to the health authority following the determination as to compliance with established public health practices and standards.

Subd. 2. Composting. “Composting” means a microbial process that converts plant materials to a usable organic soil amendment or mulch.

Subd. 3. Dumpster. “Dumpster” means a large container for temporary storage of refuse, recycling, or source-separated compostable material.

Subd. 4. Health authority. "Health authority" means any officer or employee designated by the city manager to enforce the provisions of this section.

Subd. 5. Litter. “Litter” includes all of the following:

(a) Refuse, as defined in this subsection;

(b) The meaning given by Minnesota Statutes, section 609.68; and

(c) Abandoned property in the form of deteriorated, wrecked or derelict property in unusable condition or left unprotected from the elements. The term "abandoned property" includes, but is not limited to, deteriorated, wrecked, inoperable, unlicensed, partially dismantled, or abandoned motor vehicles, trailers, boats, machinery, refrigerators, washing machines, household appliances, plumbing fixtures and furniture.

Subd. 6. Owner. "Owner" means any person, firm, corporation, or other partnership or organization who alone, jointly, or severally with others may be in ownership of, or have charge, care, or control of, any premises or business within the city as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder.

Subd. 7. Pests. "Pests" means any insects, vermin, rodents, birds or any other living agent capable of reproducing itself that causes or may potentially cause harm to the public health or significant economic damage.

Subd. 8. Premises. "Premises" means any dwelling, house, building or other structure or parcel of property.

Subd. 9. Public place. "Public place" means any and all streets, sidewalks, boulevards, alleys, parks, public buildings, and other public ways.

Subd. 10. Recycling. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subd. 11. Recyclable materials. "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subd. 12. Refuse. "Refuse" means solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection. Refuse does not include recyclable materials, source-separated compostable materials or yard waste.

Subd. 13. Refuse enclosure. "Refuse enclosure" means an enclosure capable of containing all refuse, recyclable materials, source-separated compostable materials, and yard waste stored by an establishment between pickups.

Subd. 14. Refuse enclosure - food service. "Refuse enclosure - food service" means an enclosure constructed for sanitary temporary storage of refuse, recyclable materials, and source-separated compostable materials generated by food establishments.

Subd. 15. Roll-off container. “Roll-off container” means a usually open-top dumpster characterized by a rectangular footprint. Typical container sizes are 10, 15, 20, 30, and 40 cubic yards.

Subd. 16. Source-separated compostable materials. “Source-separated compostable materials” has the meaning given it in Minnesota Statutes, section 115A.03, subd. 32a.

Subd. 17. Vehicle. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a thoroughfare including devices used exclusively upon stationary rails or tracks.

Subd. 18. Waste matter. "Waste matter" means, collectively, refuse, recyclable materials, yard waste, and source-separated materials.

Subd. 19. Yard waste. "Yard waste" means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

605.03. Refuse storage and disposal. Subdivision 1. Containers required. The owner of any residential premises, and any other person having refuse, must provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each such container must be water tight, must have tight fitting covers, must be impervious to pests and absorption of moisture, and must not exceed 96 gallons in size unless otherwise specifically authorized in writing by the health authority. Refuse on any premises must be stored in the containers required. All refuse from demolition or construction sites must be stored in roll-off containers or dumpsters and may not be stored on the ground. Commercial, business, industrial, or other such establishments having a refuse volume in excess of two cubic yards per week and all six family and larger dwellings, must store refuse in roll-off containers or dumpsters, or an approved equivalent, provided by its licensed collector. These containers must be so located as to be accessible to collection equipment and so as not to require an intermediate transfer.

Subd. 2. Sanitary disposal. Refuse must be disposed of in a sanitary manner as approved by the health authority and must not constitute a public nuisance.

Subd. 3. Frequency and manner of collection. The contents of refuse containers must be collected at least every other week, or more frequently if necessary or required by the provisions of any other ordinance of the city, by a collector licensed under this section. The collector must transfer the contents of the containers to the vehicle without spilling them, or if any spilling occurs, the collector must clean it up immediately and completely. Collection must be conducted in such a manner as to not create a public nuisance. Upon each collection, the containers must be completely emptied and returned to where they are kept, and the covers of the containers must be replaced.

Subd. 4. Placement of containers.

(a) The preferred location for storage of containers is in an enclosed building. However, if stored outside, containers must be placed and kept in a neat and orderly manner and maintained in such a way as to not unreasonably interfere with the use of the adjoining property.

(b) Containers may be placed at their designated collection location the evening before the applicable collection day and shall be removed from that location no later than 12:00 p.m. on the day following the applicable collection day.

(c) Properties with a sidewalk directly behind the curb may place containers on that part of the sidewalk closest to the curb in accordance with subdivision 4(b).

(d) Containers may never be placed on public streets or interfere in any way with the removal of snow from the roadways.

Subd. 5. Defective containers. If a container is found to be in poor repair, corroded or otherwise defective so as to permit pests to enter, or does not meet other requirements of this section, the health authority may notify the provider or user of the container of the deficiency and require repair or replacement of the container. If the deficiency is not corrected, the health authority may condemn the deficient container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit refuse in a container which has been condemned.

Subd. 6. Dumpsters and roll-off containers. A dumpster or roll-off container may not be located in any public place. A dumpster or roll-off container may not be located on any residential premises for more than three consecutive months during any 12-month period. The city manager, or its designee, is authorized to issue temporary permits for placement of a dumpster or roll-off container on any residential premises for more than three consecutive months when special circumstances exist justifying the issuance of the temporary permit and the purposes of this section will not be impaired thereby. The permit must be displayed on the dumpster or roll-off container or elsewhere on the premises. All dumpsters and roll-off containers must have the current licensed collector's name, address and phone number in clearly legible letters no less than three inches in height. No fee is required for the temporary permit.

605.05. Exterior storage - commercial and industrial. Exterior storage of refuse, including dumpsters, at buildings in property zoned for commercial or industrial uses must conform to the following rules:

(a) The refuse must be contained in a refuse enclosure or in the case of food establishments, in a refuse enclosure - food service; and

(b) The exterior storage area must be constructed in compliance with the open and outdoor storage requirements contained in the city’s zoning regulations.

605.07. Refuse hauler regulations. Subdivision 1. License required. It is unlawful to engage in hauling or conveying of waste matter from a premises, other than one's own domicile, in the city without a license. Each vehicle so used must be licensed.

Subd. 2. License procedure. Applications for license or renewal of license must contain a description of the types and makes of motor vehicles used for collection, a schedule of services to be made to the customers, the frequency of service to be rendered, and full information where and how the material collected will be disposed of, and any other information the health authority will require. Applications to provide routine weekly collection and removal of refuse from residences must provide complete collection of all refuse which normally results from day to day use of this type of property except furnishings, appliances, building or construction wastes and similar bulky wastes for which individuals must make special arrangements. The health authority may require vehicle inspection before processing the license application. An application for license under this section must be submitted to the health authority for review and recommendation and approved by the city council if it meets the requirements of this section. Fees for licenses are set by appendix IV.

Subd. 3. Pricing requirement. Applications for license or renewal of license must contain a description of refuse collection charges. The charges must increase with the volume or weight of the refuse collected from a premises. The charges imposed on a premises that recycle shall not be greater than the charges imposed on a premises that do not recycle.

Subd. 4**.** Insurance. Applicants for licenses or renewals of licenses must file with each application a copy of an insurance policy or policies and an endorsement, under which there is coverage as to each vehicle in the minimum amounts of $1,000,000 for bodily injury to each person; $1,000,000 aggregate per occurrence; and, $1,000,000 for loss or damage to property. Every policy must provide that it will not be cancelled or terminated for any reason without at least ten days' written notice thereof first being given to the city.

Subd. 5**.** Vehicle decals; specifications. Whenever a license or renewal has been granted hereunder, the health authority will furnish to the licensee a decal for each vehicle signifying that the vehicle is licensed by the city. The licensee must apply the decal to the left forward side of the vehicle’s body or in another visible location as required by the health authority. Old, expired, or otherwise invalid decals must be removed. Licenses and decals are non-transferable to other vehicles. Every vehicle used to collect refuse must also clearly identify the name and phone number of the owner or operator of that vehicle.

Subd. 6. Vehicle construction, maintenance and loading. Every vehicle used to collect waste matter must be constructed in such a way that all waste matter is securely transported, and that there is no dripping or leaking of any collected materials. Vehicles must be equipped with the necessary tools to handle spills and the hauler must clean up any spills immediately. Vehicles must be equipped with an audible electronic back-up alarm. Vehicles must be kept in good repair, regularly cleaned, and maintained in a way to prevent persistent odors.

Subd. 7. Service cancellation. A licensed refuse hauler must cancel service to any premises when the only container or containers thereon have been condemned and may cancel service for cause or when the party charged for the collection service is two months or more overdue in payment for such services. When a refuse hauler cancels service to any premises, written notice thereof must be served upon or mailed to the occupant, manager or owner of the premises and a copy of the notice must be mailed to the health authority.

Subd. 8. Vehicle storage and parking. It is unlawful to park or store a refuse collection vehicle within 100 feet of any residential premises, or within 200 feet of any food establishment, for purposes other than, or for periods inconsistent with, providing collection at said premises.

Subd. 9. Collection schedules and districts. The city council has the authority to create and modify collection districts for refuse and recycling and may designate specific days during which collection in each district may occur. Licensed haulers must establish their collection routes and days of collection in a manner consistent with the city's approved collection districts and specified days of collection. Violation of this subdivision is grounds for revocation of the hauler's license. It is not a violation of this subsection to collect refuse or recyclable materials on a day other than the specified collection day if the collection is due to a missed pick up or is during a week in which a legal holiday occurs.

Subd. 10. Collection hours. The collection or removal of refuse or recycling shall not occur between the hours of 10 p.m. and 6 a.m. on any day.

605.09. Public nuisance; abatement. Unless stored in containers in compliance with this section, any accumulation of refuse on any premises is deemed a public nuisance and may be abated under section 600 of this code.

605.11. Composting. Subdivision 1. Compost containers. Composting shall only be conducted within a covered or uncovered container, enclosed on all vertical sides, and constructed of (i) wood, (ii) wire mesh, (iii) a combination of wood and wire, (iv) metal barrels with ventilation, or (v) commercially fabricated bins or barrels. Containers shall be durable and shall be constructed and maintained in a structurally sound manner. Wood used in the construction of a compost container must be sound and free of rot.

Subd. 2. Size. The maximum size for a compost area on residential lots shall be 15 cubic yards. The maximum size on non-residential lots shall be 25 cubic yards for lots under 10,000 square feet and 120 cubic yards for lots over 10,000 square feet.

Subd. 3. Location on property. A compost container may not be placed closer than five feet from a property line or closer than 20 feet to any habitable building not on the subject property. The compost may be located only in a rear yard as defined in the zoning regulations.

Subd. 4. Prohibited contents. The following materials may not be placed in a compost: meat, fats, oils, grease, bones, whole eggs, milk or other dairy products, human or pet wastes, pesticides, herbicides, noxious weeds, diseased plant material in which the disease vector cannot be rendered harmless through the composting process, and any garbage or refuse that may cause a public health risk or create nuisance conditions.

Subd. 5. Maintenance. Compost materials shall be layered, aerated, moistened, turned, and managed to promote effective decomposition of the materials in a safe, secure and sanitary manner. Compost materials shall be covered with a layer of material such as leaves, straw, wood chips, or finished compost to reduce odor.

Subd. 6. Nuisance. Operating a compost in a manner that results in objectionable odors or placing prohibited materials in a compost are both deemed public nuisances and may be abated under section 600 of this code.

605.13. Wood piles. Subdivision 1. General rule. The outside storage of cut firewood for residential buildings is permitted in residential zoning districts of the city subject to the provisions of this subsection. The rules in this subsection do not apply to wood stored inside of a building.

Subd. 2. Location and storage. All firewood located upon a residential premises must be cut/split, prepared for use, and stored in neat, secure stacks. Stacks of wood may be located only in rear yards as defined in the zoning regulations and may not be located on a property line. A stack of wood located within five feet of the lot property line must be screened with a solid wall or fence.

605.15. Litter. Subdivision 1. General rule. It is unlawful to throw, scatter or deposit litter on or in private or public property, bodies of water, vehicles or structures within the city. Property owners must maintain their premises free of refuse or other litter, except as otherwise expressly authorized by this section. The owner, lessee or occupant of private property, whether occupied or vacant, must maintain the property free of litter.

Subd. 2. Nuisance; abatement. The accumulation of excess litter on private property is deemed a public nuisance and may be abated under section 600 of this code.

Subd. 3. Not exclusive. The authority granted by this subsection is in addition and independent of the authority granted and the procedure established by section 1315 of this code.

Section 610 - Recycling

610.01. Definitions. For purposes of this section, the following terms shall have the meanings given them.

Subd. 1. Dwelling unit. "Dwelling unit" means a residential structure in the city that is designated by the recycling authority to receive recycling collection services.

Subd. 2. Generator and mixed municipal solid waste. "Generator" and "mixed municipal solid waste" have the meanings given those terms in Minnesota Statutes, section 115A.03.

Subd. 3. Multifamily dwelling. “Multifamily dwelling” means a building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Subd. 4. Recycling and recyclable materials. “Recycling” and “recyclable materials” have the meanings given those terms in subsection 605.01 of this code.

Subd. 5. Recycling authority. "Recycling authority" means the official designated by the city manager to perform the powers and duties of the recycling authority as provided in this section. The recycling authority may be the administrator of the Hennepin Recycling Group joint powers entity of which the city is a member.

Subd. 6. Recycling container. "Recycling container" means a receptacle designated by the recycling authority for the accumulation and collection of recyclable materials at a dwelling unit.

Subd. 7. Recycling collection services. "Recycling collection services" means the collection of recyclable materials accumulated in recycling containers from a location at a dwelling unit that is designated by the recycling authority for regular collection.

Subd. 8. Recycling services. "Recycling services" means recycling collection services, carryout collection services, and any other services provided to a dwelling unit in accordance with this section.

610.03. Recycling authority; powers. The recycling authority is responsible for supervising and controlling the collection, processing, and marketing of recyclable materials from all dwelling units in the city. The recycling authority may contract with one or more haulers or processors for the collection, processing and marketing of some or all types of recyclable materials from dwelling units. The recycling authority may adopt and enforce additional rules not inconsistent with this section as necessary for the collection, processing, and marketing of recyclable materials, including but not limited to rules governing the days and hours of collection, the types of recyclable materials to be collected, the manner in which generators must prepare recyclable materials for collection, the recycling containers to be used, and the location of recycling containers for collection. The rules of the recycling authority are not effective until approved by the city council.

610.05. Recycling rates; billings. Subdivision 1. Rates. The city council may establish rates for recycling services from time to time by resolution. By resolution the city council may also charge the cost of recycling containers to owners or occupants of dwelling units as a recycling service.

Subd. 2. Billing. Each owner or occupant of a dwelling unit must pay the rates for recycling collection services, unless an exemption is obtained as provided in this section. The amounts payable for recycling services will be shown as a separate charge on the utility bill for the dwelling unit and will be payable according to the same terms as those provided in this code for utility bills.

610.07. Assessment of unpaid bills. On or before September 1st of each year, the city clerk must list the total unpaid charges for recycling services against each lot or parcel to which they are attributable. The city council may then spread the charges against the property benefitted as a special assessment in the same manner as provided for current services by Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the director of property taxation of Hennepin County and collection the following year along with the current taxes.

610.09. Rate exemption. Subdivision 1. Exemption. A dwelling unit will not be billed for recycling collection services if the owner or occupant of the dwelling unit establishes that the recyclable materials generated at the dwelling unit are separated from mixed municipal solid waste by the generator, are separately collected, and are delivered to a final destination for reuse in their original form or for use in a manufacturing process.

Subd. 2. Application. Application for an exemption must be made by the owner or occupant of the dwelling unit to the recycling authority. The owner or occupant must produce evidence to the recycling authority of the amount, by weight and type, or recyclable materials that are separated, collected and delivered for reuse in their original form or for use in a manufacturing process. The recycling authority may establish additional reasonable criteria for determining when an exemption will be granted. The recycling authority's decision to grant or deny a request for exemption is final.

Subd. 3. Expiration and renewal. Rate exemptions granted under this subsection shall automatically expire after three years. Upon expiration, the owner or occupant may reapply pursuant to the application requirements contained in subdivision 2.

610.11. Ownership of recyclable materials; scavenging prohibited. Subdivision 1. Ownership. Recyclable materials are the property of the generator until collected by authorized city employees, collectors or haulers. Recyclable materials become the property of the city, authorized collector, or authorized hauler upon collection.

Subd. 2. No scavenging. It is unlawful for a person, other than authorized employees of the city or authorized haulers, to distribute, collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection. This subdivision shall not apply during city-sanctioned curbside cleanup events.

Subd. 3. Penalty. A violation of this subsection is a misdemeanor and may be punished as provided in chapter 115 of this code.

610.13. Relation to other provisions of code. To the extent that the provisions of this section are inconsistent with the provisions of section 605 of this code, the provisions of this section govern.

610.15. Multifamily dwellings. Subdivision 1. Recycling services. Owners of multifamily dwellings containing more than eight dwelling units must provide recycling collection services to all residents of the dwelling. Recyclable materials must be collected at least once per month.

Subd. 2. Recycling; notice. Owners of multifamily dwellings must provide notice to all new tenants of the opportunity to dispose of recyclable materials as well as the location of the disposal site.

Subd. 3. Recycling; preparation. Owners of multifamily dwellings must provide information to all new tenants related to the proper preparation of recyclable materials for collection.

Subd. 4. Recycling containers. Owners of multifamily dwellings must insure that stolen or broken containers for recyclable materials are replaced within a reasonable time.

Subd. 5. Landfilling prohibited. It is unlawful for an owner of a multifamily dwelling or an agent or contractor of an owner, to transport for disposal or to dispose of recyclable materials in a solid waste disposal facility, or to contract for such transportation or disposal.

Subd. 6. Penalties. Violation of subdivisions 1, 2, 3 or 4 of this subsection is punishable as a petty misdemeanor. Upon a third or subsequent violation of subdivisions 1, 2, 3 or 4 by the same owner, the violation is punishable as a misdemeanor. Violation of subdivision 5 of this subsection is punishable as a misdemeanor.

610.17. Commercial buildings. Subdivision 1. Responsibility. Owners of commercial buildings must meet the recycling requirements imposed upon them by Minnesota Statutes, section 115A.151, as it may be amended from time to time.

Subd. 2. Penalties. A violation of this subsection is punishable as a petty misdemeanor. Upon a third or subsequent violation by the same owner, the violation is punishable as a misdemeanor.

610.19. Defective recycling containers. If a recycling container is found to be in poor repair, corroded or otherwise defective so as to permit pests to enter, or does not meet other requirements of this section, the recycling authority may notify the provider or user of the deficiency and require repair or replacement of the recycling container. If the deficiency is not corrected, the recycling authority may condemn the deficient recycling container and affix a tag so stating such condemnation. It is unlawful for any person to place or deposit recyclable materials in a recycling container which has been condemned.

Section 615 – Vegetation

615.01. Definitions. For purposes of this section, the following terms shall have the meanings given them.

Subd. 1. Maintenance plan. "Maintenance plan" means a document submitted with an application for a native vegetation permit demonstrating a precise course of maintenance for numerous individual plants in a landscape over months and seasons.

Subd. 2. Native vegetation. "Native vegetation" means those indigenous trees, shrubs, wildflowers, grasses and other plants that have naturally adapted themselves to the climate and soils of the area but require cultivation and maintenance to remain viable.

Subd. 3. Native vegetation permit. "Native vegetation permit" means a permit issued by the city pursuant to this section allowing an owner or occupant to cultivate native vegetation upon their property, subject to the restrictions of this section.

Subd. 4. Natural habitat. "Natural habitat" means specially uncultivated valued and sensitive habitat whereupon native vegetation exists in a pristine state and provides habitat for a variety of species native to the area. Such vegetation shall maintain itself in a stable condition with minimal human intervention.

Subd. 5. Noxious weed. "Noxious weed" means an annual, biennial, or perennial plant designated by the Minnesota Commissioner of Agriculture or the city council as injurious to public health, the environment, public roads, crops, livestock, or other property.

Subd. 6. Rain garden. "Rain garden" means a shallow planted depression in the ground designed to allow for stormwater runoff to slowly infiltrate the soil.

Subd. 7. Rank vegetation. "Rank vegetation" means uncultivated vegetation growing at a rapid rate due to unplanned, unintentional, or accidental circumstances.

Subd. 8. Turf grass. "Turf grass" means cultivated vegetation consisting of a highly maintained surface of dense grass underlain by a thick root system.

Subd. 9. Weeds. "Weeds" means unsuitable, unwanted, or uncultivated vegetation, often causing injury to the desired vegetation type.

615.03. Weed inspector. As provided by state law, the mayor is the weed inspector. These duties may be assigned to the city manager or the city manager's designee.

615.05. General rules. Subdivision 1. Lot areas. All lot areas not designated for buildings, pedestrians or vehicles, parking, recreation, and storage shall be provided with turf grass, native vegetation, or combined ground cover of cultivated vegetation, garden, hedges, trees and shrubbery.

Subd. 2. Noxious weed prohibition. No owner or occupant of any lot shall allow any noxious weeds to grow on any part or portion of said lot.

Subd. 3. Height limitation. No owner or occupant shall allow any turf grass, weeds, or rank vegetation to grow to a height greater than eight inches on any lot or parcel of land. However, a native vegetation permit exempts an owner or occupant from this subsection. The height of native vegetation shall be as stated in the native vegetation permit.

615.07. Native vegetation permit. Subdivision 1. Application. The application for a native vegetation permit and renewal application, which shall be provided by the city manager, or its designee, shall contain the following:

a) The Latin and common names of the species the property owner or occupant plans to cultivate.

b) A maintenance plan, which shall contain the following:

(1) A planting diagram showing the location and mature height of all specimens of native vegetation; and

(2) Detailed information on the upkeep of the planting and any long-term maintenance requirements.

Subd. 2. Permit issuance. Upon submission of an application in accordance with this subsection, the city manager, or its designee, shall review the application and either approve or deny it. If approved and issued, the permit grants any property owner or occupant with written permission of the owner the ability to cultivate native vegetation on the applicable property. A native vegetation permit shall be valid for five years from the date of approval. The city manager, or its designee, shall not approve a permit for any applicant having unresolved city code violations or administrative citations.

615.09. Compliance. The city manager, or its designee, may regularly inspect any property holding a native vegetation permit for compliance with the maintenance plan on file with the city. For any property out of compliance with the maintenance plan, the city manager, or its designee, shall provide mailed notice to the permit holder requiring that the property conform to the maintenance plan within 30 days. Should that period pass without action by the permit holder, the city manager, or its designee, shall:

(a) Revoke the native vegetation permit;

(b) Remove all improperly maintained native vegetation;

(c) Declare the property ineligible for a native vegetation permit, unless sold, for a period of two years; and

(d) Assess the property for all fees associated with any removal of improperly maintained native vegetation in accordance with Minnesota Statutes, section 429.101 and subsection 8.02 of the city charter.

615.11. Additional exemptions. Subdivision 1. Exemptions. The following exemptions shall apply according to their terms.

Subd. 2. Vacant land. The owner of vacant and unoccupied land consisting of a contiguous tract of one acre or more is exempt from the eight-inch limit, provided that weeds, turf grass, native vegetation, and rank vegetation thereon are cut at least twice annually. The first cutting shall not be later than June 1, and the last cutting shall be no earlier than July 15.

Subd. 3. Natural habitat.

(a) All private lands designated by the city council as natural habitat shall be exempt from the provisions of this section.

(b) All public lands designated in the city's comprehensive plan as natural habitat shall be exempt from the provisions of this section.

Subd. 4. Rain gardens. An area comprised of a rain garden is exempt from the eight-inch limit. However, in no event shall a rain garden contain noxious weeds and all rain gardens shall be maintained by the owner or occupant to ensure that they properly function and meet all other requirements of this section.

615.13. Penalty. A person who fails or neglects to cut and remove or otherwise eradicate weeds or grass as directed in this section, or who fails, neglects, or refuses to comply with the provisions of any notice provided under this section, or who violates any provision of this section, or who resists or obstructs the cutting, removal, or eradication of weeds or grass under this section, is guilty of a misdemeanor. Each day on which the violation continues is a separate offense.

Section 620 – Warning signs for pesticide application

620.01. Definitions. For purposes of this section, the following terms shall have the meanings given them.

Subd. 1. Commercial applicator. "Commercial applicator" means a person who is engaged in the business of applying fertilizer for hire.

Subd. 2. Fertilizer. "Fertilizer" means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by Rule by the Minnesota Commissioner of Agriculture.

Subd. 3. Noncommercial applicator. "Noncommercial applicator" means a person who applies fertilizer during the course of employment, but who is not a commercial lawn fertilizer applicator.

Subd. 4. Pesticide. "Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

620.03. Warning signs for pesticide application. All commercial or noncommercial applicators that apply pesticides to turf areas must post or affix warning signs on the property where the pesticides are applied. The warning signs shall comply with the requirements of Minnesota Statutes, section 18B.09, subdivision 3.

620.05. Penalty. Any person violating this section shall be guilty of a petty misdemeanor.

Section 625 - Noise control

625.01. General rule. No person shall cause to be made any loud audible noises that unreasonably or unnecessarily annoy, disturb, or cause any breach of peace. Any person who causes such noise that can be heard from the exterior of their structure or property, whether public or private, or motor vehicle is in violation of his section.

625.03. Unlawful noises. Subdivision 1. Prohibited. The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive.

Subd. 2. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.

Subd. 3. Noise amplifying devices and musical instruments. The using, operating, or permitting to be played any musical instrument or other machine or device that is used for the production or reproduction of sound in such manner as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.

(a) The use or operation of any musical instrument or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from such instrument, machine, or device shall be prima facie evidence of a violation of this section.

(b) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.

(c) This section shall not apply to sound produced by the following:

(1) Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;

(2) Church bells, chimes or carillons;

(3) School bells;

(4) Anti-theft devices; and

(5) Machines or devices for the production of sound on or in authorized emergency vehicles.

Subd. 4. Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing at any time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any persons in the vicinity.

Subd. 5. Animals, birds, etc. No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity.

Subd. 6. Whistles or sirens. The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work or as a warning of fire or danger (or to test such equipment), or by public emergency vehicles.

Subd. 7. Exhausts. The discharge into the open air of the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Subd. 8. Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create a loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.

Subd. 9. Loading, unloading, opening boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, on containers.

Subd. 10. Construction or repairing of buildings. No person shall engage in the erection (including excavating), demolition, alteration, or repair of any building except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday, further excepting that the building inspector may, in cases of emergency, grant permission to repair at any time when said inspector finds that such repair work will not affect the health and safety of the persons in the vicinity. When such construction is authorized by the building inspector, the inspector shall inform the city clerk of the permit.

Subd. 11. Schools, courts, churches, hospitals. The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court, or hospital while the same are in use which unreasonably interferes with the use thereof provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

Subd. 12. Noisy parties and gatherings. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

(a) Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this section.

(b) When a police officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party or gathering.

(c) The following are exempt from violation of this section:

(1) Activities which are duly organized, sponsored or licensed by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;

(2) Church bells, chimes or carillons; and

(3) Persons who have gone to a party for the sole purpose of abating the violation.

(d) Every owner or tenant of the premises where a party or gathering in violation of this subsection occurs, who is present at such party or gathering, is guilty of a misdemeanor. Any person who refuses to disburse from a party or gathering in violation of this section after being ordered by a police officer to do so, is guilty of a misdemeanor.

Subd. 13. Noise standards. Any noise that exceeds the noise standards established in Minnesota Rules, chapter 7030, which is incorporated in and made part of this section.

625.05. Exemptions authorized. Upon special request made by contractors, the city council may exempt contractors performing public works operations from the requirements set forth in this section.

625.07. Penalty. Any person who violates any part of this section shall be guilty of a misdemeanor.

CRYSTAL CITY CODE

APPENDIX I

SECTION 515

ZONING

ORDINANCE 75.5 EFFECTIVE
FEBRUARY 15, 1976
(DELETED, ORD. NO. 2004-1)

ORDINANCE 2004-1 EFFECTIVE
JANUARY 15, 2004
(ADDED, ORD. NO. 2004-1)
(DELETED, ORD. NO. 2012-02)

ORDINANCE 2012-02 EFFECTIVE
MAY 12, 2012
(ADDED, ORD. NO. 2012-02)

ORDINANCE 2015-01 EFFECTIVE 4-11-15

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515.01
General Provisions

Subdivision 1. Title and Authority.

a) Title. This section shall be known as the "Crystal zoning code" except as referred to herein where it shall be known as "this Code".

b) Authority. This Code is enacted pursuant to the authority granted by the municipal planning act, Minnesota Statutes, sections 462.351 to 462.363.

Subd. 2. Amendment, Comprehensive. The council intends this Code to be a comprehensive amendment to section 515 of the city code, as amended. Except as otherwise provided herein, the provisions of this Code are not intended to alter, diminish, or increase or otherwise modify any rights or liabilities existing on its effective date. Any act, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Code is not affected by its enactment.

Subd. 3. Intent and Purpose. The intent of this Code is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing land development and use. This Code shall divide the city into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to protect such use districts; to promote orderly development and redevelopment; to provide adequate light, air, and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, setbacks and density of population; to provide for compatibility of different land uses; to provide for administration of this Code; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of city staff, board of adjustment and appeals, planning commission and city council in relation to this Code.

Subd. 4. Relation to Comprehensive Municipal Plan. It is the policy of the city of Crystal that the enactment, amendment, and administration of this Code be accomplished with due consideration of the policies and recommendations contained in the Crystal comprehensive plan as developed and amended from time to time by the planning commission and city council.

Subd. 5. Certificate of Occupancy Required.

a) No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building inspector stating that the building or structure complies with all of the provisions within this Code.

b) Said certificate shall be applied for coincident with the application for a building permit, conditional use permit and/or variance and shall be issued within ten days after the building inspector shall have found the building or structure satisfactory and given final inspection. Said application shall be accompanied by a fee as outlined in section 1015 of the Crystal city code.

c) Construction performed pursuant to the provisions of section 400 of the city code and issued a certificate of occupancy under that section shall not be subject to the requirement for a certificate of occupancy established by this section.

Subd. 6. Enforcement and Penalties.

a) This section shall be administered and enforced by the zoning administrator. The zoning administrator shall be the community development director. The community development director may delegate the duties of zoning administrator to other city staff. The zoning administrator may institute in the name of the city of Crystal any appropriate actions or proceedings against a violation as provided by statute, charter or code.

b) Penalties. Any person who violates any of the provisions of this section shall, upon conviction thereof, be fined not more than $700 for each offense, or imprisoned for not more than 90 days, or both. Each day that a violation is permitted to exist shall constitute a separate offense.

Subd. 7. Application and Interpretation.

a) In their application and interpretation, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

b) Where the conditions imposed by any provisions of this Code are either more or less restrictive than comparable conditions imposed by any applicable state law or regulation or any city ordinance or resolution of any kind, the regulations that are more restrictive or which impose higher standards or requirements shall prevail.

c) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner that is not in conformity with the provisions of this Code.

Subd. 8. Nonconforming Uses.

a) It is the purpose of this subsection to provide for the regulation of nonconforming buildings, structures and uses, hereinafter "nonconforming uses", and to specify the requirements and conditions under which nonconforming uses may be operated and maintained. The zoning code establishes separate districts, each of which is an appropriate area for the location of uses that are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction.

b) The lawful use or occupation of land or premises existing at the time of adoption of this section may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

1) the nonconformity or occupancy is discontinued for a period of more than one year; or

2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged. The city assessor will determine market value under this subsection.

c) After a nonconforming use has terminated, any subsequent use or occupancy of the land, building or structure must be a conforming use or occupancy.

d) No nonconforming use may be moved to another lot or to any other part of the parcel of land upon which the same was constructed unless such movement brings the non-conformance into compliance with this code.

e) A nonconforming use may not be changed to another nonconforming use.

f) When any nonconforming use has been changed to a conforming use, it may not later be changed to a nonconforming use.

g) A nonconforming use may be changed to lessen the nonconformity. Once lessened, the use may not be changed to increase the nonconformity.

h) Alterations may be made to a building containing lawful nonconforming residential units to improve livability of the units, provided the alterations do not increase the number of dwelling units or size or volume of the building. For any nonconforming 1-family or 2-family dwelling, any expansion of habitable space into previously unfinished portions of a building is not considered an expansion of the nonconforming use.

Subd. 9. Separability. It is hereby declared to be the intention of the city council that several provisions of this Code are separable in accordance with the following:

a) If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment.

b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

515.05
Special Land Use Actions

Subdivision 1. Administrative Appeal. Any person alleging that an error has occurred in any order, requirement, decision or determination made by the zoning administrator may appeal said order, requirement, decision or determination to the planning commission and city council.

a) A request for administrative appeal shall be filed using the request for special land use action application form available at city hall. All required attachments and fees must be provided by the applicant prior to the application being considered complete. The planning commission and city council will not consider incomplete applications.

b) Upon receipt of such request, the zoning administrator shall place the item on the planning commission agenda in accordance with the schedule available at city hall.

c) The planning commission shall hold a public hearing on the administrative appeal. At the public hearing, the applicant, the zoning administrator, and other interested parties may provide oral and written testimony to the planning commission.

d) The planning commission shall make written findings of fact and provide them to the city council along with a recommendation for action to be taken on the request. Any planning commission action on the request shall be considered advisory in nature.

e) Upon receipt of the planning commission's findings of fact and recommendation, the city council may take action on the request. The city council shall be considered the board of adjustment and appeals as provided by law, and its action on the request shall be the final action taken by the city.

f) In the event that the planning commission delays action on the request to the extent that automatic approval would occur under Minnesota Statutes, section 15.99, the city council may take action on the request to prevent such automatic approval from occurring. In such cases, further consideration by the planning commission would be moot.

Subd. 2. Variance. Any person alleging that strict enforcement of specific provisions of this section would create practical difficulties, due to circumstances unique to a particular property under consideration, may request a variance from the planning commission and city council. The city council shall be considered the Board of Adjustment and Appeals as provided by law.

a) Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the terms of the variances are consistent with the comprehensive plan.

b) Variances shall only be permitted when the city council finds that strict enforcement of specific provisions of this section would create practical difficulties due to circumstances unique to a particular property under consideration. Practical difficulties, as used in connection with the granting of a variance, means that the property owner:

1) proposes to use the property in a reasonable manner not permitted by an official control; and

2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and

3) the variance, if granted, will not alter the essential character of the locality.

c) Economic considerations alone do not constitute practical difficulties.

d) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

e) Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls.

f) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

g) The city council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

h) A request for variance shall be filed using the request for special land use action application form available at city hall. If the applicant does not own the subject property, then the property owner must provide written consent for the application. All required attachments and fees must be provided by the applicant prior to the application being considered complete. The planning commission and city council will not consider incomplete applications.

i) Upon receipt of such request, the zoning administrator shall place the item on the planning commission agenda in accordance with the schedule available at city hall.

j) The zoning administrator shall send notice of the public hearing to the party listed as "taxpayer" for any properties wholly or partially within 350 feet of the subject property, based on records provided to the city by the Hennepin County taxpayer services department. Said notice shall be sent via U.S. Mail no less than 10 days prior to the public hearing. Failure of a particular party to receive notice shall not invalidate the proceedings.

k) The planning commission shall hold a public hearing on the variance. At the public hearing, the applicant, the zoning administrator, and other interested parties may provide oral and written testimony to the planning commission.

l) The planning commission shall make written findings of fact and provide them to the city council along with a recommendation for action to be taken on the request. The planning commission may recommend conditions for the granting of a variance to ensure compliance with the purpose and intent of this section, and to protect adjacent properties. Any planning commission action on the request shall be considered advisory in nature.

m) Upon receipt of the planning commission's findings of fact and recommendation, the city council may take action on the request. The city council's action may include conditions for the granting of a variance to ensure compliance with the purpose and intent of this section, and to protect adjacent properties. The city council shall be considered the Board of Adjustment and Appeals as provided by law, and its action on the request shall be the final action taken by the city.

n) In the event that the planning commission delays action on the request to the extent that automatic approval would occur under Minnesota Statutes, section 15.99, the city council may take action on the request to prevent such automatic approval from occurring. In such cases, further consideration by the planning commission would be moot.

Subd. 3. Conditional Use Permit. Any person seeking to establish a use listed as conditional in a particular district may request a conditional use permit from the planning commission and city council.

a) In addition to specific standards or criteria included in the applicable district regulations, the following criteria shall be applied in determining whether to approve a conditional use permit request:

1) The consistency of the proposed use with the comprehensive plan.

2) The characteristics of the subject property as they relate to the proposed use.

3) The impact of the proposed use on the surrounding area.

The city council may impose transferability limitations, renewal requirements, hours of operation limitations or other operational restrictions as a condition of approval of any conditional use permit if determined by the council to be necessary to address anticipated impacts of the proposed use.

b) A request for conditional use permit shall be filed using the request for special land use action application form available at city hall. If the applicant does not own the subject property, then the property owner must provide written consent for the application. All required attachments and fees must be provided by the applicant prior to the application being considered complete. The planning commission and city council will not consider incomplete applications.

c) Upon receipt of such request, the zoning administrator shall place the item on the planning commission agenda in accordance with the schedule available at city hall.

d) The zoning administrator shall publish notice of the public hearing in at least one of the city's official newspapers no less than ten days prior to the public hearing.

e) The zoning administrator shall send notice of the public hearing to the party listed as "taxpayer" for any properties wholly or partially within 350 feet of the subject property, based on records provided to the city by the Hennepin County taxpayer services department. Said notice shall be sent via U.S. Mail no less than ten days prior to the public hearing. Failure of a particular party to receive notice shall not invalidate the proceedings.

f) The planning commission shall hold a public hearing on the conditional use permit. At the public hearing, the applicant, the zoning administrator, and other interested parties may provide oral and written testimony to the planning commission.

g) The planning commission shall make written findings of fact and provide them to the city council along with a recommendation for action to be taken on the request. The planning commission may recommend conditions for the granting of a conditional use permit to ensure compliance with the purpose and intent of this section, and to protect adjacent properties. Any planning commission action on the request shall be considered advisory in nature.

h) Upon receipt of the planning commission's findings of fact and recommendation, the city council may take action on the request. The city council's action may include conditions for the granting of a conditional use permit to ensure compliance with the purpose and intent of this section, and to protect adjacent properties. The city council's action on the request shall be the final action taken by the city.

i) In the event that the planning commission delays action on the request to the extent that automatic approval would occur under Minnesota Statutes, section 15.99, the city council may take action on the request to prevent such automatic approval from occurring. In such cases, further consideration by the planning commission would be moot.

j) Lapse of Conditional Use Permit by Non-Use.

1) If any construction activity related to an approved conditional use does not commence within 1 year of approval, then the conditional use permit shall expire and be considered null and void. A property owner may seek an extension of time by submitting a written request no less than 30 days before expiration of the conditional use permit. Such a written request shall be accompanied by a fee equal to half of the conditional use permit fee in effect at the time the extension request is submitted. The zoning administrator shall forward a completed request for extension to the planning commission for review and recommendation. There is no requirement for a public hearing or notice thereof. The planning commission shall make a recommendation to the city council. The city council will then take action on the request. The extension of time granted by the city council shall not exceed 1 year.

2) If any construction activity related to an approved conditional use permit is not completed within 2 years of approval, or if the approved conditional use does not commence within 2 years of approval, then the conditional use permit shall expire and be considered null and void. A property owner may seek an extension of time by submitting a written request no less than 30 days before expiration of the conditional use permit. Such a written request shall be accompanied by a fee equal to half of the conditional use permit fee in effect at the time the extension request is submitted. The zoning administrator shall forward a completed request for extension to the planning commission for review and recommendation. There is no requirement for a public hearing or notice thereof. The planning commission shall make a recommendation to the city council. The city council will then take action on the request. The extension of time granted by the city council shall not exceed 1 year.

Subd. 4. Zoning Amendment. Any person seeking to amend any provision of section 515, including changing the zoning district of a particular parcel or parcels of land, may request a zoning amendment from the planning commission and city council.

a) Any zoning amendment shall be evaluated based on its consistency with the comprehensive plan and the purpose and intent of this section.

b) A request for zoning amendment shall be filed using the request for special land use action application form available at city hall. If the request is to change the zoning district of a particular parcel or parcels of land, and applicant does not own the subject property, then the property owner must provide written consent for the application. All required attachments and fees must be provided by the applicant prior to the application being considered complete.

c) The planning commission or city council may also initiate a zoning amendment. Such an amendment may include changing the zoning district of a particular parcel or parcels of land without the consent of the property owner or owners, as long as notice of the proposed revision is published in accordance with section 515.05, subdivision 4 e).

d) Upon receipt of such request, the zoning administrator shall place the item on the planning commission agenda in accordance with the schedule available at city hall.

e) The zoning administrator shall publish notice of the public hearing in at least 1 of the city's official newspapers no less than 10 days prior to the public hearing.

f) If the request is to change the zoning district of a particular parcel or parcels of land, the zoning administrator shall send notice of the public hearing to the party listed as "taxpayer" for any properties wholly or partially within 350 feet of the subject property, based on records provided to the city by the Hennepin County taxpayer services department. Said notice shall be sent via U.S. Mail no less than 10 days prior to the public hearing. Failure of a particular party to receive notice shall not invalidate the proceedings. This requirement for mailed notice shall not be applicable when the proposed changes affect more than 5 acres of land.

g) The planning commission shall hold a public hearing on the zoning amendment. At the public hearing, the applicant, the zoning administrator, and other interested parties may provide oral and written testimony to the planning commission.

h) The planning commission shall make written findings of fact and provide them to the city council along with a recommendation for action to be taken on the request. Any planning commission action on the request shall be considered advisory in nature.

i) Upon receipt of the planning commission's findings of fact and recommendation, the city council may take action on the request. The city council's action on the request shall be the final action taken by the city.

j) Zoning amendments require adoption of an ordinance and are therefore subject to the applicable provisions of city code, the city charter and state law.

k) In the event that the planning commission delays action on the request to the extent that automatic approval would occur under Minnesota Statutes, section 15.99, the city council may take action on the request to prevent such automatic approval from occurring. In such cases, further consideration by the planning commission would be moot.

515.09
Definitions

Adult Uses. As defined in section 1190 of the city code.

Alley. A public right-of-way other than a street that affords a secondary means of access to abutting property.

Amusement Center. As defined in section 1180 of the city code.

Bar. Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages compromises less than 25% of the gross receipts.

Bed and Breakfast Establishment. An owner-occupied, one-family dwelling that offers short-term lodging, with or without meals, for compensation.

Building. Any roofed structure used or intended for supporting or sheltering any use or occupancy. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

Club or Lodge. Buildings or facilities owned or operated by a corporation, association or persons for a social, educational or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Drive-Thru Establishment. Any portion of a building, structure or property from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Dwelling. A building or portion thereof used exclusively for residential purposes, forming a habitable unit for one family. Garage, tents and accessory structures shall not be considered dwellings and shall at no time be used as a dwelling, either temporarily or permanently.

Dwelling, Multiple. A building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Dwelling, One-Family Attached. A building containing dwellings in which:

a) Each dwelling is located on its own parcel; and

b) Each dwelling is attached to another by party walls without openings; and

c) Each dwelling has primary ground floor access to the outside; and

d) The term refers primarily to dwelling types such as townhouses and row houses.

Dwelling, One-Family Detached. A residential building containing not more than one dwelling entirely surrounded by open space on the same lot.

Dwelling, Two-family. A building designed exclusively for occupancy by two families living independently of each other, typically referred to as a double bungalow or duplex, where the entire building is located on a single lot.

Essential Services. Underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies.

Family. One or more persons each related to the other by blood, marriage, adoption or foster care, or a group of not more than three persons not so related, maintaining a common household and using common cooking facilities.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces and exterior or from the centerline of party walls separating two buildings. Basements devoted to storage and space devoted to off-street parking shall not be included.

Garage, Private. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair.

Garage, Public. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the short-term parking of motor vehicles as a business enterprise.

Grade. The average finished ground level of the land around the perimeter of a lot, structure, or building.

Height. The vertical distance from average grade around the perimeter of a structure to the highest point of a structure.

Home Occupation. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hotel. A facility containing four or more guest rooms and offering transient lodging accommodations on a daily rate to the general public, plus no more than two dwelling units as accessory uses to the hotel and occupied only by the property owners or on-site managers.

Lot. Land occupied or to be occupied by a building and its accessory buildings, together with such open space as is required under the provisions of this Code, having not less than the minimum area required by this Code for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the city council.

Lot, Corner. A lot abutting on more than one street and situated at an intersection of streets.

Lot, Interior. A lot abutting on only one street.

Lot, Through. A lot abutting on more than one street but not situated at an intersection of streets.

Lot, Through Corner. A lot abutting on more than one street and situated at more than one intersection of streets.

Lot Area. The area of a horizontal plane within the lot lines.

Lot Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

Lot Line, Front. The boundary of a lot that abuts a public street. On a corner lot, it shall be the street-abutting lot line with the shortest dimension. On a through lot, all street-abutting lot lines shall be deemed front lot lines. On a through corner lot, the street-abutting lot lines on opposite sides of the lot shall be deemed front lot lines.

Lot Line, Rear. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Lot Line, Side. Any lot line that is not a front, rear or side street lot line.

Lot Line, Side Street. Any street-abutting lot line that is not a front or rear lot line.

Lot of Record. Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the recorder of Hennepin County, Minnesota; or a parcel of land, the deed to which was recorded in the office of the recorder or registrar of titles of Hennepin County, Minnesota prior to the adoption of the ordinance codified in this title.

Lot Width. The horizontal distance between side lot lines. In the case of irregularly shaped lots located on a cul-de-sac or curved street, lot width shall be measured at the required front and rear setback line.

Motor Vehicle Repair, Major. General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

Motor Vehicle Repair, Minor. A use that is customarily associated with a service station, and that includes minor repairs, incidental body and fender work, upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 3/4 ton capacity, but not including any operation specified under “automobile repair-major.”

Non-conforming Lot. A lot of record or other parcel of land that does not comply with the lot requirements for any permitted use in the zoning district in which it is located.

Non-conforming Structure. Any structure permitted by existing city ordinance upon the effective date of this code, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this code.

Non-conforming Use. A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Owner or Property Owner. The owner of record according to Hennepin County property tax records.

Principal Structure or Use. The primary use and chief purpose of a lot or structure as distinguished from subordinate or accessory uses or structures. A principal use may be either permitted or conditional.

Senior Housing. A multiple dwelling building or group of buildings with open occupancy limited to at least one person 55 years of age or older per dwelling. This includes assisted living but not institutions such as nursing homes.

Setback. The minimum required horizontal distance between a structure and a lot line, as measured perpendicular to the lot line.

Setback, Front. The minimum required horizontal distance between a structure and the front lot line.

Setback, Rear. The minimum required horizontal distance between a structure and the rear lot line.

Setback, Side. The minimum required horizontal distance between a structure and the side lot line.

Setback, Side Street. The minimum required horizontal distance between a structure and the side street lot line.

Street. A public right-of-way greater than 30 feet in width platted or dedicated for the purpose of accommodating vehicular traffic or providing access to abutting property.

Street Center Line. A line equidistant between the longitudinal boundaries of the right-of-way dedicated to the city for use as a public street, except where only a portion of the proposed street has been dedicated, which shall be presumed to have a width of 60 feet unless otherwise determined by the city council.

Structure. Anything constructed or erected on or connected to the ground, whether temporary or permanent in character.

Useable Open Space. A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for recreational purpose. Roofs, driveways and parking areas shall not constitute useable open space.

Use, Accessory. A use which:

a) Is subordinate to and serves a principal building or principal use;

b) Is subordinate in area, extent and purpose to the principal structure or principal use as served;

c) Is located on the same lot as the principal structure or principal use served and except as otherwise expressly authorized by the provisions of this title.

Use, Conditional. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety or general welfare.

Use, Permitted. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards of such districts.

Yard. The horizontal distance between the principal structure and a lot line, as measured perpendicular to the lot line. Eaves are not to be considered part of the principal structure for the purpose of determining the location or extent of a yard.

Yard, Front. The horizontal distance between the principal structure and the front lot line, extending across the full width of the lot.

Yard, Rear. The horizontal distance between the principal structure and the rear lot line, extending across the full width of the lot.

Yard, Side. The horizontal distance between the principal structure and the side lot line, extending from the front yard to the rear yard.

Yard, Side Street. The horizontal distance between the principal structure and the side street lot line, extending from the front yard to the rear yard.

515.13
General Performance Standards

Subdivision 1. Purpose. The purpose of this section is to establish general development performance standards intended to assure compatibility of uses; prevent urban blight, deterioration and decay; and enhance the health, safety and general welfare of the residents of the community.

Subd. 2. Number of Principal Structures Per Lot. Except in the Planned Development District, not more than one principal structure may be located on a lot.

Subd. 3. Lighting. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential property or from public streets. Direct or sky-reflected glare from floodlights or from high temperature processes such as combustion or welding shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed 1 foot candle (meter reading) as measured from the lot line abutting said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candle (meter reading) as measured from lot line of abutting said property.

Subd. 4. Visibility.

a) Intersections. A 25 foot sight triangle is hereby established at each corner of any intersection of two public streets, and at each corner of any intersection of a public street and a railroad. Said sight triangle shall be measured along each lot line to a point 25 feet back from the corner, with the third side being a straight line connecting these two points. In the event that the street right-of-way is enlarged to include part of what would typically be within the required sight triangle, then the 25 foot measurement shall be made from the hypothetical intersection of the two lot lines projected into street the right-of-way. Within the sight triangle, no trees, shrubs, plants, or structures including fences in excess of 30 inches high may be planted, erected or maintained, except that trees with no branches or foliage between 30 inches and 72 inches in height may be permitted if they do not negatively impact visibility at the intersection. The height shall be measured from the center line of the abutting street.

b) Driveways. A ten foot sight triangle is hereby established at each corner where a driveway intersects a public street, sidewalk or other traveled way. Said sight triangle shall be measured along the street, sidewalk or other traveled way to a point ten feet from the driveway, and along the driveway to a point ten feet from the edge of the street, sidewalk or other traveled way, with the third side being a straight line connecting these two points. Within the sight triangle, no trees, shrubs, plants, or structures including fences in excess of 30 inches high may be planted, erected or maintained, except that trees with no branches or foliage between 30 inches and 72 inches in height may be permitted if they do not negatively impact visibility at the driveway. The height shall be measured from the center line of the driveway. In instances where any portion of the sight triangle is within the public right-of-way, the provisions of Section 800 of the city code shall also apply to that portion of the sight triangle. The planting of live plant material or the placement of landscape material such that it poses an obstruction to visibility at the intersection of a driveway and public street, sidewalk or other traveled way within the public right-of-way is prohibited under section 800.20 of the city code.

Subd. 5. Drainage. No land shall be developed and no use shall be permitted that results in water run-off causing flooding, erosion, or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, pond area, or other public facilities. Any change in grade affecting water run-off onto adjacent property must be approved by the city engineer.

Subd. 6. Landscaping. Any lot area remaining after providing parking, sidewalks, driveways, building, site or other permitted improvements shall be planted and maintained in turf or other acceptable landscaping material.

Subd. 7. Fences and Walls.

a) No fence or wall shall exceed four feet high in the front yard, or six feet high in any other portion of the lot, except as follows:

1) On corner lots the property owner may erect a fence or wall up to six feet high in the front yard, provided that no fence shall exceed four feet high in the area between the side street lot line and the principal structure extended across the full depth of the lot from the front lot line to the rear lot line.

2) Fences may exceed six feet high when approved as part of a screening and buffering plan between incompatible land uses if approved by the city council under section 520 (site plan review) or as a conditional use in accordance with section 515.05 Subd. 3. In such cases no fence or wall shall exceed eight feet in height.

b) In the case of grade separation such as the division of properties by a wall, the maximum permitted height shall be measured from the average point between the highest and lowest grade.

c) In the case of the grade being changed where the fence is to be located, for example by adding fill or creating a berm, the maximum fence height shall be measured from the grade at the principal structure or the property line, whichever is closer to the proposed fence.

Subd. 8. Dwelling Unit Restriction.

a) No basement, garage, tent or accessory building shall at anytime be used as an independent residence or dwelling unit, temporarily or permanently.

b) Basements may be used as living quarters and rooms as a portion of residential dwellings but not as a separate household or dwelling unit, unless the use of the property for more than a single dwelling unit is permitted or lawfully nonconforming.

c) Tents, play houses or similar structures may be used for play or recreational purposes.

Subd. 9. Lot Survey Required to Improve Property.

a) Any person desiring to improve property shall submit to the building official a survey of said premises showing the location and dimensions of existing and proposed buildings, structures or other improvements; location of easements crossing the property; encroachments; and any other information which may be necessary to insure compliance with city codes.

b) All improvements shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.

c) The zoning administrator shall review the lot survey to determine if the division and creation of the property was in compliance with the statutes and regulations applicable at the time of said division. If the zoning administrator finds that the division of the property was in compliance with legal requirements applicable at the time of the division, the lot shall be recognized and development of the property shall be allowed in conformance to the building and zoning regulations of the city. If the zoning administrator finds that the division of the property was not in compliance with legal requirements applicable at the time of the division, the lot shall not be recognized and current standards and procedures for platting shall be imposed.

Subd. 10. Required Screening. When required by this code, screening shall consist of a vegetation screen, landscaped berms, sight-obscuring fence, wall, or a combination of these items. Such screening shall be of sufficient height, width and density to provide an effective screen, provided that if a fence or wall is used it is in compliance with subsection 515.13, subdivision 7. The design and materials used in constructing the required screening shall be subject to the approval of the zoning administrator.

Subd. 11. Exterior Storage. All materials and equipment shall be stored within a building unless specifically permitted elsewhere in this Code.

Subd. 12. Garage Floors. Any building used for the parking or storage of motor vehicles, such as a garage or a carport, shall have a floor constructed of poured concrete in accordance with construction standards approved by the city engineer and building official.

Subd. 13. Airspace Protection. Notice to the Federal Aviation Administration using FAA form 7460-1 is required prior to the following:

a) Any construction or alteration of more than 200 feet in height.

b) Any construction or alteration of greater height than the imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the Crystal Airport.

515.17
Off-Street Parking Requirements

Subdivision 1. Purpose. The purpose of regulating off-street parking in this Code is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing requirements for off-street parking of motor vehicles as a use that is accessory and subordinate to the utilization of various parcels of land or structures.

Subd. 2. Application. These regulations and requirements shall apply to all land uses and off-street parking facilities in all of the zoning districts of the city.

Subd. 3. Site Plan Drawing Necessary. All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimension indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this section and, if applicable, section 520 site plan review.

Subd. 4. General Provisions.

a) Permits required. To ensure proper location and configuration, permits are required for work on driveways.

   1) Plans for driveways must be submitted to the city for review and driveway permit approval prior to commencing work. All driveway plans will be reviewed and approved by the zoning administrator and city engineer. Plans for surfacing and drainage of driveways and parking areas for five or more vehicles will be reviewed by the city engineer and must receive written approval prior to construction.

   2) For driveway plans that involve changes to an existing curb cut or construction of a new curb cut within the public right-of-way, a curb cut permit application must be completed and submitted for review and approval by the city engineer in accordance with 800.10 of the city code. Standards governing the size and location/placement of curb cuts within the public right-of-way are contained in section 800.10 of the city code.

b) Reduction of Existing Off-Street Parking Space or Lot Area. The number or configuration of off-street parking spaces and loading spaces or lot area existing upon the effective date of this Code shall not be changed in number, configuration or area unless the proposed new number, configuration or area meets the requirements for the use.

c) Change of Use or Occupancy of Land. No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces the area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

d) Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings including additions requiring more parking area shall not be permitted until additional parking spaces are furnished as required by these zoning regulations.

e) Off-street parking facilities accessory to residential use must be utilized solely for the parking of licensed and operable passenger automobiles, and recreational vehicles and equipment as provided in section 1330 of the city code.

f) Calculating Space.

1) When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.

2) In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy fixed benches, pews or other similar seating facilities instead of fixed seats, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements. If fixed seating is not provided, then each seven square feet of floor area shall be counted as one seat.

3) In hospitals, bassinets shall not be counted as beds for the purpose of calculating the number of off-street parking spaces required.

4) Should a structure contain two or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

g) Design Standards.

1) Each space shall be served adequately by access aisles.

2) Off-street parking requirements may be satisfied by providing space within the principal building. No building permit shall be issued to convert parking space into a dwelling unit or living area until other provisions are made to provide off-street parking as required by this Code.

3) Except in the case of 1-family and 2-family dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the parking lot and does not depend upon a public street or alley. Except in the case of 1-family and 2-family dwellings, parking area design which requires backing into the public street is prohibited.

4) Except in the case of 1-family and 2-family dwellings, parking areas and their aisles shall be developed in compliance with the following standards:

Angle of stalls from drive aisle	Curb Length	Vehicle Projection	Aisle Width	Total Width
0º (parallel)	22.0’	8.0’	24.0’	40’
45º	12.0’	18.5’	13.0’*	50.0’
60º	10.0’	20.0’	15.0’*	55.0’
75º	9.0’	20.5’	18.0’*	59.0’
90º	9.0’	18.0’	24.0’	60.0’**

*One way aisles only.

**Total bay width may be reduced to 58’ if parking is provided within a parking ramp and the parking is predominantly for long term users.

5) Driveways for 1-family and 2-family dwellings. Curb cuts and driveway approaches for 1-family and 2-family dwellings shall comply with the standards contained in section 800.10 of the city code. Driveways for 1-family and 2-family dwellings shall comply with the following requirements:

i) For the purposes of this subdivision, “driveway” shall mean the area on private property providing vehicular access to the garage or parking area; “driveway approach” shall mean the area within the street right-of-way and “curb cut” shall mean the edge of the street where joined by the driveway approach, whether or not standard concrete curb and gutter are present on the street.

ii) Driveway width shall not exceed the width of the garage’s vehicle entrance plus six feet.

Exception #1: For properties with only a single stall garage, driveway width shall not exceed 16 feet.

Exception #2: For properties that are lawfully nonconforming due to the lack of a garage, driveway width shall not exceed 16 feet plus a taper necessary to access 2 hard surfaced parking spaces for a 1-family dwelling or 4 hard surfaced parking spaces for a 2-family dwelling. Such a taper shall have an angle of at least 22-1/2 degrees and no more than 45 degrees. Such a taper shall not extend into the street right-of-way unless the city engineer determines that, due to setback or topographic constraints, extension of part of the taper into the boulevard is necessary to provide reasonable access to the required parking spaces.

iii) Curb cuts and driveway approaches are governed by the standards contained in section 800.10 of the city code.

iv) The grade elevation of any parking area shall not exceed 10%.

6) Driveways for uses other than 1-family and 2-family dwellings. Curb Cuts and driveway approaches for uses other than 1-family and 2-family dwellings shall comply with the standards contained in section 800.10 of the city code. Driveways for uses other than 1-family and 2-family dwellings shall comply with the following requirements.

   i) For the purposes of this subdivision, "driveway" shall mean the area on private property providing vehicular access to the garage or parking area; "driveway approach" shall mean the area within the street right-of-way providing vehicular access from the curb cut to the driveway; and "curb cut" shall mean the edge of the street where joined by the driveway approach, whether or not standard concrete curb and gutter are present on the street.

   ii) The grade elevation of any parking area shall not exceed 5%.

7) Curb cuts are governed by section 800.10 of the city code.

8) Surfacing. Areas used for parking space and driveways must be surfaced with bituminous or concrete pavement in accordance with standards approved by the city engineer.

   Alternate hard surfacing such as brick pavers or pervious pavement may be approved on a case-by-case basis by the city engineer upon a determination that it will meet the following requirements:

   i) It will function in the same manner as traditional hard surfacing and its difference from traditional hard surfacing is primarily aesthetic or is designed to allow infiltration of surface water.

   ii) It can be reasonably maintained with a life span similar to traditional hard surfacing.

   iii) Site conditions such as topography do not preclude the use of alternative hard surfacing.

   iv) The property owner has agreed to complete the installation in a manner consistent with generally accepted engineering and construction practices as well as the recommendations of the manufacturer.

9) Striping. Except for 1-family and 2-family dwellings, all parking stalls shall be marked with painted lines not less than 4 inches wide. Striping shall be maintained by the property owner as necessary to control parking on the property.

10) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public right-of-ways and be in compliance with subsection 515.13, subdivision 3 of this Code.

11) Signs. In addition to complying with section 405 of the city code, no sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.

12) Curbing and Landscaping. Except for 1-family and 2-family dwellings, all open off-street parking shall have cast-in-place concrete barrier curb and gutter around the perimeter of the entire parking lot. The curb shall be at least 6 inches wide and the gutter shall be at least 12 inches wide; this minimum standard is typically referred to as "B6-12" curb and gutter. The face of the curb shall not be within 5 feet of any lot line and the back of the curb shall not be within 4 feet of any lot line. Turf or other acceptable landscaping material shall be provided in all areas bordering the parking area subject to the approval of the zoning administrator.

13) Parking areas that accommodate more than 20 cars shall be landscaped and planted with shade trees throughout the lot to the extent of at least 5% of the actual surfaced area.

14) Required Screening. All open, non-residential, off-street parking areas of 5 or more spaces shall be landscaped and screened from abutting or surrounding residential districts in compliance with subsection 515.13, subdivision 10 of this Code.

15) Sight Distances. Adequate sight distances for vehicles and pedestrians shall be provided within parking lots.

h) Maintenance. It shall be the joint and several responsibility of the occupant(s) and owner(s) of the principal use, uses or building to maintain, in a neat and adequate manner, the parking spaces, driveways, striping, landscaping, screening and any other improvements required by this Code.

i) Location. All off-street parking facilities required by this Code shall be located and restricted as follows:

1) Required off-street parking shall be on the same lot as the principal use being served, except as noted in subsection 515.17, subdivision 4 j).

2) Except for 1-family and 2-family dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.

3) In Residential districts, off-street parking shall not be provided in the front setback or side street setback, except for 1-family and 2-family dwellings subject to the limitations in subsection 515.17, subdivision 4 i) 5).

4) In the case of 1-family and 2-family dwellings, off-street parking is only permitted on a hard surfaced driveway leading directly into a garage. The driveway cannot exceed the maximum width established in 515.17, subdivision 4 g) 5) ii). Each property may also have 1 hard surfaced auxiliary parking space in addition to the driveway. The auxiliary space shall be located immediately adjacent to 1 side of the driveway, immediately adjacent to 1 side of the garage, or as 1 turn-around space immediately adjacent to the driveway. The auxiliary space cannot exceed 12 feet in width and 24 feet in length, and must be at least 10 feet from the habitable portion of a residential structure on an adjacent parcel. For access to the auxiliary space, a hard surfaced taper also is permitted, provided it does not extend into the boulevard and has an angle of at least 22-1/2 degrees and no more than 45 degrees.

Exception #1: If the property has setback or topographic constraints that prevent reasonable access to a lawful auxiliary space, then the city engineer may allow the taper to extend into the boulevard but only to the minimum extent necessary to provide reasonable access.

Exception #2: A property with only a single stall garage may have up to 2 such auxiliary parking spaces. In such cases the access taper may extend across the boulevard to the edge of the street pavement in accordance with the standards established in section 800.10 of the city code.

Exception #3: A property that is lawfully nonconforming due to the lack of a garage may have no more than 2 hard surfaced parking spaces for a 1-family dwelling and no more than 4 hard surfaced parking spaces for a 2-family dwelling. Each space cannot exceed 12 feet in width and 24 feet in length. Such properties also may have a driveway and taper to access these parking spaces, subject to the limitations of 515.17, subdivision 4 g) 5) ii) and section 800.10 of the city code.

5) The parking and storage of motor vehicles and recreational vehicles and equipment is governed by section 1330 of city code.

6) Motor vehicles shall not be parked or displayed for the purpose of selling or renting the motor vehicles unless a conditional use permit for such use has been granted for the property in accordance with the regulations for the zoning district in which the property is located.

This prohibition shall not apply to motor vehicles for sale on property with a 1-family or 2-family dwelling when in compliance with section 1330 of the city code.

j) Control of Off Site Parking Facilities. When required accessory off street parking facilities are provided on a lot other than the lot on which the principal use is located, the following requirements shall be met:

1) The zoning administrator determines that the site conditions and surrounding land uses reasonably preclude the acquisition of additional land to expand the lot on which the principal use is located.

2) A paved pedestrian way from the off-site parking facilities to the principal use being served has been provided and is properly maintained.

3) The use of the parking facilities by the principal use shall be guaranteed in writing in a form that is approved by the city attorney and recorded with the county recorder or the registrar of titles as applicable.

4) The closest point of the off-site parking area shall be located no more than 500 feet from an entrance to the principal building of the use being served as measured along an established path of travel between the parking lot and such entrance.

5) The zoning administrator determines that failure to provide on-site parking will not encourage parking on the public streets, on other private property, in private driveways or other areas not expressly set aside for off-street parking for the principal use.

6) The off-site parking shall be maintained until on-site parking is provided or an alternate off-site parking facility has been approved in accordance with these requirements.

k) Use of Required Area. Required accessory off-street parking spaces in any district shall be used only for parking of vehicles directly accessory and subordinate to the permitted principal use, and shall not be utilized for other uses such as outdoor storage, sale or rental of goods, parking of unlicensed or inoperable vehicles, and storage of snow.

Subd. 5. Number of Spaces Required. The following number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses set forth below. Where no required number of spaces is specifically listed for a use, the zoning administrator shall determine the number of required spaces based on the character of the use and available information on parking demand for such use.

a) Dwelling. No less than 2 spaces per dwelling unit. At least 1 of the spaces must be fully enclosed in a building.

b) Active Outdoor Recreation Facility. No less than 10 spaces per acre of play field, plus 4 spaces per basketball court, plus 2 spaces per tennis court, plus 1 space per 50 square feet of deck area for a swimming pool.

c) Motel, Motor Hotel or Hotel. No less than 1 space per sleeping room, plus 1 space per employee on the maximum shift, plus 1 space per 3 person capacity in conference rooms or other assembly spaces, plus 1 space per accessory dwelling unit occupied only by property owners or on-site managers.

d) Bed and Breakfast. No less than 2 spaces for the owner/occupant household, at least 1 of which must be fully enclosed such as in a garage, plus 1 space per guest sleeping room.

e) Elementary and Junior High School. 10 spaces, plus no less than 1 space per classroom, plus no less than 1 space per 40 students based on design capacity.

f) High School, College, University or Trade School. 4 spaces, plus no less than 1 space per classroom, plus no less than 1 space per 2 students based on design capacity.

g) Church, Theater, Auditorium, Meeting Hall or Other Gathering/Assembly Space. 4 spaces, plus no less than 1 space per 3 nor more than 1 space per 2 seats based on the cumulative design capacity of the assembly rooms or spaces.

h) Health and Fitness Club. 4 spaces, plus no less than 1 space per 300 square feet of gross floor area not including court, gym or pool area, plus 4 spaces per basketball court, plus 2 spaces per tennis or racquetball court, plus 1 space per 50 square feet of deck area for a swimming pool.

i) Library, Museum and Art Gallery. 4 spaces, plus no less than 1 space per 400 nor more than 1 space per 200 square feet of gross floor area.

j) Nursing Home. No less than 4 spaces plus 1 space per 5 beds.

k) Senior Housing. No less than 1 space per household unit. At least 50% of the required spaces must be fully enclosed, such as in a garage.

l) Office Building, Medical and Dental Clinic, Animal Hospital, and Other Professional Office. 4 spaces, plus no less than 1 space per 300 nor more than 1 space per 250 square feet of gross floor area.

m) Bowling Alley. No less than 4 spaces plus 4 parking spaces for each lane.

n) Motor Fuel Station. 4 spaces, plus 2 spaces per service or repair stall if applicable, plus no less than 1 space per 250 nor more than 1 space per 150 square feet of building area used for the sale of goods or services.

o) Retail Store and Service Establishment. 4 spaces, plus no less than 1 space per 300 nor more than 1 space per 250 square feet of gross floor area.

p) Shopping center, meaning a multi-tenant commercial use having at least 10,000 square feet of gross floor area, and being predominantly retail in nature but sometimes also having other uses such as offices, personal services and restaurants. No less than 1 space per 300 nor more than 1 space per 250 square feet of gross floor area.

q) Retail sales and service business with 50% or more of its gross floor area devoted to storage, warehouses and/or industry. 4 spaces, plus no less than 1 space per 300 nor more than 1 space per 250 square feet devoted to sales or service, plus no less than 1 space per 3,000 nor more than 1 space per 1,000 square feet of storage area.

r) Eating and Drinking Establishment, Including On-sale Liquor. 4 spaces, plus no less than one space per 80 nor more than one space per 50 square feet of gross floor area.

s) Funeral Home. 4 spaces, plus no less than 1 space per 3 nor more than 1 space per 2 seats in the main assembly hall, plus no less than 1 space per 300 nor more than 1 space per 200 square feet of gross floor area not used for seating. Motor vehicle stacking space shall also be provided off the street for making up a funeral procession, although drive aisles in the parking lot may be used for stacking.

t) Amusement Center. 10 spaces, plus no less than 1 space per 300 nor more than 1 space per 250 square feet of gross floor area.

u) Manufacturing, Fabricating or Processing of a Product or Material. 4 spaces, plus no less than 1 space per 1,000 nor more than 1 space per 500 square feet of gross floor area.

v) Warehouse, Storage, or Handling of Bulk Goods. 4 spaces, plus no less than 1 space per 3,000 nor more than 1 space per 1,000 square feet of floor area.

w) Car Wash. (in addition to magazining or stacking space).

1) Drive-thru, staffed. Two spaces, plus 1 space per employee on the maximum shift.

2) Drive-thru, not staffed. Two spaces.

3) Self-service. Two spaces.

x) Motor Vehicle Sales Lots. 4 spaces, plus 1 space per employee on the maximum shift. Such spaces shall be in addition to motor vehicles parked for display.

Subd. 6. Adjustment by Conditional Use Permit. The minimum or maximum number of spaces may be adjusted upon (1) submittal of a parking study for the proposed use prepared by a professional planner, architect or engineer, (2) submittal of a complete Conditional Use Permit application in accordance with the standard procedures and requirements of Subsection 515.05 Subd. 3, and (3) approval of a Conditional Use Permit for the adjusted parking requirement by the Planning Commission and City Council. The parking study shall adequately document the basis for its conclusions, including but not limited to any unique characteristics of the proposed use that might justify adjusted parking requirements, so the Planning Commission and City Council can make findings of fact and, if necessary, impose conditions of approval to carry out the intent of this code.

515.21
Telecommunications Towers

Subdivision 1. Findings. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from telecommunications facilities and the regulation of radio signal interference among users of the radio frequency spectrum. By this section, the city intends to exercise the full scope of its authority under the Act and under state law regarding the regulation of towers and telecommunications facilities in the city. Consistent with the Act, the regulation of towers and telecommunications facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services.

Subd. 2. Purpose. The general purpose of this subsection is to regulate the placement, construction and modification of telecommunication towers and facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city.

Specifically, the purposes of this subsection are:

a) To regulate the location of telecommunication towers and facilities.

b) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities.

c) To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques.

d) To promote and encourage shared use and co-location of telecommunication towers and antenna support structures.

e) To avoid potential damage to properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound.

f) To ensure that telecommunication towers and facilities are compatible with surrounding land uses.

g) To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.

Subd. 3. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a) "Antenna support structure" means any building, athletic field lighting, water tower, or other structure other than a tower, which can be used for location of telecommunications facilities as an accessory, subordinate use. New structures built for the purpose of attaching telecommunications facilities are “towers” not “antenna support structures” for the purpose of the code. For example, if an athletic field light pole would be replaced by a taller pole to facilitate installation of an antenna, then the new pole would be classified as a “tower” not an “antenna support structure” even if lights would be mounted to it in a manner similar to the way they were mounted to the previous light pole.

b) "Applicant" means any person that applies for a tower development permit.

c) "Application" means the process by which the owner of a plot of land within the city submits a request to develop, construct, build, modify or erect a tower upon such land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

d) "Engineer" means any engineer licensed by the state of Minnesota.

e) "Person" is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

f) "Stealth" means any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to look other than a tower such as light poles, power poles, and trees.

g) "Telecommunications facilities" means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term “telecommunications facilities” shall not include any satellite earth station antenna 1 meter or less in diameter, or any satellite earth station antenna 2 meters in diameter or less which is located in an area zoned industrial or commercial.

h) "Telecommunications tower” or “Tower" means a self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term tower shall not include amateur radio operations equipment licensed by the FCC.

Subd. 4. Development of Towers.

a) Permitted Use at Certain Locations in the I-1 District. A tower is a permitted use in the I-1 light industrial district, provided that the site also meets one of the following additional location criteria:

i) It abuts the Canadian Pacific railroad property and also abuts Pennsylvania Avenue, 32nd Avenue or Nevada Avenue; or

ii) It is located within the area bounded by Corvallis Avenue, West Broadway, Douglas Drive, 56th Avenue, and Lakeland Avenue/Bottineau Boulevard.

A tower may not be constructed unless a site plan has been approved by the city council and a building permit has been issued by the building official. The applicant and property owner must submit a Special Land Use Application including the required application fee for a telecommunications tower in accordance with the fee schedule adopted by the city council, which shall include sufficient funds or the provision to draw on sufficient funds with some form of collateral satisfactory to the city, to reimburse the city its reasonable expenses to review all aspects of the application for compliance with this section, including but not limited to, engineers to review radio frequency for compliance with standards under the Act, to confirm the existence of a significant gap in the provider service within the city and the absence of alternative available locations for the facilities and structural safety review, and attorneys fees and costs, all if necessary in the city's sole discretion.

b) Conditional Use at Certain Locations in the C-2 District. A tower is a conditional use in the C-2 general commercial district, provided that the site is located within the area bounded by Corvallis Avenue, West Broadway, Douglas Drive, 56th Avenue, and Lakeland Avenue/Bottineau Boulevard.

The applicant and property owner must submit a Special Land Use Application including the required application fees for a telecommunications tower and a conditional use permit in accordance with the fee schedule adopted by the city council, which shall include sufficient funds or the provision to draw on sufficient funds with some form of collateral satisfactory to the city, to reimburse the city its reasonable expenses to review all aspects of the application for compliance with this section, including but not limited to, engineers to review radio frequency for compliance with standards under the Act, to confirm the existence of a significant gap in the provider service within the city and the absence of alternative available locations for the facilities and structural safety review, and attorneys fees and costs, all if necessary in the city's sole discretion. The zoning administrator shall send notice of the conditional use permit public hearing to the party listed as "taxpayer" for any lots wholly or partially within 350 feet of the lot on which the proposed tower would be located. A tower may not be constructed unless a conditional use permit has been issued by, and site plan approval obtained from, the city council; and such approval may only be granted if the city council finds that the general conditional use permit criteria in section 515.05, subdivision 3 a) are met. A tower also may not be constructed unless a building permit has been issued by the building official.

c) Towers Prohibited Elsewhere; Relief Provision. Towers are prohibited in the city except as authorized by subsection 4 a) and b). Notwithstanding this prohibition, the city council may approve a tower as a conditional use in any other zoning district which reasonably addresses an identified significant gap subject to the following requirements:

1) The provider has submitted the information required by subsection 4 f) of this section.

2) The city council makes a finding that the provider has demonstrated by clear and convincing evidence that there is a significant gap in the provider's service, and:

i) There is no co-location option that would reasonably address the demonstrated significant gap in the provider's service; or

ii) There is no other alternative tower site authorized under subsection 4 a) or 4 b) of this section that would reasonably address the demonstrated significant gap in the provider's service.

3) In approving a tower on the site which reasonably addresses the identified significant gap, the city council shall consider the purposes of tower regulation stated in subdivision 2 of this section and the requirements of the Act as stated in subdivision 1 of this section.

4) In considering an application where the provider has shown the existence of a significant gap, the city council shall only authorize a tower if the city makes a finding that such a location is necessary for the city to achieve compliance with the requirements of the Act.

5) The applicant and property owner submit a Special Land Use Application including the required application fee for a telecommunications tower plus the fee for a conditional use permit in accordance with the fee schedule adopted by the city council, which shall include sufficient funds or the provision to draw on sufficient funds with some form of collateral satisfactory to the city, to reimburse the city its reasonable expenses to review all aspects of the application for compliance with this section, including but not limited to, engineers to review radio frequency for compliance with standards under the Act, to confirm the existence of significant gaps and the absence of reasonably available alternative locations for the facilities and structural safety review, and attorneys fees and costs, all if necessary in the city's sole discretion. The zoning administrator shall send notice of the conditional use permit public hearing to the party listed as "taxpayer" for any lots wholly or partially within 1,000 feet of the lot on which the proposed tower would be located. The addressees for such notices shall be based on records provided to the city by the Hennepin County taxpayer services department. Such notices shall be sent via U.S. Mail no less than 10 days prior to the public hearing. Failure of a particular party to receive notice shall not invalidate the proceedings.

6) The city council makes a finding that the general Conditional Use Permit criteria in section 515.05, subdivision 3 a) are met.

7) The city council makes a finding that the design of the tower, including factors such as shape, materials, and finishes, adequately uses stealth techniques to minimize its impact on the character of the surrounding area.

8) The site must comply with the following minimum area requirements:

   i) If zoned commercial or industrial then the site shall contain no less than 2 acres.

   ii) If zoned residential then the site shall contain no less than 5 acres.

   iii) Notwithstanding a) and b) above, regardless of zoning, if the principal use on the site is a city building, county building, or a church, then the site shall contain no less than 3 acres.

   iv) For the purposes of determining site area for this particular provision, contiguous lots owned by the same entity shall be considered a single site.

9) No tower shall be located within 660 feet (1/8 mile) of another tower.

10) No tower shall be located on a lot having as its principal use a park or stormwater pond; any building containing a child care facility, elementary school, middle school or high school; or any lot having as its principal use a single family or two family dwelling. This provision shall not prohibit the subsequent establishment of such uses, even if it causes the tower to become non-conforming to this requirement.

11) No part of the tower shall be located within 165 feet (1/32 mile) of any single family or two family dwelling on another lot or within 82.5 feet (1/64 mile) of any lot line. This provision shall not prohibit the subsequent expansion of a dwelling which reduces the distance from a tower to the dwelling, even if such expansion causes the tower to become non-conforming to the setback requirement.

12) No part of the tower shall be located within 82.5 feet (1/64 mile) of any playground, herein defined as a public or private play area having equipment such as swings, slides, and similar facilities designed primarily for use by children but not including athletic facilities such as baseball or soccer fields designed for use by adults as well as children.

13) The height of the tower shall not exceed 82.5 feet, or 50% of the distance from any part of the tower to the nearest lot line of an adjacent property having a single family or two family dwelling, whichever is less.

d) The city may authorize the use of city property in accordance with the procedures and subject to the restrictions of this Code. The city shall have no obligation to use city property for such purposes.

e) Unless the applicant presents clear and convincing evidence to the city manager that co-location at the identified site is not structurally or technically feasible, a new tower may not be built, constructed or erected in the city unless the tower is capable of supporting at least 1 telecommunications facility comparable in weight, size and surface area to the one located on the tower by the applicant.

f) An application to develop a tower shall include:

1) The names, addresses and telephone numbers of all owners of other towers or antenna support structures within a half mile radius of the proposed new tower site.

2) Written documentation that the applicant has made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on towers or antenna support structures within a half mile radius of the proposed new tower site.

3) Written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or co-located on another person's tower or antenna support structure located within a half mile radius of the proposed tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

4) A written statement from an engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications service enjoyed by adjacent residential and non-residential properties.

5) Written evidence from an engineer that the proposed structure meets the structural requirements of this Code.

6) Written information demonstrating the need for the tower at the proposed site in light of the existing and proposed wireless telecommunications network(s) to be operated by persons intending to place telecommunications facilities on the tower.

7) An application fee in the amount fixed by appendix IV.

g) Setbacks.

1) A tower must be located on a single parcel having a dimension equal to the height of the tower, as measured between the base of the tower located nearest the property line and the actual property line, unless a qualified engineer specifies in writing that the collapse of the tower will occur within a lesser distance under reasonably foreseeable circumstances.

2) Setback requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.

3) Towers may not be located between a principal structure and a public street, with the following exceptions:

i) In the I-1 district, towers may be placed within a side yard abutting an internal industrial street.

ii) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

iii) This requirement does not apply to towers that are a conditional use in all zoning districts in accordance with subsection 4 c) of this section.

h) Structural Requirements. Towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the international building code and any other standards set forth in this subsection.

i) Height. A tower may not exceed 165 feet in height if approved under subsections 4 a) or 4 b) of this section. A tower may not exceed 82.5 feet in height if approved under subsection 4 c) of this section.

j) Separation or Buffer Requirements. Towers must be separated from all residentially zoned lands by a minimum of 90 feet or 150% of the height of the proposed tower, whichever is greater. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries. Measurement of tower separation distances for the purpose of compliance with this subsection shall be measured from the base of a tower to the closest point of the proposed site. This requirement does not apply to towers that are a conditional use in all zoning districts in accordance with subsection 4 c) of this section.

k) Method of Determining Tower Height. Measurement of tower height must include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height is measured from grade.

l) Illumination. Towers may not be artificially lighted except as required by the Federal Aviation Administration (FAA). At time of construction of a tower, in cases where there are residential uses located within a distance from the tower which is 3 times the height of the tower, dual mode lighting must be requested from the FAA. Notwithstanding this provision, the city may approve the placement of an antenna on an existing or proposed lighting standard, provided that the antenna is integrated with the lighting standard.

m) Exterior Finish. Towers not requiring FAA painting or marking must have an exterior finish as approved by the city council.

n) Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where it is located, unless more stringent fencing requirements are required by FCC regulations.

o) Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with the landscaping requirements of city code and as shown in the approved site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. Accessory buildings may not be more than 2,000 square feet in size.

p) Security. Towers must be reasonably posted and secured to protect against trespass.

q) Access. Parcels upon which towers are located must provide access during normal business hours to at least 1 paved vehicular parking space on site.

r) Stealth. To the extent reasonably practical, towers must be of stealth design.

s) Other Telecommunications Facilities. Telecommunications facilities not attached to a tower may be permitted as an accessory use to any antenna support structure at least 50 feet and no more than 100 feet in height regardless of the zoning restrictions applicable. The owner of such structure must, by written certification to the building official, establish the following facts at the time plans are submitted for a building permit:

1) That the height from grade of the telecommunications facilities and antennae support structure does not exceed the maximum height from grade of permitted structures by more than 20 feet.

2) That the antenna support structure and telecommunications facilities comply with the building code.

3) That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back 1 foot from the edge of the primary roof for each 1 foot in height above the primary roof of the antenna support structure. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof and do not protrude more than 6 inches from the side of the antenna support structure. Screened telecommunications facilities and their appurtenances are exempt from setback requirements.

t) Existing Towers.

1) An existing tower may be modified or demolished and rebuilt to accommodate co-location of additional telecommunications facilities as follows:

i) Application for an appropriate city permit shall be made to the city council.

ii) The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the maximum height for towers allowed under this subsection.

2) A tower that is being rebuilt to accommodate the co-location of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this subsection. However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this subsection, such setback requirement shall be waived to allow the tower to be rebuilt in its exact previous location.

u) Abandoned or Unused Towers or Portions of Towers. Abandoned or unused towers and associated above-ground facilities must be removed within 6 months of the cessation of operations of an antenna facility at the site unless an extension is approved by the city manager. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. If a tower is not removed within 6 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property pursuant to section 635 of city code.

v) Variances. The city council may grant a variance to the setback, separation or buffer requirements, and maximum height provision of this subsection in accordance with subsection 515.05, subdivision 2.

w) Additional Criteria for Variances. The city council may grant a variance pursuant to subsection 515.05, subdivision 2 if the applicant also demonstrates all of the following with written or other satisfactory evidence:

1) The location, shape, appearance or nature of use of the proposed tower will neither substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located.

2) The variance will not create any threat to the public health, safety or welfare.

3) In the case of a requested modification to the setback requirement, that the size of parcel upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site that poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land.

4) In the case of a request for modification to the separation requirements of subsection 515.21, subdivision 4 i), that the proposed site is zoned I-1 and the proposed site is at least double the minimum standard for separation from residentially zoned lands.

5) In the case of a request for modification of the separation requirements, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to close a significant gap within the city in coverage of the provider and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area.

6) In the case of a request for modification of the maximum height limit, that the modification is necessary to (1) facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or (2) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer.

x) Maintenance. Towers must be maintained in accordance with the following provisions:

1) Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public.

2) Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the national electric safety code and all federal communications commission, state and local regulations, and in such a manner that they will not interfere with the use of other property.

3) Towers, telecommunications facilities and antenna support structures must be kept and maintained in good condition, order, and repair.

4) Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.

5) Towers must comply with radio frequency emissions standards of the federal communications commission.

6) In the event the use of a tower is discontinued by the tower owner, the tower owners must provide written notice to the city of its intent to discontinue use and the date when the use will be discontinued.

Subd. 5. Additional Requirements.

a) Inspections. The city may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the Uniform Building Code and other construction standards provided by the city code, federal and state law. The expense related to such inspections will be borne by the property owner. Based upon the results of an inspection, the building official may require repair or removal of a tower.

b) Excavation and Monitoring. The owner of a telecommunications facility shall provide the city with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the city's reasonable request. If the owner does not promptly provide the city with satisfactory technical evidence of FCC compliance, the city may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner shall reimburse the city for its reasonable costs in carrying out such compliance testing.

Subd. 6. Failure to Comply.

a) City's Right to Revoke. If the permittee fails to comply with any of the terms imposed by the conditional use permit, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit, in accordance with the following provisions.

b) Procedure. Except as provided in subsection c) below, the imposition of any penalty shall be preceded by (i) written notice of the permittee of the alleged violations, (ii) the opportunity to cure the violation during a period not to exceed 30 days following receipt of the written notice, and (iii) a hearing before the city council at least 15 days after sending written notice of the hearing. The notices contained in (i) and (iiii) may be contained in the same notification. The hearing shall provide the permittee with an opportunity to show cause why the permit should not be subject to discipline.

c) Exigent Circumstances. If the city finds that exigent circumstances exist requiring immediate permit revocation, the city may revoke the permit and shall provide a post-revocation hearing before the city council not more than 15 days after permittee's receipt of written notice of the hearing. Following such hearing, the city council may sustain or rescind the revocation, or may impose such other and further discipline as it deems appropriate.

d) Record. Any decision to impose a penalty or other discipline shall be in writing and supported by substantial evidence containing in a written record.

515.25
Establishment of Districts

Subdivision 1. Purpose. The following zoning classifications and districts are hereby established within the city of Crystal to carry out the purpose and intent of this code.

Subd. 2. Residential Districts.

a) R-1 Low Density Residential (Subsection 515.33)

b) R-2 Medium Density Residential (Subsection 515.37)

c) R-3 High Density Residential (Subsection 515.41)

Subd. 3. Commercial Districts.

a) C-1 Neighborhood Commercial (Subsection 515.45)

b) C-2 General Commercial (Subsection 515.49)

Subd. 4. Industrial Districts.

a) I-1 Light Industrial (Subsection 515.53)

Subd. 5. Special Districts.

a) PD Planned Development (Subsection 515.57)

b) FP Floodplain Overlay (Subsection 515.61)

c) SL Shoreland Overlay (Subsection 515.65)

d) AP Airport Overlay (Subsection 515.69)

515.29
Zoning Districts – Application and Boundaries

Subdivision 1. Application of Zoning Districts. The boundary lines of the districts listed in subsections 515.33 through 515.69 are hereby established as shown on the map entitled "zoning map of Crystal, Minnesota," which map is hereby approved and ordered filed with the city clerk. The zoning map and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are hereby incorporated in and made part of this Code by reference and incorporated fully as set forth herein.

Subd. 2. Zoning District Boundaries.

a) Zoning district boundary lines follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this Code.

b) Appeals from the planning commission's determination concerning the exact location of a zoning district boundary line shall be heard by the city council serving as the board of adjustment and appeals.

c) When any street, alley or other public right-of-way is vacated by official action of the city, the zoning classification of land abutting the center line of said alley or other public right-of-way shall not be affected by such proceedings, nor shall the district boundary be affected thereby.

515.33
R-1 Low Density Residential

Subdivision 1. Purpose. The purpose of the R-1 district is to provide for detached 1-family residential dwellings and directly related complimentary uses on a limited basis. Densities are to be no more than 5 dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at some figure less than 5 dwellings per acre, depending on the character of the surrounding area and the potential for negative impacts on the community.

Subd. 2. Permitted Principal Uses.

a) One-family detached dwellings.

b) Two-family dwellings, provided:

1) The lot has an area of no less than 15,000 square feet.

2) The lot width is no less than 100 feet.

3) The side setback is no less than 10 feet.

4) The side street setback is no less than 20 feet.

5) There are at least 2 parking spaces for each dwelling. Of these, at least 1 private garage space must be provided for the exclusive use of each dwelling's residents. Each dwelling's access to its private garage space shall be independent of the other dwelling's access to its private garage space. Each dwelling's private garage space shall be separate and secure from the other dwelling's private garage space.

c) State licensed residential facilities serving 6 or fewer persons.

d) Licensed day care facilities serving 12 or fewer persons.

e) Group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.

f) Public parks and playgrounds.

g) Essential services.

Subd. 3. Permitted Accessory Uses.

a) Off-street parking of motor vehicles and recreational vehicles and equipment as regulated by section 1330 of the city code, provided that the cumulative gross floor area of all garages and carports on a lot, whether attached or detached, shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

b) Home occupation. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a dwelling and which does not alter the exterior of the property or affect the residential character of the neighborhood. Permissible home occupations shall not include the conducting of a retail business (other than by mail), manufacturing or repair shop. Additional standards applicable to home occupations are as follows:

1) No home occupation shall be permitted which results in or generates more traffic than two cars at any one given point in time.

2) Only persons residing on the premises shall be employed.

3) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

4) No mechanical, electrical or other equipment shall be used which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential structure.

5) The home occupation shall be conducted entirely within the residential portion of the principal building.

6) No more than 25% or 400 square feet of the floor area of the dwelling, whichever is less, shall be devoted to the home occupation.

7) Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings, and no alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.

8) The entrance to the space devoted to such occupations shall be from within the dwelling.

9) There shall be no exterior storage or display of equipment, goods or materials used in the home occupation.

10) One sign, not to exceed 4 square feet in area, may be placed on the premises. The sign may identify the home occupation, resident and address but may contain no other information. The sign may not be illuminated and must be set back a minimum of 10 feet from a property line abutting a public street. If the sign is freestanding, the total height may not exceed 5 feet.

c) Patios, decks, swimming pools, tennis courts and other recreational facilities, including tree houses defined as structures attached exclusively to trees and used solely for recreational purposes, which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

d) Detached accessory buildings such as garages, carports, tool houses, sheds, gazebos, non-commercial greenhouses and similar buildings for storage of domestic supplies and non-commercial recreational equipment, provided the following standards are met:

1) No detached accessory building shall be located closer to an abutting street than the principal structure.

2) No detached accessory building shall exceed 15 feet in height.

3) No detached accessory building shall exceed 1 story in height, except that it may have an unfinished upper loft area provided it is used for storage only and not as habitable space.

4) The cumulative area of all detached accessory buildings on a lot shall not exceed 1,000 square feet in area or the finished floor area of the residential portion of the principal building excluding basements, whichever is less.

5) The cumulative gross floor area of all garages and carports on a lot, whether attached or detached, shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

6) In instances where the vehicle entrance to a garage or carport faces a street or alley, the vehicle entrance shall be set back a minimum of 20 feet from the lot line abutting the street or alley unless more restrictive setback requirements apply.

7) Detached accessory structures or buildings are not permitted if they are constructed of fabric, cloth, plastic sheets, tarps, tubular metal, exposed plywood or particle board, or similar materials.

Exceptions:

i) Non-commercial greenhouses located in the rear yard, limited to 1 per lot, and not to exceed 120 square feet.

ii) Tents located in the rear yard, used only for seasonal recreational purposes, and not to exceed 120 square feet.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Garage sales for the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property, provided:

1) The exchange or sale of merchandise is conducted within the principal structure or an accessory structure.

2) Items for sale may not include personal property purchased for the purpose of resale.

3) The number of garage sales on an individual premises may not exceed 4 per year.

4) Each sale is limited to a 3 day duration, with hours of operation between 8:00 a.m. and 9:00 p.m.

5) Garage sale signs identifying the location and times of a garage sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. Such signs shall not exceed 4 square feet in area per side; shall not be placed on or attached to any public property or utility pole; shall not be placed within the 25-foot sight triangle at an intersection, as measured from the 2 sides formed by the property lines and the third side formed by a straight line connecting the 2 25-foot points of the corner; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

g) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

h) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

i) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

j) Clothesline poles located in the rear yard.

k) A second kitchen within a one-family detached dwelling, but only if there is interior and unfettered access from all parts of the dwelling to both kitchens, the occupants of the dwelling live as a single family not as two households, and the property is not addressed or in any other way configured or represented as a two family dwelling. Two-family dwellings are only permitted in the R-1 district if they are in compliance with Subd. 2 b) of this subsection.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Side setbacks shall be double that required for the district.

2) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) Side setbacks shall be double that required for the district.

2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Cemeteries, subject to the following:

1) Such use shall not include funeral homes, crematoriums or similar uses.

2) No building, including mausoleums and accessory maintenance buildings, shall exceed 5,000 square feet in area or 20 feet in height. The total footprint of buildings on the cemetery shall not exceed 1% of the area of the cemetery.

3) Such use may include maintenance and equipment facilities accessory to the operation of the cemetery.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Bed and Breakfast Establishments, provided:

1) The property abuts and the building faces an arterial or major collector street;

2) Signage is limited to 1 sign that indicates the name of and contact information for the bed and breakfast establishment but no other material. There may be 1 such sign not to exceed 4 square feet in area, not to exceed 5 feet in height if free standing, and not to be lighted unless the lighting will not negatively impact adjacent properties;

3) Driveway access and parking areas are adequately buffered from adjacent residential uses; and

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the R-1 district shall meet all of the following requirements:

a) Minimum lot area of 7,500 square feet.

b) Minimum lot width of 60 feet.

c) Minimum lot depth of 100 feet.

Subd. 6. Minimum Building Size Requirements:

a) One or 2-family single story dwellings shall have a main floor area of no less than 900 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 1,000 square feet. For the purposes of this subsection, 1 story dwellings includes multiple story dwellings with less than 300 square feet of finished or finishable upper floor area. In the case of 2 family dwellings, the minimum area requirement is applicable to each unit separately.

b) One or 2-family multiple story dwellings with less than 600 but no less than 300 square feet of finished or finishable upper floor area shall have a main floor area of no less than 800 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 900 square feet. In the case of 2 family dwellings, the minimum area requirement is applicable to each unit separately.

c) One or 2-family multiple story dwellings with no less than 600 square feet of finished or finishable upper floor area shall have a main floor area of no less than 700 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 800 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

Subd. 7. Coverage and Height Limitations.

a) Lot Coverage.

1) For 1 and 2-family dwellings, the following building and structure coverage limits shall apply:

i) If the rear yard is at least 5,000 square feet in area, then no more than 20% of the rear yard shall be covered by buildings and no more than 40% of the rear yard shall be covered by structures.

ii) If the rear yard is at least 4,500 square feet and less than 5,000 square feet in area, then no more than 21% of the rear yard shall be covered by buildings and no more than 42% shall be covered by structures.

iii) If the rear yard is at least 4,000 square feet and less than 4,500 square feet in area, then no more than 22% of the rear yard shall be covered by buildings and no more than 44% shall be covered by structures.

iv) If the rear yard is at least 3,500 square feet and less than 4,000 square feet in area, then no more than 23% of the rear yard shall be covered by buildings and no more than 46% shall be covered by structures.

v) If the rear yard is at least 3,000 square feet and less than 3,500 square feet in area, then no more than 24% of the rear yard shall be covered by buildings and no more than 48% shall be covered by structures.

vi) If the rear yard is less than 3,000 square feet in area, then no more than 25% of the rear yard shall be covered by buildings and no more than 50% of the rear yard shall be covered by structures.

2) For all other uses, no more than 50% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 2 stories or 32 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 8. Setbacks.

a) Front Setback.

1) 30 feet from the front lot line.

2) Exceptions:

i) Awnings.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimney.

iv) Flagpoles.

v) Eaves.

vi) Handicap ramps.

vii) Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

ix) Patios and detached decks, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 4 feet in width.

xiii) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xiv) Signs in accordance with section 405 of Crystal city code.

xv) On interior lots abutting directly on Twin Lake, a detached accessory building or structure may be erected or located within the front yard, provided it does not encroach in the front, side or side street setback.

xvi) Tree houses, defined as structures attached exclusively to trees and used solely for recreational purposes, provided they do not exceed 120 square feet, are not located less than 10 feet from the front line and consist only of earth-tone materials or colors.

b) Rear Setback.

1) 30 feet from the rear lot line.

2) Exceptions:

i) Awnings; provided no part may be closer than 3 feet to any lot line.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimney; provided no part may be closer than 3 feet to any lot line.

iv) Flagpoles; provided no part may be closer than 3 feet to any lot line.

v) Eaves; provided no part may be closer than 3 feet to any lot line.

vi) Handicap ramps; provided no part may be closer than 3 feet to any lot line.

vii) Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the rear lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot rear setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) In lieu of building, placing or maintaining accessory buildings in the rear yard as permitted in Subsection 515.33 Subd 3 d), a property owner may instead choose to expand the principal building into the rear setback, provided that:

a) The encroachment is set back at least 22 feet from the rear lot line; and

b) The encroachment occupies no more than 240 square feet of the area within the rear setback; and

c) The width of the encroachment is no more than 40% of the lot width measured at the rear setback line; and

d) The property owner removes any existing accessory buildings from the rear yard; and

e) No accessory buildings may subsequently be built or placed in the rear yard; and

f) The property owner signs, has notarized and submits to the city a written statement acknowledging that no accessory buildings may be built or placed in the rear yard and agreeing to disclose that material fact in writing to any potential purchaser of the property in the future.

ix) Open porches and decks attached to the principal building, provided that they are at least 22 feet from the rear lot line and their cumulative encroachment into the 30 foot rear setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

x) Recreational equipment; provided no part may be closer than 3 feet to any lot line.

xi) Clothesline poles; provided no part may be closer than 3 feet to any lot line.

xii) Detached accessory structures and buildings, including patios, decks, storage sheds and gazebos. No part of any such structure may be closer than 3 feet to the rear lot line, except for at-grade patios, no part of which may be closer than 1 foot to the rear lot line.

xiii) Detached garages; provided no part may be closer than 3 feet to any lot line; and in instances where the vehicle entrance faces an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

xiv) Air conditioning or heating equipment; provided no part may be closer than 3 feet to any lot line but in no case within 10 feet of the living quarters of a building on adjoining property.

xv) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xvi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xvii) Sidewalks not to exceed 4 feet in width.

xviii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xix) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xx) Signs in accordance with section 405 of Crystal city code.

c) Side Setback.

1) Five feet from the side lot line.

2) Exceptions:

i) Awnings; provided no part may be closer than 3 feet to the side lot line.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimney; provided no part may be closer than 3 feet to the side lot line.

iv) Eaves; provided no part may be closer than 3 feet to the side lot line.

v) Handicap ramps; provided no part may be closer than 3 feet to the side lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Detached accessory structures and buildings located in the rear yard, including patios, decks, garages, storage sheds and gazebos; provided that no part of any such structure may be closer than 3 feet to the side lot line, except for at-grade patios, no part of which may be closer than 1 foot to the side lot line.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 4 feet in width.

x) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line.

xi) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xii) Limited reduction of side setback upon grant of adjacent easement. The zoning administrator may approve a written request to reduce the side setback in certain specific circumstances and subject to certain limitations.

Circumstances: A property owner may request a reduction of the side setback in the following circumstances: (1) the owner's existing principal building does not meet the setback requirement but the distance between that building and the principal building on the abutting property is equal to or greater than the sum of the minimum side setback requirements for both buildings: and (2) the abutting owner grants a perpetual open space easement, in a form acceptable to the zoning administrator, for the additional setback area located on their property; and (3) the grantee of the easement is not only the benefiting property owner but also the city of Crystal; and (4) a certified survey has been submitted to the zoning administrator showing the area and legal description of the easement, as well as adjacent structures; and (5) the easement has been recorded with Hennepin County and proof of recordation has been received and reviewed by the zoning administrator.

Limitations: (1) in no event shall any part of the building be less than three feet from the side lot line, regardless of the easement granted; and (2) the zoning administrator may deny the request upon finding that there are existing structures, topographic conditions, or other circumstances present which are likely to create practical problems now or in the future if the set back reduction is approved; and (3) upon such denial the property owner may appeal the zoning administrator's decision to the planning commission and city council as an administrative appeal in accordance with section 515.05, subdivision 1; and (4) the city council has complete discretion whether to uphold the zoning administrator's decision or grant the property owner's appeal.

d) Side Street Setback:

1) Ten feet from the side street lot line.

2) Garages where the vehicle entrance faces the side street lot line shall be set back a minimum of 20 feet from said lot line.

3) Exceptions:

i) Awnings; provided no part may be closer than 3 feet to any lot line.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimney; provided no part may be closer than 3 feet to any lot line.

iv) Eaves; provided no part may be closer than 3 feet to any lot line.

v) Handicap ramps; provided no part may be closer than 3 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 4 feet in width.

ix) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

x) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.37
R-2 Medium Density Residential

Subdivision 1. Purpose. The purpose of the R-2 district is to provide for attached or detached 1-family dwellings, 2-family dwellings, smaller multiple-family buildings, and directly related, complimentary uses, together with limited commercial uses allowed by conditional use permit. In accordance with the comprehensive plan, densities are to be no less than 5 and no more than 12 dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at a specific figure within the range established by the comprehensive plan, depending on the character of the surrounding area and the potential for negative impacts on the community.

Subd. 2. Permitted Principal Uses.

a) One-family detached dwellings.

b) One-family attached dwellings, provided there is collective maintenance of building exteriors, driveways, landscaping and common areas.

c) Two-family dwellings.

d) Multiple family dwellings with no more than 8 dwellings per building.

e) Public parks and playgrounds.

f) Essential services.

Subd. 3. Permitted Accessory Uses.

a) Off-street parking of motor vehicles and recreational vehicles and equipment as regulated by section 1330 of the city code, provided that the cumulative gross floor area of all garages and carports on a lot, whether attached or detached, shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

b) Home occupation. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a dwelling and which does not alter the exterior of the property or affect the residential character of the neighborhood. Permissible home occupations shall not include the conducting of a retail business (other than by mail), manufacturing or repair shop. Additional standards applicable to home occupations are as follows:

1) No home occupation shall be permitted which results in or generates more traffic than two cars at any one given point in time.

2) Only persons residing on the premises shall be employed.

3) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

4) No mechanical, electrical or other equipment shall be used which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential structure.

5) The home occupation shall be conducted entirely within the residential portion of the principal building.

6) No more than 25% or 400 square feet of the floor area of the dwelling, whichever is less, shall be devoted to the home occupation.

7) Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings, and no alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.

8) The entrance to the space devoted to such occupations shall be from within the dwelling.

9) There shall be no exterior storage or display of equipment, goods or materials used in the home occupation.

10) One sign, not to exceed 4 square feet in area, may be placed on the premises. The sign may identify the home occupation, resident and address but may contain no other information. The sign may not be illuminated and must be set back a minimum of 10 feet from a property line abutting a public street. If the sign is freestanding, the total height may not exceed 5 feet.

c) Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

d) Detached accessory buildings such as garages, carports, tool houses, sheds, gazebos, non-commercial greenhouses and similar buildings for storage of domestic supplies and non-commercial recreational equipment, provided the following standards are met:

1) No detached accessory building shall be located closer to an abutting street than the principal structure.

2) No detached accessory building shall exceed 20 feet in height or the height of the principal building.

3) No detached accessory building shall exceed 1 story in height, except that it may have an unfinished upper loft area provided it is used for storage only and not as habitable space.

4) No detached accessory building shall exceed 1,000 square feet in area for 1-family dwellings or 600 square feet per unit for 2 family or multiple family dwellings.

5) The cumulative area of all detached accessory buildings on a lot shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

6) In instances where the vehicle entrance to a garage or carport faces a street or alley, the vehicle entrance shall be set back a minimum of 20 feet from the lot line abutting the street or alley unless more restrictive setback requirements apply.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Garage sales for the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property, provided:

1) The exchange or sale of merchandise is conducted within the principal structure or an accessory structure.

2) Items for sale may not include personal property purchased for the purpose of resale.

3) The number of garage sales on an individual premises may not exceed 4 per year.

4) Each sale is limited to a 3 day duration, with hours of operation between 8:00 a.m. and 9:00 p.m.

5) Garage sale signs identifying the location and times of a garage sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. Such signs shall not exceed 4 square feet in area per side; shall not be placed on or attached to any public property or utility pole; shall not be placed within the 25-foot sight triangle at an intersection, as measured from the 2 sides formed by the property lines and the third side formed by a straight line connecting the 2 25-foot points of the corner; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

g) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

h) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

i) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

j) Clothesline poles located in the rear yard.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Side setbacks shall be double that required for the district.

2) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) Side setbacks shall be double that required for the district.

2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

3) City council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Cemeteries, subject to the following:

1) Such use shall not include crematoriums or similar uses.

2) No building, including mausoleums and accessory maintenance buildings, shall exceed 5,000 square feet in gross floor area or 20 feet in height. The total footprint of buildings on the cemetery shall not exceed 1% of the area of the cemetery.

3) Such use may include maintenance and equipment buildings and facilities accessory to the operation of the cemetery.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Bed and breakfast establishments, provided:

1) The property abuts and the building faces an arterial or major collector street.

2) Signage is limited to 1 sign that indicates the name of and contact information for the bed and breakfast establishment but no other material. There may be 1 such sign not to exceed 4 square feet in area, not to exceed 5 feet in height if free standing, and not to be lighted unless the lighting will not negatively impact adjacent properties.

3) Driveway, access and parking areas are adequately buffered from adjacent residential uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Retail stores limited to art gallery, bicycle shop, camera shop, drugstore, florist shop, gift shop, hobby store, novelty store and school supplies, provided the following conditions are met:

1) The property is served by and the building faces an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Accessory service or repair uses may be included in such conditional use only if the city council finds that they are clearly subordinate to the retail use and do not detract from the residential character of the district.

6) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Food establishments limited to bakeries, coffee shops, convenience grocery stores, delicatessens and ice cream shops, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Eating areas may be included in such conditional use only if the city council finds that they are clearly subordinate to the retail sale of prepared or unprepared food and such accessory use does not detract from the residential character of the district.

6) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

g) Service establishments limited to barber shop, beauty parlor, body piercing, day spa, locksmith, nail salon, photography studio, sewing, shoe repair, tanning booth, tattooing and therapeutic massage, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

h) Offices including leased, commercial, professional, public, medical, dental, insurance, real estate, funeral homes not including cremation, and banks or similar financial institutions, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use shall exceed 10,000 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

i) Laundromat and pick-up stations for laundry or dry cleaning, including incidental repair and assembly but not including processing, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

j) Hospitals, nursing homes, sanitariums or similar institutions, provided the following conditions are met:

1) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

k) Buildings in excess of 3 stories or 40 feet, provided that:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) The site is capable of accommodating the increased intensity of use.

3) For each additional story over 3 stories or for each additional 10 feet above 40 feet, the minimum required setback from each lot line for that portion of the building shall be increased by 5 feet.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

l) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the R-2 district shall meet all of the following requirements:

a) Minimum lot area of 4,000 square feet per dwelling, but in no event less than 10,000 square feet.

b) Minimum lot width of 75 feet.

c) Minimum lot depth of 100 feet.

Subd. 6. Minimum Building Size Requirements:

a) One or 2-family single story dwellings shall have a main floor area of no less than 900 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 1,000 square feet. For the purposes of this subsection, 1 story dwellings includes multiple story dwellings with less than 300 square feet of finished or finishable upper floor area. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

b) One or 2-family multiple story dwellings with less than 600 but no less than 300 square feet of finished or finishable upper floor area shall have a main floor area of no less than 800 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 900 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

c) One or 2-family multiple story dwellings with no less than 600 square feet of finished or finishable upper floor area shall have a main floor area of no less than 700 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 800 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

d) Multiple family dwellings shall have a minimum floor area as follows:

1) No efficiency unit shall have less than 600 square feet of floor area.

2) No 1 bedroom unit shall have less than 720 square feet of floor area.

3) No 2 bedroom unit shall have less than 840 square feet of floor area.

4) No 3 bedroom unit shall have less than 960 square feet of floor area.

5) For units with more than 3 bedrooms, no unit shall have less than 960 square feet plus 100 square feet of floor area for each bedroom over 3.

Subd. 7. Coverage and Height Limitations.

a) Lot Coverage.

1) For 1 and 2 family dwellings, the following structure and building coverage limits shall apply:

i) If the rear yard is at least 5,000 square feet in area, then no more than 20% of the rear yard shall be covered by buildings and no more than 40% of the rear yard shall be covered by structures.

ii) If the rear yard is at least 4,500 square feet and less than 5,000 square feet in area, then no more than 21% of the rear yard shall be covered by buildings and no more than 42% shall be covered by structures.

iii) If the rear yard is at least 4,000 square feet and less than 4,500 square feet in area, then no more than 22% of the rear yard shall be covered by buildings and no more than 44% shall be covered by structures.

iv) If the rear yard is at least 3,500 square feet and less than 4,000 square feet in area, then no more than 23% of the rear yard shall be covered by buildings and no more than 46% shall be covered by structures.

v) If the rear yard is at least 3,000 square feet and less than 3,500 square feet in area, then no more than 24% of the rear yard shall be covered by buildings and no more than 48% shall be covered by structures.

vi) If the rear yard is less than 3,000 square feet in area, then no more than 25% of the rear yard shall be covered by buildings and no more than 50% of the rear yard shall be covered by structures.

2) For all other uses, no more than 50% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 2½ stories or 40 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 8. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) For 1 or 2-family dwellings: Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) For 1 or 2-family dwellings: Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

ix) For 1 or 2-family dwellings: Patios and detached decks, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 6 feet in width.

xiii) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xiv) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 30 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) For 1 or 2-family dwellings: Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) For 1 or 2-family dwellings: In lieu of building, placing or maintaining accessory buildings in the rear yard as permitted in Subsection 515.37 Subd 3 d), a property owner may instead choose to expand the principal building into the rear setback, provided that:

a) The encroachment is set back at least 22 feet from the rear lot line; and

b) The encroachment occupies no more than 240 square feet of the area within the rear setback; and

c) The width of the encroachment is no more than 40% of the lot width measured at the rear setback line; and

d) The property owner removes any existing accessory buildings from the rear yard; and

e) No accessory buildings may subsequently be built or placed in the rear yard; and

f) The property owner signs, has notarized and submits to the city a written statement acknowledging that no accessory buildings may be built or placed in the rear yard and agreeing to disclose that material fact in writing to any potential purchaser of the property in the future.

ix) For 1 or 2-family dwellings: Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

x) Recreational equipment; provided no part may be closer than 5 feet to any lot line.

xi) Clothesline poles; provided no part may be closer than 5 feet to any lot line.

xii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than 5 feet to any lot line.

xiii) Detached garages; provided no part may be closer than 5 feet to any lot line; and in instances where the vehicle entrance faces an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

xiv) Air conditioning or heating equipment; provided no part may be closer than 5 feet to any lot line but in no case within 10 feet of the living quarters of a building on adjoining property.

xv) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xvi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xvii) Sidewalks not to exceed 6 feet in width.

xviii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xix) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xx) Signs in accordance with section 405 of Crystal city code.

c) Side Setback:

1) 15 feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Eaves projecting not more than 2 feet into the setback.

v) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 6 feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

d) Side Street Setback:

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.41
R-3 High Density Residential

Subdivision 1. Purpose. The purpose of the R-3 district is to provide for multiple family buildings and directly related, complimentary uses, together with limited commercial uses allowed by conditional use permit. In accordance with the comprehensive plan, densities are to be no less than 12 and no more than 22 dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at a specific figure within the range established by the comprehensive plan, depending on the character of the surrounding area and the potential for negative impacts on the community.

Subd. 2. Permitted Principal Uses.

a) One-family attached dwellings, provided there is collective maintenance of building exteriors, driveways, landscaping and common areas.

b) Multiple family dwellings.

c) Public parks and playgrounds.

d) Essential services.

Subd. 3. Permitted Accessory Uses.

a) Off-street parking of motor vehicles and recreational vehicles and equipment as regulated by section 1330 of the city code, provided that the cumulative gross floor area of all garages and carports on a lot, whether attached or detached, shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

b) Home occupation. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a dwelling and which does not alter the exterior of the property or affect the residential character of the neighborhood. Permissible home occupations shall not include the conducting of a retail business (other than by mail), manufacturing or repair shop. Additional standards applicable to home occupations are as follows:

   1) No home occupation shall be permitted which results in or generates more traffic than two cars at any one given point in time

   2) Only persons residing on the premises shall be employed.

   3) No home occupation shall be permitted which is noxious, offensive or hazardous my reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

4) No mechanical, electrical or other equipment shall be used which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential structure.

5) The home occupation shall be conducted entirely within the residential portion of the principal building.

6) No more than 25% or 400 square feet of the floor area of the dwelling, whichever is less, shall be devoted to the home occupation.

7) Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings, and no alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.

8) The entrance to the space devoted to such occupations shall be from within the dwelling.

9) There shall be no exterior storage or display of equipment, goods or materials used in the home occupation.

10) One sign, not to exceed 4 square feet in area, may be placed on the premises. The sign may identify the home occupation, resident and address but may contain no other information. The sign may not be illuminated and must be set back a minimum of 10 feet from a property line abutting a public street. If the sign is freestanding, the total height may not exceed 5 feet.

c) Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

d) Detached accessory buildings such as garages, carports, tool houses, sheds, gazebos, non-commercial greenhouses and similar buildings for storage of domestic supplies and non-commercial recreational equipment, provided the following standards are met:

1) No detached accessory building shall be located closer to an abutting street than the principal structure.

2) No detached accessory building shall exceed 20 feet in height.

3) No detached accessory building shall exceed 1 story in height, except that it may have an unfinished upper loft area provided it is used for storage only and not as habitable space.

4) No detached accessory building shall exceed 1,000 square feet in area for 1-family dwellings or 600 square feet per unit for 2-family or multiple family dwellings.

5) The cumulative area of all detached accessory buildings on a lot shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

6) In instances where the vehicle entrance to a garage or carport faces a street or alley, the vehicle entrance shall be set back a minimum of 20 feet from the lot line abutting the street or alley unless more restrictive setback requirements apply.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Garage sales for the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property, provided:

1) The exchange or sale of merchandise is conducted within the principal structure or an accessory structure.

2) Items for sale may not include personal property purchased for the purpose of resale.

3) The number of garage sales on an individual premises may not exceed 4 per year.

4) Each sale is limited to a 3 day duration, with hours of operation between 8:00 a.m. and 9:00 p.m.

5) Garage sale signs identifying the location and times of a garage sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. Such signs shall not exceed 4 square feet in area per side; shall not be placed on or attached to any public property or utility pole; shall not be placed within the 25-foot sight triangle at an intersection, as measured from the 2 sides formed by the property lines and the third side formed by a straight line connecting the 2 25-foot points of the corner; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

g) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

h) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

i) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

j) Clothesline poles located in the rear yard.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Side setbacks shall be double that required for the district.

2) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) Side setbacks shall be double that required for the district.

2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Cemeteries, subject to the following:

1) Such use shall not include crematoriums or similar uses.

2) No building, including mausoleums and accessory maintenance buildings, shall exceed 5,000 square feet in gross floor area or 20 feet in height. The total footprint of buildings on the cemetery shall not exceed 1% of the area of the cemetery.

3) Such use may include maintenance and equipment buildings and facilities accessory to the operation of the cemetery.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Bed and Breakfast Establishments, provided:

1) The property abuts and the building faces an arterial or major collector street.

2) Signage is limited to 1 sign that indicates the name of and contact information for the bed and breakfast establishment but no other material. There may be 1 such sign not to exceed 4 square feet in area, not to exceed 5 feet in height if free standing, and not to be lighted unless the lighting will not negatively impact adjacent properties.

3) Driveway, access and parking areas are adequately buffered from adjacent residential uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Retail stores limited to art gallery, bicycle shop, camera shop, drugstore, florist shop, gift shop, hobby store, novelty store and school supplies, provided the following conditions are met:

1) The property is served by and the building faces an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Accessory service or repair uses may be included in such conditional use only if the city council finds that they are clearly subordinate to the retail use and do not detract from the residential character of the district.

6) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Food establishments limited to bakeries, coffee shops, convenience grocery stores, delicatessens and ice cream shops, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Eating areas may be included in such conditional use only if the city council finds that they are clearly subordinate to the retail sale of prepared or unprepared food and such accessory use does not detract from the residential character of the district.

6) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

g) Service establishments limited to barber shop, beauty parlor, body piercing, day spa, locksmith, nail salon, photography studio, sewing, shoe repair, tanning booth, tattooing and therapeutic massage, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

h) Offices including leased, commercial, professional, public, medical, dental, insurance, real estate, funeral homes not including cremation, and banks or similar financial institutions, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use shall exceed 10,000 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

i) Laundromat and pick-up stations for laundry or dry cleaning, including incidental repair and assembly but not including processing, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

j) Hospitals, nursing homes, sanitariums or similar institutions, provided the following conditions are met:

1) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

k) Buildings in excess of 3 stories or 50 feet, provided that:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) The site is capable of accommodating the increased intensity of use.

3) For each additional story over 3 stories or for each additional 10 feet above 50 feet, the minimum required setback from each lot line for that portion of the building shall be increased by 5 feet.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

l) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the R-3 district shall meet all of the following requirements:

a) Minimum lot area of 2,400 square feet per dwelling, but in no event less than 20,000 square feet.

b) Minimum lot width of 100 feet.

c) Minimum lot depth of 100 feet.

Subd. 6. Minimum Building Size Requirements:

a) One or 2-family single story dwellings shall have a main floor area of no less than 900 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 1,000 square feet. For the purposes of this subsection, 1 story dwellings includes multiple story dwellings with less than 300 square feet of finished or finishable upper floor area. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

b) One or 2-family multiple story dwellings with less than 600 but no less than 300 square feet of finished or finishable upper floor area shall have a main floor area of no less than 800 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 900 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

c) One or 2-family multiple story dwellings with no less than 600 square feet of finished or finishable upper floor area shall have a main floor area of no less than 700 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 800 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

d) Multiple family dwellings shall have a minimum floor area as follows:

1) No efficiency unit shall have less than 600 square feet of floor area.

2) No 1 bedroom unit shall have less than 720 square feet of floor area.

3) No 2 bedroom unit shall have less than 840 square feet of floor area.

4) No 3 bedroom unit shall have less than 960 square feet of floor area.

5) For units with more than 3 bedrooms, no unit shall have less than 960 square feet plus 100 square feet of floor area for each bedroom over 3.

Subd. 7. Coverage and Height Limitations.

a) Lot Coverage.

1) For 1 and 2-family dwellings, the following structure and building coverage limits shall apply:

i) If the rear yard is at least 5,000 square feet in area, then no more than 20% of the rear yard shall be covered by buildings and no more than 40% of the rear yard shall be covered by structures.

ii) If the rear yard is at least 4,500 square feet and less than 5,000 square feet in area, then no more than 21% of the rear yard shall be covered by buildings and no more than 42% shall be covered by structures.

iii) If the rear yard is at least 4,000 square feet and less than 4,500 square feet in area, then no more than 22% of the rear yard shall be covered by buildings and no more than 44% shall be covered by structures.

iv) If the rear yard is at least 3,500 square feet and less than 4,000 square feet in area, then no more than 23% of the rear yard shall be covered by buildings and no more than 46% shall be covered by structures.

v) If the rear yard is at least 3,000 square feet and less than 3,500 square feet in area, then no more than 24% of the rear yard shall be covered by buildings and no more than 48% shall be covered by structures.

vi) If the rear yard is less than 3,000 square feet in area, then no more than 25% of the rear yard shall be covered by buildings and no more than 50% of the rear yard shall be covered by structures.

2) For all other uses, no more than 60% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 3 stories or 50 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 8. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) For 1 or 2-family dwellings: Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) For 1 or 2-family dwellings: Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

ix) For 1 or 2-family dwellings: Patios and detached decks, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 6 feet in width.

xiii) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xiv) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 30 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) For 1 or 2-family dwellings: Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) For 1 or 2-family dwellings: In lieu of building, placing or maintaining accessory buildings in the rear yard as permitted in Subsection 515.41 Subd. 3 d), a property owner may instead choose to expand the principal building into the rear setback, provided that:

a) The encroachment is set back at least 22 feet from the rear lot line; and

b) The encroachment occupies no more than 240 square feet of the area within the rear setback; and

c) The width of the encroachment is no more than 40% of the lot width measured at the rear setback line; and

d) The property owner removes any existing accessory buildings from the rear yard; and

e) No accessory buildings may subsequently be built or placed in the rear yard; and

f) The property owner signs, has notarized and submits to the city a written statement acknowledging that no accessory buildings may be built or placed in the rear yard and agreeing to disclose that material fact in writing to any potential purchaser of the property in the future.

ix) For 1 or 2-family dwellings: Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

x) Recreational equipment; provided no part may be closer than 3 feet to any lot line.

xi) Clothesline poles; provided no part may be closer than 3 feet to any lot line.

xii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than 3 feet to any lot line.

xiii) Detached garages; provided no part may be closer than 3 feet to any lot line; and in instances where the overhead doors face an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

xiv) Air conditioning or heating equipment; provided no part may be closer than 3 feet to any lot line but in no case within 10 feet of the living quarters of a building on adjoining property.

xv) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xvi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xvii) Sidewalks not to exceed 6 feet in width.

xviii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xix) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xx) Signs in accordance with section 405 of Crystal city code.

c) Side Setback:

1) 15 feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Eaves projecting not more than 2 feet into the setback.

v) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 3 a).

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 6 feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 3 feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

d) Side Street Setback.

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.45
C-1 Neighborhood Commercial

Subdivision 1. Purpose. The purpose of the C-1 neighborhood commercial district is to provide for offices, low intensity small scale retail or service businesses, and compatible limited residential uses. Retail and service uses allowed in this district are intended to be at the lower end of the size range for commercial uses and have little or no impact on adjacent uses. Neighborhood commercial uses typically provide goods and services on a limited community or neighborhood market scale. They are to be located at the edge of a residential area on a site adequately served by collector or arterial street facilities. Motor vehicle oriented uses are prohibited in the C-1 district; such uses include motor vehicle parts stores, drive-thru establishments, car washes, fueling stations, motor vehicle repair and motor vehicle sales.

Subd. 2. Permitted Principal Uses.

a) The following uses are permitted.

1) Essential services.

b) The following uses are permitted, provided they are not open before 6:00 a.m. or after 9:00 p.m. (Amended, Ord. No. 2013-01, Sec. 1)

1) Offices including leased, commercial, professional, public, medical, dental, insurance, real estate, funeral homes not including cremation, and banks or similar financial institutions.

2) Retail stores, including incidental repair as an accessory use. (Added, Ord. No. 2013-01, Sec. 1)

3) Schools that are typically commercial in nature such as business, music, dance and martial arts schools. (Added, Ord. No. 2013-01, Sec. 1)

4) Veterinary clinic, provided there are no outdoor facilities. (Added, Ord. No. 2013-01, Sec. 1)

5) Bakeries. (Added, Ord. No. 2013-01, Sec. 1)

6) Laundromat, to include pick-up stations for laundry and dry cleaning, but not to include dry cleaning or plant accessory thereto. (Added, Ord. No. 2013-01, Sec. 1)

7) Off-sale liquor, wine or beer establishments. (Added, Ord. No. 2013-01, Sec. 1)

8) Locksmith. (Added, Ord. No. 2013-01, Sec. 1)

9) Personal services limited to barber shops, beauty parlors, body piercing, day spas, nail salons, pet grooming, sauna or steam bath, tanning salon, tattooing, and therapeutic massage. (Added, Ord. No. 2013-01, Sec. 1)

10) Photography studio. (Added, Ord. No. 2013-01, Sec. 1)

11) Eating establishments, including cafes, coffee shops, delicatessens, ice cream shops and restaurants, together with on-sale liquor, wine or beer provided such use is accessory and subordinate to the eating establishment and occupies no more than 30% of the gross floor area of the eating establishment. (Added, Ord. No. 2013-01, Sec. 1)

12) Sewing repair, tailoring or mending. (Added, Ord. No. 2013-01, Sec. 1)

13) Shoe repair. (Added, Ord. No. 2013-01, Sec. 1)

Subd. 3. Permitted Accessory Uses.

a) Off-street parking as regulated by subsection 515.17 of this Code but not including semi-trailer trucks or parking ramps.

b) Off-street loading as regulated by subsection 515.17 of this Code.

c) Prepared food sales as an accessory use to retail food uses such as supermarkets or convenience stores. The term "prepared food sales" means the sale of food consisting of individual servings of ready-to-consume prepared food, beverages and condiments, in or on disposable or edible containers without eating utensils, for consumption off the premises of the principal use.

d) On-sale liquor, wine or beer as an accessory use to an eating establishment. Such use is permitted only if it is clearly subordinate to the eating establishment. In no event shall such use occupy more than 30% of the total floor area of the establishment or comprise more than 30% of its gross sales.

e) Signs as regulated by section 405 of the city code.

f) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

g) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

h) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

i) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

j) An assembly or gathering space that is accessory and subordinate to a permitted principal or conditional use in this district, provided that it does not operate before 6:00 a.m. or after 9:00 p.m. and there is adequate off-street parking to accommodate the use. Assembly or gathering spaces that are not accessory and subordinate to a permitted principal or conditional use in the C-1 district are conditional uses in accordance with Subd. 4 b) of this sub-section.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Side setbacks shall be double that required for the district.

2) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; assembly or gathering spaces not accessory and subordinate to a permitted principal or conditional use in the C-1 district; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) The city council finds that there is adequate off-street parking to accommodate the use; and

2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Storage buildings as an accessory use provided that:

1) The principal use is either a permitted use or an approved conditional use.

2) The storage building is located on the same lot as the principal use.

3) No detached accessory building shall be located closer to an abutting street than the principal structure.

4) The storage building does not exceed 30% of the gross floor area of the principal use.

5) Occupancy and use of the storage building is directly related to principal use and the same party has full control and use of both the storage building and the principal use.

6) The city council determines that the architectural style is compatible with the principal building and surrounding land uses.

7) The city council determines that such use will not conflict with the character of development intended for this zoning district.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) For uses permitted in part b) of Subdivision 2 of this Subsection, a Conditional Use Permit may be granted to allow less restrictive hours of operation limitations, provided that: (Amended, Ord. No. 2013-01, Sec. 2)

1) The applicant has submitted a detailed description of the proposed use containing sufficient information for the Planning Commission and City Council to make findings pertaining to the application.

2) The proposed use would be reasonable and appropriate in a neighborhood context and consistent with the purpose of the C-1 district; and

3) The proposed use would not significantly impact the surrounding residential area; and

4) Rezoning the subject property to C-2 General Commercial would not be desirable.

5) Conditions may be imposed to ensure that the proposed use will meet these criteria and be consistent with the purpose of the C-1 district. Such conditions may include but are not limited to an expiration date, non-transferability, periodic renewal requirements, and provisions for revocation if the use is not in strict conformance with the use described in the written request and in full compliance the imposed conditions.

6) The City Council determines that all applicable requirements of Subsection 515.05, Subdivision 3 a) and Section 520 are considered and satisfactorily met.

e) Limited residential uses:

1) The city council finds that establishment of the residential use would not adversely impact adjacent non-residential uses.

2) The property must continue to principally be a commercial use in accordance with subdivision 2, Permitted uses for the C-1 district.

3) The gross floor area of the residential use shall not exceed the gross floor area of the permitted principal use.

4) Parking spaces for both the commercial and the residential uses shall be provided in accordance with the requirements of section 515.17; except that if the residential use is located within an existing building and the residential use will not increase parking demand compared with the existing use of the space, then no additional off-street parking is required.

5) To maintain the commercial character of the district when considering a specific application, the city council may impose additional requirements related to the building exterior, ingress and egress, and site conditions.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Telecommunications towers in accordance with the requirements of section 515.21.

g) Open or outdoor service, sale, display or rental as an accessory use and including sales in or from motorized vehicles, trailers or wagons provided that:

1) The service, sale, display or rental area is hard surfaced and clearly designated on the site as being limited to the specific, approved area.

2) The service, sale, display or rental area does not exceed 30% of the gross floor area of the principal use, 20% of the area of the property, or 1,000 square feet.

3) The items to be placed outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

(Added, Ord. No. 2013-01, Sec. 3)

h) Custom manufacturing, restricted production and repair limited to the following: Art, needlework, jewelry from precious metals, watches, dentures, and optical lenses, provided that:

1) Such use does not exceed 2,500 square feet of gross floor area and is not open before 6:00 a.m. or after 9:00 p.m.

2) Such use shall be considered an office use for the purpose of calculating parking requirements under this Code.

3) Such use will not generate commercial vehicle traffic including tractor-trailers or other heavy vehicles in excess of what is typical for a retail use of comparable size in a comparable location.

4) The city council determines that such use will not conflict with the character of development intended for this zoning district.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

(Added, Ord. No. 2013-01, Sec. 3)

Subd. 5. Minimum lot requirements. Lots in the C-1 district shall meet all of the following requirements:

a) Minimum lot area of 10,000 square feet.

b) Minimum lot width of 80 feet.

c) Minimum lot depth of 100 feet.

Subd. 6. Coverage and Height Limitations.

a) Lot Coverage. No more than 75% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 3 stories or 40 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 7. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13. subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 10 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than 3 feet to any lot line.

viii) Detached garages; provided no part may be closer than 3 feet to any lot line; and in instances where the overhead doors face an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

ix) Air conditioning or heating equipment; provided no part may be closer than 3 feet to any lot line but in no case within 10 feet of a building on adjoining property.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 4 feet in width.

xiii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xiv) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xv) Signs in accordance with section 405 of Crystal city code.

c) Side Setback:

1) 10 feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Eaves projecting not more than 2 feet into the setback.

v) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 4 feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

d) Side Street Setback:

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.49
C-2 General Commercial

Subdivision 1. Purpose. The purpose of the C-2 general commercial district is to provide for commercial and service activities which draw from and serve customers from the entire community. Motor vehicle oriented uses shall be limited to certain designated corridors and shall require a conditional use permit.

Subd 2. Permitted Principal Uses.

a) Bakeries.

b) Essential services.

c) Laundromat, to include pick-up stations for laundry and dry cleaning, but not to include dry cleaning or plant accessory thereto.

d) Locksmith.

e) Motor vehicle parts stores not to include repair.

f) Offices including leased, commercial, professional, public, medical, dental, insurance, real estate, funeral homes not including cremation, and banks or similar financial institutions.

g) Off-sale liquor, wine or beer.

h) On-sale liquor, wine or beer as an accessory use to an eating establishment. Such use is permitted only if it is clearly subordinate to the eating establishment. In no event shall such use occupy more than 30% of the total floor area of the establishment or comprise more than 30% of its gross sales.

i) Personal services limited to barber shops, beauty parlors, body piercing, day spas, nail salons, pet grooming, sauna or steam bath, tanning salon, tattooing, and therapeutic massage.

j) Photography studio.

k) Eating establishments, including cafes, coffee shops, delicatessens, ice cream shops, and restaurants.

l) Retail stores, including incidental repair as an accessory use not to exceed 30% of the gross floor area.

m) Schools that are typically commercial in nature such as business, music, dance and martial arts schools.

n) Sewing repair, tailoring or mending.

o) Shoe repair.

p) Theaters (indoor).

q) Veterinary clinic, provided there are no outdoor facilities.

Subd 3. Permitted Accessory Uses.

a) Off-street parking as regulated by subsection 515.17 of this Code but not including semi-trailer trucks or parking ramps.

b) Off-street loading as regulated by subsection 515.17 of this Code.

c) Prepared food sales as an accessory use to retail food uses such as grocery stores. The term "prepared food sales" means the sale of food consisting of individual servings of ready-to-consume prepared food, beverages and condiments, in or on disposable or edible containers without eating utensils, for consumption off the premises of the principal use.

d) Signs as regulated by section 405 of the city code.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

g) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

h) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

i) An assembly or gathering space that is accessory and subordinate to a permitted principal or conditional use in this district, provided that there is adequate off-street parking to accommodate the use. Assembly or gathering spaces that are not accessory and subordinate to a permitted principal or conditional use in the C-2 district are conditional uses in accordance with Subd. 4 b) of this sub-section.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

2) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; assembly or gathering spaces not accessory and subordinate to a permitted principal or conditional use in the C-2 district; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) The city council finds that there is adequate off-street parking to accommodate the use; and

2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) On-sale liquor, wine or beer to a greater extent than the permitted principal use described in 515.49 Subd. 2 i), provided that:

1) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility; and

2) The city council finds that there will be adequate access control, fencing, screening and buffering between the establishment and adjacent uses; and

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Park-and-ride owned and operated as part of a regional public transit system, provided that:

1) Access is directly from an arterial or major collector street, or a frontage road with access directly thereto.

2) Entrances and exits create a minimum of conflict with through traffic movement.

3) If there is a parking ramp as part of the facility, sufficient vehicular stacking space is provided to minimize the blocking of traffic in the public right-of-way.

4) Parking spaces and aisle or driveways shall be developed in compliance with subsection 515.17 of this Code and are subject to the review and approval of the city engineer.

5) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the park-and-ride.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

6) The city council finds that there will be adequate screening and buffering between the facility and adjacent uses.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Open and outdoor storage as an accessory use provided that:

1) The storage area is hard surfaced and clearly designated on the site as being limited to the specific, approved area.

2) The storage area does not exceed 30% of the gross floor area of the principal use, 20% of the area of the property, or 2,000 square feet.

3) The items to be stored outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Open or outdoor service, sale, display or rental as an accessory use and including sales in or from motorized vehicles, trailers or wagons provided that:

1) The service, sale, display or rental area is hard surfaced and clearly designated on the site as being limited to the specific, approved area.

2) The service, sale, display or rental area does not exceed 30% of the gross floor area of the principal use, 20% of the area of the property, or 2,000 square feet.

3) The items to be placed outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

g) Custom manufacturing, restricted production and repair limited to the following: Art, needlework, jewelry from precious metals, watches, dentures, and optical lenses, provided that:

1) Such use does not exceed 2,500 square feet of gross floor area and is not open before 6:00 a.m. or after 9:00 p.m.

2) Such use shall be considered an office use for the purpose of calculating parking requirements under this Code.

3) Such use will not generate commercial vehicle traffic including tractor-trailers or other heavy vehicles in excess of what is typical for a retail use of comparable size in a comparable location.

4) The city council determines that such use will not conflict with the character of development intended for this zoning district.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

h) Storage buildings as an accessory use provided that:

1) The principal use is either a permitted use or an approved conditional use.

2) The storage building is located on the same lot as the principal use.

3) No detached accessory building shall be located closer to an abutting street than the principal structure.

4) The storage building does not exceed 30% of the gross floor area of the principal use.

5) Occupancy and use of the storage building is directly related to principal use and the same party has full control and use of both the storage building and the principal use.

6) The city council determines that the architectural style is compatible with the principal building and surrounding land uses.

7) The city council determines that such use will not conflict with the character of development intended for this zoning district.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

i) Amusement centers, as defined in section 1180 of the city code provided that:

1) The use is licensed pursuant to and operated in conformity with section 1101 of the city code.

2) The use does not conflict with the character of development intended for the zoning district.

3) The use is located in a shopping center on a plat of land in single ownership of at least 4 acres in area.

4) The use is located within and as an integral part of a shopping center.

5) The use is not located within a freestanding building.

6) The use is not located within 150 feet of a public street.

7) The use does not include or is not accessory to activity licensed by sections 1135, 1200, 1215 or 610 except food and beverage vending as permitted by subsection 1101.11, subdivision 13 of the city code.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

j) Dry cleaning including plant accessory thereto, provided that:

1) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any buildings and any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the dry cleaning business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

2) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

k) Drive-thru establishments as an accessory use, provided that:

1) The establishment is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility. The City Council may require the applicant to provide a traffic study prepared by a professional engineer for the proposed use, and may base its findings of fact on said study or other information related to potential traffic impacts on the street system and adjacent land uses.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the drive-thru establishment.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

l) Car wash or detailing shop, provided that:

1) The property abuts at least one of the following street segments:

i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North.

ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North.

iii) West Broadway between Corvallis Avenue and 56th Avenue North.

iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the car wash or detailing shop.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

m) Fueling station, provided that:

1) The property abuts at least 1 of the following street segments:

i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North.

ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North.

iii) West Broadway between Corvallis Avenue and 56th Avenue North.

iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

v) 36th Avenue North between Highway 100 and a point 357 feet west of the centerline of Regent Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the fueling station.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

n) Motor vehicle repair – minor, provided that:

1) The property abuts at least 1 of the following street segments:

i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North.

ii) West Broadway between Corvallis Avenue and 56th Avenue North.

iii) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the motor vehicle repair business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 7:00 a.m. or after 7:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) There is no outdoor parking or storage of vehicles that are to be worked on, are being worked on, or have been worked on.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

o) Motor vehicle sales, leasing or rental, including motorized recreational vehicles and equipment, provided that:

1) The property abuts at least 1 of the following street segments:

i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North.

ii) West Broadway between Corvallis Avenue and 56th Avenue North.

iii) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the motor vehicle sales, leasing or rental business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 7:00 a.m. or after 7:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) There is no outdoor parking or storage of inoperable, unlicensed, abandoned or junk vehicles.

4) There is no repair work of any kind on vehicles unless an additional conditional use permit for such use is also approved by the city council.

5) No vehicle or equipment shall exceed 32 feet in length.

6) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

p) Hotels, provided that:

1) The property abuts at least one of the following street segments:

i) Lakeland Avenue between the Canadian Pacific Railroad and 58th Avenue North

ii) West Broadway between Corvallis Avenue and 56th Avenue North.

2) The facility shall be located at least 30 feet from any property zoned R-1, R-2 or R-3. For the purposes of this section, "facility" means any building, accessory outdoor recreational facilities, or part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the hotel.

3) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

q) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the C-2 district shall meet all of the following requirements:

a) Minimum lot area of 20,000 square feet.

b) Minimum lot width of 100 feet.

c) Minimum lot depth of 120 feet.

Subd. 6. Coverage and Height Limitations.

a) Lot Coverage. No more than 75% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed three stories or 40 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed four feet above the roof.

Subd. 7. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than two feet into the setback.

ii) Landings not exceeding six feet by six feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than two feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than two feet into the setback.

vi) Handicap ramps; provided no part may be closer than five feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed six feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than two feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 10 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than two feet into the setback.

ii) Landings not exceeding four feet by four feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than two feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than two feet into the setback.

vi) Handicap ramps; provided no part may be closer than five feet to any lot line.

vii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than three feet to any lot line.

viii) Detached garages; provided no part may be closer than three feet to any lot line; and in instances where the overhead doors face an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

ix) Air conditioning or heating equipment; provided no part may be closer than three feet to any lot line but in no case within ten feet of a building on adjoining property.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed four feet in width.

xiii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least three feet from the rear lot line; and except for antennas made only of wire less than 1/4 inch in diameter, which shall be set back at least three feet from the rear lot line.

xiv) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than two feet into the required setback.

xv) Signs in accordance with section 405 of Crystal city code.

c) Side Setback.

1) Ten feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than two feet into the setback.

ii) Landings not exceeding four feet by four feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than two feet into the setback.

iv) Eaves projecting not more than two feet into the setback.

v) Handicap ramps; provided no part may be closer than five feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed four feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than 1/4 inch in diameter, shall be set back at least three feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than two feet into the required setback.

d) Side Street Setback.

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than two feet into the setback.

ii) Landings not exceeding six feet by six feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than two feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than two feet into the setback.

vi) Handicap ramps; provided no part may be closer than five feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed six feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than two feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.53
I-1 Light Industrial

Subdivision 1. Purpose. The purpose of the I-1 light industrial district is to provide for light industrial development such as warehousing and manufacturing, with office and retail allowed as limited accessory uses.

Subd. 2. Permitted Principal Uses.

a) Building materials sales.

b) Essential services.

c) Foundry, whether an electric foundry or one engaged in casting lightweight non-ferrous metals, provided it does not cause noxious fumes or odors.

d) Governmental and public utility buildings and structures.

e) Greenhouses and nurseries.

f) Laboratories.

g) Manufacturing, processing, compounding, assembly or treatment of ceramics using only previously pulverized clay and kilns fired only by electricity or natural gas.

h) Manufacturing, processing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as cloth, cork, fiber, leather, paper, plastic, metals, stones, tobacco, wax, yarns and wools.

i) Manufacturing, processing, compounding, assembly or treatment of cosmetics and pharmaceuticals.

j) Manufacturing, processing, compounding, assembly or treatment of food products, not to include slaughtering, meat packing or rendering.

k) Packaging.

l) Shipping.

m) Underground bulk storage of flammable liquids, not to exceed 25,000 gallons if located within 300 feet of a residential district.

n) Warehousing.

o) Welding shop.

p) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 3. Permitted Accessory Uses.

a) Office, retail or service uses subordinate to the principal use, provided that such uses do not cumulatively comprise more than 50% of the gross floor area of the principal use.

b) Off-street parking as regulated by subsection 515.17 of this Code.

c) Off-street loading as regulated by subsection 515.17 of this Code.

d) Signs as regulated by section 405 of the city code.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

g) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

h) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

i) An assembly or gathering space that is accessory and subordinate to a permitted principal or conditional use in this district, provided that there is adequate off-street parking to accommodate the use. Assembly or gathering spaces that are not accessory and subordinate to a permitted principal or conditional use in the I-1 district are conditional uses in accordance with Subd. 4 b) of this sub-section.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

2) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; assembly or gathering spaces not accessory and subordinate to a permitted principal or conditional use in the I-1 district; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) The city council finds that there is adequate off-street parking to accommodate the use; and

2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Park-and-ride owned and operated as part of a regional public transit system, provided that:

1) Access is directly from an arterial or major collector street, or a frontage road with access directly thereto.

2) Entrances and exits create a minimum of conflict with through traffic movement.

3) If there is a parking ramp as part of the facility, sufficient vehicular stacking space is provided to minimize the blocking of traffic in the public right-of-way.

4) Parking spaces and aisle or driveways shall be developed in compliance with subsection 515.17 of this Code and are subject to the review and approval of the city engineer.

5) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the park-and-ride.

6) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

i) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

ii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iii) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

7) The city council finds that there will be adequate screening and buffering between the facility and adjacent uses.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Open and outdoor storage as an accessory use provided that:

1) The storage area is hard surfaced and clearly designated on the site as being limited to the specific, approved area.

2) The storage area does not exceed 60% of the gross floor area of the principal use, 40% of the area of the property, or 20,000 square feet.

3) The items to be stored outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Open or outdoor service, sale, display or rental as an accessory use and including sales in or from motorized vehicles, trailers or wagons provided that:

1) The service, sale, display or rental area is hard surfaced and clearly designated on the site as being limited to the specific, approved area.

2) The service, sale, display or rental area does not exceed 60% of the gross floor area of the principal use, 40% of the area of the property, or 20,000 square feet.

3) The items to be placed outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Storage buildings as an accessory use provided that:

1) The principal use is either a permitted use or an approved conditional use.

2) The storage building is located on the same lot as the principal use.

3) No detached accessory building shall be located closer to an abutting street than the principal structure.

4) The storage building does not exceed 30% of the gross floor area of the principal use.

5) Occupancy and use of the storage building is directly related to principal use and the same party has full control and use of both the storage building and the principal use.

6) The city council determines that the architectural style is compatible with the principal building and surrounding land uses.

7) The city council determines that such use will not conflict with the character of development intended for this zoning district.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

g) Drive-thru establishments as an accessory use, provided that:

1) The establishment is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility. The City Council may require the applicant to provide a traffic study prepared by a professional engineer for the proposed use, and may base its findings of fact on said study or other information related to potential traffic impacts on the street system and adjacent land uses.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the drive-thru establishment.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

h) Car wash or detailing shop, provided that:

1) The property abuts at least 1 of the following street segments:

i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North.

ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North.

iii) West Broadway between Corvallis Avenue and 56th Avenue North.

iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the car wash or detailing shop.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

i) Fueling station, provided that:

1) The property abuts at least 1 of the following street segments:

i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North.

ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North.

iii) West Broadway between Corvallis Avenue and 56th Avenue North.

iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the fueling station.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

j) Motor vehicle repair, whether minor or major, provided that:

1) The property abuts at least 1 of the following street segments:

i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North.

ii) West Broadway between Corvallis Avenue and 56th Avenue North.

iii) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the motor vehicle repair business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 7:00 a.m. or after 7:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) There is no outdoor parking or storage of vehicles that are to be worked on, are being worked on, or have been worked on.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

k) Motor vehicle sales, leasing or rental, including motorized recreational vehicles and equipment, provided that:

1) The property abuts at least 1 of the following street segments:

i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North.

ii) West Broadway between Corvallis Avenue and 56th Avenue North.

iii) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the motor vehicle sales, leasing or rental business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 7:00 a.m. or after 7:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) There is no outdoor parking or storage of inoperable, unlicensed, abandoned or junk vehicles.

4) There is no repair work of any kind on vehicles unless an additional conditional use permit for such use is also approved by the city council.

5) No vehicle or equipment shall exceed 32 feet in length.

6) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

l) Telecommunications towers in accordance with the requirements of section 515.21.

m) Impound lots provided that:

1) This conditional use permit allows for the storage of impounded vehicles, including not only impounded motor vehicles but also impounded recreational vehicles and equipment, but not including parking or storage of vehicles or equipment for other, non-impound purposes such as seasonal storage; and

2) The impound lot is located on a property that abuts the right of way of an active freight railroad; and

3) The impound lot is located on a property that does not abut the right of way of any collector or arterial street or any frontage road adjacent to a collector or arterial street; and

4) The impound lot is located on a property that does not abut any property zoned residential; and

5) The impound lot is located on a property with an area of at least 1 acre; and

6) The portion of the property occupied by the impound lot does not exceed 1 acre; and

7) The portion of the property occupied by the impound lot is fully screened from adjacent property and public streets to the satisfaction of the City Council; and

8) Vehicles shall only be parked on a designated hard surfaced area approved by the City Council; and

9) Vehicles shall not be parked or stored on any non-hard-surfaced or landscape areas on the property, nor on any adjacent property or public right-of-way; and

10) The City Council determines that all applicable requirements of Subsection 515.05, Subdivision 3 a) and Section 520 are considered and satisfactorily met.

(Amended, Ord. No. 2015-1)

Subd. 5. Minimum Lot Requirements. Lots in the I-1 district shall meet all of the following requirements:

a) Minimum lot area of 20,000 square feet.

b) Minimum lot width of 100 feet.

c) Minimum lot depth of 120 feet.

Subd. 6. Coverage and Height Limitations.

a) Lot Coverage. No more than 75% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 3 stories or 40 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 7. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 10 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than 3 feet to any lot line.

viii) Detached garages; provided no part may be closer than 3 feet to any lot line; and in instances where the overhead doors face an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

ix) Air conditioning or heating equipment; provided no part may be closer than 3 feet to any lot line but in no case within 10 feet of a building on adjoining property.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 4 feet in width.

xiii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xiv) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xv) Signs in accordance with section 405 of Crystal city code.

c) Side Setback.

1) 10 feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Eaves projecting not more than 2 feet into the setback.

v) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 4 feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

d) Side Street Setback.

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.57
PD Planned Development

Subdivision 1. Purpose. The purpose of the PD planned development district is to provide a district which will encourage the following:

a) Flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development.

b) Provision of housing affordable to all income groups.

c) Energy conservation through the use of more efficient building designs and sitings, and the clustering of buildings and land uses.

d) Preservation of desirable site characteristics and open space, and protection of sensitive environmental features, including steep slopes, poor soils and trees.

e) More efficient and effective use of land, open space and public facilities through mixing of land uses, and assembly and development of land in larger parcels.

f) High quality of design, and design compatible with surrounding land uses including both existing and planned.

g) Sensitive development in transitional areas located between different land uses and along significant corridors within the city.

h) Development which is consistent with the comprehensive plan.

Subd. 2. Uses. Within the PD district all permitted uses and accessory uses are allowed. Within the PD district all uses allowed by conditional use permit within any other district are allowed by conditional use permit. Uses allowed by conditional use permit must be reviewed for compliance with the PD master development plan and with the applicable conditional use permit standards specified in this subsection. Uses allowed by conditional use permit are also subject to site and building plan review pursuant to section 520 of the city code.

Subd. 3. Development Standards. Within the PD district all development must be in compliance with the following:

a) Each PD must have a minimum area of 2 acres, excluding areas within a public right-of-way, designated wetland or floodplain overlay district, unless the applicant can demonstrate the existence of 1 or more of the following:

1) Unusual physical features of the property itself or of the surrounding neighborhood such that development as a PD will conserve a physical or topographic feature of importance to the neighborhood or community.

2) The property is directly adjacent to or across a right-of-way from property which has been developed previously as a PD or planned unit residential development and will be perceived as and will function as an extension of that previously approved development.

3) The property is located in a transitional area between different land use categories or it is located on an arterial street as defined in the comprehensive plan.

4) The property is proposed to be developed with single family dwelling lots having a minimum area of 15,000 square feet.

b) The uses proposed within a PD may be used only for a use or uses that are consistent with the comprehensive plan.

c) Where the site of a proposed PD is designated for more than 1 land use in the comprehensive plan, the city may require that the PD include all the land uses so designated or such combination of the designated uses as the city council deems appropriate to achieve the purposes of this subsection and the comprehensive plan.

d) If a particular PD would provide an extraordinary benefit to the community, or if a PD site has extraordinary characteristics that make development difficult, the city council may approve a density of up to 10% more than the maximum identified in the comprehensive plan.

e) Hardsurface coverages and floor area ratios are limited as follows:

Comprehensive Plan Designation	Maximum Hardsurface Coverage	Maximum Floor Area Ratio
Low or Medium Density Residential	50%	0.5
High Density Residential	60%	1.0
Commercial or Industrial	75%	1.0

Individual lots within a PD may exceed these standards if the average meets these standards.

f) The minimum setback for all buildings within a PD from any property line directly abutting a street, railroad, or residential district is 30 feet, except that in no case shall the minimum setback be less than the height of the building or more than 100 feet. The city council may waive the setback requirement if the abutting property, or property located directly across a public street, is used for recreational, institutional, commercial, industrial or high density residential purposes. Building setbacks from internal public streets will be determined by the city based on characteristics of the specific PD. Parking lots and driving lanes must be set back at least five feet from all exterior lot lines of a PD.

The setback for parking structures including decks and ramps shall be 30 feet from local streets and 30 feet from all other street classifications, except that in no case may the setback be less than the height of the structure. Parking structure setbacks from external lot lines must be at least 50 feet or the height of the structure, whichever is greater, when adjacent to residential properties, and at least 30 feet when adjacent to non-residential properties. Parking structure setbacks from internal public or private streets will be determined by the city based on characteristics of the specific PD.

Where industrial uses abut developed or platted single family lots outside the PD, greater exterior building and parking setbacks may be required in order to provide effective screening. The city council must make a determination regarding the adequacy of screening proposed by the applicant. Screening may include the use of natural topography or earth berming, existing and proposed plantings and other features such as roadways and wetlands which provide separation of uses.

Areas within a PD that are designated in the approved master development plan or final site plan for residential use will be considered a residential district for purposes of determining building and parking setback requirements on adjacent high density residential, commercial and industrial property outside the PD.

g) More than 1 building may be placed on 1 platted or recorded lot in a PD.

h) A PD which involves a single land use type or housing type will be permitted provided that it is otherwise consistent with the objectives of this Code and the comprehensive plan.

i) A residential PD or residential area of a mixed use PD must provide a minimum of 10% of the gross project area in private recreational uses for project residents. Such area must be developed and used for active or passive recreational uses suited to the needs of the residents of the project, including swimming pools, trails, nature areas, picnic areas, tot lots and saunas. This requirement may be waived if the city council finds that adequate recreational opportunities are available sufficiently near the PD to make this requirement duplicative, or if the PD is too small for this requirement to be feasible.

j) Property to be included within a PD must be under unified ownership or control or subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved master development plan as well as the long term maintenance of buildings and site improvements in the development.

k) Signs are restricted to those that are permitted in a sign plan approved by the city and must be regulated by permanent covenants.

l) The requirements contained in sections of this Code pertaining to general regulations and performance standards apply to a PD as deemed appropriate by the city.

m) The uniqueness of each PD requires that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification from the city ordinances ordinarily governing them. The city council may therefore approve streets, utilities, public facilities and land subdivisions are not in compliance with usual specifications or ordinance requirements if it finds that strict adherence to such standards or requirements is not required to meet the intent of this subsection or to protect the health, safety or welfare of the residents of the PD, the surrounding area or the city as a whole.

n) A building or other permit may not be issued for any work on property included within a proposed or approved PD nor may any work occur unless such work is in compliance with the proposed or approved PD.

Subd. 4. Review of Application.

a) In order to receive guidance in the design of a PD prior to submission of a formal application, an applicant may submit a concept plan for review and comment by the planning commission and city council. Submission of a concept plan is optional but is highly recommended for large PDs. In order for the review to be of most help to the applicant, the concept plan should contain such specific information as is suggested by the city. Generally, this information should include the following:

1) approximate building and road locations;

2) height, bulk and square footage of buildings;

3) type and square footage of specific land uses;

4) number of dwelling units;

5) generalized grading plan showing areas to be cut, filled and preserved; and

6) staging and timing of the development.

The comments of the planning commission and city council must address the consistency of the concept plan with this subsection. The comments of the planning commission and city council are for guidance only and, if positive, are not to be considered binding upon the planning commission or city council regarding approval of the formal PD application when submitted.

b) Approval of a rezoning to PD and approval of a master development plan is subject to the procedures outlined in subsection 515.05, subdivision 4 of this Code for a zoning map amendment. The master development plan must contain the following:

1) building location, height, bulk and square footage;

2) type and square footage of specific land uses;

3) number of dwelling units;

4) detailed street and utility locations and sizes;

5) drainage plan, including location and size of pipes and water storage areas;

6) grading plan;

7) generalized landscape plan;

8) generalized plan for uniform signs and lighting;

9) plan for timing and phasing of the development;

10) covenants or other restrictions proposed for the regulation of the development; and

11) renderings or elevations of the entrance side of buildings to be constructed in the first phase of the development.

Approval of the master development plan will indicate approval of the previously listed items and will occur in conjunction with rezoning of the property to PD. After rezoning of the property to PD nothing may be constructed on the PD site except in conformance with the approved plans and this subsection. The procedure for notification of and public hearing on the master development plan shall be the same as required for a zoning map amendment by subsection 515.05, subdivision 4 of this Code.

c) Approval of a final site and building plan for the entire PD or for specific parts of the PD are subject to the procedures outlined in section 520 of the city code. The final site and building plan must contain information as required by the city, including the following:

1) detailed utility, street, grading and drainage plans;

2) detailed building elevations and floor plans; and

3) detailed landscaping, sign and lighting plans.

d) The final site and building plan must be in substantial compliance with the approved master development plan. Substantial compliance means that:

1) buildings, parking areas and roads are in substantially the same location as previously approved;

2) the number of residential living units has not increased or decreased by more than 5% from that approved in the master development plan;

3) the floor area of non-residential uses has not been increased by more than 5% nor has the gross floor area of any individual building been increased by more than 10% from that approved in the master development plan;

4) there has been no increase in the number of stories in any building;

5) open space has not been decreased or altered to change its original design or intended use; and

6) all special conditions required on the master development plan by the city have been incorporated into the final site and building plan.

Approval of a final site and building plan includes approval of all plans necessary prior to application for a building permit, subject to conformance with any conditions on the approval and subject to other necessary approvals by the city.

e) Applicants may combine the final site and building plan review with the master development plan review by submitting all information required for both stages simultaneously.

f) The planning commission and city council must base their recommendations and actions regarding approval of a PD on a consideration of the following:

1) compatibility of the proposed plan with this subsection and the goals, policies and proposals of the comprehensive plan;

2) effect of the proposed plan on the neighborhood in which it is to be located;

3) internal organization and adequacy of various uses or densities, circulation and parking facilities, public facilities, recreation areas, open spaces, screening and landscaping;

4) consistency with the standards of section 520 of the city code pertaining to site and building plan review; and

5) such other factors as the planning commission or city council deem relevant.

The planning commission and city council may attach such conditions to their actions as they determine necessary or convenient to better accomplish the purposes of this subsection.

Subd. 5. Term of Approval.

a) If application has not been made for a final site and building plan approval pursuant to the approved master development plan for all or a part of the property within a PD by December 31 of the year following the date on which the PD zoning map amendment became effective or if within that period no extension of time has been granted, the city council may rezone the property to the original zoning classification at the time of the PD application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of a rezoning, the approved master development plan remains the legal control governing development of the property included within the PD.

b) If construction on the property included within an approved final site and building plan has not commenced by December 31 of the year following the date on which such final site and building plan was approved or if building construction in a phase of a PD approved to be built in phases has not commenced within this period or if within that period no extension of the time has been granted, the city council may rezone the property to the original zoning classification at the time of the PD application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of rezoning, the approved master development plan and final site and building plan shall remain the legal control governing development of the property included within the PD.

Subd. 6. Amendments. Major amendments to an approved master development plan may be approved by the city council after review by the planning commission. The notification and public hearing procedure for such amendment is the same as for approval of the original PD. A major amendment is any amendment that:

a) substantially alters the location of buildings, parking areas or roads;

b) increases or decreases the number of residential dwelling units by more than 5%;

c) increases the gross floor area of non-residential buildings by more than 5% or increases the gross floor area of any individual building by more than 10%;

d) increases the number of stories of any building;

e) decreases the amount of open space by more than 5% or alters it in such a way as to change its original design or intended use; or

f) creates non-compliance with any special condition attached to the approval of the master development plan.

Any other amendment may be made through review and approval by the planning commission.

515.61
Floodplain Overlay

Subdivision 1. Authorization, Findings and Purpose.

a) Statutory Authorization. The legislature of the state of Minnesota has, in Minnesota Statutes, chapters 103F and 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

b) Findings of Fact.

1) The flood hazard areas of Crystal, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2) Methods Used to Analyze Flood Hazards. This subsection is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

3) National Flood Insurance Program Compliance. This subsection is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

c) Purpose. It is the purpose of this subsection to promote the public health, safety, and general welfare and to minimize those losses described in subdivision 1 b) 1) of this subsection.

Subd. 2. General Provisions.

a) Lands to Which Subsection Applies. This subsection shall apply to all lands within the jurisdiction of the city of Crystal shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe, or general flood plain districts.

b) Establishment of Official Zoning Map. The official zoning map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this subsection. The attached material shall include the Flood Insurance Study, Volume 1 of 2 and Volume 2 of 2, Hennepin County, Minnesota, all jurisdictions and the Flood Insurance Rate Map panels numbered 27053C0192 E, 27053C0194 E, 27053C0203 E, 27053C0204 E, 27053C0211 E, 27053C0212 E, 27053C0213 E, and 27053C0214 E for the city of Crystal dated September 2, 2004, as developed by the Federal Emergency Management Agency. The official zoning map shall be on file and available for public review during normal business hours at Crystal City Hall, 4141 Douglas Drive North.

c) Regulatory Flood Protection Elevation. The regulatory flood protection elevation shall be an elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

d) Interpretation.

1) In their interpretation and application, the provisions of this subsection shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2) The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the board of adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the community adopted its initial floodplain subsection, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the board of adjustment and to submit technical evidence.

e) Abrogation and Greater Restrictions. It is not intended by this subsection to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this subsection imposes greater restrictions, the provisions of this subsection shall prevail. All other provisions inconsistent with this subsection are hereby repealed to the extent of the inconsistency only.

f) Warning and Disclaimer of Liability. This subsection does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This subsection shall not create liability on the part of the city of Crystal or any officer or employee thereof for any flood damages that result from reliance on this subsection or any administrative decision lawfully made thereunder.

g) Severability. If any section, clause, provision, or portion of this subsection is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subsection shall not be affected thereby.

h) Definitions. Unless specifically defined below, words or phrases used in this subsection shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this subsection its most reasonable application.

1) Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2) Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

3) Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that certain conditions as detailed in the zoning ordinance exist, and that the structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood.

4) Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

5) Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

6) Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

7) Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study.

8) Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

9) Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

10) Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

11) Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

12) Manufactured Home - a structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

13) Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

14) Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

15) Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between 2 consecutive bridge crossings would most typically constitute a reach.

16) Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this subsection, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

17) Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

18) Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

19) Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in subdivision 9 c) 1) of this subsection and other similar items.

20) Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

21) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this subsection, "historic structure" shall be as defined in Code of Federal Regulations, Part 59.1.

22) Variance - means a modification of a specific permitted development standard required in an official control including this subsection to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

Subd. 3. Establishment of Zoning Districts.

a) Districts.

1) Floodway District. The floodway district shall include those areas designated as floodway on the flood insurance rate map adopted in subdivision 2 b).

2) Flood Fringe District. The flood fringe district shall include those areas designated as floodway fringe. The flood fringe district shall include those areas shown on the flood insurance rate map as adopted in subdivision 2 b) as being within Zone AE, Zone A0, or Zone AH but being located outside of the floodway.

3) General Flood Plain District. The general flood plain district shall include those areas designated as Zone A or Zones AE, Zone A0, or Zone AH without a floodway on the flood insurance rate map adopted in subdivision 2 b).

b) Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this subsection and other applicable regulations which apply to uses within the jurisdiction of this subsection. Within the floodway, flood fringe and general flood plain districts, all uses not listed as permitted uses or conditional uses in subdivisions 4, 5 and 6 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

1) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this subsection and specifically subdivision 9.

2) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this subsection and specifically subdivision 11.

3) As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this subsection and specifically as stated in subdivision 10 of this subsection.

Subd. 4. Floodway District (FW).

a) Permitted Uses.

1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2) Industrial-commercial loading areas, parking areas, and airport landing strips.

3) Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4) Residential lawns, gardens, parking areas, and play areas.

b) Standards for Floodway Permitted Uses.

1) The use shall have a low flood damage potential.

2) The use shall be permissible in the underlying zoning district if one exists.

3) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

c) Conditional Uses:

1) Structures accessory to the uses listed in subdivision 4 a) above.

2) Extraction and storage of sand, gravel, and other materials; and structures accessory thereto.

3) Marinas, boat rentals, docks, piers, wharves, and water control structures; and structures accessory thereto.

4) Railroads, streets, bridges, utility transmission lines, and pipelines; and structures accessory thereto.

5) Storage yards for equipment, machinery, or materials; and structures accessory thereto.

6) Placement of fill or construction of fences; and structures accessory thereto.

7) Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of subdivision 9 c) of this subsection; and structures accessory thereto.

8) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event; and structures accessory thereto.

d) Standards for Floodway Conditional Uses.

1) All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

2) All floodway conditional uses shall be subject to the procedures and standards contained in subdivision 10 d) of this subsection.

3) The conditional use shall be permissible in the underlying zoning district if on exists.

4) Fill.

i) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

ii) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

iii) As an alternative, and consistent with subdivision 4 d) 4) ii) above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the county recorder.

5) Accessory Structures:

i) Accessory structures shall not be designed for human habitation.

ii) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

iii) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the state building code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

b) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

c) To allow for the equalization of hydrostatic pressure, there must be a minimum of 2 “automatic” openings in the outside walls of the structure having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding. There must be openings on at least 2 sides of the structure and the bottom of all openings must be no higher than 1 foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

6) Storage of Materials and Equipment.

i) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

ii) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

7) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

8) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Subd. 5. Flood Fringe District (FF).

a) Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district. If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the flood fringe district provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for flood fringe district permitted uses listed in subdivision 5 b) and the standards for all flood fringe uses listed in subdivision 5 e).

b) Standards for Flood Fringe Permitted Uses.

1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than 1 foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.

2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with subdivision 4 d) 5) iii) of this subsection.

3) The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with subdivision 5 b) 1) of this subsection.

4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

5) The provisions of subdivision 5 e) of this subsection shall apply.

c) Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with subdivision 5 b) 1) and 2) and/or any use of land that does not comply with the standards in subdivision 5 b) 3) and 4) shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in subdivision 5 d) and e) and subdivision 10 of this subsection.

d) Standards for Flood Fringe Conditional Uses.

1) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least 1 side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

i) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

ii) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

a) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of 2 openings on at least 2 sides of the structure and the bottom of all openings shall be no higher than 1 foot above grade. The automatic openings shall have a minimum net area of not less than 1 square inch for every square foot subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage.

2) Basements, as defined by subdivision 2 h) 2) of this subsection, shall be subject to the following:

i) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

ii) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with subdivision 5 d) 3) of this subsection.

3) All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the state building code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

4) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management subsection. In the absence of a state approved shoreland subsection, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5) Storage of Materials and Equipment.

i) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

ii) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

6) The provisions of subdivision 5 e) of this subsection shall also apply.

e) Standards for All Flood Fringe Uses:

1) All new principal structures must have vehicular access at or above an elevation not more than 2 feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the board of adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

2) Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds 4 upon occurrence of the regional flood.

3) Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subdivision 5 e) 2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

4) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.

6) Standards for recreational vehicles are contained in subdivision 9 c).

7) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subd. 6. General Flood Plain District.

a) Permissible Uses.

1) The uses listed in subdivision 4 a) of this subsection shall be permitted uses.

2) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to subdivision 6 b) below. Subdivision 4 shall apply if the proposed use is in the floodway district and subdivision 5 shall apply if the proposed use is in the flood fringe district.

b) Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

1) Upon receipt of an application for a permit or other approval within the general flood plain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the zoning administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe district.

i) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

ii) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

iii) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

iv) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

2) The applicant shall be responsible to submit 1 copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

   i) Estimate the peak discharge of the regional flood.

   ii) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

   iii) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3) The zoning administrator shall present the technical evaluation and findings of the designated engineer or expert to the governing body. The governing body must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the floodway and flood fringe district boundaries have been determined, the governing body shall refer the matter back to the zoning administrator who shall process the permit application consistent with the applicable provisions of subdivisions 4 and 5 of this subsection.

Subd. 7. Subdivision of Land.

a) Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this subsection and have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the floodway and flood fringe district boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

b) Floodway/Flood Fringe Determinations in the General Flood Plain District: In the general flood plain district, applicants shall provide the information required in subdivision 6 b) of this subsection to determine the 100-year flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.

c) Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Subd. 8. Public Utilities, Railroads, Roads, and Bridges.

a) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.

b) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with subdivisions 4 and 5 of this subsection. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

c) On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided, on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

Subd. 9. Manufactured Homes and Recreational Vehicles.

a) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by subdivision 7 of this subsection.

b) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with subdivision 5 of this subsection. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with subdivision 5 e) 1), then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the governing body. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

c) Recreational vehicles that do not meet the exemption criteria specified in subdivision 9 c) 1) below shall be subject to the provisions of this subsection and as specifically spelled out in subdivision 9 c) 3) and 4) below.

1) Exemption - Recreational vehicles are exempt from the provisions of this subsection if they are placed in any of the areas listed in subdivision 9 c) 2) below and meet the following criteria:

i) Have current licenses required for highway use.

ii) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.

iii) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

2) Areas Exempted For Placement of Recreational Vehicles.

i) Individual lots or parcels of record.

ii) Existing commercial recreational vehicle parks or campgrounds.

iii) Existing condominium type associations.

3) Recreational vehicles exempted in subdivision 9 c) 1) lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the recreational vehicle or exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in subdivisions 4 and 5 of this subsection. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

4) New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding 5 units or dwelling sites shall be subject to the following:

i) Any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with subdivision 5 e) 1) of this subsection. No fill placed in the floodway to meet this requirement shall increase flood stages of the 100-year or regional flood.

ii) All new or replacement recreational vehicles not meeting the criteria of subdivision 9 c) 4) i) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of subdivision 10 d) of this subsection. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of subdivision 9 c) 1) (i) and (ii) of this subsection will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with subdivision 8 c) of this subsection.

Subd. 10. Administration.

a) Zoning Administrator. A zoning administrator or other official designated by the governing body shall administer and enforce this subsection. If the zoning administrator finds a violation of the provisions of this subsection the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in subdivision 12 of this subsection.

b) Permit Requirements.

1) Permit Required. A permit issued by the zoning administrator in conformity with the provisions of this subsection shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

2) Application for Permit. Application for a permit shall be made in duplicate to the zoning administrator on forms furnished by the zoning administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

3) State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.

4) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this subsection.

5) Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this subsection, and punishable as provided by subdivision 12 of this subsection.

6) Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this subsection. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

7) Record of First Floor Elevation. The zoning administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The zoning administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

8) Notifications for Watercourse Alterations. The zoning administrator shall notify, in riverine situations, adjacent communities and the commissioner of the department of natural resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statutes, chapter 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

9) Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than 6 months after the date such supporting information becomes available, the zoning administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

c) Board of Adjustment.

1) Rules. The board of adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.

2) Administrative Review. The board of adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this subsection.

3) Variances. The board of adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this subsection as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the board of adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this subsection, any other zoning regulations in the community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

i) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

ii) Variances shall only be issued by a community upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or subsections.

iii) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4) Hearings. Upon filing with the board of adjustment of an appeal from a decision of the zoning administrator, or an application for a variance, the board of adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The board of adjustment shall submit by mail to the commissioner of natural resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least 10 days notice of the hearing.

5) Decisions. The board of adjustment shall arrive at a decision on such appeal or variance within 60 days of submittal of a complete application, in accordance with Minnesota Statutes 15.99. In passing upon an appeal, the board of adjustment may, so long as such action is in conformity with the provisions of this subsection, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the zoning administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the board of adjustment may prescribe appropriate conditions and safeguards such as those specified in subdivision 10 d) 6), which are in conformity with the purposes of this subsection. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this subsection punishable under subdivision 12. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within 10 days of such action.

6) Appeals. Appeals from any decision of the board of adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

7) Flood Insurance Notice and Record Keeping. The zoning administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program.

d) Conditional Uses. The planning commission and city council shall, respectively, hear and decide applications for conditional uses permissible under this subsection. Applications shall be submitted to the zoning administrator who shall forward the application to the planning commission for a public hearing. The planning commission shall then make a recommendation to the city council for consideration.

1) Hearings. Upon filing with the zoning administrator an application for a conditional use permit, the zoning administrator shall submit by mail to the commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive at least 10 days notice of the hearing.

2) Decisions. The city council shall arrive at a decision on a conditional use within 60 days of submittal of a complete application, in accordance with Minnesota Statutes 15.99. In granting a conditional use permit the city council shall prescribe appropriate conditions and safeguards, in addition to those specified in subdivision 10 d) 6), which are in conformity with the purposes of this subsection. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this subsection punishable under subdivision 12. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within 10 days of such action.

3) Procedures to be followed by the city council in passing on conditional use permit applications within all flood plain districts.

i) Require the applicant to furnish such of the following information and additional information as deemed necessary by the city council for determining the suitability of the particular site for the proposed use:

a) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

b) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

ii) Transmit 1 copy of the information described in subdivision 10 d) 3) i) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

iii) Based upon the technical evaluation of the designated engineer or expert, the city council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

4) Factors upon which the decision of the city council shall be based. In passing upon conditional use applications, the city council shall consider all relevant factors specified in other sections of this subsection, and:

i) The danger to life and property due to increased flood heights or velocities caused by encroachments.

ii) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

v) The importance of the services provided by the proposed facility to the community.

vi) The requirements of the facility for a waterfront location.

vii) The availability of alternative locations not subject to flooding for the proposed use.

viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

ix) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

x) The safety of access to the property in times of flood for ordinary and emergency vehicles.

xi) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

xii) Such other factors which are relevant to the purposes of this subsection.

5) Time for Acting on Application. The city council shall arrive at a decision on a conditional use within 60 days of submittal of a complete application, in accordance with Minnesota Statutes 15.99, except where additional information is required pursuant to subdivision 10 d) 4) of this subsection, in which case the city council shall arrive at a decision within no more than 60 additional days in accordance with Minnesota Statutes 15.99.

6) Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this subsection, the city council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this subsection. Such conditions may include, but are not limited to, the following:

i) Modification of waste treatment and water supply facilities.

ii) Limitations on period of use, occupancy, and operation.

iii) Imposition of operational controls, sureties, and deed restrictions.

iv) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

v) Flood proofing measures, in accordance with the state building code and this subsection. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

Subd. 11. Nonconforming Uses.

a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this subsection but which is not in conformity with the provisions of this subsection may be continued subject to the following conditions. Historic structures, as defined in subdivision 2 h) 31) of this subsection, shall be subject to the provisions of subdivision 11 a) 1) through 5) of this subsection.

1) No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

2) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the state building code, except as further restricted in subdivision 11 a) 3) and 6) below.

3) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of subdivision 4 or 5 of this subsection for new structures depending upon whether the structure is in the floodway or flood fringe district, respectively.

4) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this subsection. The assessor shall notify the zoning administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

5) If any nonconforming use or structure is substantially damaged, as defined in subdivision 2 h) 30) of this subsection, it shall not be reconstructed except in conformity with the provisions of this subsection. The applicable provisions for establishing new uses or new structures in subdivisions 4, 5 or 6 will apply depending upon whether the use or structure is in the floodway, flood fringe or general flood plain district, respectively.

6) If a substantial improvement occurs, as defined in subdivision 2 h) 31) of this subsection, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition, as required by subdivision 11 a) 2) above, and the existing nonconforming building must meet the requirements of subdivision 4 or 5 of this subsection for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively.

Subd. 12. Penalties for Violation.

a) Violation of the provisions of this subsection or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

b) Nothing herein contained shall prevent the city of Crystal from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

1) In responding to a suspected subsection violation, the zoning administrator and local government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the national flood insurance program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct subsection violations to the extent possible so as not to jeopardize its eligibility in the national flood insurance program.

2) When a subsection violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of natural resources' and federal emergency management agency regional office along with the community's plan of action to correct the violation to the degree possible.

3) The zoning administrator shall notify the suspected party of the requirements of this subsection and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the zoning administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit or development approval within a specified period of time not to exceed 30 days.

4) If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this subsection and shall be prosecuted accordingly. The zoning administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this subsection.

Subd. 13. Amendments. The flood plain designation on the official zoning map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the commissioner of natural resources if he determines that, through other measures, lands are adequately protected for the intended use. All amendments to this subsection, including amendments to the official zoning map, must be submitted to and approved by the commissioner of natural resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given 10-days written notice of all hearings to consider an amendment to this subsection and said notice shall include a draft of the subsection amendment or technical study under consideration.

515.65
SL Shoreland Overlay

Reserved.

515.69
AP Airport Overlay

Subdivision 1. Purpose. The purpose of the AO airport overlay district is to accommodate the continued operation of the Crystal Airport in accordance with the city's Comprehensive Plan. Additions to existing buildings and construction of new buildings on airport property shall be permitted as long as they comply with the standards established by this section in addition to the other applicable local, state and federal requirements.

Subd. 2. Standards. Any construction of buildings shall, at a minimum, comply with the following requirements:

a) Adequate fencing, control and protection are provided to prevent unauthorized access onto airport property.

b) Buildings and uses must be incidental, accessory and subordinate to the operations of the Crystal Airport.

c) Non-aeronautical uses are not permitted in the Airport Overlay District. Development of non-aeronautical uses would require a Comprehensive Plan amendment, rezoning to remove the Airport Overlay designation from the site of the proposed non-aeronautical use, and designation of a new zoning district appropriate for the proposed non-aeronautical use.

d) No building shall be within 200 feet of property zoned R-1, R-2 or R-3.

e) Outdoor storage is only allowed if it is clearly incidental, accessory and subordinate to the operations of the Crystal Airport. Outdoor storage shall be fully screened from any abutting property or public right-of-way. Such storage shall not be located within 200 feet of property zoned R-1, R-2 or R-3.

Sec. 2. Section 515, as amended, of the Crystal City Code, embodied in Appendix 1 of the Crystal City Code of 2004, is repealed.

CHAPTER VII

PUBLIC UTILITIES

Section 700 - Storm sewer utility

700.01. Storm sewer system; statutory authority. Minnesota Statutes, section 444.075, authorizes cities to impose just and reasonable charges for the use and availability of storm sewer facilities ("charges"). By this section, the city elects to exercise such authority.

700.03. Findings and determinations. In providing for such charges, the findings and determinations set out in this subsection are made.

a) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm sewer system ("the system"). This section is adopted in the further exercise of such authority and for the same purposes.

b) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. Such financing methods were appropriate to the circumstances at the time they were used. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this section.

c) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the city and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected storm water runoff from the various parcels of land within the city during a standard one-year rainfall event.

d) Assigning costs and making charges based upon typical storm water runoff cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this section undertake to establish a reasonable and practical methodology for making such charges.

700.05. Rates and charges. Subdivision 1. Residential equivalent factor. Rates and charges for the use and availability of the system are to be determined through the use of a "residential equivalent factor" ("REF"). For the purposes of this section, one REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land and subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the city during a standard one-year rainfall event.

Subd. 2. Determination of REF's for land uses. The REFs for the following land uses within the city and the billing classifications for those land uses are as follows:

Land Uses	REF	Classification
Cemeteries, vacant	.25	1
Parks and railroads	.75	2
Two-family residential	1.00	3
Single-family residential	1.00	4
Public and private schools and institutional uses, airport	1.25	5
Multiple-family residential uses and churches	3.00	6
Commercial, industrial and warehouse uses	5.00	7

Subd. 3. Other land uses. Other land uses not listed in the foregoing table are to be classified by the city manager by assigning them to the classes most nearly like the listed uses, from the standpoint of probable hydrologic response. Appeals from the city manager's determination of the proper classifications may be made to the city council in the same manner as other appeals from administrative determinations.

700.07. Establishing basic rate. In determining charges, the council may from time to time, by resolution establish a basic system rate to be charged against one acre of land having an REF of one. The charge to be made against each parcel of land will then be determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the basic system rate.

700.09. Standard acreage. For the purpose of simplifying and equalizing charges against property used for single-family and two-family residential purposes, each of such properties is considered to have an acreage of one-fifth acre.

700.11. Adjustments of charges. The city council may by resolution, from time to time, adopt policies providing for the adjustment of charges for parcels or grounds of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels. The adjustment may be made only after receiving the recommendation of the city manager and may not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all of the land uses in a particular classification, however, such adjustment must be accomplished by amending the REF table in subsection 700.05, subdivision 2.

700.13. Excluded lands. A charge for system availability of service will not be made against land which is either (i) public street right-of-way or (ii) vacant and unimproved with substantially all of its surface having vegetation as ground cover.

700.15. Supplying information. The owner, occupant or person in charge of any premises must supply the city with such information as the city may reasonably request related to the use, development and area of the premises. Willful failure to provide such information or to falsify it is a violation of this subsection.

700.17. Estimated charges. If the owner, occupant or person in charge of any premises fails or refuses to provide the information requested, as provided in subsection 700.15, the charge for such premises must be estimated and billed in accordance with such estimate, based upon information then available to the city.

700.19. Billings and collections. Bills for charges for the use and availability of the system must be rendered by the finance department in accordance with usual and customary practice in rendering of water and sanitary sewer service bills. Bills must be rendered quarterly, must be payable at the office of the city finance department and may be rendered in conjunction with billings for water or sanitary sewer service, or both.

700.21. Penalties and remedies for delinquency or default in paying billings. Penalties and remedies for late payments or non-payment of billings are the same as those applicable to billings rendered for water and sanitary sewer service.

700.23. Use of revenues. Revenues received from charges are to be placed in a separate storm sewer system account and used first to pay the normal, reasonable and current costs of operating and maintaining the system. Revenues from time to time received in excess of such costs may be used to finance improvements to and betterment of the system.

Section 705 - Sewer system; private sewers

705.01. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Sewage works" means facilities for collecting, pumping, treating and disposing of sewage.

Subd. 3. "Superintendent" means the utilities superintendent in the public works department. (Amended, Ord. No. 2011-1, Sec. 1)

Subd. 4. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present.

Subd. 5. "Sewer" means a pipe or conduit for carrying sewage.

Subd. 6. "Public sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Subd. 7. "Sanitary sewer" means a sewer which carried sewage and to which storm, surface and ground waters are not intentionally admitted.

Subd. 8. "Storm sewer or storm drain" means a sewer which carried storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Subd. 9. "Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.

Subd. 10. "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Subd. 11. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Subd. 12. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Subd. 13. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

Subd. 14. "B.O.D." (or biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in parts per million (ppm) by weight.

Subd. 15. "ph" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per litter of solution.

Subd. 16. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Subd. 17. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Subd. 18. "Watercourse" means the channel in which a flow of water occurs, either continuously or intermittently.

Subd. 19. "Sewage treatment plant" means an arrangement of devices and structures used for treating sewage.

705.03. Public sewers; general rules. Subdivision 1. Deposits. It is unlawful to place, deposit or permit to be deposited in an unsanitary manner human or animal excrement, garbage, or other objectionable waste in public or private property in the city.

Subd. 2. Discharge of sewage. It is unlawful to discharge sanitary sewage, industrial wastes, or other polluted waters into a natural outlet in the city.

Subd. 3. Septic tanks. Except as otherwise provided in this section, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Subd. 4. Sewer connections. The owner of a house, building or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on a street, alley, or right-of-way in which there was located on August 5, 1955 or thereafter located a public sanitary sewer of the city, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section within 90 days after the date of official notice to do so. The owner of a house, building or property where cesspools or drainfields and septic tanks have been in existence prior to the construction of the sanitary sewer, must connect with the public sewer when such cesspools, drainfields or septic tanks are in need of repairs, reconstruction or pumping.

705.05. Private sewers. Subdivision 1. Permits. Building permits or plumbing permits for new construction of buildings or for the alteration of existing buildings will not be granted unless a direct connection to the public sanitary sewer is provided for. The building or plumbing inspector must examine plans and specifications of the applicant to insure compliance with this subsection.

Subd. 2. Connection. When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection must be made to the public sewer in compliance with this section and any septic tanks, cesspools and other similar private sewage disposal facilities must be abandoned and filled with suitable material.

Subd. 3. Septic tanks; cesspools; filling. Contents of abandoned septic tanks or cesspools may be pumped into the sewer or may be emptied by flowing the contents thereof into the building sewer pipe at the property line, provided that a screen is placed at the inlet to the pipe to prevent obstructions from entering the system. After such draining into the sewer system the line must be flushed with clean water for a period of two hours. Solids may not be permitted to enter the sewer system.

705.07. Building sewers. Subdivision 1. Permit required. It is unlawful to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city and otherwise complying with the terms of this section. (Amended, Ord. No. 2011-1, Sec. 2)

Subd. 2. To whom issued. Permits for building sewers and connections may be issued only to master plumbers and pipelayers card holders licensed and bonded in accordance with appendix IV of this code. (Amended, Ord. No. 2011-1, Sec. 2)

Subd. 3. Plumbers; insurance. Prior to the commencement of construction work the master plumber must obtain a policy of insurance against damages to property or injury or death to persons, which policy must indemnify and save harmless the city and all of its officers and personnel against any claim, demand, damages, actions, or causes of action arising out of or by reason of the doing of the work or activities related to incident thereto, and from any costs, disbursements or expenses of defending the same. The property damage insurance coverage must be as required in Minnesota Statutes 466.04, as amended. Proof of insurance must be filed with the clerk prior to commencement of construction work. The policy must provide that the city is to be notified immediately of any termination of or modification to such insurance. Changes in insurance coverage or insurance carriers must be reported immediately to the clerk. If the insurance coverage provided in this section is inadequate in amount, then the master plumber must indemnify and save harmless the city and all of its officers and personnel in like manner. (Amended, Ord. No. 2011-1, Sec. 2)

Subd. 4. Application for permit. The master plumber or pipelayers card holder must make application for a building sewer permit on forms furnished by the city. The permit application must be supplemented by any plans, specifications, or other information that the superintendent may reasonably require, and accompanied by the fee imposed by appendix IV. The city must furnish a permit card with a permit number which must be prominently displayed on property where sewer connection is being made. The permit card must be displayed for the duration of the building sewer work. (Amended, Ord. No. 2011-1, Sec. 2)

Subd. 5. Costs. Costs and expenses incident to the installation and connection of the building sewer must be borne by the owner of the property. The owner must indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 6. Separate building sewers. A separate and independent building sewer must be provided for every building. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all the requirements of this section.

Subd. 7. Construction materials. The Minnesota Plumbing Code, as amended, is hereby adopted and incorporated in this section by reference. All sanitary sewer construction and material shall be in accordance with the provisions of the Minnesota Plumbing Code, as amended, except as follows: (Amended, Ord. No. 2011-1, Sec. 2)

a) If the distance is farther than 75 feet from the street to the building, a four-inch cleanout pipe with leak-proof cover set just below grade must be installed and brought to the surface of the ground from the sanitary sewer service at a distance not to exceed each 75-foot interval. (Added, Ord. No. 2011-1, Sec. 2)

b) The diameter of all building sewer pipe must be equal to or less than the diameter of the service stub. (Added, Ord. No. 2011-1, Sec. 2)

c) All quarter bends used in the sewer lines must be longsweep of bends. (Added, Ord. No. 2011-1, Sec. 2)

d) A maximum of only two quarter bends will be permitted in a building sewer without cleanout. (Added, Ord. No. 2011-1, Sec. 2)

e) No construction of the building sewer will be allowed until the service has been uncovered to establish the maximum building sewer grade. If the distance is farther than 100 feet from the street to the building, grade will be established and maintained by stubs and batter boards. (Added, Ord. No. 2011-1, Sec. 2)

f) Only joints connected with approved connectors will be allowed connecting the building sewer to the building drain or the building drain to the public sewer. (Added, Ord. No. 2011-1, Sec. 2)

g) Joints and connectors must be made gastight and watertight. (Added, Ord. No. 2011-1, Sec. 2)

Subd. 8. Private sewer crossings. Building sewer pipe may be laid across existing cesspools and septic tanks providing pipe rests on a steel reinforced concrete slab, the ends of which rest directly on the concrete block walls. The two center sections of a regular cesspool cover laid parallel with each other may be used.

Subd. 9. Building intersection. Whenever possible the building sewer must be brought to the building at an elevation below the basement floor. No building sewer must be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth must be sufficient to afford protection from frost. The building sewer must be laid at a uniform grade and in straight alignment insofar as possible.

Subd. 10. Pumps. In buildings in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain must be lifted by approved artificial means and discharged to the building sewer.

Subd. 11. Excavations. Excavations required for the installation of a building sewer must be open trench work unless otherwise approved by the superintendent. Tunnelling may be permitted but no tunnel may exceed six feet in length and the pipe must be installed so as to permit inspection of all joints. Backfill may not be placed until work has been inspected.

Subd. 12. Connections. The connection for the building sewer into the public sewer must be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer has no properly located "Y" branch available, the owner must at the owner's expense make a machine-cut hole into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of approximately 45 degrees. A 45 degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection must be the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint must be made, and the connection made secure and watertight by use of approved saddle or encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent and the engineer. Where building sewers or house sewers have been provided for each separate structure, all connections to the public sanitary sewer must be made where building sewers and house sewers have been installed. Connection with the public sanitary sewer at any other location must be approved by the engineer prior to the starting of any construction. If the building sewer or house sewer which has been installed cannot be used, then the property owner must pay the full cost of making the connection elsewhere. (Amended, Ord. No. 2011-1, Sec. 2)

Subd. 13. Inspection of work. The applicant for the building sewer permit must notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection must be made under the supervision of the superintendent or superintendent's representative. (Amended, Ord. No. 2011-1, Sec 2)

Subd. 14. Barricades. Excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disbursed in the course of the work must be restored in a manner satisfactory to the city. Traffic control must be accomplished by following rules of the Minnesota Uniform Traffic Control Manual, as amended. (Amended, Ord. No. 2011-1, Sec. 2)

705.09. Storm water discharge. Subdivision 1. Designation of storm sewers. Storm water and other unpolluted drainage must be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the council. Industrial cooling waters or unpolluted process waters may be discharged upon approval of the council to a storm sewer, or natural outlet. Discharge of sump pump, footing drain and other runoff-related water is addressed in Section 730 of this Code. (Amended, Ord. No. 2002-01, Sec. 1; Ord. No. 2011-1, Sec. 3)

Subd. 2. Wastes prohibited in sewers. Except as provided in this section, it is unlawful to discharge or cause to be discharged any of the following described waters or wastes to any public sewer: (Amended, Ord. No. 2002-01, Sec. 1)

a) Liquid or vapor having a temperature higher than 150 degrees F.

b) Water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.

c) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

d) Garbage that has not been properly shredded.

e) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plasters, paunch manure, disposable diapers and linens and other similar wet-strength paper materials, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

f) Water of wastes having a ph lower and 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.

g) Waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

h) Water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

i) Noxious or malodorous gases or substances capable of creating a public nuisance.

Subd. 3. Interceptors. Grease, oil, and sand interceptors must be provided when necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors must not be required for private living quarters or dwelling units. All such interceptors must be of a type and capacity approved by the engineer, and must be located as to be readily and easily accessible for cleaning and inspections. Grease and oil interceptors must be constructed of impervious materials capable or withstanding abrupt and extreme changes in temperature. They must be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place must be gastight and watertight. Where installed, grease, oil and sand interceptors must be maintained by the owner, at the owner's expense, in continuously efficient operation at all times. (Amended, Ord. No. 2002-01, Sec. 1)

705.11. Approval of industrial wastes. Subdivision 1. Prohibited wastes. The admission into the public sewers of any water or wastes enumerated in this subsection must be approved by the engineer:

a) A five day BOD greater than 300 parts per million by weight; or

b) Containing more than 350 parts per million by weight of suspended solids; or

c) Containing any quantity of substances having the characteristics described in subsection 705.09, subdivision 3.

d) Having an average daily flow greater than 2% of the average daily sewage flow of the city.

The owner must provide at the owner's expense such preliminary treatment as may be necessary to:

a) Reduce the BOD to 300 parts per million by weight and the suspended solids to 350 parts per million by weight; or

b) Reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection 705.09 of this code; or

c) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities must be submitted for the approval of the engineer and of the Minnesota Pollution Control Agency. No construction of facilities may be commenced until written approvals are obtained from each.

Subd. 2. Preliminary treatment facilities. Where preliminary treatment facilities are provided for any waters or wastes, they must be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

Subd. 3. Control manholes. The owner of property served by a building sewer carrying industrial waste must install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, must be accessibly and safely located, and must be constructed in accordance with plans approved by the engineer. The manhole must be installed by the owner at the owner's expense, and must be maintained by the owner so as to be safe and accessible at all times.

Subd. 4. Test methods. Measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in subdivisions 1 and 2 of this subsection will be determined in accordance with methods employed by the Minnesota department of health, and will be determined at the control manhole provided for in subdivision 3 of this subsection, or from suitable samples taken at the control manhole. If a special manhole has not been required, the control manhole will be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Subd. 5. Industrial exceptions. Nothing in this section is to be construed to prevent a special agreement or arrangement between the city and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

705.13. Damage. It is unlawful to maliciously, wilfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is a part of the municipal sewage works.

705.15. Inspections. The city engineer, superintendent, and other duly authorized employees of the city bearing proper credentials and identification may enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this section.

Section 710 - Sanitary sewer service charges

710.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Normal sewage" means water-carried waste products from residences, public buildings, business or industrial establishments, schools, or any other buildings or structures, including the excrements or other discharge from human beings or animals, together with such ground water infiltration as may be present.

Subd. 3. "Industrial waste" means a liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade, business, the development of any natural resource or a similar activity.

710.03. Classification of users. Subdivision 1. Users of the city's sanitary sewer system are classified in the following subdivisions.

Subd. 2.	Residence or residential unit (two motel units must equal one residential unit) Filling stations Church Garage Drive-in Barber shop, four chairs or less Neighborhood grocery Bakery Business establishment with ten or less employees having private rest room facilities only.
Subd. 3.	Bowling alley Roller rink Restaurant Bank Business establishment with more than ten but less than 26 employees with private rest room facilities only.
Subd. 4.	On sale liquor establishment not serving food Meat market Medical clinic Drug store with fountain and lunch counter Business establishment with more than 25 but less than 51 employees with private rest room facilities only. Beauty shop
Subd. 5.	On sale liquor establishment, serving food, with seating capacity of less than 101 persons Business establishment with more than 50 or less than 76 employees with private rest room facilities only.

Subd. 6. On sale liquor establishment, serving food, with seating capacity over 100 persons
Business establishment with more than 75 employees and private rest room facilities only
Laundromats
Large supermarkets with refuse disposal units.

Subd. 7. Buildings classified as personal property and located on land leased from the Metropolitan Airports Commission at the Crystal Airport. (Added, Ord. No. 2011-1, Sec. 4)

710.05. Sewer use rates. Subdivision 1. Charges imposed. The rates and charges for the use and service of the sanitary sewer system are fixed by this subsection. The rates and charges are made against each lot, parcel of land, unit or premises connecting directly or indirectly to the system and from which only normal sewage is discharged into the system.

Subd. 2. Flat charges. Where the rate is not based upon the metered use of water the following quarterly charges for the respective user classifications established in subsection 710.03 are as follows:

User classification established by subsection 710.03	Quarterly charge
Subd. 2	$ 38.20
Subd. 3	91.25
Subd. 4	219.45
Subd. 5	501.85
Subd. 6	684.80

(Amended, Ord. No. 94-14, Sec. 1)

Subd. 3. Schools. For a public or private school the quarterly charge will be charged whether school is in session or not and will be based upon the metered water consumption on the premises served. The minimum quarterly charge is $12.35 per classroom per quarter. If a school has an unmetered private water supply the minimum quarterly charge applies. (Amended, Ord. No. 94-14, Sec. 1)

Subd. 4. Metered flow charge. For premises where the sewer service charge is based upon metered use of water the charge is to be computed at the rate of $1.25 per 100 cubic feet of water. (Amended, Ord. No. 94-14, Sec. 1)

Subd. 5. Commercial, industrial and institutional uses. The sewer service charge is based upon metered water consumption on the premises served. The minimum quarterly charge is $38.10 per quarter. If the premises has an unmetered private water supply system, the quarterly charges set forth in subdivision 2 apply. Special charges for high intensity effluent users are established by ordinance no. 78-13. (Amended, Ord. No. 94-14, Sec. 1)

Subd. 6. Residential units. The sewer service charge for residential units is the quarterly charge set by subdivision 2 of this subsection. Each available unit of occupancy in a multiple residence is a residential unit.

Subd. 7. Crystal airport personal properties. There will be no sewer service charge if the water service is turned off. (Added, Ord. No. 2011-1, Sec. 5)

710.07. Metered water supply. Subdivision 1. Installation. A meter recording the use of water may be installed on any nonresidential lot, parcel, premises or unit enumerated in subsection 710.03, and thereafter the sewer use rate will be based upon such use of water. The engineer may require and order the installation of the meter on any such lot, parcel, premises, or unit or class thereof where it is determined that the flat charges are impractical to apply or result in inequitable charges because they are insufficient or excessive. Thereafter the rate will be based upon use of water as metered. (Amended, Ord. No. 2011-1, Sec. 6)

Subd. 2. Maintenance of meters. A water meter installed for use or used as a basis for the computation of sewer rates must be installed and maintained in good operating condition at all times. The installation of a water meter must be without expense to the city. Water meters must be of a type approved by the utilities superintendent and must accurately measure all water received on the premises. Installation of and maintenance of the meter must be made in accordance with chapter IV of this code, specifically the provisions in Section 425.11, subdivision 5. (Amended, Ord. No. 2011-1, Sec. 6)

710.09. Water credit. If the lot, parcel of land, or premises discharges normal sewage or industrial waste into the sanitary sewerage system, either directly or indirectly, and it can be shown to the satisfaction of the engineer that a portion of the water measured by the water meter does not and cannot enter the sanitary sewerage system, then the engineer may permit or require the installation of other or additional meters in such a manner that the quantity of water which actually could enter the sewer system may be determined. In these cases, the charges or rates will be based upon the amount of water which enters the sanitary sewerage system. (Amended, Ord. No. 2011-1, Sec. 7)

710.11. Information. The owner, occupant, or person in charge of any premises will supply the city with such information as the city may reasonably require related to use of water, use of sewer, or sewer rates. Wilful failure to provide such information or wilful falsification of such information is a violation of this section as is wilful failure to comply with any requirement or order issued pursuant to this section.

710.13. Estimated bills. If the owner, occupant or person in charge of any premises fails or refuses to provide information as provided in subsection 710.11 of this code or fails or refuses to comply with any requirement of this section, then the charge for the premises will be estimated and billed accordingly.

710.15. Pro-ration of charges. For a fraction of a quarter the charges and rates for non-metered units will be pro-rated according to the month of the quarter in which connection to the sewer is made.

710.17. Billing. Bills for charges for the use and service of the sewerage system will be made out by the city office in accordance with the usual and customary practices. Bills must be rendered quarterly. Bills are payable at the city office.

710.19. (Repealed, Ord. No. 94-14, Sec. 4)

710.20. Collections. Subdivision 1. Enforcement. A bill for sewer charges is due and payable on the 20th day of the month in which the bill is rendered. If payment of the billing has not been received by the city by the 25th day of the applicable month, a penalty of 10% of the billed amount will be added to the billed amount. The city may certify an unpaid bill, together with costs and interest, to the taxpayer services division manager for collection together with taxes against the property served as authorized by Minnesota Statutes, sections 279.03 and 444.075. This certification will be made regardless of who applied for sewer services, whether it was the owner, tenant or other person. Applications for sewer service will contain an explanation in clear language that unpaid sewer bills will be collected with real estate taxes in the following year. The city may bring a civil action or other remedies to collect unpaid charges. (Added, Ord. No. 94-14, Sec. 2)

Subd. 2. Definitions. For purposes of this subsection, the term "sewer charges" means and includes without limitation sewer rate charges, permit charges, availability charges, connection charges and any rate or charge authorized by Minnesota Statutes, section 444.075 or imposed by this section. When unpaid charges are certified for collection with taxes the term "charges" includes a certification fee set by appendix IV and interest on the unpaid charges at the annual rate set by appendix IV. (Added, Ord. No. 94-14, Sec. 2)

710.21. Special rates; senior citizens and disabled persons. The council may by resolution establish maximum sewer and water use rates for senior citizens and disabled persons, qualifications for, and the method of administering such special rates.

Section 715 - City water system

715.01. Utilities superintendent. The city manager may appoint a utilities superintendent who is to discharge the responsibilities imposed by this section, together with such other duties as may be required or assigned to that person.

715.03. General operation. The municipal water system is to be operated as a public utility and convenience from which revenue will be derived under the management and control of the city council, subject to the provisions of the agreement of the joint water commission. The system is to be operated and maintained in such a manner as to provide its service with maximum efficiency.

715.05. Use of water restricted to authorized persons. It is unlawful to make, construct or install a water service installation or make use of a water service that is connected to the water system except in the manner provided in this section.

715.07. Damage to water system. It is unlawful to remove or damage a structure, appurtenance or property of the water system, or fill or partially fill any excavation, or raise or open any gate constructed or maintained for the water system.

715.09. (Reserved, Ord. No. 2011-1, Sec. 8)

715.11. Deficiency of water; shutting off water. The city is not liable for a deficiency or failure in the supply of water to consumers. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off and kept shut off as long as deemed necessary by the superintendent.

715.13. Supply from one service. Not more than one housing unit or building may be supplied from one service connection except by special permission of the superintendent.

715.15. Tapping of mains prohibited. It is unlawful for a person except one employed or authorized by the city to tap a distribution main or pipe of the water supply system or insert stopcocks or ferrules therein.

715.17. Repair of leaks. The consumer or owner must maintain the service pipe from the building side of the curb stop or building side of the building gate valve into the house or building. In the case of failure upon the part of a consumer or owner to repair a leak occurring in the service pipe within 24 hours after verbal or written notice from the superintendent, the water will be shut off and will not be turned on until a penalty charge has been paid and the leak repaired. If the waste of water is great or if damage is likely to result from the leak, the water may be turned off immediately pending repairs. (Amended, Ord. No. 2011-1, Sec. 9)

715.19. Abandoned services.

a) Service installations that have been abandoned to not be used by property owner in the foreseeable future or have not been used for three years may be disconnected and plugged at the main by the city at the discretion of the city, and the related expense of the city will be charged to the property as an unpaid utility bill. (Amended, Ord. No. 2011-1, Sec. 10)

b) As an alternative, at the discretion of the engineer, the owner may pay to the city the Alternative Service Abandonment Fee shown in appendix IV. This fee relieves the owner of any future responsibility for the abandoned water service instead of plugging the main at the owner's expense. (Added, Ord. No. 2011-1, Sec. 10)

c) When buildings are reconstructed or redeveloped and it is desired to increase or change the old water service, connections with the mains may not be made until all old services have been removed and the main plugged by the owner's authorized contractor after said contractor obtains the required utility street cut permit from the city, and any related expense of the city will be charged to the property as an unpaid utility bill. (Amended, Ord. No. 2011-1, Sec. 10)

715.21. Excavation and construction requirements.

a) An excavation for the water system may not be made until a permit for the connection has been issued by the superintendent. The permit fee is set in appendix IV.

b) Excavations for making a tap from city water mains must conform to Federal Register Part 2 Department of Labor, Occupational Safety and Health Administration, 29 CFR 1926, Occupational Safety and Health Standards - Excavations: Final Rule. The excavations must extend to a depth at least 12 inches lower than the bottom of the water main. Ample clear space must be allowed for insertion of tapping machine. Excavations must be safe. If not determined safe by the tapper a tap may not be made. A safe ladder must be furnished by the contractor for use of entry, tapping, inspection and exiting.

c) In compliance with the Minnesota plumbing code, separation of water service pipes and sewer service pipes must be no less than ten feet apart horizontally or may be placed in a common trench if the bottom of the water service pipe is kept at a minimum of 12 inches above the top of the sewer pipe at all points and the water pipe is placed on a solid shelf at one side of the common trench. A common trench may also be used without the separation requirements if the sewer pipe is of ductile iron, schedule 40 plastic, or SDR35 ASTM D3034 plastic pipe and the water pipe is of copper or ductile iron.

715.23. Private water supplies. It is unlawful to connect a water pipe of the water system with a pump, well, tank or piping that is connected with any other source of water supply. If such cross connections are found to exist, the owner or the owner's plumber must give notice to the superintendent and make an immediate correction of the problem. Failure to correct the problem will result in the discontinuation of the city's water supply by the superintendent.

715.25. Use confined to premises. It is unlawful to permit water from the water system to be used for any purpose, except upon that person's premises unless written consent is obtained from the superintendent.

715.27. Connections beyond city boundaries. Where water mains of the city are in any street or alley adjacent to or outside the corporate limits of the city, the city may issue permits to the owners or occupants of properties adjacent or accessible to the water mains to make proper water service pipe connections with the water mains of the city, and to be supplied with water in conformity with the applicable provisions of this section and subject to the contract for the supply of water between the city and the city of Minneapolis or other municipalities. (Amended, Ord. No. 2011-1, Sec. 11)

715.29. Restrictions against sprinkling; other limitations of water use. Water customers and consumers are governed by the applicable regulations promulgated by the city of Minneapolis as to the limitations in the time and manner of using water and such other applicable regulations promulgated by the joint water commission affecting the preservation, regulations and protection of the water supply. If the city council determined that a shortage of water supply threatens the city, the council may by resolution limit the times and hours during which water may be used from the water system. It is unlawful to cause or permit water to be used for anything other than in home use during the period covered by the resolution. A daily penalty will be charged for this violation as provided in appendix IV. Charges will be added to that person's next utility bill.

715.31. Applications. Subdivision 1. Applications for service installations and for water service are made to the city on printed forms as provided by the city. (Amended, Ord. No. 2011-1, Sec. 12)

Subd. 2. Applications for service installations and for water service must be made by the owner or agent of the property to be served and state the size and location of service connection required. The applicant must, at the time of making application, pay to the city the amount of fees or deposit required for the installation of the service connection set in appendix IV. Applications for services larger than one inch must be accompanied by two sets of plans or sketches indicating preferred location or service pipe and size of service based on building demand.

Subd. 3. When service connections have been installed, application for water service may be made to the city, either by the owner, agent, tenant or occupant of the premises. (Amended, Ord. No. 2011-1, Sec. 12)

Subd. 4. The size of water service connections and meters must be approved by the superintendent. The water service may not be less than the size of the service pipe from the main to the curb stop. To better serve the building over a longer period of time, and because of future water usage such as yard irrigation systems, swimming pools and dishwashers, it is recommended that a one inch service pipe be the smallest service size. All services up to two inch must be type K copper with flared fittings for one inch and three part compression connection fittings approved by the superintendent for two inch diameter copper. Services larger than two inch must be ductile iron class 52 type designated by the city of Crystal standard specifications for water mains for the current year.

Subd. 5. A meter yoke will be furnished to the contractor or plumber at the time a connection permit is issued. (Amended, Ord. No. 2011-1, Sec. 12)

Subd. 6. The plumber must notify the inspection department within 24 hours after piping is complete and ready for meter and remote radio transmitter installation, giving street address and permit number. (Amended, Ord. No. 2011-1, Sec. 12)

Subd. 7. Water billing starts at the time of installation of the water meter, or if the meter is not installed, seven days after completion of outside piping, the billing will be calculated upon the minimum quarterly rate prorated on a monthly basis.

715.33. Service charges. Subdivision 1. A permit must be obtained from the city to connect to the existing water service leads at the curb stop box and interior plumbing. Permits will be issued only to a plumber licensed by the city. (Amended, Ord. No. 2011-1, Sec. 13)

Subd. 2. Additional charges must be paid at the time of making application for restoration of street surface where a curb box and service lead is installed and the charges are as follows: (Amended, Ord. No. 2011-1, Sec. 13)

a) The fees for restoration of a typical road bituminous street or for the restoration of a higher type street, the fee will be set by appendix IV. If owner restores roadway all backfill materials must be mechanically compacted in 12 inch layers to the density of the adjacent material in the roadway area in accordance with the Minnesota highway department standard specifications to the existing street grade, and fee will be refunded. (Amended, Ord. No. 2011-1, Sec. 13)

b) The owner must install, or have installed, the service connections from the water main to the property line. Payment for the service connections must be made before the work is started. (Amended, Ord. No. 1022-1, Sec. 13)

c) Service larger than two inch requires the owner to contract a qualified tapper who must be approved by the utilities superintendent. The tapping sleeves must be stainless steel. The sleeves must be mechanical joint or approved equal with a flanged outlet for connection to the tapping sleeve. The tapping sleeves must be as manufactured by Ford "fast tap" with ductile iron gland and stainless steel bolts or JCM model 432 stainless steel tapping sleeve, or approved equal. The owner must also provide valves and valve boxes. The valves must be resilient seat manufactured to meet applicable requirements of AWWA C500 and AWWA C109-80, as amended. The resilient seat valves must be Waterous, American, Clow or Mueller. The valve boxes must be Tyler 6860 or approved equal. (Amended, Ord. No. 2011-1, Sec. 13)

715.35. Damage to shutoff box. Before any grading or excavation is started, the water shutoff box must be located and checked for damage by the contractor. Location ties will be furnished by the superintendent at time connection permit is issued. If the shutoff box can not be located or is found bent or in a damaged condition, the superintendent is to be called at once. The contractor assumes all responsibility for damage to the shutoff box unless the superintendent certifies that damage existed before excavation or grading started.

715.37. Time for connections. If the plumber or contractor laying the service pipe fails to have the connection made at the time specified in the application, notice must be given to the superintendent fixing another day on which the plumber wishes to make connection. The notice must be given at least two days previous to the excavation for laying of the service pipe, and the connection must be made before 3:30 p.m. except in special cases, and then the work may be done only upon a written order from the superintendent. (Amended, Ord. No. 2011-1, Sec. 14)

715.39. Property Assessments. The permit fee for water main tapping will be paid for each connection in the amount specified in appendix IV. In addition, before any permit is issued the following conditions must be complied with:

a) A permit will not be issued to tap or connect with any water main of the city directly or indirectly from any lot or tract of land unless the finance officer has certified:

1) That such lot or tract of land has been assessed for the cost of construction of the water main with which the connection is made.

2) If no assessment has been levied for the construction cost, the proceedings for levying an assessment have been or will be completed in due course.

3) If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said water main would be assessable against the lot or tract has been paid to the city.

b) If the certificate cannot be issued by the finance officer, a permit to tap or connect to any water main may not be issued unless the applicant has paid an additional connection fee, equal to the portion of the cost of construction of the main which would be assessable against the lot or tract to be serviced by such tapping connection, including interest at a rate equal to the interest rate of 20 years or the amount of years the assessment was decreased, when it is determined by the public works director that the improvement was not subject to utilization until a later date. The assessable cost is to be determined by the director upon the same basis as any assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which will be charged for similar tapping or connection with the main, allocated on frontage basis, or both.

715.41. Location and installation of stop boxes and building gate valve. Curb stop boxes must be installed at a point on the property line most suitable to the property, and must be left in an accurate vertical position when back filling is completed. Curb stop boxes will be installed at an approximate depth of 7 1/2 feet below the grade established by the public works director. Type K copper tubing must be used for installation of water services. The curb stop must be mounted on a concrete block for a good base support. The building gate valve if wet tapped must be located next to the watermain within two feet and must remain at the same depth as the watermain. This will be considered the building shut off. Whenever possible a wet tap is recommended so as not to interrupt existing customers.

715.43. Supervision by plumber. Piping connections from curb box to house supply piping must be made under the supervision of a licensed plumber.

715.45. Turning on water. Only an authorized city employee may turn on or off any water supply at the stop box.

715.47. Accounts; how kept. Accounts must be kept on the books of the finance department by the house and street number and under the account number assigned thereto, and by the name of the owner or of the person signing the application for service. Bills and notices sent by the finance department will be sent to the house or street number of the property. If nonresident owners or agents desire personal notice sent to a different address, they must file an application therefor with the finance department. An error in address must be promptly reported to the finance department. Responsibility for a notice of change of ownership rests with the owner. For purposes of this section the term "owner" has the meaning given by subsection 105.01, subdivision 8.

715.49. Water rates. Subdivision 1. Schedule. The rate due and payable to the city by each water user within the city for water taken will be charged consistent with the rates contained in appendix IV, payable periodically, subject, however, to a service charge to each water user for each period during which water service is furnished. This service charge represents fixed or capital costs associated with maintenance of the water system. The charges and units of water are set and defined by resolution of the city council on an annual basis in appendix IV. (Amended, Ord. No. 2011-1, Sec. 15)

Subd. 2. Estimates. In the case that it is not possible to obtain a reading from the meter, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the past year. (Amended, Ord. No. 2011-1, Sec. 15)

Subd. 3. Billing. Where service is for less than a full billing period, the charge will be prorated.

Subd. 4. Rates due and payable by each water user located beyond the territorial boundaries of the city will be determined by special contract. (Amended, Ord. No. 2011-1, Sec. 15)

Subd. 5. Where a service pipe is connected to the stop box and laid into the building with no intention of connection to the building piping for use immediately the service charge set in subsection 715.49, subdivision 1 apply. (Amended, Ord. No. 2011-1, Sec. 15)

Subd. 6. A meter must be installed on the street valve in the house and a remote radio transmitter outside regardless of whether inside piping is connected. (Amended, Ord. No. 2011-1, Sec. 15)

Subd. 7. If a water customer elects to discontinue the use of the municipal water system, the regular or service charge continues until such date as the service pipe is excavated and disconnected at the stop box. (Amended, Ord. No. 2011-1, Section 15)

Subd. 8. The service charge set forth in appendix IV does apply to any residence in which the owner and head of the household is receiving retirement survivors insurance or disability insurance under the Social Security Act, 42 U.S.C. section 301, as amended. (Amended, Ord. No. 2011-1, Sec. 15)

715.51. Payment of charges. Any prepayment or overpayment of charges may be retained by the city and applied on subsequent quarterly statements.

715.53. Penalty for late payment. Each billing for water service not paid when due incurs a penalty charge of 10% of the amount past due.

715.55. Action to collect charges. Subdivision 1. An amount due for water charges may be certified to the taxpayer services division manager for collection with real estate taxes in accordance with Minnesota Statutes, sections 444.075 and 279.03. This certification will be made regardless of who applied for water services, whether it was the owner, tenant or other person. Applications for water service will contain an explanation in clear language that unpaid water bills will be collected with real estate taxes in the following year. The city may bring a civil action or other remedies to collect unpaid charges. (Amended, Ord. No. 94-14, Sec. 3)

Subd. 2. For purposes of this subsection the term "water charges" means and includes without limitation water rate charges, permit charges, availability charges, connection charges and any rate or charge authorized by Minnesota Statutes, section 444.075 or imposed by this section. When unpaid charges are certified for collection with taxes the term "charges" includes a certification fee set by appendix IV and interest on the unpaid charges at the annual rate set by appendix IV.

715.57. Water meters. Subdivision 1. Except for extinguishment of fires only authorized city employees may use water from the water system or permit water to be drawn therefrom, unless the same is metered by passing through a meter supplied or approved by the city. Only persons authorized by the superintendent may connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof.

Subd. 2. A water meter fee must be paid by customers for the furnishing of water meters and remote radio transmitters by the city. The customer must pay the fee before the water meter and remote radio transmitter are installed by the city. The fee required is not a customer service deposit and is not computed with reference to or based upon service supplied; the fee is required to insure the safekeeping and proper maintenance of the meter only, and for no other purpose. The fee is set by appendix IV. The fee stands to the credit of the property where the meter is installed, rather than to credit of the owner of the property at the time of the original fee payment. The water meter fee is non-refundable. (Amended, Ord. No. 2011-1, Sec. 16)

Subd. 3. The city will maintain and repair all meters and remote radio transmitters when rendered unserviceable through ordinary wear and tear and replace them if necessary. However, where replacement, repair, or adjustment of any meter or remote radio transmitter is rendered necessary by the act, neglect, including damage from hot water backup, freezeups, or carelessness of the owner or occupant of any premises, the expense caused the city thereby will be charged against and collected from the water customer. (Amended, Ord. No. 2011-1, Sec. 16)

Subd. 4. A consumer may, by written request, have a meter (up to one inch) tested by the water department; at which time the owner may be present or have a representative present. If the meter is found to register within 2% of being correct, a charge will be made for making the test. If the meter is found to register 2% incorrectly, no charge will be made for making the test. If the meter is found to over-register more than 2%, there will be a proportional deduction made from the previous water bill. A water meter will be considered to register satisfactorily when it registers within 2% of accuracy. The charges for meter testing are set by appendix IV.

Subd. 5. Meters and remote radio transmitter ownership. Except for additional or auxiliary meters, water meters and remote radio transmitters are the property of the city. (Amended, Ord. No. 2011-1, Sec. 16)

Subd. 6. Accessibility. Authorized city employees and authorized contractors and authorized employees of the authorized contractors have free access at reasonable hours to all parts of every building and premises connected with the water system for reading, inspection and repair of meters and remote radio transmitters. Failure to provide access may result in one or more of the following actions: (Amended, Ord. No 2011-1, Sec. 16)

a) Imposition, along with and in addition to other charges for service, a quarterly penalty charged as established by appendix IV.

b) Termination of service to the premises.

c) Billing and collecting for service to the premises on an estimated consumption basis whether or not meter readings are being obtained.

Subd. 7. Commercial or industrial buildings must be metered with one master meter of adequate size, as approved by the superintendent. If additional or auxiliary meters are desired for recording the subdivision of such supply, the meters must be furnished and set up by the owner or consumer at the owner's or the consumer's expense, and the owner or consumer must assume all responsibility of reading, billing and maintaining same.

715.59. Water meter setting. Water meters must be installed in accordance with the following rules:

a) The service pipe from the water main to the meter, when the same enters the building, must be brought through the floor in a vertical position.

b) The meter must be located so that the bottom is not less than 12 inches above the finished floor line and not greater than 24 inches above the finished floor line. A full flow street side valve must be placed approximately 12 inches above the floor. In addition a gate valve or ball valve must be installed on the house side adjacent to the meter, or just above the meter yoke. Fittings and pipe are to be red brass or bronze. Full flow valves must be 125 pounds standard. The meter must be set not more than 12 inches measured horizontally from the inside line of the basement wall, unless an alternate method is approved by the superintendent. An approved yoke must be provided to support the meter in the proper vertical position. Meters larger than one inch must be set on a pedestal. The outside remote radio transmitter must be installed not less than three nor more than five feet above grade level and mounted on the side of the building five feet from the front. (Amended, Ord. No. 2011-1, Sec. 17)

c) Meters two inch or greater in size must be equipped with a bypass line equal to one-half the size of the existing pipe size so that in the event a meter needs to be tested, repaired, or replaced, the building will still have a minimum amount of water supplied. The bypass line must be valved on each side, in addition to the meter valves and when completed must be sealed by the city utility department. This seal may not be tampered with and will be subject to a fine if seal is found tampered with or broken.

d) Meter, valves and yoke must be kept readily accessible at all times. (Amended, Ord. No. 2011-1, Sec. 17)

715.61. Charges for the availability of municipal water. Subdivision 1. The purpose of this subsection is to establish a system of charges for the availability of municipal water in order to provide for an equitable sharing of the cost of the municipal water system and is adopted pursuant to Minnesota Statutes, section 444.075.

Subd. 2. Properties in the city that (i) are improved and have water-consuming plumbing facilities and (ii) that abut upon streets or other places where water mains are located are subject to the charges provided for in this subsection.

Subd. 3. Schedule of charges. Periodic charges may be made against all properties not connected to the municipal water system. Charges are set by appendix IV. Charges against properties not connected to the municipal water systems and not listed above will be made on the basis of the meter size which would be needed if the property were connected to the municipal water system, based upon sizes of meters installed on similar properties elsewhere in the city.

Subd. 4. Accounts and procedures. Accounts will be kept, bills will be rendered and collected, and charges will be made for delinquent accounts in accordance with the procedures applicable to charges for municipal water.

715.63. Private hydrant service charge. There is an annual service charge, in appendix IV, for fire hydrants, payable by each owner upon whose property the hydrant is situated. These hydrants must conform to the type specified by the city. Any other type must be replaced by the owner and at the owner's expense. The charge covers a yearly maintenance program at which time the city will operate and lubricate the operating nut, nozzle caps and visually inspect all bolts and nuts that are above existing grade. Any replacement of parts will be billed to the owner at the owner's expense and will include city's cost for labor. (Amended, Ord. No. 2011-1, Sec. 18)

715.65. Water service; discontinuing of seasonal customers; freeze-ups. Subdivision 1. Water service, discontinuing. A consumer desiring to discontinue the use of water must notify the water department.

Subd. 2. Seasonal customers. There are no seasonal customers for water and sanitary sewer services. Charges are based upon the consumption of water. If there is no consumption for that month, a fee is charged according to the current rate schedule or the customer may have the water shut off and turned on at the curb box at the current fee.

Subd. 3. Freeze-ups. Water breaks due to freezing lines, in which a residence is not in use, are the responsibility of the owner. The owner will be charged for all water consumption as well as any sewer rates. An owner may appeal their sewer billing to the city council.

715.67. Discontinuance of water service. Subdivision 1. Grounds. Water service to a property may be shut off at a curb stop box by the city for the following reasons: (Amended, Ord. No. 2011-1, Sec. 19)

a) Violation of a provision of this code relating to the operation, maintenance or connection to the water system by any person; (Amended, Ord. No. 2011-1, Sec. 19)

b) Fraud or misrepresentation by an owner or occupant in connection with an application for service or for services provided under this section; (Amended. Ord. No. 2011-1, Sec. 19)

c) Failure of the owner or occupant to pay rates and charges or other financial obligations under this section for water service when due. (Amended, Ord. No. 2011-1, Sec. 19)

Subd. 2. Shut-off procedures. If the city manager determines that grounds exist for shutting off water service, the manager must notify the owner or occupant or both of the city's intent to shut off by mailed written notice not less than ten days nor more than 30 days prior to the date of shut-off. The notice must state that the owner or occupant or both may request a hearing before the city council at its next regularly scheduled meeting and that at the hearing the owner or occupant or both may present testimony as to why the service should not be shut off. The request for a hearing must be presented in writing to the city manager not later than the fifth day after mailing of the notice. A request from either the owner or occupant is sufficient to require the hearing. If a request for a hearing is received, the city manager may not shut off service until the hearing has been held and then only at the direction of the city council. If a request for a hearing is not timely received, the city manager may shut off the water service without further notice.

Subd. 3. Emergency shut-off. The procedure in subdivision 2 does not apply to water shut-off for the reasons specified in subsection 715.17.

715.69. Fire services. Subdivision 1. The construction of fire services must be made under the personal supervision of an authorized employee of the city. The cost of this supervision will be charged to the owner. (Amended, Ord. No. 2011-1, Sec. 20)

Subd. 2. Private fire protection services may be constructed with detect meters. All outlet valves must be sealed, and the system approved by the water department, fire department and conforms with all building codes. Detector checks the same size as building piping must be installed in all fire lines with a rising stem gate valve on each side of the check. All fire service lines will be equipped with a Watts Model 909 backflow preventer or approved equal unless waived by the superintendent. This requirement includes, but is not limited to, annual testing to be performed by the owner, and a copy of such test to be presented to the city. Testing must be done by an accredited backflow preventer tester.

Subd. 3. Fire protection systems may be opened in case of fire or for inspection, and may not supply water for domestic use, other than fire suppression purposes.

Subd. 4. When seals on a fire protection system are broken the owner or occupant must notify the water department within 24 hours.

Subd. 5. If more than one service is installed on the same premise, the piping of one may not be connected with the other, except with permission of the engineer. (Amended, Ord. No. 2011-1, Sec. 20)

Subd. 6. The fire marshal may limit the size of fire protection services where the street mains are not adequately sized in order to protect public interest.

Subd. 7. If the owner or occupant of any premises is found to be using water from a fire service for purposes other than fire protection, the water department may require the owner of the premises to furnish and install, at the owner's expense and under the direction of the water department, an approved water meter and radio and to keep the same in accurate operating condition. (Amended, Ord. No. 2011-1, Sec. 20)

715.71. Fire hydrants; permit required to use. Subdivision 1. Hydrants are available throughout the city, but the use of a fire hydrant, unless authorized by the water department, is prohibited. Temporary service from fire hydrants is available for contractors. A hydrant rental fee is required for usage of a hydrant for small water users. A hydrant rental fee, along with a metered charge, is required for tank filling and prolonged usages of fire hydrant. The meter will be furnished by the water department. (Amended, Ord. No. 2011-1, Sec. 21)

Subd. 2. Permits to use a fire hydrant will be issued for each individual job or contract, and for a minimum of 30 day periods as the superintendent may determine. The permit must state the location of the hydrant and will be for the use of that hydrant and none other.

Subd. 3. The user must make an advance cash deposit per appendix IV to guarantee payment for water used and to cover breakage and damage to hydrant and water meter. The deposit will be refunded upon expiration of the permit, less applicable charges for use. (Amended, Ord. No. 2011-1, Sec. 21)

Subd. 4. The user will pay a rental charge for each hydrant meter per appendix IV and the current water rates will be charged. (Amended, Ord. No. 2011-1, Sec. 21)

Subd. 5. Hydrants may be opened only with a hydrant operating wrench. The hydrant must be fully opened in order to operate properly. (Amended, Ord. No. 2011-1, Sec. 21)

Subd. 6. The fire hydrant will be checked before and after the usage. Any damage done will be charged to the holder of the permit.

Subd. 7. Hydrant meters not returned at the end of the construction season and kept over winter months will be charged an additional rental charge upon return of the meter. (Added, Ord. No. 2011-1, Sec. 21)

715.73. Senior citizen rates. The council may by resolution establish maximum water and sewer use rates for senior citizens and disabled persons, the qualifications for, and the method of administering the special rates.

Section 720 - Street lighting

720.01. System established. The city street lighting system is established and continued. The system consists of street lighting facilities, whether owned by the city or otherwise, for which the city purchases and supplies electrical energy from a public utility.

720.03. Costs of system. The costs of the street lighting system are the actual costs as billed to the city by the public utility, plus 10% for administrative expense.

720.05. Billing; billing units. Subdivision 1. Unit defined. For purposes of this section a billing unit is:

a) a single family residence,

b) an individual dwelling unit in a multiple dwelling, which must be considered to be 3/4 of one billing unit,

c) each two dwelling units in a motel or hotel,

d) each commercial or industrial office, store, plant, warehouse or institution,

e) each school building, and

f) each church building.

Subd. 2. Billing. The service charge to be billed to each billing unit is determined by dividing the total system cost by the number of billing units. The city clerk is to send quarterly bills to each billing unit directed to the same person to whom city sewer and water billings are sent for that unit. If a billing unit is not connected to the city water or sewer system the bill is to be sent to the owner of the billing unit. Bills are to be sent to all such units whether occupied or unoccupied. In the case of vacant property or property upon which construction is in progress, a bill may not be sent until city water and sewer service commences, or might have commenced if the property were to connect to city water and sewer service, and such billing will be pro-rated for the period of actual liability for street lighting service.

720.07. Assessment of unpaid bills. On or before November 1st of each year, the clerk must list the total unpaid charges for street lighting service against each separate lot or parcel to which they are attributable. The council will then spread the charges against property benefited as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the director of property taxation of Hennepin county and collection the following year along with the current taxes. (Amended, Ord. No. 2005-16, Sec. 1)

725 - Assessment of unpaid utility charges
(Added, Ord. No. 95-14, Sec. 1)

725.01. Authority. This section is adopted pursuant to section 8.03 of the city charter.

725.03. Assessment of unpaid utility bills. Subdivision 1. Additional authority. The method of collecting unpaid utility charges provided for in this section is in addition to other collection methods specified in this chapter and law.

Subd. 2. Assessment of unpaid bills. On or before November 1 of each year, the clerk must list the total unpaid charges for utility services governed by this chapter against each separate lot or parcel to which the charges are attributable. The council will then spread the charges against property benefited as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the taxpayer services division manager of Hennepin County and collection the following year together with current taxes. (Amended, Ord. 2004-10, Sec. 1)

Subd. 3. Definition of charges. For purposes of this section, the term "utility charges" means without limitation: water rate, sewer rate, storm sewer rate charges; permit charges; late payment charges; availability charges; connection charges, and any rate or charge authorized by Minnesota Statues, section 444.075 or imposed by this chapter and appendix IV.

Section 730 – Prohibiting discharges into the sanitary sewer system
(Added, Ord. No. 2002-01, Sec. 2)

730.01. Purpose. The discharge of water from roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation into the city sewerage system results in flooding and overloading of the sewerage system. When this water is discharged into the sanitary sewer system it is treated at the sewage treatment plant. This results in very large and needless expenditures. The city council, therefore, finds it in the best interest of the city to prohibit such discharges.

730.03. Discharge prohibited. Except as otherwise expressly authorized in this section, no water from any roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building, or structure, or is connected to city storm sewer or discharge through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connected to the city storm sewer line, shall include a check valve and an air gap located in a small diameter structure.

730.05. Disconnection. Before June 1, 2002, any person having a yard drain, roof surface, groundwater sump pump, footing tile, or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect or remove same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner.

730.07. Inspection. Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow an employee of the city of Crystal or a designated representative of the city to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the city inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this section.

730.09. Future inspections. Each sump pump connection identified will be reinspected periodically.

730.11. New construction. All new dwellings with sumps for which a building permit is issued after June 1, 2002, shall have a pump and shall be piped to the outside of the dwelling before a certificate of occupancy is issued.

730.13. Surcharge. A surcharge as specified in appendix IV is hereby imposed on every sewer bill mailed on and after January 1, 2003 to property owners who are not in compliance with this section or who have refused to allow their property to be inspected to determine if there is compliance. All properties found during reinspection to have violated this section will be subject to the penalty for all months between the two most recent inspections. (Amended, Ord. No. 2011-1, Sec. 22)

730.15. Winter discharge. The city manager is authorized to issue a permit to allow a property owner to discharge surface water into the sanitary sewer system. The permit shall authorize such discharge only from November 15 to March 15 and a property owner is required to meet at least one of the following criteria in order to obtain the permit:

a) The freezing of the surface water discharge from the sump pump or footing drain is causing a dangerous condition, such as ice buildup or flooding, on either public or private property.

b) The property owner has demonstrated that there is a danger that the sump pump or footing drain pipes will freeze up and result in either failure or damage to the sump pump unit or the footing drain and cause basement flooding.

c) The water being discharged from the sump pump or footing drain cannot be readily discharged into a storm drain or other acceptable drainage system.

Following ten days written notice and an opportunity to be heard, the city manager may require a property to discharge their sump pump into the sanitary sewer from November 15 to March 15 if surface water discharge is causing an icy condition on streets.

CHAPTER VIII

STREETS, ALLEYS AND PUBLIC WAYS

Section 800 - Streets and sidewalks

800.01. Width of streets and sidewalks. Subdivision 1. 50 foot streets. Streets having a width of more than 50 feet must have a roadway measured from curb to curb of 30 feet, and sidewalks must be five feet wide and laid one half foot from the property line. The remaining portion of the street is boulevard.

Subd. 2. Streets less than 50 feet. Streets having a width of 50 feet or less must have a roadway measured from curb to curb of 30 feet and sidewalks must be five feet wide and laid next to the property line. The remaining portion of the street is boulevard.

800.03. Planting in streets or sidewalk easements. Trees, bushes, or any plant life other than grass may not be planted or replanted within any of the public easements for right-of-way for streets, sidewalks and boulevards within the city except as permitted by subsections 800.20 and 800.21. If trees, bushes or any plant life other than grass is planted or replanted in violation of this section, upon written notice to the adjoining land owner, lessee or occupier of the land by any police officer or city employee, the adjoining land owner, lessee, or occupier of land must within 30 days of such notice, remove or cause to be removed from the right-of-way the tree, bush, or other plant life which is in violation of this section. If not removed within the 30 day period, the tree, bush, or other plant life which is in violation of this section may be removed by or at the direction of the city, and the expense of such removal may be charged against the adjoining land owner, lessee or occupier of land. (Amended, Ord. No. 2000-9, Sec. 1)

800.05. Street excavations; permits. Subdivision 1. Permit. It is unlawful for any person to make an excavation within any street or alley in the city for the purpose of installing water, sewer, steam or gas pipes, or electric or telephone conduits or for any other purpose, without first obtaining a permit for such excavation from the city engineer. A permit is not required for any such excavation that is made under a contract awarded by the city or made by persons hired by the city.

Subd. 2. Application. Application for permits is made in writing on forms provided for that purpose by the city. The form must set forth the pertinent regulations applicable to the permit, as prepared from time to time by the engineer, and as modified by the engineer with respect to the particular work covered by the permit. The engineer must prepare such regulations with respect to excavations within any street or alley and modify them with respect to particular work, as may be necessary or advisable to protect the public from injury, to prevent damage to public or private property, and to minimize interference with the public use of the streets.

Subd. 3. Issuance. Permits for excavations are in writing. The permit must be kept on the site of the work while it is in progress in the custody of the individual in charge and must be exhibited upon request made by any city official or police officer.

Subd. 4. Fees. Before a permit is issued, the applicant requesting the permit must pay the fee set by appendix IV of this code for each location covered by the permit. Each transverse excavation and each 300 feet or portion thereof of longitudinal excavation is a location.

800.07. Street excavations; other regulations. Subdivision 1. Barricades. Excavations must be protected by a suitable barricade, guard, or fence about the place of such excavation, sufficient to prevent persons or animals from being injured by falling into the same. The permittee must place and maintain, during the hours of the day flags, and between the hours of sunset and sunrise a suitable number of red lanterns or flares on all sides thereof to warn the general public of the existence of the excavation.

Subd. 2. Surety bond. A surety bond in the amount of $1,000 is required from each person requesting a permit except a duly licensed and bonded plumber, or a public utility corporation holding a franchise from the city. The bond must be conditioned that the holder will perform the work in accordance with the applicable regulations, will indemnify and save harmless the city from all damage caused in the execution of such work or costs in connection with the repair of the streets or alleys excavated, and that the holder will pay any and all damages that will be suffered by the city by reason of the failure of the person securing the permit to observe the terms of this section or by reason of negligence in the execution of the work.

Subd. 3. Contractor's insurance. A certified copy of the contractor's insurance policy, which must name the city of Crystal as an additional insured under the coverage provided by the policy, must be filed with the clerk. This insurance policy must be not less than $300,000 for bodily injury to or death of one person, and $250,000 on account of any one accident, and $50,000 for property damage.

Subd. 4. Traffic inconvenience. Work must progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to traffic. In the event that the work is not performed in accordance with the applicable regulations or ceases or is abandoned without due cause, the city may, after six hours notice in writing to the holder of the permit of intent to do so, correct the work or fill the excavation, and repair the street. The entire cost to the city of the work must be a liability of and must be paid by the person to whom the permit was issued.

Subd. 5. Utility permits. The provisions of this subsection are in addition to all utility connection permits that may be required by the code or by the rules and regulations of the engineer.

800.09. Sidewalk, curb and gutter construction. Subdivision 1. Engineer. The city engineer is responsible for the control and supervision of the construction and repair of all public sidewalks, curb, or curb and gutter and supervises or constructs such public sidewalk and curb and gutter whenever the same is ordered by the council.

Subd. 2. Permit. It is unlawful to lay or construct a sidewalk, driveway, curb, or curb and gutter upon any boulevard, street, parkway, or public ground without obtaining a permit from the engineer. The applicant must pay the fees set by appendix IV of this code.

Subd. 3. Bond. The permit application must be accompanied by a good and sufficient bond with at least two sureties, or a surety company, to guarantee the construction of such sidewalk, driveway, curb, or curb and gutter in accordance with the specifications on file in the office of the engineer, and to indemnify the city from any loss or damage that may arise by the obstruction of the street, or from any other cause. The bond must contain an agreement and condition that all artificial stone sidewalks, curbs, and curbs and gutters laid by the principal in such bond must be maintained by such principal for the period of two years after the completion of the laying of the same in a good and sufficient condition and free from all defects, settlements and cracks caused by action of the elements, the use of imperfect material or workmanship, or by the proper use of such sidewalks, curbs, and curbs and gutters for the purpose intended.

800.10. (Added, Ord. 2008-01) Curb cuts and driveway approaches within the public right-of-way. Subdivision 1. Permit required. It is unlawful for any person to create, construct, move or modify a curb cut or driveway approach within the public right-of-way without first obtaining a curb cut permit for such work in accordance with the procedures set forth in this section. The curb cut permit is in addition to a right-of-way permit.

Subd. 2. Definitions. For the purpose of this subdivision, “driveway” shall mean the area on private property providing vehicular access to the garage or parking area; “driveway approach” shall mean the area within the street right-of-way providing vehicular access from the curb cut to the driveway; and “curb cut” shall mean the edge of the street where joined by the driveway approach, whether or not standard concrete curb and gutter are present on the street.

Subd. 3. Standards. The permit holder shall perform the work authorized under the permit according to the standards specified below.

a) Curb cuts for 1-family and 2-family dwellings shall comply with the following requirements:

1) Curb cuts shall not exceed 22 feet in width or the width of the driveway at the property line, whichever is less.

2) If the curb cut is narrower than the driveway at the property line, then there may be an angled transition in the width of the driveway approach provided that the angle is no more than 45 degrees. In no circumstance shall any part of the driveway approach exceed 22 feet in width, unless the city manager, upon the recommendation of the city engineer, determines that, due to setback or topographic constraints, greater width in the boulevard is required for an angled transition to a wider, conforming driveway or lawful auxiliary space on private property.

3) When a property is permitted more than one auxiliary parking space in accordance with Exception #2 in 515.17, subdivision 4 i) 5), the city engineer may approve an additional angled transition in the width of the driveway approach to provide access to such auxiliary space. The additional area must only be on one side of the curb cut, be no more than three feet wider than the curb cut at the edge of the street pavement, and have an angle of no more than 45 degrees. The combined width of the driveway approach plus this additional area shall not exceed 22 feet anywhere in the street right-of-way, unless there are setback or topographic constraints that require greater width to provide reasonable access to a conforming driveway or lawful auxiliary space.

4) Two adjacent 1-family dwellings may share a single curb cut. In such cases, the maximum curb cut width shall be the sum of each dwelling's allowed curb cut width, but in no circumstances shall a shared curb cut exceed 32 feet in width.

5) Curb cuts and driveway approaches shall be at least three feet from the side lot line extended to the street, except that shared curb cuts may straddle the common lot line between the two properties sharing the curb cut.

6) No curb cut or driveway approach access on a collector or arterial street shall be located less than 30 feet from the corner. No curb cut access on a local street shall be located less than 20 feet from the corner. Distances shall be measured from the intersection of right-of-way lines.

b) Curb cuts for uses other than 1-family and 2-family dwellings shall comply with the following requirements:

1) Curb cuts shall not exceed 32 feet in width or the width of the driveway at the property line, whichever is less.

2) The width of driveway approach shall not exceed the curb cut width, unless the property has setback or topographic constraints and the city engineer makes a determination that for the property to have reasonable access the driveway must be allowed to be wider at the property line than it is at the curb cut.

3) Curb cuts and driveway approaches shall be at least five feet from the side lot line extended to the street.

4) Curb cuts and driveway approaches shall not be located less than 40 feet from one another.

5) No curb cut access or driveway approach on a collector or arterial street shall be located less than 30 feet from the corner. No curb cut access on a minor street shall be located less than 20 feet from the corner. This distance shall be measured from the intersection of right-of-way lines.

c) A parcel of land may have one curb cut for each 125 feet of street frontage, but every parcel of land may have one curb cut. A parcel of land used for a single family dwelling may have only one curb cut regardless of the amount of street frontage. The city manager, upon the recommendation of the city engineer, may find that one additional curb cut may be permitted for a parcel used for single family use provided that the additional curb cut provides access to an existing conforming or lawfully nonconforming structure, including but not limited to garages and paved surfaces lawfully used for vehicular parking, and that the parcel cannot be put to reasonable use without the additional curb cut. For a single family or two family dwelling, where a parcel of land abuts on an alley open to public use, one additional access is permitted opening on the alley for use only to access a garage.

d) The boulevard portion of the street right-of-way shall not be used for parking. This prohibition includes the driveway approach.

800.11. Street nuisances. Subdivision 1. Prohibition. The acts prohibited by this subsection are declared to be public nuisances and may be abated by the city as such.

Subd. 2. Dirt and filth. It is unlawful to throw, spill, place or deposit or leave, or cause to be thrown, spilled, placed, deposited or left, or permit any servant, agent or employee to throw, spill, place, deposit or leave in or upon any street, highway, alley, sidewalk, park or other public place in the city, any dirt, sweepings, filth, shells, garbage, vegetables, dead carcasses, sewage, slops, excrement, compost, stable manure, ashes, soot, tin cans, rags, waste paper, leaves, brush, weeds, grass, hay, excelsior, barrels, crates, boxes, letter or loose combustible materials; materials subject to being carried by the wind or unwholesome, noisome or putrescible material of any kind.

Subd. 3. Offensive liquids. It is unlawful to allow slops, or malodorous, noxious liquids to run, drip or fall into or upon any street, highway, alley, sidewalk, park, stream or other public place.

Subd. 4. Accumulation of ice and snow. It is unlawful to deposit accumulation of ice and snow in or upon any street or other public place or way.

Subd. 5. Glass, china or other substances. It is unlawful to place or cause to be placed or cause or allow to remain in or upon the surface of any street, highway, sidewalk, alley or other public place any glass, china, nails, tacks, or other sharp or penetrating substance.

Subd. 6. Fruit skins. It is unlawful to throw or deposit on any sidewalk or in any street or public place any part or portion of any fruit or vegetable or other substance, which when stepped upon by a person is liable to cause or does cause that person to slip or fall.

Subd. 7. Littering. It is unlawful to scatter, drop or spill or permit to be scattered, dropped or spilled any dirt, sand, gravel, clay, loam, stone or building rubbish, or hay, straw, sawdust, shavings, or other light materials of any sort, or manufacturing, trade or household wastes, refuse, rubbish of any sort, or ashes or manure, garbage, or other organic refuse or other offensive matter therefrom, or permit the same to be blown off therefrom by the wind in or upon any street, sidewalk, alley or other public place.

Subd. 8. Obstruction of sewers and drains. It is unlawful to throw or deposit or cause to be thrown or deposited into any drain, catch basin, sewer or gutter any substance which may cause obstruction or injury thereto or nuisance therein or to divert or stop the flow of any drain or sewer.

Subd. 9. Violation. It is unlawful to perform any of the acts prohibited by this subsection.

800.13. Damaging public property. It is unlawful to make any excavation, nor build or construct any fence, sidewalk, or building or structure of any nature in any street, road, avenue, lane, alley, or public grounds of or in the city for any purpose, or remove any earth or soil therefrom unless authorized to do so by a written permit from the council. A person, when so authorized, may not make any such excavation or construction except in accordance with the conditions, provisions, limitations and specifications contained in such permit and until that person has erected a guard or fence about the place of such excavation or building, sufficient to prevent persons or animals from being injured by falling into such excavation or by articles falling from such construction. Every person making such excavation or construction, when it is accomplished, or at any time when ordered by the council, must without delay, fill or remove the same, so that such public grounds or thoroughfares will be in at least as good condition as before the excavation or construction was made.

800.15. Damaging signs. It is unlawful to mar, injure, deface, destroy or place or cause to be placed any advertising device or representation of any kind or nature upon any fence, tree, guide posts or boards, sign boards, awnings, lamp posts, lamp or lanterns, street signs, telephone poles or electric poles upon or along any street, road, avenue, lane, alley, square or other public place in the city.

800.17. Damaging trees and shrubbery. It is unlawful to cut down, injure or destroy any fruit, shade or other tree or shrubbery growing or being in any public street, avenue, road, lane, alley, common square or other public ground in the city without the permission of the council.

800.19. New buildings. Subdivision 1. General rule. A high density residential, commercial, and industrial building constructed, whether with or without a garage, must conform to and comply with the provisions of this section. All residential property that abuts a street lined with concrete curb and sidewalk is also included in this rule.

Subd. 2. Requirements. All such buildings must provide a concrete driveway from the curb line to the property line of the lot upon which the building is to be placed. Concrete must be air-entraining portland cement concrete. Such concrete driveway must rise at the rate of 1/4 inch per foot from the top of the curb line to the property line of said lot. The driveway may not be less than 12 feet in width and be not less than six inches thick.

Subd. 3. Escrow required. A cash escrow must be deposited with the city clerk to guarantee the construction of the concrete driveway. A certificate of occupancy may not be issued for any building until all of the requirements of the building code, zoning or other ordinances of the city have been complied with, including the construction of the concrete driveway as prescribed above except that after October 15 of each calendar year a certificate of occupancy may be issued stipulating the driveway is to be constructed prior to July 1 of the following year. In the event that the driveway is not constructed by July 1 of the following year then the permittee will be considered in default, and if the permittee is in default, the escrow will be forfeited and the city, its employees, or its authorized agent must enter upon the lot and complete the concrete driveways as prescribed in this section.

800.20. Boulevard plantings. Flowers, ornamental grasses, forbs and bushes grown on that part of any boulevard inside the roadway to the property line of the adjoining landowner (or sidewalk, if one exists) are allowed without a permit from the city, provided they meet the following height requirements, and comply with other portions of the city code, including sight triangle restrictions pursuant to subsection 515.07. Nothing in this subsection excuses participating parties from complying with section 640 governing noxious weeds except that ornamental grasses may be grown in compliance with this subsection. Nothing in this subsection excuses participating parties from the responsibility of obtaining clearance from Gopher One prior to digging pursuant to Minnesota Statutes, sections 216D.01-.09 nor from liability for any resulting damage to utilities.

a) From the curb inward for five feet, only grass or groundcover may be planted.

b) From five feet inward to ten feet inward from the curb, a maximum plant height of 18 inches shall be maintained.

c) From ten feet inward from the curb to the end of the easement, no plant height restrictions shall apply. (Added, Ord. No. 2000-9, Sec. 2)

800.21. Planting of trees. Subdivision 1. The Public Works Department of the city of Crystal shall hereafter have the authority to direct and regulate the planting and preservation of shade and ornamental trees and bushes in the streets, alleys, and public grounds of said city.

Subd. 2. The Public Works Department may issue planting permits to individuals or groups to plant trees within the boulevards, subject to requirements it may establish. Fees for planting permits are set out in appendix IV.

Subd. 3. It is a misdemeanor for an individual or group to plant a tree on a boulevard without a planting permit from the Public Works Department. (Added, Ord. No. 2000-9, Sec. 3)

Section 802 - Public right-of-way
(Added, Ord. No. 98-8, Sec. 1)

802.01. Findings and purpose. The city holds the rights-of-way within its geographical boundaries as an asset in trust for its citizens. The city and other public entities have invested millions of dollars in public funds to build and maintain the rights-of-way. It also recognizes that some persons place facilities in the right-of-way and charge the citizens of the city for goods and services delivered thereby. Although such services are often necessary or convenient for the citizens, such persons receive revenue and/or profit through their use of public property.

To provide for the health, safety and well-being of its citizens, and to ensure the structural integrity of its streets and the appropriate use of the rights-of-way, the city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the rights-of-way, one of the causes for the early and excessive deterioration of its rights-of-way is frequent excavation.

This chapter imposes reasonable regulations on the placement and maintenance of equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies and be consistent with applicable law. Under this chapter, persons excavating or obstructing the rights-of-way will bear a fair share of the financial responsibility to maintain their integrity. This chapter provides for recovery of the city's costs associated with managing its rights-of-way.

This chapter is to be interpreted consistent with sections 700 and 705 (sewer system), 715 (water system), 800, (streets) and all other code sections that may relate to use of the right-of-way. To the extent any such provision is inconsistent with this chapter, the terms of this chapter shall control.

802.03. Definitions. Subdivision 1. The following definitions apply in this section of this chapter. References hereafter to "subsections" are unless otherwise specified references to subsections in this section. Defined terms remain defined terms whether or not capitalized.

Subd. 2. The following terms have the meanings given below:

a) "Applicant" means any person requesting permission to excavate or obstruct a right-of-way.

b) "City" means the city of Crystal, Minnesota. For purposes of subsection 802.55, city includes its elected officials, officers, employees and agents.

c) "Construction performance bond" means as referenced in Minnesota Statutes, section 237.162, subdivision 8, clause 2), means any of the following forms of security provided at the permittee's option:

1) individual project bond;

2) blanket bond, or other form of construction bond, in a form acceptable to the local government;

3) cash deposit;

4) security of a form listed or approved under Minnesota Statutes, section 15.73, subdivision 3;

5) letter of credit, in a form acceptable to the local government unit; and

6) self-insurance, in a form acceptable to the local government unit.

d) "Management costs" means the actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, chapter 123; Minnesota Statutes, sections 237.162 or 237.163 or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to section 802.59 of this code.

e) "Degradation" means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

f) "Degradation cost" means the cost to achieve a level of restoration as determined by the city at the time the permit is issued as shown in appendix VI.

g) "Degradation fee" means the estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

i) "Delay penalty" means the city may establish and impose a reasonable delay penalty for unreasonable delays in right-of-way excavation; obstruction, patching or restoration.

h) "Department" means the department of public works of the city.

j) "Department inspector" means any person authorized by the director to carry out inspections related to the provisions of this code.

k) "Director" means the director of the department of public works of the city, or their designee.

l) "Emergency" means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

m) "Equipment" means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

n) "Excavate" means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

o) "Excavation permit" means the permit which, pursuant to this section, must be obtained before a person may excavate in a right-of-way. An excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

p) "Excavation permit fee" means money paid to the city by an applicant to cover the costs as provided in section 802.21.

q) "Facility or facilities" means any tangible asset in the public right-of-way required to provide utility service.

r) "Five-year project plan" means a project adopted by the city for construction within the next five years.

s) "Hole" means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

t) "Local representative" means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this section.

u) "Obstruct" means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

v) "Obstruction permit" means the permit which, pursuant to this section, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way by placing equipment described therein on the right-of-way for the duration specified therein.

w) "Obstruction permit fee" means money paid to the city by a permittee to cover the costs as provided in section 802.21.

x) "Patch or patching" means a method of pavement replacement that is temporary in nature. A patch consists of: (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the city's five year project plan.

y) "Pavement" means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with asphalt, concrete, aggregate, or gravel.

z) "Permit" has the meaning given "right-of-way permit" in Minnesota Statutes, section 237.162.

aa) "Permittee" means a person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this code.

bb) "Person" means any individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political. examples include:

1) a business or commercial enterprise organized as any type or combination of corporation, limited liability company, partnership, limited liability partnership, proprietorship, association, cooperative, joint venture, carrier or utility, and any successor or assignee of any of them;

2) a social or charitable organization; and

3) any type or combination of political subdivision, which includes the executive, judicial, or legislative branch of the state, a local government unit, or a combination of any of them.

cc) "Probation" means the status of a person that has not complied with the conditions of this chapter.

dd) "Probationary period" means one year from the date that a person has been notified in writing that they have been put on probation.

ee) "Public right-of-way" has the meaning given it in Minnesota Statutes, section 237.162.

ff) "Registrant" means any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities in the right-of-way.

gg) "Restore or restoration" means the process by which a public right-of-way is returned to the same condition that existed before excavation.

hh) "Restoration cost" means the amount of money paid to the city by a permittee to achieve the level of restoration according to appendix VI and paid in lieu of a degradation fee.

ii) "Right-of-way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

jj) "Right-of-way user" means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way, that is used or is intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

kk) "Right-of-way permit" means either the excavation permit or the obstruction permit, or both, depending on the context, required by this code.

ll) "Service" or "utility service" includes but is not limited to (1) those services provided by a public utility as defined in Minnesota Statutes, section 216B.02, subdivisions. 4 and 6; (2) telecommunications, pipeline, community antenna television, fire and alarm communications, water, electricity, light, heat, cooling energy, or power services; (3) the services provided by a corporation organized for the purposes set forth in Minnesota Statutes, section 300.03; (4) the services provided by a district heating or cooling system; and (5) cable communications systems as defined in Minnesota Statutes, chapter 238; and a (6) telecommunication right-of-way user as defined in paragraph nn) of this subdivision.

mm) "Supplementary application" means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

nn) "Telecommunication rights-of-way user" means a person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this section, a cable communication system defined and regulated under Minnesota Statutes, chapter 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minnesota Statutes, section 216B.02, a municipality, a municipal gas or power agency organized under Minnesota Statutes, chapters 453 and 453A, or a cooperative electric association organized under Minnesota Statutes, chapter 308A, are not telecommunications right-of-way users for purposes of this section.

oo) "Temporary surface" means the compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the local government unit's two-year project plan, in which case it is considered full restoration.

pp) "Trench" means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

qq) "Two-year project plan" means a project that the city has scheduled for construction within the next two years.

rr) "Unusable facilities" means facilities in the right-of-way which have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using it within the next 12 months or a potential purchaser or user of the facilities.

ss) "Utility service" includes but is not limited to: (1) those services provided by a public utility as defined in Minnesota Statutes, section 216B.02; subdivisions 4 and 6; (2) service provided by a telecommunications right-of-way user as defined in Minnesota Statutes, section 237.162, subdivision 4; (3) service provided by cable communications system as defined in Minnesota Statutes, chapter 238; (4) electric energy or telecommunications service provided by a local government unit, except telecommunications service related to providing natural gas or electric energy service; (5) service provided by a cooperative electric association organized under the provisions of Minnesota Statutes, chapter 308A; (6) fire and alarm communications; and (7) community antenna television, water, sewer, district cooling or hearing systems.

802.05. Administration. The director is the principal city official responsible for the administration of the rights-of-Way, Right-of-way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

802.07. Utility coordination committee. The city may create an advisory utility coordination committee. Participation on the committee is voluntary. It will be composed of any registrants that wish to assist the city in obtaining information and by making recommendations regarding use of the right-of-way, and to improve the process of performing construction work therein. The director may determine the size of such committee and shall appoint members from a list of registrants that have expressed a desire to assist the city.

802.09. Registration and right-of-way occupancy. Subdivision 1. Registration. Each person who occupies, uses, or seeks to occupy or use, the right-of-way or place any equipment or facilities in the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the director. Registration will consist of providing application information and paying a registration fee.

Subd. 2. Registration prior to work. No person may construct, install, repair, remove, relocate, or perform any work within, or use any facilities on or in, any right-of-way without first being registered with the director.

Subd. 3. Exceptions. Nothing herein shall be construed to repeal or amend the provisions of the city code permitting persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this section. However, nothing herein relieves a person from complying with the provisions of the Minnesota Statutes, chapter 216D, "one call" law.

802.11. Registration information. Subdivision 1. Information required. The information provided to the director at the time of registration shall include, but not be limited to:

a) Each registrant's name, Gopher One-Call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.

b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

c) A certificate of insurance or self-insurance:

    1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state of Minnesota, or a form of self insurance acceptable to the director;

2) Verifying 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 right-of-way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;

3) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;

4) Requiring that the director be notified 30 days in advance of cancellation of the policy or material modification of a coverage term;

5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the director in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this section.

d) The actual insurance policies, when the certificate of insurance does not contain the information required in subparagraph c) of this code.

e) If the person is a corporation, a copy of the certificate required to be filed under Minnesota Statutes, section 300.06 as recorded and certified to by the Secretary of State.

f) A copy of the person's order granting a certificate of authority from the Minnesota public utilities commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

Subd. 2. Notice of changes. The registrant shall keep all of the information listed above current at all times by providing to the director information as to changes within 15 days following the date on which the registrant has knowledge of any change.

802.13. Reporting obligations. Subdivision 1. Operations. Each registrant shall, at the time of registration and by December 1 of each year thereafter, file a construction and major maintenance plan for underground facilities with the director. Such plan shall be submitted using a format designated by the director and shall contain the information determined by the director to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way.

The plan shall include, but not be limited to, the locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "next-year project").

By January 1 of each year the director will have available for inspection in the director's office a composite list of all projects of which the director has been informed in the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by February 1, each registrant may change any project in its list of next-year projects, and must notify the director and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

Subd. 2. Additional next-year projects. Notwithstanding the foregoing, the director will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the city if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

802.15. Permit requirement. Subdivision 1. Permit required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the director to do so.

a) Excavation permit. An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

b) Obstruction permit. An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

Subd. 2. Permit extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person (i) makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. Delay penalty. Notwithstanding subdivision 2 of this section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution.

Subd. 4. Permit display. Permits issued under this section shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the director.

802.17. Permit applications. Application for a permit is made to the director. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

a) Registration with the director pursuant to this section;

b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.

c) Payment of money due the city for

1) permit fees, estimated restoration costs and other management costs,

2) prior obstructions or excavations;

3) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the right-of-way or any emergency actions taken by the city;

4) franchise fees, if applicable.

d) When an excavation permit is requested for purposes of installing additional facilities, and previously posted construction performance bond is insufficient to cover the additional facilities, the posting of an additional or larger construction performance bond to include additional facilities may be required.

802.19. Issuance of permit; conditions. Subdivision 1. Permit issuance. If the applicant has satisfied the requirements of this section, the director shall issue a permit without delay, but in no event no later than ten days after applicant has satisfied all such requirements.

Subd. 2. Conditions. The director may impose reasonable conditions, in accordance with the law, upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or to protect the right-of-way and its current use. The director may require, as a condition of the permit, the applicant to provide notice of its project to properties within a certain area surrounding the project site. (Amended, Ord. 2015-04)

802.21. Permit fees. Subdivision 1. Excavation permit fee. The excavation permit fee shall be established by the director in an amount sufficient to recover the following costs:

a) the city management costs;

b) restoration costs, if applicable.

Subd. 2. Obstruction permit fee. The obstruction permit fee shall be established by the director and shall be in an amount sufficient to recover the city management costs.

Subd. 3. Payment of permit fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay such fees within 30 days of billing.

Subd. 4. Non refundable. Permit fees that were paid for a permit that the director has revoked for a breach as stated in section 802.41 are not refundable.

802.23. Right-of-way patching and restoration. Subdivision 1. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of extraordinary circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under section 802.29, subdivision 2.

Subd. 2. Patch and restoration. Permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

a) City restoration. If the city chooses to restore the right-of-way, permittee shall pay the costs thereof within 30 days of billing. If, during the 24 months following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within 30 days of billing, all costs associated with having to correct the defective work.

b) Permittee restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in an amount determined by the director to be sufficient to cover the cost of restoration. If, within 24 months after completion of the restoration of the right-of-way, the director determines that the right-of-way has been properly restored, the surety on the construction performance bond shall be released.

Subd. 3. Standards. The permittee shall perform patching and restoration according to the standards and with the materials specified by the director. The director shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. The director in exercising this authority shall comply with PUC standards for right-of-way restoration and shall further be guided by appendix VI and the following considerations:

a) The number, size, depth and duration of the permittee’s excavations, disruptions or damage to the right-of-way;

b) The traffic volume carried by the right-of-way; the character of the neighborhood surrounding the right-of-way;

c) The preexcavation condition of the right-of-way; the remaining life-expectancy of the right-of-way affected by the excavation;

d) Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right-of-way that would otherwise result from the excavation, disturbance or damage to the right-of-way; and

e) The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right-of-way that would otherwise take place.

Subd. 4. Guarantees. If permittee restores the right-of-way, the permittee guarantees its work and shall maintain it for 24 months following its completion. During this 24-month period it shall, upon notification from the director, correct all restoration work to the extent necessary, using the method required by the director. Work shall be completed within 15 calendar days of the receipt of the notice from the director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under section 802.29, subdivision 2.

Subd. 5. Failure to restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the director, or fails to satisfactorily and timely complete all Restoration required by the director, the director at its option may do such work. In that event the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

Subd. 6. Degradation cost in lieu of restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

802.25. Joint applications. Subdivision 1. Joint application. Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

Subd. 2. With city projects. Registrants who join in a scheduled obstruction or excavation performed by the director, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the obstruction and degradation portions of the permit fee.

Subd. 3. Shared fees. Registrants who apply for permits for the same obstruction or excavation, which the director does not perform, may share in the payment of the obstruction or excavation permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

802.27. Supplementary Applications. Subdivision 1. Limitation on area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subd. 2. Limitation on dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be done before the permit end date.

802.29. Other obligations. Subdivision 1. Compliance with other laws. Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including Minnesota Statutes, section 216D.01-.09 ("one call excavation notice system"). A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work, provided, however, that permittee shall not be responsible for work performed by the city if, pursuant to section 802.23, subdivision 2, the city restores the right-of-way itself.

Subd. 2. Prohibited work. Except in an emergency, and with the approval of the director, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 3. Interference with right-of-way. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

802.31. Denial of permit. The director may deny a permit for failure to meet the requirements and conditions of this section or if the director determines that the denial is necessary to protect the health, safety, and welfare or is necessary to protect the right-of-way and its current use.

802.33. Installation requirements. The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with engineering standards adopted by the PUC or other applicable local requirements, in so far as they are not inconsistent with the PUC rules.

802.35. Inspection. Subdivision 1. Notice of completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance PUC rules.

Subd. 2. Site inspection. Permittee shall make the work-site available to the director and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. Authority of director.

a) At the time of inspection the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

b) The director may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit pursuant to section 802.41.

802.37. Work done without a permit. Subdivision 1. Emergency situations. Each registrant shall immediately notify the director 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. Within two business days after the occurrence of the emergency the registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this section for the actions it took in response to the emergency.

If the director becomes aware of an emergency regarding a registrant's facilities, the director shall make all reasonable efforts to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the director may take whatever action it deems necessary to respond to the emergency and such cost shall be borne by the registrant whose facilities occasioned the emergency.

Subd. 2. Non-emergency situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees required by this chapter, deposit with the director the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.

802.39. Supplementary notification. If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the director of the accurate information as soon as this information is known.

802.41. Revocation of permits. Subdivision 1. Substantial breach. The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit where a substantial breach remains uncured for 15 calendar days after permittee receives written notice of such breach from the city. A substantial breach by permittee shall include, but shall not be limited to, the following:

a) The violation of any material provision of the right-of-way permit;

b) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;

c) Any material misrepresentation of fact in the application for a right-of-way permit;

d) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee’s control; or

e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to section 802.35, subdivision 3.

Subd. 2. Written notice of breach. If the director determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the director shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the director, at director's discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to notice of breach. Within 48 hours of receiving written notification of the breach, permittee shall provide the director with a plan, acceptable to the director, that will cure the breach. Permittee's failure to contact the director, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the director, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one full year.

Subd. 4. Cause for probation. From time to time, the director may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way intentionally and materially outside of the permit authorization.

Subd. 5. Automatic revocation. If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

Subd. 6. Reimbursement of city costs. If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

802.43. Mapping data. Subdivision 1. Information required. Each registrant shall provide mapping information as defined by the director in accordance with the law.

Subd. 2. Trade secret information. At the request of any registrant, any information requested by the director, which qualifies as a "trade-secret" under Minnesota Statutes, section 13.37(b) shall be treated as trade secret information as detailed therein.

802.45. Location of facilities. Subdivision 1. Undergrounding. Except as provided in this section, and as may otherwise be permitted by an existing franchise, the construction or installation of new facilities, and the replacement or relocation of old facilities, shall be done underground or contained within buildings or other structures in conformity with applicable codes. The undergrounding of new facilities shall not be required if the facilities are placed on existing utility poles to serve existing residential, commercial, or industrial structures. The placement of new facilities, or the replacement of existing facilities, to extend utility service from the right-of-way into individual properties to serve new or substantially renovated structures shall be undergrounded. If the facilities for which the utility poles were originally erected are undergrounded, all other facilities on the utility poles must also be undergrounded. (Amended, Ord. 2015-07)

Subd. 2. Nuisance. One year after the passage of this section, any facilities found in a right-of-way that have not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a useable condition.

Subd. 3. Limitation of space. To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, in accordance with the law and shall be guided by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

802.47. Relocation of equipment or facilities. The director may require all registrants to promptly remove and relocate its equipment and facilities in the ROW, at the registrant's expense, when the director reasonably determines that the registrant's equipment or facilities interferes or will interfere with one or more of the following:

a) An existing or planned city public improvement project, authorized by law, but not a city owned gas, electric or telecommunications utility improvement project; or

b) The city's duty to protect the health, safety or welfare of the public, including the city's duty to ensure safe and convenient travel over the right-of-way.

For purposes of this section, "interfere" means that the location of the equipment or facilities (i) restricts the city from carrying out the above projects or duties, or (ii) causes or will cause the city to incur significant additional cost or be exposed to potential liability to the registrant or third parties in carrying out the above projects or duties, were the equipment or facilities to remain in the same location; or (iii) constitutes a safety hazard. Following removal and relocation the registrant, at its own expense, must restore the right-of-way affected to the same condition that existed prior to the removal.

Notwithstanding the foregoing, a registrant shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the registrant.

802.49. Pre-excavation facility and facilities location. In addition to complying with the requirements of Minnesota Statutes, section 216D.01-.09 ("one call excavation notice system") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and approximate vertical placement of all said Facilities. Any registrant whose facilities is less than 20 inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

802.51. Damage to other facilities. When the director does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the director shall notify the local representative as early as is reasonably possible. The registrant may move its facilities, at its own expense. At the discretion of the director the city may move registrant’s facilities, in which case the costs associated therewith will be billed to that registrant and must be paid within 30 days from the date of billing.

Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each registrant shall be responsible for the cost of repairing any damage to its own facilities.

802.53. Right-of-Way Vacation. Subdivision 1. Reservation of right. If the city vacates a right-of-way which contains the facilities of a registrant, and if the vacation does not require the relocation of registrant’s or permittee’s facilities, the city shall reserve, to and for itself and all registrants having facilities in the vacated right-of-way, the city’s, and all registrants’ right to install, maintain and operate their respective facilities in the vacated right-of-way and to enter upon such right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.

Subd. 2. Relocation of facilities. If the vacation requires the relocation of registrant's or permittee's facilities; and (i) if the vacation proceedings are initiated by the registrant or permittee, the registrant or permittee must pay the relocation costs; or (ii) if the vacation proceedings are initiated by the city, the registrant or permittee must pay the relocation costs unless otherwise agreed to by the city and the registrant or permittee; or (iii) if the vacation proceedings are initiated by a person or persons other than the registrant or permittee, the city shall require such other person or persons to pay the relocation costs.

802.55. Indemnification and liability. By registering with the director, or by accepting a permit under this section, a registrant or permittee agrees as follows:

Subdivision 1. Limitation of liability. By reason of the acceptance of a registration or the grant of a right-of-way permit, the city does not assume any liability (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 facilities by registrants or activities of registrants.

Subd. 2. Indemnification. A registrant or permittee shall indemnify, keep, and hold the city free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the issuance of permits or by the construction, maintenance, repair, inspection, or operation of registrant’s or permittee's facilities located in the right-of-way.

The city shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the local government unit's negligence as to the issuance of permits or inspections to ensure permit compliance. The city shall not be indemnified if the injury or damage results from the performance in a proper manner of acts that the registrant or permittee reasonably believes will cause injury or damage, and the performance is nevertheless ordered or directed by the city after receiving notice of the registrant's or permittee's determination.

Subd. 3. Defense. If a suit is brought against the city under circumstances where the registrant or permittee is required to indemnify, the registrant or permittee, at its sole cost and expense, shall defend the city in the suit if written notice of the suit is promptly given to the registrant or permittee within a period in which the registrant or permittee is not prejudiced by the lack or delay of notice.

If the registrant or permittee is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permittee may not settle the litigation without the consent of the city. Consent will not be unreasonably withheld. This part is not, as to third parties, a waiver of any defense, immunity, or damage limitation otherwise available to the city. In defending an action on behalf of the city, the registrant or permittee is entitled to assert in an action every defense, immunity, or damage limitation that the city could assert in its own behalf.

802.57. Abandoned and unusable facilities. Subdivision 1. Discontinued operations. A registrant who has determined to discontinue its operations in the city must either:

a) Provide information satisfactory to the director that the registrant's obligations for its facilities in the right-of-way under this section have been lawfully assumed by another registrant; or

b) Submit to the director a proposal and instruments for transferring ownership of its facilities to the city. If a registrant proceeds under this clause, the city may, at its option:

1) purchase the facilities; or

2) require the registrant, at its own expense, to remove it; or

3) require the registrant to post a bond in an amount sufficient to reimburse the city for reasonably anticipated costs to be incurred in removing the facilities.

Subd. 2. Abandoned facilities. Facilities of a registrant who fails to comply with subdivision 1 of this section, and which, for two years, remains unused shall be deemed to be abandoned. Abandoned facilities is deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, (i) abating the nuisance (ii) taking possession of the facilities and restoring it to a useable condition, or (iii) requiring removal of the facilities by the registrant, or the registrant's successor in interest.

Subd. 3. Removal. Any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from that right-of-way during the next scheduled excavation, unless this requirement is changed or waived by the director.

802.59. Appeal. Subdivision 1. Right of appeal. A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; or (4) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

802.61. Reservation of regulatory and police powers. A permittee's or registrant's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

802.63. Severability. If any section, subsection, sentence, clause, phrase, or portion of this section 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. If a regulatory body or a court of competent jurisdiction should determine by a final, non-appealable order that any permit, right or registration issued under this section or any portions of this section is illegal or unenforceable, then any such permit, right or registration granted or deemed to exist hereunder shall be considered as a revocable permit with a mutual right in either party to terminate without cause upon giving 60 days written notice to the other. The requirements and conditions of such a revocable permit shall be the same requirements and conditions as set forth in the permit, right or registration, respectively, except for conditions relating to the term of the permit and the right of termination.

802.64. Franchise rights reserved. Nothing in this section precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

Section 805 - Courtesy benches

805.01. Courtesy bench defined. A courtesy bench is a waiting bench for the convenience of the public waiting for regularly scheduled public transportation at a location within the corporate limits.

805.03. Location. Courtesy benches may be located on public property when adjacent to residential zoning (R-1, R-2, R-3, R-4) and may be placed on private property in commercial and industrial zoning when permission is obtained from the owner of the land, and a license is granted by the city in accordance with this section.

805.05. Specifications. Subdivision 1. Each bench location must be approved by the city engineer. Benches must be installed parallel with the curb.

Subd. 2. A bench may not be more than 42 inches high or more than 30 inches wide or seven feet long.

Subd. 3. A bench must have displayed thereon, in a conspicuous place, the license number assigned to it.

Subd. 4. The licensee must maintain the bench at the location designated in the license and keep the bench in good repair, painted and in a usable condition.

Subd. 5. Ice and snow must be removed from the benches and the vicinity thereof to insure accessibility and safe use by the public.

805.07. License; procedure. Subdivision 1. Application. Application for a courtesy bench license is made to the city clerk. The application must be accompanied by the annual license fee set by appendix IV of this code, the insurance policy required by this subsection, and the written approval of the city engineer as to location.

Subd. 2. Separate licenses; term. Each individual bench location requires a separate license. The term of the license is one year.

Subd. 3. Insurance. The application must be accompanied by an insurance policy that indemnifies and saves harmless the city, its officers, agents, and employees from any and all loss, costs, damages or liability which may result from the location of the bench regardless of whether such bench is moved or removed to a different location in the city without prior approval by the city council. The limits of the insurance must be $25,000 for any bodily injury to or death to any one person in any one accident, $50,000 for any bodily injury to or death to two or more persons in any one accident, and $10,000 for any damage to or destruction of property of others in any one accident. The failure to keep this insurance in force automatically terminates the license for all benches licensed with the city that such insurance covers.

805.09. Bench removal. After the expiration of the license or revocation thereof, the licensee has ten days to remove the bench. If the bench is not removed within the ten day period, the city may remove the bench and place it in storage. After the city has removed the bench the former licensee of record will be notified by mail directed to the address on file with the city. The owner will be given 60 days after notification to claim the bench by paying removal and storage charges. In the event that the bench is not claimed within 60 days the former licensee's rights in such bench will be forfeited to the city, but such forfeiture will not excuse the former licensee from the payment of the cost of removal and storage charges for said bench.

805.11. Advertising. Subdivision 1. Location. Advertising matter may not be displayed upon a bench except upon the front and rear surfaces of the back rest. Advertising must comply with chapter IV of the city code.

Subd. 2. Contents; illumination. "Stop", "look", "drive-in" and "danger" or any other phrase or symbol which might interfere with, mislead or distract traffic may not be displayed on a bench. Reflective materials or electric illumination of the signs on any bench or benches is prohibited.

Section 810 - Snow removal; sidewalks

810.01. Sidewalks; snow and ice removal. Subdivision 1. Sidewalks to be cleared. Snow and ice must be removed from the sidewalks of the city and must be kept clear of snow and ice by the abutting property owner or occupant thereof. Where ice has formed that cannot be removed then salt, sand, ashes, or other suitable material must be spread upon such ice in sufficient quantity to make the sidewalks usable by pedestrians.

810.03. Clear within 12 hours of snowfall. Sidewalks must be cleared as soon as possible after each snowfall but no later than 12 hours after the cessation of such snowfall. Subsequent intermittent snow flurries may not be used to enlarge the 12 hour period.

810.05. Owner or occupant of land responsible for the snow removal. The owner and occupant of any building or ground within the corporate limits of the city fronting upon or adjacent to the public street must cause the sidewalks along or in front of the premises to be kept clear and free of snow to the full width thereof. The owner of vacant land wherein there is located a public sidewalk is responsible for the removal of snow therefrom. Nothing in this subsection requires the removal of snow upon the public boulevard where no sidewalk exists.

810.07. Costs of removal must be a lien against the land. The refusal of an owner or occupant to remove snow or ice from the sidewalk or the failure of the owner or occupant to comply with this subsection, is sufficient cause for the city manager to direct the removal of snow or ice therefrom by city or hired labor or equipment charging such actual cost against the abutting land. The city engineer will compute the actual cost to each parcel or lot involved and submit the report to the city manager who must bill each property owner involved for the expense incurred.

810.09. Assessment. On or before September 15 in each year the clerk must list the total unpaid charge for snow removal from sidewalks against each separate lot or parcel to which they are attributable under this section. The council may then levy the unpaid charges against the property as a special assessment under Minnesota Statutes, section 424.101 for certification to the director of property taxation and collection along with current taxes the following year or in annual installments, not exceeding ten as the council determines.

Section 815 - Recreational areas; rules and regulations

815.01. Definitions. For purposes of this section, the term "park" means public park, playground, beach, swimming pool, recreation center or other area or facility operated by the city for recreational purposes pursuant to council designation.

815.03. General rule. It is unlawful to violate any of the provisions of this section.

815.05. Parks; rules and regulations. Subdivision 1. Closing hours. The closing hour for parks is 10:00 p.m., except in Becker Park where the closing hour is 11:00 p.m., and parks must remain closed until sunrise. A person may not remain in a park after the closing hour, except as provided in subdivision 2. This subdivision does not apply to persons who, without delay, are traveling through a park or upon established walks, paths or drives within a park. The closing hour for activities authorized as part of the city's recreation program may be modified by the city manager in accordance with subsection 815.07. The city council may by resolution further limit the hours for the conduct of specific activities within parks. (Amended, Ord. No. 95-5, Sec. 1)

Subd. 2. Group activities; permits. A group, association or organization wishing to remain in a park after the closing hour may apply to the city manager for a special permit for that purpose specifying the nature of the activity proposed, the hours during which it is conducted, and such other information as the manager may reasonably request. The application must be accompanied by a bond, or other undertaking, in form and substance satisfactory to the manager and the city attorney, holding the city harmless from liability of any kind growing out of the permitted activity. The manager may grant the permit if in the manager's judgment the purposes of this section will not be adversely affected thereby, and if all licenses required by law or the code have been obtained. The manager's decision to grant or deny the application may be appealed to the city council by the applicant or by any resident of the city.

Subd. 3. Motor vehicles. Motorized vehicles or machines of any kind, except those operated by and for the city may not drive on or across any park, except as specifically authorized pursuant to the city code. Motor vehicles must be parked in spaces designated therefor pursuant to the city code, subsection 1310.05, subdivision 5. There may not be parking of motor vehicles in a park or in a parking area in a park after the closing hour.

Subd. 4. Fires. Picnic fires may not be made or lit in a park except in places or containers designated for such purposes. It is unlawful to leave a picnic fire before the fire has been completely extinguished or before all trash and refuse has been placed in receptacles provided or, if no receptacles are provided, the trash and refuse must be carried away from the park and properly disposed of elsewhere.

Subd. 5. Equipment; marking; defacing. It is unlawful to mark, deface or disfigure, injure, tamper with, or displace or remove, any building, bridge, table, bench, waste receptacle, fireplace, railing, paving or paved notice or placecard whether temporary or permanent, monument, stake, post or other boundary marker, or other structure, equipment or park property or park appurtenances whatsoever, either real or personal. Notices of park activity may be posted with the permission of the city manager.

Subd. 6. Refuse in city parks and waters. It is unlawful to throw, discharge, or otherwise place or cause to be placed in the water of any foundation, pond, lake, stream, bay or other body of water in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid; nor may any person bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, or refuse or any other trash, in any park or portion thereof, or in any waters in or contiguous to any park. All such refuse or trash must be placed in the proper receptacles; where proper receptacles are not provided, all the refuse or trash must be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Subd. 7. Liquor and beer. The presence of liquor and beer in parks is prohibited, except as permitted under city code, subsection 2005.15.

Subd. 8. Animal wildlife. It is unlawful to injure or destroy any bird or animal nest within the limits of any park, nor must any person air or discharge any air gun, sling shot, arrow or other weapon, or throw any stone or other projectile at, any bird or animal within any park, nor in any manner capture, kill or harm in any way any bird or animal therein.

Subd. 9. Public sales. It is unlawful to, within any park or property, expose or offer for sale, rent or hire any article or thing. Excepted are those who have obtained a special permit to so operate from the city manager, and who have obtained all licenses and permits required by law or the city code. It is unlawful to announce, advertise, or call the public attention to any article or service for sale or hire in any way.

Subd. 10. Sports. Organized or unorganized sport activity and games may be conducted only in designated areas within parks. All other casual recreational activity must be conducted in such a manner as not to interfere with the reasonable enjoyment of the park by other persons or with the reasonable right of adjoining property owners. Golf play in parks is prohibited, but golf practice with light plastic balls is permitted in designated areas.

Subd. 11. Dogs. Dogs in parks must be effectively leashed by a leash not in excess of six feet in length. Persons conducting leashed dogs must have in their possession suitable utensils for the removal of animal excrement and must promptly and effectively remove all excrement deposited by the animal under their control.

Subd. 12. Plant life. It is unlawful to wilfully and without authority cut, pluck, or otherwise injure any flowers, shrubs or trees growing in or around any public park, or on other public grounds.

815.07. Enforcement. This section is enforced by the city manager. It is unlawful for any person to disobey an order given pursuant to this section. The manager may prepare and publicize further regulations not inconsistent with this section for conduct within parks.

815.09. Park closing. The chief of police may close any public park, parkway, beach or drive, and for such period as deemed necessary, in order to protect or restore order or terminate or prevent breaches of the peace and order of the city. A person having been informed of such an order closing any such area may not remain in the area longer than is necessary to leave the closed area.

815.11. Other regulations. Other provisions of the city code governing conduct in public places within the city apply to parks.

815.13. Liquor and beer in parks. Subdivision 1. General rule. Except as otherwise permitted by this subsection, the use, consumption, display, and presence of intoxicating liquor (liquor) and non-intoxicating liquor (beer) as those terms are defined in chapter XII of this code, is prohibited in parks and related facilities including vehicle parking facilities immediately adjoining a park and the Crystal community center.

Subd. 2. Special permits. The council may on the recommendation of the city manager issue a special permit for the use, consumption, and display of liquor and beer in a park or a related facility in the park.

Subd. 3. Eligible persons. A special permit may be issued to persons in connection with a social event conducted by a family, an employee group, a club, or a charitable, religious or other non-profit organization solely for the enjoyment of the persons invited to the event by the applicant for the permit. A special permit will not be issued to a person holding a license to sell liquor or beer except as provided in subsection 1200.41 of this code.

Subd. 4. Duration. The special permit allows the presence of liquor and beer in the park or related facility only during the time specified in the permit which time may not exceed 12 consecutive hours in one calendar day.

Subd. 5. Rules and regulations. The city manager is directed to prepare further regulations for the conduct in parks of a person issued a special permit under this subsection.

Subd. 6. Application. The application for a special permit is prepared by the city clerk. The application must specify the purpose of the social event, the nature of the activity proposed, the hours during which it is to be conducted, the maximum number of persons expected to attend, and such other information as the clerk reasonably requests. The application must be accompanied by a bond or other undertaking in form and substance satisfactory to the city manager and city attorney, holding the city and its officers, employees, and agents from liability of any kind arising out of the permitted activity. If the applicant is a business partnership, club, corporation or non-profit association the application must be accompanied by a certificate of insurance showing current liability insurance naming the city as an additional insured party under the insurance policy.

Subd. 7. Fee. The fee for a special permit issued under this subsection shall be as determined by the city council in Appendix IV of this code. (Amended, Ord. No. 2010-05, Sec. 1)

Subd. 8. Special condition. The use, consumption, display and presence of liquor and beer in parks and related park facilities is a matter of special concern to the city as such activity relates to the peace and good order of the city. For that reason the issuance of a special permit under this subsection is determined to be a matter within the sole discretion of the city council, and its determination to issue or not to issue a special permit is final. The council may impose additional conditions in the granting of a special permit. The application for the special permit must be accompanied by (i) a copy of this subsection, (ii) an acknowledgement by the applicant that the subsection has been read and is understood by the applicant, and (iii) that applicant agrees not to challenge or in any way contest the determination of the city council with regard to the issuance of the special permit.

815.15. (Deleted, Ord. No. 2011-4; Added, Ord. No. 2011-4) Special events in parks. Subdivision 1. General rule. Notwithstanding any other ordinance to the contrary, all special events in city parks shall be regulated by this subsection.

Subd. 2. Declaration; purpose. The purpose and intent of this section is to:

a) Provide a systematic application process for events having an effect on public property and/or public services.

b) Lessen undue impact on private property.

c) Ensure that city, state and federal codes are adhered to.

d) Recapture any city expenditures lost for the development of, and operational costs for a privately sponsored event.

Subd. 3. Definitions. For the purposes of this subsection, the terms defined have the meanings given them.

a) “Event” means any parade, race or special event that requires closure of a public street or special traffic control, or use of a park or recreational area.

b) “Parade” means parade, march, or procession in or upon any street except the sidewalks thereof, or in or upon any street or alley in the city.

c) “Race” means any organized bicycle race, foot race, race walking, wheelchair racing, rollerblading, marathon, jogging event, and similar events.

d) “Special event” means any privately sponsored event as defined by this subdivision, which occurs on a public street, sidewalk or any municipal property, park or recreational area. This includes, but is not limited to, any fair, show, carnival, sporting event, school event and grand opening.

e) "Permit Holder" means the private person, or individual identified by a group, business entity or governmental agency, who has applied for and been issued the permit required by this section to hold an event, race, parade or special event as defined by this section.

Subd. 4. Permit required; exceptions. No person, group, entity or organization of any type shall engage in, participate in, aid, form or start any event, unless a permit has been procured therefore. The permit shall be issued or denied by the city manager. No permit shall be required for:

a) Funeral processions.

b) Block parties on a residential street that has an average daily traffic volume of less than 1000 vehicles per day provided that the block party does not occur more than once annually for in excess of 8 hours.

c) Lawful picketing.

Subd. 5. Application for permit. A person seeking issuance of an event permit shall file an application with the recreation director on forms provided by the recreation director. The application shall be accompanied by the fee set forth in Appendix IV of this code. To ensure an orderly approval process, permit applications should be filed as soon as possible in advance of the event. Permit applications must be filed not less than thirty (30) days or more than one year before the date on which the event is proposed to take place. Failure to file in a timely manner may be grounds for denial of the permit.

Subd. 6. Contents of application. The application for a permit shall set forth the following information:

a) The name, address and telephone numbers, daytime and nighttime, of the person who will be responsible for performance of the duties of the Permit Holder.

b) The date when the event is to be conducted.

c) The details of proposed route requested, the starting point, the termination point and the desired location of any assembly areas.

d) The approximate number of persons who, and animals and vehicles which will, constitute such event; the type of animals, and description of the vehicles.

e) The hours when such desired event will assemble, start and terminate.

f) A statement as to whether the event would occupy all or only a portion of the width of the streets proposed to be traversed or the park or recreation area permitted to be used for the event.

g) Listing of all food vendors and merchandise vendors of any type, and whether it is proosed to sell or funish wine or beer to patrons of the event.

h) The estimated number of participants in the most recent year of the event or proposed for a new event.

i) Such other information as the recreation director shall find necessary to evaluate the application.

Subd. 7. Deposit for city expenses. The recreation director may require the applicant to deposit with the city the estimated cost of city services to be performed in connection with the event. The estimated cost shall be as stated in the Fee Schedule at Appendix IV. In the case of large community events, the city manager may in addition require that a bond or other security satisfactory to the city be supplied to cover the estimated cost of city services.

Subd. 8. Duties of Permit Holder.

a) A Permit Holder hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The Permit Holder or the person designated by subdivision 6 a) above shall carry the event permit upon his or her person during the conduct of the event.

b) Subject also to the requirements of subdivision 15 of this subsection, within the two (2) hour period immediately following the end of the event, the Permit Holder or event coordinator will commence the clean up of the site of the event , remove and dispose of all litter or material of any kind, which is placed or left on the street, park recreation area or other public property because of such event and finish such clean up not later than the final day of the event, weather permitting or as directed by the city manger or designee. Should the Permit Holder or event coordinator fail to do so; in addition to any other remedy available to the city under this subsection or at law, the city will bill the permittee or event coordinator for all costs related to the clean up, removal and disposal of litter because of the event. In addition, no future applications will be considered until all obligations are satisfied.

c) Required undertakings. In addition to the information required in subdivision 6, the Permit Holder may be required, at Permit Holder's expense, and without expense to the city, to undertake any or all of the following:

1) Provide either authorized civilian or police personnel at all intersections requiring traffic-control personnel, as determined by the chief of police or their designee.

2) Provide volunteers to monitor any required barricades at all intersections not requiring traffic-control personnel, as determined by the chief of police or designee.

3) Provide, install and remove the barricades, signs and delineation equipment as directed by the engineer, police chief, or their designees.

Subd. 9. Notice To Abutting Property Owners. The Permit Holder for a special event may be required by the city manager to notify residents of neighborhoods of the pendency of the special event by any reasonable means as directed by the city manager, including but not limited to, the preparation of an informational leaflet. If a leaflet is required, the leaflet shall briefly describe the nature of the event, shall identify the name and telephone number of the Permit Holder and the date and time of the event, shall contain a map of the route if any, or the location of the special event, and shall describe all restrictions upon traffic and parking on or crossing the event route.

Subd. 10. Insurance. Upon compliance with all other provisions of this subdivision, a permit for an event may be granted only after the applicant has secured and filed with the Clerk the insurance provided for in this section. The policy or policies shall specifically provide for payment by the insurance company on behalf of the insured all sums which the insured's shall be obligated to pay by reason of liability imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insured pursuant to the provisions of this chapter. All insurance required in this subsection shall be issued by insurance companies acceptable to the city and admitted in Minnesota. The insurance specified may be in a policy or policies of insurance, primary or excess and shall provide:

a) Workers' compensation insurance that meets the statutory obligations with coverage B.

b) Commercial general liability insurance which in the opinion of the city manager will cover the primary risks associated with the special event and with limits of at least $1,500,000 for any number of claims arising out of a single occurrence; $50,000.00 fire damage, and $5,000.00 medical expense for any one person. The policy shall be on an "occurrence" basis for any number of claims arising out of a single occurrence, and shall include contractual liability coverage.

Acceptance of the insurance by the city shall not relieve, limit or decrease the liability of the event Permit Holder or the sponsoring entity. Any policy deductibles or retentions shall be the responsibility of the Permit Holder or the sponsoring entity. The Permit Holder shall control any special or unusual hazards and be responsible for any damages that result from those hazards. The city does not represent that the insurance requirements are sufficient to protect the Permit Holder's interests or provide adequate coverage.

Evidence of coverage is to be provided in the form of a certificate of insurance in themost recent edition of the applicable ACORD forms (or similar insurance service organization forms), as approved by the city manager. The Permit Holder shall notify and identify the city to its insurance carrier(s) and require its insurance carrier(s) to provide the statutory cancellation notice if the policy is cancelled, not renewed or materially changed. The Permit Holder shall require any of its participants using automobiles in a race or in connection with a special event to carry automobile liability insurance meeting the statutory limits of the State of Minnesota in the form of a certificate of insurance in themost recent edition of the applicable ACORD forms (or similar insurance service organization forms), as approved by the city manager. At its option, the city may require that it be listed as an additional named insured on such insurance policy or policies. The Permit Holder shall require any of its subcontractors to comply with these provisions.

Subd. 11. Indemnification. Not with standing the insurance requirements of subdivision 10, the Permit Holder agrees to defend, indemnify and hold the city, its officers, agents 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 the Permit Holder or event sponsor/promoter, its agents and 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 Permit Holder or event sponsor/promoter, its agents and employees to fully perform all obligations under this subdivision.

Subd. 12. Emergency issuance of permit. In extraordinary circumstances, the city manager or designee shall be authorized to waive or otherwise expedite any or all of the review process and to issue a special event permit upon payment by the Permit Holder of all applicable fees and costs for such event.

Subd. 13. Vendors for special events.

a) Sales permitted. The sale of food, including the sale of beer and/or wine, or any merchandise or services of any type by a vendor may be allowed as a component of a special event provided such vendor is approved and authorized in writing by the Permit Holder of the event and shall be conducted in accordance with such conditions and limitations as shall be imposed in writing by the Permit Holder and submitted as a part of the application for a permit.

b) Authorization of vendors. The Permit Holder of a special event shall have sole responsibility and authority to allow or disallow sidewalk or street vending as a component of an event and to designate the location and activities of such vendors, subject to the requirements of this sub-section. The Permit Holder shall not discriminate on the basis of race, gender, nation origin or ethnicity in the authorization of such vendors. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the Permit Holder of the event.

c) Identification required. Any vendor authorized by the event Permit Holder shall be required to prominently display on his or her person a badge identifying the vendor as an authorized participant in the event. Said identification shall be not less than three (3) inches by three (3) inches, shall state that the bearer is an official participant in the event, and shall bear the signature of the Permit Holder of the event.

d) Permit not required. Vendors authorized by the Permit Holder of an event as a component of the event shall not be required to obtain any separate vendors permit to operate during the period of the event. All merchandise, food and alcoholic beverage vendors shall be assessed a registration fee for city costs of enforcement as stated in Appendix IV of this code.

e) Unauthorized vending prohibited. It shall be unlawful for any vendor not authorized by the Permit Holder of a special event as provided under this section to engage in such business within a distance of twenty-five (25) yards of such event from one (1) hour before until one (1) hour after the event.

f) Food Sales. The vendor of any food, whether hot or cold, included as a part of a special event shall be subject to all rules and regulations of the Minnesota Department of Health, the Minnesota Department of Agriculture or Hennepin County, as applicable. It shall be the responsibility of the Permit Holder of an event to assure compliance with this section by any such vendors.

Subd 14. Beer and/or wine. Designated areas where beer and/or wine may be dispensed and consumed may be permitted only within the delineated boundaries of a special event as approved by the city, and subject to the following conditions:

a) The dispensing of beer and/or wine shall not be permitted at any special event except by persons appropriately licensed by the state.

b) Upon compliance with applicable ordinances and laws relating to the provision, sale and/or consumption of alcoholic beverages, this subsection, and with the approval of the city council, the Permit Holder of a special event shall have the discretion to provide special areas where beer and/or wine may be served by licensed persons within the delineated boundaries of the special area as approved by the city for the event.

c) Whenever any event will include the dispensing and consumption of beer and/or wine, the Permit Holder of such event, at least forty five (45) days prior to the event, shall meet with appropriate staff members of the city as designated by the city manager in order to review the plans, conditions and restrictions pertaining to the event. Prior to the issuance of a permit for the event, the Permit Holder shall sign a statement of understanding of and agreement to the terms and conditions imposed on the event. Such statement shall become a part of the conditions of the permit for the event.

d) A designated area within the approved site of a special event where beer and/or wine is permitted by the city as provided in this subsection shall be securely enclosed on all sides by a fence, barricade, or other similar such tructure, approved by the chief of police and city engineer, or designees, so as to completely separate that area from the areas in which alcoholic beverages are not permitted.

e) Every designated area permitted under this subsection shall provide seating and food service available for every person admitted to such area, and the permitted occupancy limit for such area will be reasonably determined by the city manager or designee.

f) The dispensing of beer and/or wine at any designated area shall be restricted to persons having a valid alcoholic beverage license issued by the state of Minnesota to sell retail beer and/or wine by the drink. The name of such licensee(s) and the current license number, as such appear on the license, shall be required as a part of the application for a special event permit as required by law.

g) The Permit Holder of the special event shall provide, at the Holder's expense, security personnel in a number sufficient to address security issues for the event based on the number of attendees and the type of event as reasonably recommended by the police chief and approved by the city manager, at each entrance point for the special event and at each designated area approved for the consumption of beer and/or wine.

h) Every area where beer and/or wine are consumed shall be conspicuously posted at all times at each point of entrance/exit with signs stating substantially the following: at each entrance "The possession of alcoholic beverages allowed within the boundaries of this designated area only"; and at each exit "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three (3) inches in height and one-half (1/2) inch in width and shall be in black letters on a contrasting light background.

i) It shall be unlawful for patrons of any area(s) of a special event in which beer and/or wine is permitted to bring into ("brown bag") or take outside the designated area(s) any alcoholic beverage or to furnish any alcoholic beverage to any person outside the designated area where beer and/or wine is permitted.

j) The application for a special event at which beer and/or wine is permitted shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than 8 ½ x 11 inches in size clearly identifying the area(s), including all public streets and sidewalks within and adjacent to the area(s), where the consumption of beer and/or wine is proposed. However, no areas designated for the consumption of beer and/or wine shall encroach within the designated public circulation areas.

k) The application for a permit for a special event at which beer and/or wine is permitted shall include a description of the area(s), including the size and the number of seats proposed for such area(s). The application also shall contain a description of the method and structures that will be used to secure and separate such area(s) from other public areas as required in subsection (d) above.

l) The fee for a permit to dispense beer and/or wine at a special event shall be as provided in Appendix IV to this code.

m) Notwithstanding the provisions of this ordinance, any person dispensing and/or consuming beer and/or wine in accordance with this section shall comply with all other laws and ordinances pertaining to the sale, possession, and consumption of alcoholic beverages.

Subd. 15. Trash facilities; glass containers prohibited.

a) The Permit Holder of a special event shall be required to provide temporary garbage and recycling collection facilities at any event, and arrange for such facilities and the hauling of trash and recycling to be provided by a waste hauler licensed by the city. The number of collection stations and their locations shall be determined by the city. The permit holder shall be responsible for picking up litter, maintaining a trash free environment, and the payment of tipping fees or other costs associated with disposal of garbage and trash.

b) The use of glass containers for individual consumption of beer and wine within the area of any special event shall be prohibited as provided by this code.

Subd. 16. Enforcement; suspension or revocation.

a) A violation of any of the provisions of this ordinance, applicable state law or county ordinance may be punished as a criminal violation as permitted by law.

b) The city manager shall take appropriate action to administratively amend any permit condition(s) to protect the public interest, or to immediately suspend or revoke any permit issued for a special event where there is a violation of any condition of the permit or for violation of any provision of this subsection.

c) The city manager may upon good cause shown further amend the permit or reinstate the permit where the violation giving rise to the initial revision, suspension or revocation has been addressed by the permit holder to the reasonable satisfaction of the city manager.

Section 820 - Newsracks

820.01. Subdivision 1. Definitions. For the purpose of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Newsrack" means a self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or other news periodicals.

Subd. 3. "Parkway" means that area between the sidewalks and the curb of any street, and where there is no sidewalk that area between the edge of the roadway and property line adjacent thereto.

Subd. 4. "Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel.

Subd. 5. "Sidewalk" means any surface ordinarily used for pedestrian travel.

Subd. 6. "Street" means that area dedicated to public use for public street purposes and must include, but not be limited to, roadways, parkways, alleys and sidewalks.

820.03. News racks; general rules. Subdivision 1. Location in roadways. It is unlawful to install, use or maintain any newsrack which projects onto, into or over any part of the roadway.

Subd. 2. Restrictions of parkways and sidewalks. Newsrack that in whole or in part rests upon, in or over any sidewalk, parkway, or public right-of-way property must comply with the following standards:

a) The newsrack may not exceed five feet in height, 30 inches in width, or two feet in depth.

b) Newsracks placed near the curb must be placed no less than two feet from the edge of the curb. Newsracks placed adjacent to the wall of a building must be placed parallel to such wall and not more than six inches from the wall.

c) A newsrack may not be chained, bolted or otherwise attached to any city owned property. A newsrack may be bolted to parkways, provided that the owner of the newsrack must repair any damage done to parkways when the newsrack is removed.

d) Newsracks may be chained or otherwise attached to one another; however, no more than three newsracks may be joined together in this manner, and a space of no less than 18 inches must separate each group of three newsracks so attached.

e) A newsrack, or group of attached newsracks allowed under paragraph d) hereof, may not weigh, in the aggregate, in excess of 350 pounds when empty.

f) A newsrack may not be placed, installed, used or maintained:

1) within five feet of any marked crosswalk;

2) within 12 feet of the curb return of any unmarked crosswalk;

3) within 15 feet of any fire hydrant, fire call box, police call box or other emergency facility;

4) within ten feet of any driveway;

5) at any location whereby the clear space for the passageway of pedestrians is reduced to less than five feet unless such passageway is already restricted by a permanent fixture and the placement of the newsrack will not reduce the remaining passageway.

6) at a location where the newsrack interferes with or hinders city removal of snow, ice, and debris from the roadway or sidewalk.

g) A newsrack may not be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.

h) A newsrack must be maintained in a clean and neat condition and in good repair at all times.

820.05. Identification. A person who places or maintains a newsrack on the streets of the city must have the name, address and telephone number of the owner affixed thereto in a place where such information may be easily seen and must inform the city engineer in writing where it has located a newsrack within ten business days after placing the newsrack on a parkway or sidewalk.

820.07. Insurance. A person placing newsracks in the city must provide proof of liability insurance in the amounts of $100,000 for any single accident, and $10,000 for property damage in which the city must be named an additional insured. A certificate of insurance must be delivered to the city clerk prior to the placement of the newsrack on a sidewalk or parkway.

820.09. Hold harmless agreement. A person placing a newsrack in the city must furnish a statement to the city clerk agreeing to defend and hold the city of Crystal harmless from any and all liability, judgments, damages, or expense that may arise or grow out of the installation, maintenance, use, presence, or removal of newsracks.

820.11. Violations. Upon determination by the city manager that a newsrack has been installed, used or maintained in violation of the provisions of this section, the manager must issue a written order to correct the offending condition to the owner of the newsrack. The order must specifically describe the offending condition and suggest actions necessary to correct the condition. Failure by the owner to properly correct the offending condition within seven days (excluding Saturdays, Sundays and legal holidays) after the mailing date of the order will result in the newsrack being summarily removed and processed as unclaimed property under section 325.

820.13. Appeals. A person aggrieved by a finding, determination notice or action taken under the provisions of this section may appeal to the city council. The taking of an appeal to the city council will stay the removal of any newsrack until the city council makes its determination unless in the judgment of the city manager the newsrack presents a clear and present danger of imminent personal injury or property damage. Nothing contained in this section is to be interpreted to limit or impair the exercise by the city of its police power, in the event of an emergency, to remove a newsrack.

820.15. Abandonment. In the event a newsrack remains empty for a period of ten continuous days, the newsrack is deemed abandoned and may be treated in the manner as provided in subdivision 6 for newsracks found to be in violation of the provisions of this section.

Section 825 - Repair of sidewalks

825.01. Repair of sidewalks. Subdivision 1. Duty of owner. The owner of property within the city abutting a public sidewalk must keep the sidewalk in good repair. Repairs must be made in accordance with the standard specifications approved by the council and on file in the office of the city clerk.

Subd. 2. Inspections; notice. The city engineer must make such inspections as are necessary to determine that public sidewalks within the city are kept in good repair. If the engineer finds that a sidewalk abutting on private property is unsafe and in need of repairs, the engineer will cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, or the occupant, if the owner does not reside within the city or cannot be found therein, ordering such owner to have the sidewalk repaired within 20 days, and stating that if the owner fails to do so, the city engineer will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property affected.

Subd. 3. Repair by city. If the sidewalk is not repaired within 20 days after receipt of the notice, the city engineer must cause the sidewalk to be repaired in accordance with law. The city engineer must keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the city clerk.

825.03. Personal liability. The owner of property on which or adjacent to which a sidewalk repair has been performed under this section is personally liable for the cost of such repair. As soon as the repair has been completed and the cost determined, the city clerk, or other designated official, must prepare a bill and mail it to the owner and thereupon the amount will be due and payable at the office of the city clerk.

825.05. Assessment. On or before September 15 of each year, the clerk must list the total unpaid charges for sidewalk repair against each separate lot or parcel to which they are attributable under this section. The council may then levy the unpaid charges against the property as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes, for certification to the county auditor, and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council determines.

Section 830 - Tree removal and replacement standards

830.01. Purpose. It is the intent of this section to protect, preserve and enhance the natural environment and beauty of the city by regulating the planting, maintenance and removal of trees in the city. It is the intent of this section to encourage the preservation of the existing trees in the city. The city desires to

protect the integrity of the environment and finds that trees do so by improving air quality, scenic beauty, protection against wind and water erosion and natural insulation for energy conservation. The city also finds that trees protect privacy and enhance property values.

830.03. Tree advisory board. The park and recreation advisory commission is designated the tree advisory board. The board is responsible for recommending policies regarding tree replacement and maintenance as well as recommending and implementing provisions required by the Tree City USA Program. The board is advisory to the council.

830.05. Applicability. This section applies to (i) trees located within street right-of-ways, parks and public places of the city and (ii) trees located on private property as specified herein.

830.07. Licensing. It is unlawful to engage in the business of trimming or removing trees on the property of another without a license under section 1165.

830.09. Landscaping. In new subdivision developments or when the redevelopment of commercial or industrial property occurs, landscaping plans will be reviewed and approved by city staff with final approval by the city council. Landscaping must be done in accordance with the applicable provisions in appendix I, section 515 (the zoning code).

830.11. Tree maintenance and removal. Subdivision 1. Restrictions for tree removal. It is unlawful to remove a tree from public land without approval from the city manager.

Subd. 2. Standards for replacement. It is the intent of this section that significant, non-diseased trees removed from public property will be replaced on a "one for one" basis. For the purposes of this section, a significant tree is defined as either (i) a deciduous tree with the diameter of 12 inches where the diameter is measured at four and one-half feet above ground level or (ii) a coniferous tree with the diameter of eight inches where the diameter is measured at four and one-half feet above ground level. Replacement trees must have a diameter of five inches or greater. Replacement of trees may be completed by planting more than one tree, provided that replacement trees have a diameter of not less than three inches. Trees removed from public land which require replacement must be replaced in locations and varieties as specified by the city manager.

Subd. 3. Exemption. Diseased and dead trees which are removed by the city are exempt from the provisions of this section. However, the city will endeavor to replace diseased trees in accordance with restrictions on locations in sections 515 and 800.

830.13. New development and redevelopment. Subdivision 1. General rules. It is the intent of this section that a person owning vacant land or creating new commercial, industrial or multi-family development or undertaking the redevelopment of commercial, industrial or multi-family property in the city is to replace significant, non-diseased trees as specified for public property in subsection 830.11. Any development or redevelopment must be completed in accordance with an approved site plan that requires the replacement of significant, non-diseased trees on a "one for one" basis.

Subd. 2. Protection. The property owner or developer or both as the case may be must take necessary precautions to protect existing trees that are not scheduled to be removed.

Subd. 3. Performance guaranty. The property owner or developer or both as the case may be must provide the city with a performance bond as specified in section 515 of the city code to guarantee the proper installation and vigorous growth of all trees and plant materials.

Subd. 4. Maintenance. Trees planted in accordance with this section must be maintained in accordance with the approved plan by the property owner.

Subd. 5. Exemptions. The provisions of this subsection do not apply to trees removed from existing lots of record in R-1 and R-2 residential use districts that are developed with single family or two family dwellings on the effective date of this section.

830.15. Enforcement. The city manager enforces this section and rules and regulations concerning the protection, removal, planting, and maintenance of trees upon the right-of-way of any street, alley, sidewalk or other public place in the city.

830.17. Penalties. Violation of this section is a misdemeanor. Each day that a violation is permitted to exist constitutes a separate offense.

CHAPTER IX

PUBLIC SAFETY

Section 900 - Civil defense

900.01. Act adopted. The Minnesota civil defense act, Minnesota Statutes, chapter 12, insofar as it relates to cities, is adopted by reference as part of this section as fully as if set forth herein.

900.03. Civil defense agency. Subdivision 1. Agency and director. There is created and continued, a civil defense and disaster agency under the supervision and control of a director of civil defense, hereinafter called the director. The director is appointed by the mayor for an indefinite term and may be removed by the mayor at any time. The director serves without salary but is paid actual necessary expenses. The director is responsible for the organization, administration, and operation of the civil defense agency, subject to the direction and control of the mayor.

Subd. 2. Organization and functions. The civil defense agency is organized into such divisions and bureaus, consistent with state and local defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency performs civil defense functions within the city and conducts such functions outside the city as may be required pursuant to Minnesota Statutes, chapter 12, or this section.

900.05. Powers and duties of director. Subdivision 1. Intergovernmental arrangements. With the consent of the mayor, the director represents the city on any regional or state organization for civil defense. The director develops proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and presents such agreements to the council for its action. Such agreements must be consistent with the civil defense plan and during a civil defense emergency, and the civil defense agency and civil defense forces must render assistance in accordance with the provisions of such agreements.

Subd. 2. Civil defense plan. The director must prepare a comprehensive general plan for the civil defense of the city and present such plan to the city council for its approval. When the council has approved the plan by resolution, all civil defense forces of the city will perform the duties and functions assigned by the plan.

Subd. 3. Reports. The director must prepare and present to the council periodically a report of activities and recommendations.

Section 905 - Fire prevention

905.01. Adoption by reference. Subdivision 1. Minnesota State Fire Code adopted. The Minnesota State Fire Code, is hereby adopted by the city of Crystal including all supplements and subsequent amendments. The purpose of this action is for prescribing regulations governing conditions hazardous to life and property from fire, maintenance of buildings and premises, explosion and other like emergencies. The MSFC incorporates by reference the 2000 Edition of the International Fire Code published by the International Code Congress and as amended by the state of Minnesota, together with appendices B, C, D and F. Not less than one copy of each has been and is now filed with the clerk of the city. (Amended, Ord. No. 2004-3, Sec. 1)

905.03. Enforcement by fire district. The Minnesota State Fire Code, as adopted herein, shall be administered and enforced by the West Metro Fire-Rescue District. All references to and duties of the bureau of fire prevention, the fire marshal, fire inspectors and required reports shall be governed by the West Metro Fire-Rescue District and not the city. (Amended, Ord. No. 2004-3, Sec. 2)

905.05. Definitions. The term "municipality" as used in the Minnesota State Fire Code means the city of Crystal. The term “fire district” means the West Metro Fire-Rescue District. (Amended, Ord. No. 2004-3, Sec. 3)

905.07. Storage of flammable liquids, liquified petroleum and explosives. Subdivision 1. Flammable or combustible liquids in outside above ground tanks. The storage of flammable or combustible liquids in outside above ground tanks is permitted within I-1 and I-2 zoning districts only.

Subd. 2. Storage of liquified petroleum gases. The storage of liquified petroleum gases is permitted in I-1 and I-2 zoning districts only.

Subd. 3. Storage of explosives and blasting agents. The storage of explosives and blasting agents is permitted in I-1 and I-2 zoning districts only.

905.09. Special use permits. Storage of flammable liquids in outside above-ground tanks, the establishment of a bulk plant for flammable liquids, the bulk storage of liquified petroleum gases, and the storage of explosives and blasting agents is not permitted within the corporate limits of the city, except in an I-1 and I-2 zoning district, after approval of the fire district and the city of Crystal building official. (Amended, Ord. No. 2004-3, Sec. 4)

905.11. Appeals. Any appeal from an order issued by the state fire marshal or fire district shall be governed by section 108 of the Minnesota State Fire Code. (Amended, Ord. No. 2004-3, Sec. 5)

905.13. Permits; fees. Permits are governed by the Minnesota State Fire Code. All permits will be issued by the building safety division of the city and must be approved by the fire district. Fees for permits are set by appendix IV of this code. (Amended, Ord. No. 2004-3, Sec. 6)

905.15. Fire lanes. Subdivision 1. Fire lanes, establishment. The fire marshal is 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 the owner's expense within 30 days after the owner has been notified of the order. Thereafter, no person shall leave a vehicle unattended or otherwise occupy or obstruct the fire lane. (Amended Ord. No. 2004-3, Sec. 7)

Subd. 2. Enforcement of fire lanes. When any motor vehicle occupies or obstructs any duly designated fire lane in a manner inconsistent with its intended use for fire protection purposes, or prevents access to any fire hydrant in the normal and usual manner by fire protection personnel and equipment, the fire marshal or police department personnel may order the impoundment of the vehicle, after first making a reasonable effort in the immediate vicinity to ascertain the identity and location of the owner or other person leaving the vehicle in the fire lane. No vehicle impounded pursuant to the provisions of this section shall be released until a release is obtained from the police department and all towing and storing charges have been paid. (Added, Ord. No. 2004-3, Sec. 7)

Subd. 3. Temporary use of fire lanes. The fire marshal is hereby authorized to determine and designate on a temporary basis, those fire lanes established under this section and orders pursuant thereto, upon which parking of vehicles shall be permitted when in the fire marshal's opinion, necessary for public safety or convenience. (Added, Ord. No. 2004-3, Sec. 7)

905.17. (Repealed, Ord. No. 2004-3, Sec. 10)

905.19. (Repealed, Ord. No. 2004-3, Sec.10)

905.21. (Repealed, Ord. No. 2004-3, Sec. 10)

905.23. (Repealed, Ord. No. 2004-3, Sec. 10)

905.25. Commercial cooking ventilation systems. Subdivision 1. Periodic servicing. Commercial cooking ventilation systems, hoods, filters, grease removal devices, and ducts must be periodically cleaned prior to surfaces becoming heavily contaminated with combustible grease deposits. Commercial cooking ventilation systems, hoods, and ducts must be cleaned at least annually. Cleaning may be required more often depending on grease build-up and is up to the discretion of the code official. (Amended, Ord. No. 2004-3, Sec. 8)

Subd. 2. Permits. A person cleaning a commercial cooking ventilation system or its components as referred to in subdivision 1 for the removal of combustible grease, must first obtain a permit from the building department. Permits must be obtained a minimum of three days prior to starting work. Upon completion of cleaning, the fire district must be notified for inspection and approval of work. The permit fee is fixed in appendix IV. (Amended, Ord. No. 2004-3, Sec. 8)

905.27. Open burning. Subdivision 1. Construction projects. Open burning is allowed for the purpose of thawing frozen ground or for maintaining of interior structure temperature in connection with construction projects. This shall be considered temporary heat and will require a special use permit for code official approval before installation. All installations shall be in accordance with chapter 14, section 1403 of the MSFC. **Exception**: No permit is required for any temporary heating with a maximum cylinder size of 20 pounds or less. (Added, Ord. No. 2004-3, Sec. 9)

Subd. 2. Recreational fires. Open burning shall be allowed for the purpose of recreation. (For example, fires for warmth, for the cooking of foodstuffs, or ceremonial purposes.) No permit is required for recreational fires, but they shall adhere to the following regulations at all times.

a) Recreational fires shall not be used for disposal of yard waste, construction materials, or common household trash. Fuel for recreational fire shall only be that of aged, dry firewood.

b) All recreational fires must be in an approved outdoor fireplace or pit, which is at grade or below and no more than three feet in diameter. The outside edge shall be ringed with brick, rock, or other non-combustible material to prevent fire spread. Commercially manufactured steel outdoor fire pits and structures may be used provided they are not more than three feet in diameter.

c) All recreational fires shall be kept a minimum of 15 feet from any structure or combustible materials.

d) Recreational fires shall not be allowed if winds exceed seven miles per hour.

e) Recreational fires shall be constantly attended by the property owner or designated adult until fire is completely extinguished. A garden hose or other adequate means of extinguishment shall be available within 15 feet of the fire for emergency purposes.

f) When prohibited by action of the Minnesota Department of Natural Resources, recreational fires shall not be permitted.

g) All recreational fires shall be extinguished no later than 11:00 P.M.

h) At the discretion of the fire official, any recreational fire not adhering to the above regulations, and or that poses a dangerous condition shall be considered a public nuisance and shall be immediately extinguished. Any person or persons who fail to comply with these conditions shall be in violation of this section. (Added, Ord. No. 2004-3, Sec. 9)

Subd. 3. Open burning; use of open-flame, liquefied-petroleum gas (LP), or charcoal cooking devices on vertical apartment balconies or patios is hereby prohibited. No person shall kindle, maintain or cause any fire or open flame on any apartment balcony above ground level or ground floor patio immediately adjacent to or within ten feet of any combustible construction. No person shall store any fuel, barbecue torch or other similar heating or lighting chemicals or device in either of the above locations. **Exception:** One and two-family dwellings. (Added, Ord. No. 2004-3, Sec. 9)

Subd. 4. Fire control costs. Every resident or nonresident person, firm or corporation shall be liable for all fighting or preventing the spread of, or extinguishing any fire caused by or resulting from their or its acts, negligence or omissions. The fire chief shall keep a record of the cost, including work done by firefighters and other city employees and equipment, and file the same with the clerk. Thereupon, the clerk shall bill the person, firm or corporation liable therefore, as prescribed in chapter 14 of the MSFC. No license of any person, firm or corporation liable for the expenses incurred in fire control as provided above, shall be renewed if the licensee is in default in payment of any bill hereunder. (Added, Ord. No. 2004-3, Sec. 9)

Section 910 - Dog control; animals

910.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Animal" means a dog, domestic animal, or wild animal. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 3. “Animal control officer” means the person, entity, position, department or agency designated by the city council to enforce the provisions of this section. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 4. "Appropriate license" means a dog, private kennel, or commercial kennel license. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 5. "Owner" means any person, firm, corporation, organization, or department possessing, owning, harboring, having an interest in, or having care, custody, or control of a dog or other animal. (Amended, Ord. No. 2019-04, Sec. 1)

Subd. 6 "Commercial kennel" means any place where dogs or other animals are kept, and where the business of raising, selling, boarding, breeding, showing, treating, or grooming of dogs or other animals is conducted. The term includes pet shops, animal hospitals, kennel and other similar type operations. (Amended, Ord. No. 2010-04, Sec. 1)

Subd. 7. “Dangerous dog” means: (Added, Ord. No. 2010-04, Sec. 1)

a) Any dog that has:

   1) without provocation, inflicted substantial bodily harm on a human being on public or private property;

   2) killed a domestic animal without provocation while off the Owner’s property; or

   3) been found to be potentially dangerous, and after the Owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals; or

b) Any dog that:

   1) displays evidence that it has been or will be used for fighting; and

   2) whose Owner is in possession of training apparatus, paraphernalia, or drugs intended to be used to prepare or train a dog for fighting.

Subd. 8. "Domestic animal" means a domesticated dog, cat, ferret, chicken or rabbit. (Added, Ord. No. 2010-04, Sec. 1, Amended Ord. No. 2013-03, Sec. 1)

Subd. 9. "Great bodily harm" has the meaning given it under Minnesota Statutes, Section 609.02, subdivision 8. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 10. "Potentially dangerous dog" means any dog that:

a) when unprovoked, inflicts bites on a human or domestic animal on public or private property;

b) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog Owner's property, in an apparent attitude of attack; or

c) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

(Added, Ord. No. 2010-04, Sec. 1)

Subd. 11. "Private kennel" means any premises where more than three (3) dogs, (3) cats, or more than two (2) dogs and two (2) cats not exceeding a total of five (5) dogs and cats over three months of age, are kept or harbored within a dwelling unit. This limitation does not apply to fish, pet fowl, reptiles, or rodents which are confined or caged at all times and maintained within the dwelling unit, or chickens regulated by subsection 910.05. (Amended, Ord. No. 2010-04, Sec. 1, Amended, Ord. No. 2013-03, Sec. 1)

Subd. 12. "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 13. "Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite. (Added, Ord. No. 2010-04, Sec. 1)

Subd. 14. "Substantial bodily harm" has the meaning given it under Minnesota Statutes, section 609.02, subdivision 7a).

910.03. Dog licenses. Subdivision 1. Licenses. Every Owner of one or more dogs within the city must obtain the appropriate license from the city clerk, or clerk's agent, and said license or evidence thereof must be properly displayed. No license is required for a dog which is less than six months old. Kenneled dogs in commercial kennels need not be individually licensed. (Amended, Ord. No. 2010-04, Sec. 2)

Subd. 2. License term. A dog license is effective for the duration of the rabies vaccine effectiveness as specified in subsection 910.04. A dog license is not transferable to any other Owner or animal. Refunds of the dog license fee will not be made. (Amended, Ord. No. 2001-09, Sec. 1; Ord. No. 2010-04, Sec. 2)

Subd. 3. Application. Application for a dog license must be made upon forms provided by the city and be submitted together with the payment of the appropriate fees required by Appendix IV of this code. (Amended, Ord. No. 2010-04, Sec. 2)

910.04. Vaccination of dogs, cats and ferrets. Each Owner of a dog, cat or ferret within the city must vaccinate its dog, cat or ferret for rabies. The vaccination must be performed by a licensed doctor of veterinary medicine. The certificate or statement of vaccination must show that the animal has been vaccinated in accordance with the current recommendation of the National Association of State Public Health Veterinarians, Inc. and the Center for Disease Control of the United States Department of Health, Education and Welfare. The certificate or statement is prima facie proof of the required vaccination. (Added, Ord. No. 2010-04, Sec. 3)

910.05. Special rules. Subdivision 1. General. Notwithstanding the provisions of subsection 910.07, subdivision 3, a person may keep not to exceed 24 rabbits in a private kennel. The licensing procedures, fees, and rules of this section applicable to animals and private kennels apply to a private kennel for any number of rabbits maintained pursuant to the subsection. (Amended, Ord. No. 2002-14, Sec. 1)

Subd. 2. Number of domestic animals allowed. Up to three (3) dogs, (3) cats, or two (2) dogs and two (2) cats, are permitted without a kennel license in a dwelling unit. (Added, Ord. No. 2013-03, Sec. 1)

Subd. 3. Additional conditions. Rabbits kept in a private kennel pursuant to this subsection are to be kept solely for the private use and enjoyment of the licensee of the private kennel, and no sales of the rabbits, except occasional sales, are permitted. Slaughtering of rabbits on the premises where the private kennel is located or in the private kennel is prohibited. Rabbit cages or hutches within a private kennel must be housed in a screened enclosure. Violation of the provisions of this subdivision is grounds for revocation of the private kennel license.

Subd. 4. Pot-bellied pigs. Notwithstanding the provisions of subsection 910.39, a pot-bellied pig is considered a household pet for the purposes of section 910, subject to the conditions of this subdivision.

a) A person may keep no more than one-pot-bellied pig, which must be kept solely for the private use and enjoyment of the person.

b) A pot-bellied pig may be kept only by residents of single family detached dwellings.

c) Every owner or keeper of a pot-bellied pig must obtain a license in accordance with the procedure for dogs under subsections 910.03 and 910.07, as supplemented by the provisions of this subdivision. Notwithstanding anything to the contrary in subsection 910.03, pot-bellied pigs of any age require a license. The provisions of subsection 910.09 regarding tags do not apply to pot-bellied pigs.

d) All male pot-bellied pigs must be neutered by the age of three months, and all female pot-bellied pigs must be neutered by the age of one year. In addition to all other requirements for a license under subsection 910.07, an applicant for a pot-bellied pig license must present to the office of the city clerk a certificate executed by a licensed doctor of veterinary medicine showing that the animal has been timely neutered, or that the animal has not reached the age for required neutering by the date of application.

e) All other provisions of section 910 of the city code relating to animals, including without limitation the provisions of subsection 910.13, apply to pot-bellied pigs. Pot-bellied pigs will be considered along with any other animals when determining whether a private kennel license is required or permitted under subsection 910.01, subdivision 5 and subsection 910.07. (Added, Ord. No. 2002-14, Sec. 2)

Subd. 4a. Chickens. No person shall keep on any single family or two family residential property more than four (4) total hen chickens. This is an addition to the maximum number of animals authorized by Section 910.01, Subd. 11.

b) Three or More Dwelling Unit Properties. Chickens are not allowed on properties with three or more dwelling units.

c) No Roosters. No person shall keep roosters, or adult male chickens, on any property within the city.

d) No Cockfighting. Cockfighting is specifically prohibited within the city.

e) No Slaughtering. The slaughter of chickens is prohibited in the city.

f) Ownership Occupancy. The owner of the chickens shall live in the dwelling on the property. If the property is not owner-occupied, then the property owner must provide a written statement to the city confirming that the tenant may have chickens at the property.

g) No Breeding. The raising of chickens for breeding purposes is prohibited in the city.

h) No Chickens in Dwellings or Garages. Chickens over the age of four weeks shall not be kept inside of a dwelling or garage.

i) Shelter and Enclosure Requirements. Chickens shall be properly protected from the weather and predators in a shelter or coop, and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet all of the following requirements:

1) Applicable building, property maintenance and zoning requirements of Chapters 4 and 5.

2) Applicable electrical work shall be done according to applicable codes and with appropriate permits.

3) The shelter shall be situated closer to the chicken owner's dwelling than to any of the neighboring dwellings but in no case closer than 5 feet to the lot line.

4) Shelter and enclosure must not be located closer to an adjacent street than the owner's dwelling.

5) Screening from abutting residentially used properties and streets in the form of a solid privacy fence of at least four (4) feet in height constructed according to the fence standards of Section 515.13 Subd. 7 shall be provided for the shelter and enclosure.

6) A shelter shall not exceed 120 square feet in size and shall not exceed six (6) feet in height.

7) An enclosure or fenced area for chickens shall not exceed 20 square feet per bird and shall not exceed six (6) feet in height and shall have protected overhead netting to prevent attracting predators and other animals running at large.

8) An enclosure or fenced area may be constructed with wood and/or woven wire materials that allow chickens to contact the ground.

9) Constructed in a workmanship-like manner to deter rodents and predators.

j) Prevention of Nuisance Conditions. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:

1) The shelter and enclosure are maintained in good repair, and in a clean and sanitary manner free of vermin and objectionable odors.

2) Feces and discarded feed is regularly collected and stored in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin until it can be disposed properly.

3) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.

4) Chickens shall be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attracting predators.

5) Chickens shall remain in either the shelter or enclosure at all times and shall not run at large.

6) The shelter shall be winterized to protect the chickens in cold weather.

k) Sale of Farm Poultry or Eggs. Owners must comply with all requirements and performance standards for home enterprises in Section 515.33 Subd. 3b and all Minnesota Department of Agriculture requirements for the sale of eggs.

(Added, Ord. No. 2013-03, Sec. 1)

910.07. Procedures for Commercial and Private Kennel license applications. Subdivision 1. Application. Every Owner or operator of a private or commercial kennel within the city must obtain the appropriate license from the city clerk, or clerk's agent, and said license or evidence thereof must be posted as provided below. Application for an appropriate license must be made upon forms provided by the city and be submitted together with the payment of the appropriate fees required by Appendix IV of this code. A kennel license applies solely to the named licensee and is not transferable to any other person. Refunds of the kennel license fee will not be made. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 2. Vaccination. An applicant for private kennel license must present to the office of the city clerk a certificate of vaccination for rabies or other statement to the same effect, executed by a licensed doctor of veterinary medicine. The certificate or statement is prima facie proof of the required vaccination. The certificate must show that the animal has been vaccinated in accordance with the current recommendations of the National Association of State Public Health Veterinarians, Inc. and the Center for Disease Control of the United States Department of Health, Education and Welfare. The city clerk must maintain three copies of the recommendations available for public inspection. The period that the vaccine used must be effective, extends over the period that the license is effective plus three months. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 3. Kennels. An applicant for a Commercial Kennel or Private Kennel license must provide an up-to-date detailed plan and description of the premises and structures wherein the kennel is to be operated, the number and types of animals proposed to be handled therein, and such other information as the city may deem necessary. If the application is for a renewal of a previous license and no changes in the premises, structures, or operation have been made or are contemplated to be made, a new plan or description need not be provided but the completeness and accuracy of the existing plan must be so certified. A kennel license may not be issued to an applicant located within 50 feet of an existing restaurant, except upon approval of the health authority and subject to such limitations as may be prescribed by the health authority. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 4. Administration. Applications for Commercial Kennel or Private Kennel licenses must be submitted to the public health sanitarian for review and recommendation prior to council action. The public health sanitarian must make the necessary investigations concerning kennels. The public health sanitarian is a representative of the city manager for the purpose of administering and enforcing the provisions of this section. (Amended, Ord. No. 2010-04, Sec. 4)

Subd. 5. Term. Commercial Kennel or Private Kennel licenses expire on April 30 of each year. (Added, Ord. No. 2010-04, Sec. 4)

Subd. 6. Posting. A commercial kennel license must be posted in a conspicuous place. A private kennel license need not be posted in a conspicuous place, but must be produced upon request. (Added, Ord. No. 2010-04, Sec. 4)

Subd. 7. Special rules regarding a Private Kennel. The maximum number of dogs or other domestic animals that may be kept in a private kennel is five. The council may require that an applicant for a private kennel license show evidence that abutting property owners have been informed of his intentions. (Added, Ord. No. 2010-04, Sec. 4)

910.09. Dog tags. Subdivision 1. Required. The clerk must provide and furnish for each licensed dog, a metallic tag upon which must have stamped or engraved the register number of the dog, the word "Crystal" and the year when registered. The design of such metallic tag must be changed each year.

Subd. 2. Receipts and tags. Upon the payment of the license fee, the clerk must execute a receipt. The clerk must deliver the receipt and metallic tag to the person who pays the fee.

Subd. 3. Affixing tags. The owner must attach the tag by a permanent metal fastening to the collar of the dog in such a manner that that tag may be easily seen by the officers of the city. The owner must insure that the tag is constantly worn by the dog.

Subd. 4. Counterfeits. It is unlawful to make, sell, purchase, possess, or place or allow to be placed on a dog any metallic tag of the same form, shape or intended to be like the official tag, or to attempt in any way to counterfeit the design adopted for such official tag.

Subd. 5. Lost, stolen, destroyed, or mutilated tags. If the metallic tag is lost, stolen, destroyed or mutilated after having been regularly issued, the owner or keeper of a dog, upon presenting and surrendering to the clerk the tag or receipt issued when the dog was registered, numbered, described and licensed, must receive a duplicate tag upon the payment of the appropriate fee. A person may not be granted a duplicate tag or license unless the original tag has actually been lost or stolen. The clerk may, before issuing such duplicate tag and license, require an affidavit to be made and furnished by the applicant for a duplicate license and tag, setting forth the fact that such tag has been lost or stolen and is not at the time in that person's possession.

Subd. 6. Removal. It is unlawful for any person, except the owner, the owner's authorized agent, a police officer or animal warden, to remove a license tag from a dog collar or remove a collar with an attached license from a dog.

Subd. 7. Dangerous dog tag. The Owner of a dog designated as dangerous must obtain from the city and affix an additional tag to the dog’s collar identifying the dog as dangerous and containing the dangerous dog symbol as further set forth in Minnesota Statutes, section 347.51. The city may charge the Owner a reasonable fee for the dangerous dog tag. (Added, Ord. No. 2010-04, Sec. 5)

910.11. Manner of keeping animals. Subdivision 1. Sanitary conditions. It is unlawful to keep an animal in an unclean and unsanitary place or in an unclean and unsanitary condition so as to endanger the animal's health or safety.

Subd. 2. Odors. It is unlawful to own, harbor, keep or have in possession or on one's premises an animal in a manner that produces an odor that can be detected by any person from a location outside of the building or premises where the animal is kept.

Subd. 3. Noise. It is unlawful to own, harbor or keep or have in possession or on one's premises an animal that by howling, yelping, barking, fighting or otherwise, produces noise that disturbs the peace, quiet or repose of a person of ordinary sensibility.

Subd. 4. Basic care. All animals shall receive kind and humane treatment from their Owners, which shall include proper and adequate, clean, ventilated, and sanitary housing or shelter from the elements and sufficient food and water for their comfort. Failure to provide basic care is a violation of this section. (Added, Ord. No. 2010-04, Sec. 6)

Subd. 5. Removal of animal feces required. Any person being the Owner of or having charge of any animal not confined to that person's property must immediately remove any feces deposited on public or private property. Any such person must have in their possession a means to collect and dispose of all fecal matter in a property manner. (Added, Ord. No. 2010-04, Sec. 6)

Subd. 6. Accumulation of feces prohibited. The Owner of any animal must keep its premises free from an unreasonable accumulation of fecal matter. (Added, Ord. No. 2010-04, Sec. 6)

910.13. Confinement and control. A person who owns or keeps an animal, or the parent or guardian of a person under 18 years of age who keeps an animal, may not permit the animal to be on private land in the city unless the animal is effectively restrained from leaving the land by leashing or fencing, except on the owner's own private land. The owner of the land may keep an animal on that land but the animal must be kept under the immediate supervision and verbal command of a responsible person. A person having custody or control of an animal may not permit the animal to be on public property in the city unless the animal is effectively restrained by leash not exceeding six (6) feet in length. An animal in heat must be confined in an enclosure that prevents its escape and the entry of other animals. While on the Owner's property, a dog designated as dangerous must be kept in a proper enclosure and as otherwise provided in Minnesota Statutes, sections 347.51 and 347.52 and this section. (Amended, Ord. No. 2010-04, Sec. 7)

910.15. Public nuisance. Subdivision 1. Violation. An animal is a public nuisance if its owner or keeper violates subsection 910.11:

a) three times within a period of 60 consecutive days,

b) four times within a period of 180 consecutive days, or

c) five times within a period of 360 consecutive days.

For purposes of this subsection, the date of a violation is the date the violation occurs, not the date of conviction for the violation.

Subd. 2. Other nuisance conditions. An animal is a public nuisance if the animal:

a) attacks a person without provocation, causing injury to that person;

b) attacks a domestic animal outside the premises of the animal's owner, causing injury to that domestic animal;

c) has a demonstrated propensity to attack without being provoked or to otherwise endanger the safety of persons or domestic animals;

d) habitually interferes with the public use of a public right-of-way;

e) habitually destroys or damages real or personal property of a person other than its owner; or

f) is required to be quarantined pursuant to subsection 910.27 but is at large.

Subd. 3. Proceedings for disposition of nuisance animals. An animal that is a public nuisance pursuant to subsection 910.15 is to be disposed of in the manner provided by Minnesota Statutes, sections 347.04 to 347.07 (Act). (Added, Ord. No. 2010-04, Sec. 8)

Suibd. 4. Complaint. The complaint required by the Act may be prepared and presented to the district court by the animal control warden or any peace officer designated by the Chief of Police. The complaint may be based upon written information supplied to the animal control officer or peace officer by a resident of the city. (Added, Ord. No. 2010-04, Sec. 8)

910.17. Muzzles. When the health authority determines that a dog is infected with rabies or hydrophobia, the Chief of Police, or its designee, by order and notice thereof posted in three public places in the city, require that all dogs be muzzled in the manner set forth in the order. While the order is in effect, a public officer, animal warden or any person authorized by the manager may summarily kill and destroy an unmuzzled dog if the dog cannot, with reasonable care and safety, be taken up and impounded. (Amended, Ord. No. 2010-04, Sec. 9)

910.19. Commercial and private kennels. Subdivision 1. Design. Kennel floors and walls must be constructed of impervious and easily cleanable materials and all structures, areas, and appurtenances so designed as to facilitate frequent and easy cleaning. All areas must be adequately and properly ventilated. Every kennel must be suitably enclosed or fenced in such a manner as to prevent the running at large or escape of animals confined therein. Doors, windows and other openings must be screened from May 1 to October 1. The premises must be provided with the adequate and safe sewer and water connections, plumbing and plumbing fixtures. (Amended, Ord. No. 2010-04, Sec. 10)

Subd. 2. Construction. New kennels or repairs or alterations of existing kennels must have plans filed with and approved by the health authority before a building permit may be issued. All new construction or reconstruction must comply with this section and other applicable provisions of this code.

Subd. 3. Operation. Kennels must be maintained in a clean, healthful, sanitary, and safe condition and so as not to create a health hazard or public nuisance. Kennels must be operated in a humane manner, and the licensee and persons having charge thereof and their employees or agents may not deprive the animals of necessary food, water or shelter, or perform any act of cruelty to the animals or in any way further any acts of cruelty toward them or any act tending to produce such cruelty.

Subd. 4. Conditions. Cages, pens, benches, boxes or receptacles in which the animals are confined must be kept clean, sanitary and in good repair and must be properly sufficient and humane in size for the confinement of the animals. Show or display cases, windows, counters and shelves used in handling the animals must be kept clean, sanitary, free from dust and dirt and in good repair. Plumbing fixtures and other appurtenances must be kept in a clean and sanitary condition and in good repair. Delivery vehicles must be kept clean. Utensils used in the preparation of food and the feeding of the animals must be kept clean, sanitary and in good repair. The use of the utensils for such purpose that are badly worn, rusted or corroded or in such condition that they cannot be rendered clean and sanitary, is prohibited.

Subd. 5. Waste disposal. Refuse and other wastes must be removed frequently and stored and disposed of as set forth in section 605 of the code or by a method approved by the health authority.

910.21. Dog pound. Subdivision 1. Conduct of. The council may designate a suitable place as a dog pound either within or outside of the city limits. The city may operate its own dog pound. Dogs conveyed to the pound must be kept with kind treatment and sufficient food and water for their comfort for at least five days unless sooner reclaimed by their owner as provided in this section. At the end of the five-day period, a dog that has not been reclaimed by the owner may then be sold by the keeper of the pound for a sum of not less than the cost of the keep of such dog, plus an impounding fee as set forth in appendix IV to any person who procures a license for such dog, provided that the license receipt and tag must be exhibited to the poundkeeper before the poundkeeper gives possession of the dog to the licensee.

Subd. 2. Disposal. After the five-day holding period, the poundkeeper may cause the dog to be disposed of in a humane manner pursuant to the provisions of Minnesota Statutes, section 35.71, and must properly dispose of the remains thereof and the poundkeeper must accept for and pay over monthly to the finance director, all monies received from all license, impounding, and boarding fees as set forth in appendix IV. The poundkeeper must also keep an accurate account of all dogs received at the dog pound and all dogs killed or released therefrom and must turn in such account monthly to the clerk.

Subd. 3. Duties of poundkeeper. The poundkeeper must:

a) Maintain the facilities approved by the governing body as the municipal pound in a clean, healthful, sanitary, secure and safe condition, and in a humane manner.

b) Notify the person named as licensee that the dog bearing licensee's license has been impounded and may be redeemed pursuant to the provisions of this code.

c) Carry out the provisions of this code as directed by the police department and health authority.

d) Dispose of unclaimed animals pursuant to the provisions of this section and in accordance with state law.

e) Adopt such handling practices and take such measures as may be necessary or may be prescribed by the city to prevent the loss of any animal impounded by the city.

910.23. Reclamation. An owner or claimant of a dog impounded by reason of violation of any provision of this section may reclaim the dog within five business days upon obtaining a license therefor, if unlicensed, and paying the appropriate impounding fees as set forth in appendix IV. The reclamation of a dangerous dog is set forth in subsection 910.59, subdivision 2, of this section. (Amended, Ord. No. 2010-04, Sec. 11)

910.25. Animal warden services. The animal warden service will be designated by the city council. The service and its employees or agents have the powers and duties to patrol the streets of the city and enforce the provisions of this section, including the issuing of citations for violations thereof.

910.27. Impounding. Subdivision 1. Animal bites. An animal that is capable of transmitting rabies and that has bitten a person such that the skin has been broken, as determined by the responding officer, or the person seeks the services of a doctor, must be taken up and impounded at the municipal dog pound and quarantined for at least ten days from the time of the bite, and in any event until it is determined whether or not the animal had or has rabies. If the animal has bitten a person, the animal may be immediately euthanized if required to test for rabies as determined by the state or county health authority, as recommended by the Centers for Disease Control may be, or at the request of the Owner. If non-lethal testing is possible and the animal is found to be rabid, it must be destroyed; if it is found not to be rabid, it will be returned to the owner provided that owner first pays for the cost of impounding and quarantining it. If the owner does not pay such costs within five business days after being notified to claim or retrieve the animal, the animal may be disposed of as provided in subsection 910.21. If the animal control officer determines that exceptional medical conditions so require, the officer may permit the animal to be impounded and quarantined at an impounding facility other than the municipal dog pound, provided that the facility must be one acceptable to the health authority and the animal must be kept separate and apart from all other animals and under the care and supervision of a licensed veterinarian. The cost incurred by the city in carrying out the provisions of this subsection must be paid by the owner of the impounded animal. (Amended Ord. No. 99-12, Sec. 1; Ord. No. 2002-14, Sec. 3; Ord. No. 2010-04, Sec. 12)

Subd. 2. Bitten animals. An animal that has been bitten by a known rabid animal must be picked up and destroyed, provided, however, that the animal may be immediately killed if with reasonable effort it cannot first be taken up and impounded. If so picked up and impounded, the animal may not be destroyed if the owner thereof makes provisions for a suitable quarantine for a period of not less than six months for unvaccinated animals, or for 30 days, if proof of previous immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner of such animal.

Subd. 3. Potentially dangerous or dangerous dogs. A potentially dangerous or dangerous dog shall not be returned to its Owner until the Owner has complied with the relevant provisions of state law and this section and paid all associated costs. The Police Chief, or its designee, has the discretion to determine if the dog may be returned to its Owner before the Owner has complied with all the relevant provisions. (Added, Ord. No. 2010-04, Sec. 12)

910.29. Record of purchases and sales. A kennel licensee must keep the records deemed necessary by the city.

910.31. Diseased animals prohibited. It is unlawful to knowingly bring into the city, or have in one's possession, an animal that is afflicted with infectious or contagious diseases. Such diseased animals must be destroyed in a humane manner unless the disease is curable and the animal is under the care of, and receiving treatment from, a licensed veterinarian.

910.33. Suspension and revocation of kennel license. A kennel license may be temporarily suspended by the health authority, with the approval of the city manager, for violation by the licensee of any of the terms of this section that constitute a health hazard or creates a nuisance, or revoked after an opportunity for a hearing by the city council upon a serious violation or repeated violations upon recommendation of the health authority.

910.35. Enforcement. The police department, health authority and animal warden must enforce the provisions of this chapter and transport to the city dog pound, or destroy any animals kept within the city, or running at large contrary to the provisions of this section.

910.37. Interference with officers. An unauthorized person may not break open the pound or attempt to do so, or take or let out any dogs therefrom, or take or attempt to take from any officer any dog taken up in compliance with this section, or in any manner interfere with or hinder the officer or agent of the city in the discharge of duties.

910.39. Zoning regulations. It is unlawful to keep or harbor an animal or fowl, except dogs, cats and other similar household pets, within any district of the city zoned residential unless the activity was being carried on continuously within that residential district since March 3, 1959, in which case the activity may not be expanded or enlarged after that date, nor transferred with title to property or with change in occupant.

910.41. Not applicable to bait shops. The provisions of this section do not apply to persons or places selling only frogs, fish, worms or reptiles for use as live bait for fishing.

910.43. (Repealed, Ord. No. 2002-14, Sec. 4)

910.45. (Repealed, Ord. No. 2010-04, Sec. 13)

910.47. (Added, Ord. No. 96-4, Sec. 1) Animals: special events. Subdivision 1. Definition. For purposes of this subsection, the term special event means i) an event conducted as part of the Crystal Frolics, ii) a city sponsored event conducted on the Fourth of July at Becker Park, or iii) a special event designated by council resolution after recommendation by the Park and Recreation Advisory Commission.

Subd. 2. Prohibition. It is unlawful to bring an animal on municipal park property during a special event conducted on that park property.

Subd. 3. Exceptions. The prohibition in subdivision 2 does not apply to (i) animals actually used by handicapped persons for personal assistance and (ii) animals used for entertainment purposes as part of a special event.

Subd. 4. Further regulations. The city manager is authorized and directed to prepare and promulgate rules specifying the beginning and ending times of the special events specified pursuant to this subsection during which the prohibition of this subsection will be in effect.

910.49. Exemptions. This section does not apply to a dog owned and controlled by local, state and federal law enforcement agencies that are used in law enforcement or related activities. Dogs may not be declared potentially dangerous or dangerous if the threat, injury, or danger was sustained by a person who

was: (Added, Ord. No. 2010-04, Sec. 14)

a) Committing a willful trespass or other tort upon the premises occupied by the Owner of the dog; (Added, Ord. No. 2010-04, Sec. 14)

b) Provoking, tormenting, abusing or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or (Added, Ord. No. 2010-04, Sec. 14)

c) Committing or attempting to commit a crime. (Added, Ord. No. 2010-04, Sec. 14)

910.51. Animals posing an imminent threat. If an animal is diseased, vicious, rabid, or exposed to rabies, or poses an imminent threat to public safety, and if such animal cannot be impounded after a reasonable effort, or cannot be impounded without serious risk to the persons attempting it, the animal may be immediately killed by or under the direction of the Animal Control Officer or a police officer. (Added, Ord. No. 2010-04, Sec. 14)

910.53. Adoption by reference. Except as otherwise provided in this section, the regulatory and procedural provisions of Minnesota Statutes, sections 347.50 to 347.565 are adopted by reference. (Added, Ord. No. 2010-04, Sec. 14)

910.55. Potentially dangerous dogs. Subdivision 1. Notice to owner of declaration. The Animal Control Officer shall notify the Owner by delivering, mailing, or posting on the Owner's residence a notification informing the Owner of the declaration of its dog as potentially dangerous, the basis for the declaration, the procedure for appealing the declaration, and the result of the Owner's failure to appeal the declaration as described in subdivision 2. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Appeal. An appeal of the declaration must be submitted on the form supplied by the city. The completed form and appeal fee must be returned to the police department within 14 days of notification. Appeals consist of a record review by the Chief of Police, or its designee. The Owner shall be notified of the results of the record review within ten days of the receipt of the completed appeal form and appeal fee. If the Owner fails to appeal the declaration within 14 days, the Owner forfeits the right to appeal and the declaration of the dog as potentially dangerous is final. If the declaration is upheld, the Owner must comply with all applicable requirements. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Registration. Any person who has a dog that has been designated as potentially dangerous dog pursuant to this section or pursuant to Minnesota Statutes, section 347.50, must register the dog as a potentially dangerous dog with the city. (Added, Ord. No. 2010-04, Sec. 14)

a) The Owner shall make the potentially dangerous dog available to be photographed by the Animal Control Officer for identification purposes at a time and place specified by the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

b) The registration of the potentially dangerous dog must be renewed annually with the city until the dog is deceased or is determined to be no longer potentially dangerous. The current Owner of a potentially dangerous dog must notify the Animal Control Officer in writing of the death of the dog or its transfer to another owner or to another location within 30 days of the dog's death or transfer. If requested by the city, the Owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition or the complete name, address and telephone number of the person to whom the dog was transferred to. The Animal Control Officer, or its designee, shall be allowed to inspect the animal and the place where the animal is now located at any reasonable time. (Added, Ord. No. 2010-04, Sec. 14)

c) The Owner of a potentially dangerous dog must be 18 years of age or older. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Microchip implantation. Any dog that is determined to be potentially dangerous by the city pursuant to the definition and process contained in this section or pursuant to Minnesota Statutes, section 347.50 shall be implanted with a microchip for identification purposes within 14 days of the final declaration of the dog as potentially dangerous. All costs related to purchase and implantation of the microchip shall be borne by the Owner of the dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the Owner, the city may have a microchip implanted in the dog at the Owner's expense. Upon request, the Owner or custodian of a potentially dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether a microchip has been implanted. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Sterilization. The city may require a potentially dangerous dog to be sterilized at the Owner's expense within 30 days of the final declaration of the dog as potentially dangerous. If the Owner does not have the dog sterilized, the Animal Control Officer, or its designee, may arrange for and have the dog sterilized at the Owner's expense. Upon request, the Owner of a potentially dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection or provide proof in the form of a statement from a licensed veterinarian to determine whether the dog has been sterilized. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 6. Obedience class. The city may require that the Owner and its potentially dangerous dog attend and complete an approved obedience class. (Added, Ord. No. 2010-04, Sec. 14)

910.57. Dangerous dogs. Subdivision 1. Notice to owner of declaration. The Animal Control Officer shall notify the Owner of the declaration by delivering, mailing, telephoning if possible, or posting a notification on the Owner's residence. The notice shall include:

a) a description of the dog; the authority for and purpose of the dangerous dog declaration and seizure, if applicable; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is being kept, if applicable; (Added, Ord. No. 2010-04, Sec. 14)

b) a statement that the Owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the Owner's right to a hearing; (Added, Ord. No. 2010-04, Sec. 14)

c) a statement that if an appeal request is made within 14 days of the notice, the Owner must immediately comply with the requirements of Minnesota Statutes, section 347.52, paragraphs a) and c), and until such time as the hearing officer issues an opinion; (Added, Ord. No. 2010-04, Sec. 14)

d) a statement that if the hearing officer affirms the dangerous dog declaration, the Owner will have 14 days from receipt of that decision to comply with all other requirements of Minnesota Statutes, sections 347.51, 347.515, and 347.52 and this section. (Added, Ord. No. 2010-04, Sec. 14)

e) a form to request a hearing; and (Added, Ord. No. 2010-04, Sec. 14)

f) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment, if applicable, was not substantially justified by law. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Hearing. Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing will be held before an impartial hearing officer. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of $1,000 will be the responsibility of the dog's Owner. The hearing officer shall issue a decision within ten days after the hearing. The decision must be delivered to the dog's Owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Registration. Any person who has a dog that has been designated as a dangerous dog pursuant to this section or pursuant to Minnesota Statutes, section 347.50, subdivision 1, must register the dog as a dangerous dog with the city, pay an annual fee in addition to the dog license fee, and meet at other requirements set forth in this subsection as well as those provided in Minnesota Statutes, sections 347.51, 347.515, and 347.52. After being presented with sufficient evidence that the state law and the city requirements have been met as provided below and in state law, the city shall issue a certificate of registration to the Owner of a dangerous dog. (Added, Ord. No. 2010-04, Sec. 14)

a) The Owner shall make the dangerous dog available to be photographed by the Animal Control Officer for identification purpose at a time and place specified by the Animal Control Officer. (Added, Ord. No. 2010-04, Sec. 14)

b) The registration of the dangerous dog must be renewed annually with the city until the dog is deceased or is determined to be no longer dangerous. The current Owner of the dangerous dog must notify the Animal Control Officer in writing of the death of the dog or its transfer to another owner or to another location within 30 days of the dog's death or transfer. If requested by the city, the Owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition or the complete name, address and telephone number of the person to whom the dog was transferred to. (Added, Ord. No. 2010-04, Sec. 14)

c) The Owner of the dangerous dog must be 18 years of age or older. (Added, Ord. No. 2010-04, Sec. 14)

d) The Owner of a dangerous dog must post a sign with the uniform dangerous dog warning symbol in a conspicuous location near the front door of the property. The city shall provide the Owner with a warning symbol for posting on the Owner's property pursuant to Minnesota Statutes, section 347.51, subdivision 2a). The city may charge the registrant a reasonable fee for the symbol. (Added, Ord. No. 2010-04, Sec. 14)

e) A dangerous dog must be securely confined indoors or confined in a secure outdoor enclosure suitably sized for the dog and otherwise meeting the requirements of a proper enclosure. An enclosure is secure and proper within the meaning of this section if it meets the following minimum specifications: (Added, Ord. No. 2010-04, Sec. 14)

i) a floor area of 32 square feet per animal kept in such enclosure;

ii) a sidewall height of five feet, constructed of 11 gauge or heavier wire with openings that do not exceed two inches; and

iii) if the enclosure is on a permeable surface, the fence must be buried in a minimum of 18 inches into the ground;

iv) the support posts are one and one-quarter (1-1/4) inch or larger steel pipe buried a minimum of 18 inches into the ground;

v) a cover over the entire kennel that is constructed of the same gauge wire as the sidewalls or heavier with openings to greater than two inches;

vi) an entrance/exit self closing, self locking gate constructed of the same material as the sidewalls and with openings no greater than two inches; and

vii) in compliance with all zoning setbacks requirements unless a variance is obtained.

When the dog is confined in an enclosure, all access points of the enclosure must be locked. The Animal Control Officer may seize a dangerous dog that is unconfined while on the Owner's property and not otherwise restrained as provided below. (Added, Ord. No. 2010-04, Sec. 14)

f) A dangerous dog shall be sterilized at the Owner's expense within 30 days of the final determination of the dog as dangerous. If the Owner does not have the dog sterilized, the Animal Control Officer, or its designee, may arrange for and may have the dog sterilized at the Owner's expense. Upon request, the Owner of a dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether the dog has been sterilized. (Added, Ord. No. 2010-04, Sec. 14)

g) Any dog that is determined to be dangerous by the city pursuant to the definition contained within this section or pursuant to Minnesota Statutes, section 347.50 shall be implanted with a microchip for identification purposes within 14 days of the final determination of the dog as dangerous. All costs related to purchase and implantation of the microchip shall be borne by the Owner of the dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the Owner, the city may have a microchip implanted in the dog at the Owner's expense. Upon request, the Owner or custodian of a dangerous dog must make the dog available to the Animal Control Officer, or its designee, for an inspection to determine whether a microchip has been implanted. (Added, Ord. No. 2010-04, Sec. 14)

h) The Owner must obtain a surety bond or a policy of liability insurance from a company authorized to conduct business in Minnesota in the amounts set forth in Minnesota Statutes, section 347.51, subdivision 2. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Obedience class. The city may require that the Owner and its dangerous dog attend and complete an approved obedience class. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Restraint. If a dangerous dog is outside of the proper enclosure, it must be securely muzzled and restrained with a chain not exceeding three feet in length, and having a tensile strength sufficient to restrain it. The dog's muzzle must be designed in a manner that will prevent it from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 6. Removal of dangerous dog classification. Beginning six months after a dog is declared a dangerous dog, pursuant to Minnesota Statutes, section 347.51, subdivision 3a), the Owner may request on an annual basis that the city review the dog's designation as a dangerous dog. The Owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the police department, or its designee, finds sufficient evidence that the dog's behavior has changed, the city may rescind the dangerous dog classification or take any other reasonable action suggested by the facts. The Owner of the dog shall be notified in writing of the review results within ten days of receipt of the request. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 7. Concealment. Any person who harbors, hides, or conceals a dog declared dangerous that has been ordered into custody shall be guilty of a misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

910.59. Seizure of dangerous dogs. Subdivision 1. The Animal Control Officer shall immediately seize a dangerous dog if:

a) after 14 days after the Owner has notice that the dog is dangerous, the dog is not validly registered under Minnesota Statutes, section 347.51;

b) after 14 days after the Owner has notice that the dog is dangerous, the Owner does not secure the proper liability insurance or surety coverage;

c) the dog is not maintained in the proper enclosure;

d) the dog is outside the proper enclosure and not under physical restraint of a responsible person; or

e) the dog is not sterilized within 30 days.

If an Owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the Owner pay the costs incurred in confiscating, confining, and destroying the dog. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Reclaimed. A dangerous dog seized under subdivision 1 may be reclaimed by the Owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Officer, or its designee, that the requirements of Minnesota Statutes, sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under Minnesota Statutes, section 35.71, subdivision 3, and the Owner is liable for costs incurred in confining and disposing of the dog. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Subsequent offenses. If a person has been convicted of a misdemeanor for violating a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog will be seized by the Animal Control Officer. If the Owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the Owner pay the cost of confining and destroying the animal. If the Owner is not convicted and the dog is not reclaimed by the Owner within seven days after the Owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under Minnesota Statutes, section 35.71, subdivision 3. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 4. Prevention of disposition of seized dogs. A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Right to a hearing when dog seized. The Owner of any seized dog has the right to a hearing before an impartial hearing officer. The notice and hearing requirements provided in section 910.57, subdivisions 1 and 2, shall apply. (Added, Ord. No. 2010-04, Sec. 14)

910.61. Restrictions on future ownership. Subdivision 1. Convictions. A person may not own a dog if he or she has been convicted of any of the violations set forth in Minnesota Statutes, section 347.542. This prohibition applies to any member of that same person's household. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Non-compliance. An Owner of a potentially dangerous dog or dangerous dog that fails to comply with the requirements of this section or state law may be prohibited or restricted from future ownership or custody of other dogs. An Owner in violation of this section or state law shall be notified in writing and may request a hearing within 14 days of the receipt of the notice of violation. If a hearing is requested, the Chief of Police, or its designee, shall schedule a hearing before an impartial hearing officer within 14 days of the receipt of the request. A hearing fee shall be paid to the city prior to the scheduling of the hearing. The Owner shall be notified of the hearing results in writing within ten days. (Added, Ord. No. 2010-04, Sec. 14)

910.63. Penalty. Subdivision 1. A person who violates a provision of Minnesota Statutes, sections 347.51, 347.515, or 347.52 is guilty of a misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. A person who is convicted of a second or subsequent violation of subdivisions 1 or 2 is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec.14)

Subd. 4. An Owner who violates Minnesota Statutes, section 347.542, subdivision 1, or section 910.61, subdivision 1, of this code is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 5. Any household member who knowingly violates Minnesota Statutes, section 374.542, subdivision 2, or section 910.61, subdivision 1, of this code is guilty of a gross misdemeanor. (Added, Ord. No. 2010-04, Sec. 14)

910.65. Destruction of a dog in certain circumstances. Notwithstanding Minnesota Statutes, section 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the Animal Control Officer, or its designee, if the dog:

a) inflicted substantial or great bodily harm on a human on public or private property without provocation;

b) inflicted multiple bites on a human on public or private property without provocation;

c) bit multiple human victims on public or private property in the same attack without provocation; or

d) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

(Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Hearing. The dog may not be destroyed until the Owner has had the opportunity for a hearing before an impartial decision maker. (Added, Ord. No. 2010-04, Sec. 14)

910.67. Public protection from dogs. An Owner of a dog shall at all times prevent the dog from attacking, biting or otherwise causing injury or attempting to cause injury to any person engaged in a lawful act or from causing injury or attempting to cause injury to a domestic animal. (Added, Ord. No. 2010-04, Sec. 14)

910.69. Conditioning equipment prohibited. Subdivision 1. No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. This prohibition shall not apply to equipment used to train a dog for recreational hunting assistance. Recreational hunting training assistance equippment shall include but not be limited to soft hold training and decoy retrieval apparatuses. (Added, Ord. No. 2010-04, Sec. 14)

910.70. Collars, leashes, tie outs. Subdivision 1. Collars. Collars may not exceed two pounds in weight and must be made of durable material strong enough to hold the dog it is intended for. No collars are to be used other than for humane restraint. Collars may not be equipped with any type of sharp prongs on the inside of the collar or weighted devices that may cause injury or discomfort to the animal's neck. Blunt pronged training collars are permitted if property fitted and unaltered from the manufactured design. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 2. Leashes. Leashes must not exceed six feet in length and may not exceed four pounds in total weight. (Added, Ord. No. 2010-04, Sec. 14)

Subd. 3. Chains, kennels, tethers and tie outs. Chains, tethers, or tie outs must be at least three times the length of the animal secured to it and may not exceed ten pounds in total weight. Tie outs must be of durable material, strong enough to hold the animal it is intended for. Any animal secured with a tie out must be so in an area that would not allow the animal to become tangled around objects while allowing access to shelter and water. Tie outs must be placed in such a location as to inhibit the animal secured from reaching a public sidewalk, street or alley. The tie out must not allow the secured animal access to any neighboring property unless written permission has been obtained from the property owner. (Added, Ord. No. 2010-04, Sec. 14)

Section 915 - Building security

915.01. Definition. For purposes of this section, a "dead bolt lock" means a locking bolt that, when in the locked position, can only be moved positively by turning a knob, key, sliding bolt or mechanism activated by working a combination. The term does not include a lock bolt moved by a skeleton-type key.

915.03. Dead bolt lock required. Multiple dwellings, hotels, motels and apartment hotels must provide dead bolt locks on all entrance doors of each dwelling unit, at least one that must be capable of being locked from the exterior.

915.05. Responsibility for security. The owner, operator or agent of buildings covered by this section is responsible for compliance with this section.

915.07. Security enforcement. The chief building inspector administers and enforces this section.

Section 920 - Curfew
(Repealed, Ord. No. 98-1)

Section 921 - Curfew
(Added, Ord. No. 98-1)

921.01. Findings and purpose. Subdivision 1. In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.

Subd. 2. Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely the juvenile is to be a victim of crime.

Subd. 3. While parents have the primary responsibility to provide for the safety and welfare of juveniles, the city also has a substantial interest in the safety and welfare of juveniles. Moreover, the city has an interest in preventing juvenile crime, promoting parental supervision and providing for the well being of the general public.

Subd. 4. A city-wide curfew in substantially the same form as the county-wide curfew will reduce juvenile victimization and crime and will advance public safety, health and general welfare.

921.03. Definitions. Subdivision 1. "Juvenile" means a person under the age of 18. The term does not include persons under 18 who are married or have been legally emancipated.

Subd. 2. "Parent" means birth parents, adoptive parents and stepparents.

Subd. 3. "Guardian" means an adult appointed pursuant to Minnesota Statutes, sections 525.6155 or 525.6165 who has the powers and responsibilities of a parent as defined by Minnesota Statutes, section 525.619.

Subd. 4. "Responsible adult" means a person 18 years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

Subd. 5. "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Subd. 6. "Emergency" means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

Subd. 7. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any body part or organ.

Subd. 8. "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment or refreshment.

Subd. 9. "Proprietor" means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

921.05. Prohibited acts. Subdivision 1. It is unlawful for a juvenile under the age of 12 to be present in any public place or establishment within the city:

(a) any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day;

(b) any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

Subd. 2. It is unlawful for a juvenile, age 12 to 14, to be present in any public place or establishment within the city:

(a) any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day;

(b) any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

Subd. 3. It is unlawful for a juvenile, age 15 to 17, to be present in any public place or establishment within the city:

(a) any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 5:00 a.m. of the following day;

(b) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

Subd. 4. It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within the city during the hours prohibited in subdivisions 1, 2 and 3.

Subd. 5. It is unlawful for a proprietor of an establishment within the city to knowingly permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in subdivisions 1, 2 and 3 of this section.

Subd. 6. If the proprietor is not present at the time of the curfew violation, the responding officer must leave written notice of the violation with an employee of the establishment. A copy of the written notice must be served upon the establishment's proprietor personally or by certified mail.

921.07. Defenses. Subdivision 1. It is an affirmative defense for a juvenile to prove that:

a) the juvenile was accompanied by the juvenile's parent, guardian or other responsible adult;

b) the juvenile was engaged in a lawful employment activity or was going to or returning home from the juvenile's place of employment;

c) the juvenile was involved in an emergency situation;

d) the juvenile was going to, attending or returning home from an official school, religious or other recreational activity either sponsored or supervised, or both, by a public entity or a civic organization;

e) the juvenile was on an errand at the direction of a parent or guardian;

f) the juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota;

g) the juvenile was engaged in interstate travel;

h) the juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure or residence.

Subd. 2. It is an affirmative defense for a proprietor of an establishment to prove that:

a) the proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minnesota Statutes, 340A.503, subdivision 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates;

b) the proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

921.09. Family curfew. The parents, guardian or legal custodian of a person under the age of 18 may designate an earlier curfew which has the effect of law for that person.

921.11. Penalty. Subdivision 1. Violation of subsection 921.05, subdivisions 1, 2 or 3 will be prosecuted pursuant to Minnesota Statutes, section 260.195 and will be subject to the penalties therein.

Subd. 2. Violation of subsection 921.05, subdivisions 1, 2 or 3(d) or (e) is a misdemeanor and will be subject to the penalty set forth in Minnesota Statutes, section 609.03.

921.13. Review. The city council will conduct yearly reviews of this section to assess the effectiveness of and continuing need for a juvenile curfew. Prior to the annual review, the city prosecuting attorney must prepare and submit a report to the council evaluating violations of this section and juvenile crime and victimization during the preceding year.

Section 925 - Inhaling or consumption of chemicals or glue

925.01. It is unlawful to intentionally inhale, breathe, or drink any compound liquor or chemical containing toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, fluorocarbon, methyl ethyl ketone, trichoroathane, isopropahol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other glue or adhesive substance, hereinafter referred to as "glue", for the purpose of inducing symptoms of intoxication, elation, dizziness, paralysis, irrational behavior, physical, or in any manner change, distort, or disturb the audio, visual, or mental processes. For the purpose of this section, any such condition so induced must be deemed to be an intoxicated condition; provided, however, that the provisions of this section must not apply to any person who inhales, breathes, or drinks such material or substance pursuant to the direction or prescription of any doctor, physician, surgeon, dentist, or podiatrist authorized to so direct or prescribe.

925.03. General. It is unlawful for the purpose of violating or aiding another to violate any provision of this section, to intentionally possess, buy, sell, transfer possession, or receive possession of glue.

925.05. Sales. Subdivision 1. Possession. Except as otherwise provided in this section, a person 17 years of age or under may not possess or buy glue.

Subd. 2. Transfers. Except as otherwise provided in this section, it is unlawful to sell or transfer possession of glue to another person 17 years of age or under.

Subd. 3. Exception; consent. A person may sell or transfer possession of glue to a person 17 years of age or under for model building or other lawful use where the juvenile has in possession and exhibits the written consent of a parent or guardian.

Subd. 4. Exception; lawful sale. This subsection does 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.

925.07. Sales. A person making a sale or transfer of possession of glue to a person 17 years of age or under who exhibits the written consent of a parent or guardian must record the name, address, sex, and age of the person and the name and address of the consenting parent or guardian. Data required by this section must be kept in a permanent type register available for inspection by the police department for a period of at least six months.

925.09. Sale of glue. Retail establishments may not sell glue from a self-service display.

925.11. YMCA. This section does not apply to the distribution of glue or cements by youth organizations such as the YMCA for use by its regularly organized model classes.

925.13. Application. This section does not apply to a person who inhales, breathes, drinks, or otherwise in any manner uses intoxicating liquor as defined by law. This section does not apply to a person who inhales, breathes, drinks or otherwise in any manner uses any narcotic, dangerous drug, or other materials or substance or combination thereof, which material or substance or combination thereof is defined by, and the use of which is prohibited or regulated by law.

Section 930 - Drug abuse and control

930.01. State drug control law adopted. Minnesota Statutes, section 151.40 and chapter 152, relating to prohibited drugs, are hereby adopted by reference and are as much a part of this code as if fully set forth herein. A violation of the statutes herein adopted is a violation of this code.

930.03. Possession of opium-smoking paraphernalia prohibited. It is unlawful to use, possess or have under his control for use any stem, bowl, lamp, yen hock or other opium-smoking paraphernalia or accessories used for the smoking or inhalation of opium or marijuana smoking paraphernalia such as, but not limited to, roach clips and roach pipes.

Section 935 - Gun Control
(Repealed, Ord. No. 2013-04, Sec. 1)

Section 940 - Civil disorder

940.01. Policy. Numerous bombings and the detonation of explosives have occurred in the metropolitan area of which the city is a part. Numerous calls and other information have come to the authorities of the city of threatened bombings and explosions in various buildings and parts of the city. Such conditions may pose a threat to the safety and security of the citizens and property owners of the city. It is therefore necessary that the city council take all prudent steps to safeguard its residents and citizens.

940.03. Emergency board. Subdivision 1. Board created. There is hereby created an emergency board composed of the mayor, city manager and chief of police. Upon the occurrence of an emergency which poses a general threat to the public safety, such board must convene immediately at the call of the mayor at a place to be designated by the mayor.

Subd. 2. Board; powers. The emergency board, by vote of two of its members, may prohibit the sale, exchange or transportation of any commodities deemed to be dangerous, such as: firearms, ammunition, explosives, and intoxicating beverages. Notice of such action must be served upon persons and businesses involved therein by the police department of the city. Such prohibition must terminate within 24 hours unless ratified or extended by the city council as provided in the city charter.

Subd. 3. Notice. The emergency board must upon convening immediately notify each member of the city council of such meeting and any action taken.

940.05. Evacuation. Subdivision 1. Public, private defined. "Public" as used in this section means any commercial, business, or institutional premise. "Private" means residential, private dwellings.

Subd. 2. Public places. If a notice or other communication or information comes to the police department of the city relating to any threatened explosion of a bomb or other device in or on any public premise within the city, the chief of police may evacuate such public premise and provide appropriate assistance in the evacuation.

Subd. 3. Private premises. If a notice or communication or information comes to the police department relating to threatened explosions of a bomb or other device in or on any private premise of the city, the chief of police must immediately inform occupants and assist with evacuation if requested.

940.07. Bomb threats. It is unlawful:

a) As a hoax, to communicate or cause to be communicated the fact that a bomb or any other explosive device has been placed in any building or in any location other than a building.

b) As a hoax, to threaten to bomb any person, place or building.

c) To knowingly permit any telephone or other means of communication under one's control to be used for any purposes prohibited by this section.

d) As a hoax, to place or cause to be placed in any location any article, constructed or placed with intent to give the impression that the article possesses explosive capability.

940.09. (Repealed, Ord. No. 2014 – 02)

Section 945 - Use of Firearms

945.01. Firearms. Subdivision 1. Permit. It is unlawful to shoot, discharge or explode any firearm, cartridge or shell containing an explosive or air rifle within the corporate limits of the city without first obtaining a written permit as required by Minnesota Statutes sections 624.71 – 624.719, as amended, and as provided in this section 945. (Amended, Ord. No. 2013-04, Sec. 2)

Subd. 2. Exceptions. Subdivision 1 does not apply to:

a) Persons duly authorized to act as law enforcement officers, or members of military forces of the United States or the state of Minnesota in the discharge of their duties.

b) Persons engaged in target shooting, with inanimate objects as targets, within a building or structure safely enclosed where the sound of the shooting or discharge will not be a nuisance to persons occupying adjacent property.

c) Persons engaged in target or trap shooting on target or trap shooting ranges licensed as such by the council as provided in subsection 945.05.

d) Persons acting in self-defense when the use of firearms for that purpose would be lawful under the laws of the state of Minnesota.

e) For the destruction of diseased, injured or dangerous birds, animals or reptiles by persons specifically authorized to do so by subsection 910.23.

945.03. Killing of birds and animals. It is unlawful, with or without a permit, to use any shotgun, rifle or other firearm for hunting, shooting or otherwise capturing or killing any animal or bird, except as authorized by subsection 945.01.

945.05. Licenses for target and trap shooting. The council may license the use of firearms and air rifles for target shooting and trap shooting at any suitable place within the city upon application of the owner or occupant of the premises to be licensed and payment of a license fee established by appendix IV. All such licenses expire on December 31 of the year in which granted. A license may not be granted until the chief of police and the council are satisfied that target shooting or trap shooting at the place to be licensed will not be a hazard to persons, animals or property on or adjacent to the licensed premises. A license may not be granted with respect to a place not a safe distance from a public street nor to any place where the sound of the shooting will be a nuisance to the residents in the vicinity. In granting such a license the council may prescribe the hours during which shooting will be permitted and the caliber of rifles or other firearms which may be used. A license may be terminated by the council at any time after reasonable notice to the licensee and hearing, if the council finds that any provision of the license has been violated or that use of the target or trap shooting range has become hazardous to any person, property, animals or is a nuisance.

945.07. Permits to destroy animals. The manager may grant a permit to any person on application for the use of appropriate firearms or air rifles for destruction of a diseased, dangerous or injured animal, but the permit is not valid for longer than the 24 hours period specified in the permit.

945.09. Civil liability. This section does not authorize the use of any firearm or air rifle in a manner that will endanger any human being or property. A permit or license granted hereunder does not relieve the person acting thereunder from civil liability for any damage resulting from such use of the firearm or air rifle.

Section 950 - Private swimming pools

950.01. Swimming pool defined. For purposes of this section a swimming pool is any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving or recreational bathing and having a depth of more than 24 inches at any point and a surface area of 150 square feet or more.

950.03. Fencing required around outdoor swimming pools. Outdoor swimming pools existing and hereafter constructed must be completely enclosed by a security fence or wall at least four feet high and located at least four feet from the edge of the swimming pool on at least one-half of the perimeter. Fence openings or points of entry into the pool area must be equipped with gates. Gates must be equipped with self-closing and self-latching devices placed at the top of the gate or in a manner otherwise inaccessible to children. Openings between the fence bottom and the ground or other surface may not exceed four inches.

950.05. Exception. This section does not apply to above-ground outdoor swimming pools having at least four foot height, vertical or outward-inclined sidewalls; provided that sole access is by means of removable ladder, ramp, or stairs that must be removed when the pool is not in use.

Section 955 - Alarm system

955.01. Purpose and scope. Subdivision 1. This section regulates the use of burglary, safety alarms, and fire alarm systems, establishes users' fees, and establishes a system of administration therefore. (Amended, Ord. No. 2007-13, Sec. 1)

Subd. 2. The purpose of this section is to protect the public safety services of the city from misuse of public safety alarms and to provide for the maximum possible service to public safety alarm users.

955.03. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Alarm user" means a person in control of any building, structure, or facility wherein an alarm system is maintained.

Subd. 3. "Police communications center" is the city facility used to receive emergency requests for service and general information from the public.

Subd. 4. "Alarm system" means an alarm installation designed to be used for the prevention or detection of burglary, robbery, or fire on the premises which contain an alarm installation: automobile alarm devices are not an alarm system. (Amended, Ord. No. 2007-13, Sec. 1)

Subd. 5. "False alarm" means an alarm signal eliciting a response by police or fire personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, unknown fire or sprinkler system alarm, pull station activation with no fire, renovation/construction caused, caused by testing or service person(s), failure of a smoke detector or heat detector, dispatch central station, or the inadvertence of the owner or lessee of an alarm system: the term does not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions which are clearly beyond the control of the alarm manufacturer, installer or owner. (Amended, Ord. No. 2007-13, Sec. 1)

955.05. User fees. Subdivision 1. User fees are to be paid to the city treasurer within 30 days from the date of notice by the city to the alarm user. (Amended, Ord. No. 2001-01; amended, Ord. No. 2007-13, Sec. 1)

Subd. 2. An alarm user that is required by the city to pay a user fee as the result of a false alarm may make a written appeal of the false alarm charge to the police chief or fire chief within ten days of notice by the city of the false alarm charge. Following review and determination by the police chief or fire chief the decision may be appealed to the city manager who will make a final determination as to whether the user is to be charged with a false alarm. (Amended, Ord. No. 2007-13, Sec. 1)

955.07. Payment of fees. Subdivision 1. User fees are to be paid to the city treasurer within 30 days from the date of notice by the city to the alarm user. (Amended, Ord. No. 2001-01)

Subd. 2. Unpaid charges. Delinquent user fees, together with a certification fee in the amount set forth in appendix IV, will be certified by the clerk who must prepare an assessment roll each year providing for assessment of such amounts against the respective properties served. The assessment will include interest on the unpaid user and certification fees at the annual rate set by appendix IV. Assessments will be certified against any property to which alarm calls were directed, regardless of whether the alarm user was the owner, tenant or other person. The assessment roll must be delivered by the clerk to the city council for adoption on or before November 1 of each year. (Amended, Ord. No.

2001-01; Ord. 2004-10, Sec. 2)

955.09. Alarm report. If an alarm user has incurred three false alarms within one calendar year, the alarm user must submit a written report to the chief of police or fire chief within ten days after being notified of the third false alarm, describing actions taken or to be taken to discover and eliminate the cause of the false alarms. Failure to submit the written report is a violation of this section. (Amended, Ord. No. 2007-13, Sec. 1)

955.11. Administrative rules. The chief of police or fire chief must prepare such rules as are necessary for the implementation of this section. (Amended, Ord. No. 2007-13, Sec. 1)

955.13. Confidentiality. Subdivision 1. Information submitted in compliance with this section will be held in confidence and exempt from discovery to the extent permitted by law.

Subd. 2. Statistics. Subject to requirements of confidentiality, the chief of police or fire chief may develop and maintain statistics for the purpose of ongoing alarm systems evaluation. (Amended, Ord. No. 2007-13, Sec. 1)

955.15. (Deleted, Ord. No. 2007-13, Sec. 1)

955.17. Enforcement and penalties. Failure or omission to comply with any provisions of this section is a petty misdemeanor.

Section 960 - Arrest; citations

960.01. Peace officers. For purposes of this section the term "peace officer" has the meaning given it by Minnesota Statutes, section 626.84: the term includes "part-time peace officers" but does not include "reserve officers" as those terms are defined in Minnesota Statutes, section 626.84.

960.03. Arrests; citations. Peace officers employed by the city may enforce a provision of this code or state law, the violation of which is a petty misdemeanor, a misdemeanor or a gross misdemeanor. Peace officers may make arrests and issue citations in lieu of arrest as provided by law.

960.05. Employees. City employees in the department of protective inspection, department of health and sanitation, and fire department may issue citations for violation of those provisions of this code and state law which the employees are responsible for enforcing.

960.07. Police reserves. Members of the police reserve may, under the direction of the chief of police, issue a citation in lieu of arrest.

960.09. Juvenile specialist. A person holding the position of juvenile specialist in the police department may, under the direction of the chief of police, issue citations in lieu of arrest.

960.11. Community service officer. A person holding the position of community service officer in the police department may, under the direction of the chief of police, issue citations in lieu of arrest.

960.13. Twin Lakes. Subject to the direction of the chief of police (i) persons authorized by this section to issue notices of violation and to issue citations in lieu of arrest and (ii) non-sworn personnel from the police departments of the cities of Brooklyn Center and Robbinsdale, may issue notices and citations in lieu of arrest in any part of the city lying in Twin Lakes, on islands in Twin Lakes, and on public lands adjacent to Twin Lakes for violations of applicable laws, ordinances or regulations.

Section 965 - Golf activity
(Added, Ord. No. 94-6)

965.01. Golf play prohibited. Subdivision 1. Golf play and practice on unenclosed private and public property in the city is prohibited.

Subd. 2. Golf play and practice with light plastic balls on private property is permitted.

Subd. 3. Golf play and practice in enclosed commercial structures or as part of a supervised program of public recreation is permitted.

Subd. 4. Golf play and practice with light plastic balls in parks, as defined in chapter VIII of this code, is permitted in designated areas.

Subd. 5. A person engaging in golf practice with light plastic balls on unenclosed private or public property may not permit the balls to enter on to the property of another or to enter on to a public way.

Section 970 – Archery activity
(Added, Ord. 2007-1)

970.01. Archery activities prohibited. Subdivision 1. Archery activities, including but not limited to, the use of any kind of bow and arrow or related equipment on private or public property in the city is prohibited.

Subd. 2. Archery activities and practice in enclosed private property structures, or commercial structures licensed by the city or as part of a city sponsored or supervised program of public recreation,

are permitted.

Section 975 – Angling permitted
(Added, Ord. 2007-2)

975.01. Angling activities prohibited. Subdivision 1. "Angling" means taking fish with a hook and line. An "angler" is a person who takes fish by angling. Unless otherwise prohibited by statutes or regulations promulgated by the Minnesota Commissioner of the Department of Natural Resources (the "commissioner" and "DNR"), angling is permitted in all public bodies of water in the city of Crystal, consistent with such statutes and regulations.

Subd. 2. Taking fish by any other means, including but not limited to, shooting, snaring, spearing, netting or by any other means other than angling, or by means of any other device other than with a hook and line, is prohibited in any body of water in the city of Crystal, unless specifically authorized pursuant to the statutes and regulations of the commissioner of the DNR relating to angling or taking of fish.

CHAPTER X

LICENSES AND PERMITS; PROCEDURES AND FEES

Section 1000 - General provisions

1000.01. Policy and purpose of chapter. By the enactment of this chapter, the city council intends to establish to the maximum degree possible a uniform system for the issuance, revocation, suspension and renewal of licenses and permits for all activities for which licenses and permits are required by this code. The council also intends that fees for licenses and permits required by this code are those set by this chapter.

1000.03. Fees. Subdivision 1. General. The fees for the various licenses and permits are adopted by council resolution from time to time and are set out in appendix IV.

Subd. 2. Other provisions. City events and city-wide celebrations sponsored by local non-profit/civic organizations in conjunction with the city are exempt from license and permit fees except for on sale intoxicating and non-intoxicating liquor. The organization obtaining the license must reimburse out-of-pocket expenses incurred by the city related to the event.

1000.05. Application of chapter. Subdivision 1. General. Where a provision of this code requiring a license or a permit contains no procedures for issuance, revocation, suspension, renewal or fee, the provisions of this chapter apply.

Subd. 2. Other provisions. Where a provision of this code requiring a license or a permit contains procedures for its issuance, revocation, suspension, renewal or fee, such provisions prevail over this chapter.

Subd. 3. Conflicts. Where a direct conflict exists between a license or permit fee set by any provision of this code and a fee set by this chapter, the fee set by this chapter applies.

1000.07. Notice and hearing. Subdivision 1. Vending machines. Prior to the increase of a license fee for vending machines as defined in Minnesota Statutes, section 471.707, the council must hold a public hearing on the question of the increase. The clerk must mail written notice of the time and date of the hearing to vending machine licensees at least 30 days prior to the hearing.

Subd. 2. Liquor and beer. Prior to the increase of the license fees for intoxicating liquor and non-intoxicating liquor both on sale and off sale, the council must hold a public hearing on the question of the increase. The clerk must mail written notice of the time and date of the hearing to holders of such licenses at least 30 days prior to the hearing.

Section 1005 - Licensing procedures

1005.01. Licenses required. It is unlawful to engage in a trade, profession, business or privilege in the city for which a license is required by any provision of this code without first obtaining a license from the city in the manner provided in this section.

1005.03. Application. Application for a license is made to the clerk upon forms provided by the city. The applicant must state the location of the proposed activity and such other facts as are required for or applicable to the granting of the license.

1005.05. Payment of fee. The fees required for a license must be paid at the office of the clerk before the granting of the license. Unless otherwise provided by this code a license fee may not be prorated for a portion of a year, and a license fee paid will not be refunded.

1005.07. Bond and insurance. Required bonds must be executed by two sureties, or a surety company, and be subject to the approval of the manager and the council. Where policies of insurance are required, the policies must be approved as to substance and form by the city attorney. Satisfactory evidence of coverage by bond or insurance must be filed with the clerk before the license is issued.

1005.09. Approval or denial of licenses. Where the approval of any city officer or state officer or the council is required prior to the issuance of a license, the approval must be presented to the clerk before the license is issued. A license may not be approved by any city officer or issued by the clerk if it appears that the conduct of the activity for which a license is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.

1005.11. License term. The term of the license year begins on January 1 and ends on December 31. Where the issuance of licenses for periods of less than one year is permitted, the effective date of the license is the date of issuance.

1005.13. License certificates. License certificates must show the date of issue, the activity licensed and the term of the license. The certificates must be signed by the manager and clerk, and be impressed with the city seal.

1005.15. Exhibition of license certificate. A licensee must carry the license certificate upon the licensee's person at all times when engaged in the activity for which the license was granted. Where the licensed activity is conducted at a fixed place of business or establishment, the certificate must be exhibited at all times in some conspicuous place on the premises. The licensee must present the license certificate when applying for a renewal and upon request of any police officer or authorized representative of the city.

1005.17. Transfer of license. Unless otherwise provided, a license is not transferable without the authorization of the council.

1005.19. Renewal of license. License renewals are issued in the same manner and subject to the same conditions as original licenses.

1005.21. Revocation; denial; suspension. A license issued or to be issued by the city may be denied, suspended or revoked by the council for any of the following causes:

a) Fraud, misrepresentation, or incorrect statement contained in the application for license, or made in carrying on the licensed activity.

b) Conviction of any crime, or misdemeanor pertaining to license held or applied for.

c) Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the city, upon recommendation of the city health authorities or other appropriate city official.

d) Expiration or cancellation of any required bond or insurance, or failure to notify the city within a reasonable time of changes in the terms of the insurance or the carriers.

e) Actions unauthorized or beyond the scope of the license granted.

f) Violation of any regulation or provision of this code applicable to the activity for which the license has been granted, or any regulation or law of the state so applicable.

g) Failure to continuously comply with all conditions required as precedent to the approval of the license.

1005.23. Hearing. A license may not be suspended or revoked until after a hearing is granted to the licensee. The hearing to be held before the city council upon due notice to the licensee stating the time and place of such hearing, together with a statement of the violation alleged to be the cause for the revocation or suspension of the license.

1005.25. Inspections. The city health authority and other appropriate city officials may enter upon the premises where any licensed activity is being conducted for the purpose of inspection at any reasonable hour.

1005.27. Garbage and refuse haulers charges; special provisions. As a condition of granting a license to provide garbage and refuse removal service to residences and commercial establishments, the city council reserves the right to establish, by resolution, the maximum rate that holders of such licenses may charge their customers, and the council may, from time to time, establish such rate maximums. The failure of a holder of a license to abide by such rate controls is grounds for the revocation of the license by the council.

1005.29. Financial responsibility; applicability. (Added, Ord. No. 2011-5)

a) Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by an individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the city of the financial responsibility required by this subsection is grounds for revocation or suspension of the license. (Added, Ord. No. 2011-5)

b) This subsection shall apply to all licenses issued by the city except for licenses regulated by Chapter XII of this code which are regulated by that chapter. (Added, Ord. No. 2011-5)

Section 1010 - License fees

1010.01. License fees. The fees for the various licenses are set out in appendix IV.

1010.03. Penalty for late payment of license fees. Subdivision 1. No penalty. A penalty for the late payment of any license will not be incurred by any licensee provided the owner or agent makes application for the renewal of the existing license to the city clerk and includes therein the payment of the required fee therefor prior to the expiration date of the license.

Subd. 2. Penalty for late payment. A person whose licensed trade, business, profession, activity or privilege is licensed by the city, other than one who has been closed down or who has not operated such activity in the city after the expiration of the licensing year, must pay to the city clerk the regular license fee and in addition thereto the following penalty for late application for a renewal license.

a) One to seven days late a 25% penalty.

b) Eight to 30 days late a 50% penalty.

c) After expiration of 30 days from the due date, the activity for which a license is required must cease and a new license or permit for such activity will not be considered until the owner of the business personally appears before the city council. If the new license or permit is approved, the fee consists of the amount set forth for new licenses and permits, plus any late penalty fee that was not paid for the old license.

Subd. 3. Late payment of the license fee with penalty no bar to prosecution for operating without a license. The late payment of the license fee along with the penalty set forth herein is no bar to any prosecution by the city for operating any licensed trade, business, profession, activity or privilege within the city without a license therefor.

Section 1015 - Permit procedures

1015.01. Permits required. It is unlawful to engage in any trade, profession, business or privilege in the city for which a permit is required by any provision of this code without first obtaining a permit from the city in the manner provided in this section.

1015.03. Application for permit. Application for a permit is made to the clerk on forms furnished by the city. The application must contain information as to location, nature, extent and costs of the proposed structure, work, installation, or other purposes, and other information which the building inspector or other duly authorized persons may require under this code. The application must contain a declaration that the facts and representations therein made are true and correct, which statement must be subscribed to by the person or persons, or officers or agents of a corporation, applying for said permit.

1015.05. Granting of permits. Upon payment to the city by the applicant of the required fee for any permits, and upon approval of the appropriate inspector, the permit will be issued, except where council approval is required, in which case the building inspector is authorized to issue such permit after approval is granted by the council.

1015.07. Permit fees. The fees for the various permits are set out in appendix IV.

1015.09. Payment of fees. Subdivision 1. Payment. The permit fee and other fees and charges set forth in this code will be collected by the city before the issuance of any permits, and the city clerk, building inspector, or other persons duly authorized to issue such permit for which the payment of a fee is required under the provisions of this code may not issue a permit until such fee has been paid.

Subd. 2. Double fees. If a person begins work of any kind for which a permit from the city is required, without having secured the necessary permits therefor, either previous to or on the date of commencement of such work, that person must, when subsequently securing such permit, pay double the fee provided for such permit and is subject to the penalty provisions of this code.

1015.11. Dogs; special provisions. Notwithstanding the provisions of this code, the city council may by resolution fix the impounding fees, the boarding of dogs fees, and the fees required for euthanasia.

1015.13. Zoning and subdivision fees; special provisions. Subdivision 1. Scope and application. This subsection applies to applications for the platting or replatting of land and variances from platting regulations made pursuant to section 505 of this code, and to applications for zoning district changes, zoning code text amendments, conditional use permits, and variances, made pursuant to section 515 (appendix I) of this code.

Subd. 2. Basic fee. The basic fee for an application to which this subsection applies is set in appendix IV.

Subd. 3. Additional fee. In order to defray the costs to the city of processing applications to which this subsection applies, applicants must pay, in addition to the basic fee, a fee computed in accordance with this subdivision. This additional fee represents the following costs:

a) Costs of materials for the application including, but not limited to, maps, graphs, charts, and drawings;

b) Staff and consultant time spent in preparing materials for the application, including necessary research.

The amount of the additional fee will be estimated by the city clerk at the time of application based upon an hourly rate for staff and consultant time and estimated costs of materials. The hourly rate and cost estimates utilized in computing the fee must be made available to the applicant by the clerk.

Subd. 4. Fees; payment; deposit. The basic fee and a cash deposit equal to the estimated additional fee must accompany an application filed under this subsection. The city manager must establish procedures for accounting for all costs represented by the additional fee. If such actual costs are less than the additional fee cash deposit the excess must be returned to the applicant within 30 days after final action by the council on the application. If such actual costs exceed the additional fee cash deposit, the clerk must bill the applicant for such excess at the end of each month, and such bill will be payable within 30 days of receipt. The application form must contain a statement that applicant agrees to pay all such billings. The council may not grant any application to which this subsection applies until all application fees and excess billings are paid.

Subd. 5. Refunds. Except as provided in subdivision 4, the basic and additional application fees may not be refunded unless the application is withdrawn prior to its referral to the planning commission by the city clerk or the council.

CHAPTER XI
BUSINESS AND TRADE REGULATIONS
Section 1100 - Amusements and amusement devices

1100.01. Activities licensed. It is unlawful to operate within the city a circus, theatrical performance, show, dance hall, merry-go-round, ferris wheel, shooting gallery, pool table, billiard table, bowling alley, or any game or performance, or any apparatus or device for which a fee, price or admission is charged without a license.

1100.03. Applications for amusement license. An applicant for an amusement or amusement device license must appear in person before the council and present a written application stating in detail the nature and scope of the activity contemplated to be operated. Upon council approval, the application procedure of appendix IV applies. The license fees for activities licensed under this section are set by appendix IV.

1100.05. Fortune tellers. Fortune tellers, astrologers or persons practicing palmistry, clairvoyancy, mesmerism or persons giving exhibitions or practicing or using any device for the purpose of telling fortunes, or spiritualistic readings, or sittings, or exhibitions of such character, will not be granted a license for any such purpose unless the person has been a resident of this city for at least six months preceding the issuance of such license, and unless the person so applying will, before the issuance of such license, make and execute a bond for the sum of $200, with sureties approved by the council, conditioned for an observance of this code.

1100.07. Billiard tables and bowling alleys. It is unlawful to operate a billiard table, pool table, pigeonhole table, or a nine or ten pin bowling alley within 500 feet of any public building in the city.

1100.09. Mechanical amusement devices. Subdivision 1. Defined. "Mechanical amusement device" means any machine, which, upon the insertion of a coin or slug, operates or may be operated or used for a game, contest, or amusement of any description.

Subd. 2. License required. It is unlawful to maintain, keep or sell within the city, a mechanical amusement device without a license therefor from the council. This section does not apply to mechanical amusement devices held or kept in storage or for sale, and which are not actually in use or displayed for use.

Subd. 3. License fees. Licenses for mechanical amusement devices must be issued by the clerk after the applications therefor have been approved by the council and the license fees required have been paid.

Subd. 4. Gambling prohibited. It is unlawful to permit the operation of such a machine or device for the making of side bets or gambling in any form. No prize, award, merchandise, gift, money or anything of value may be given to any player of such machine or device.

1100.11. Trampolines. Subdivision 1. License. It is unlawful to practice or exercise or engage in the business of operation of any trampoline, jumping, tumbling or exercising devices within the city for which a fee, price or admission is charged without having first procured and obtained a license therefor.

Subd. 2. Special use permit. A person wishing to obtain a license under this subsection must submit the following along with the application to the planning commission and council for approval of a conditional use permit as provided for in the zoning code:

a) Site location.

b) Plans and layout of the business operation showing type and height of fences, lighting, buildings or structures, apparatus or equipment involved.

Subd. 3. Safety devices. The area containing jumping, trampoline, or exercising devices for use by the public must be fenced or otherwise enclosed as recommended by the chief building inspector and approved by the council. The fence or enclosure must be provided with a gate, gates, a door or doors. The gates or doors must be locked when the jumping or exercising devices are not in use or when no attendant is present. The area must be provided with proper lighting as approved by the chief building inspector. Business operations must be scheduled so that the gates or doors may be locked no later than 11:00 p.m. An attendant must be present at all times while members of the public are engaged in or using the trampoline, jumping or tumbling devices.

Subd. 4. Insurance. An applicant for a license must present with the application a certificate of liability insurance. The certificate must be issued by an insurance carrier licensed to do business in the state of Minnesota in the limits of $25,000 because of bodily injury to or death of one person per accident, and $50,000 because of bodily injury to or death of two or more persons per accident, and $5,000 property damage per accident. The certificate must be kept up-to-date by notification to the clerk of changes in coverage and changes of carriers prior to the effective date of the change.

1100.13. Miniature golf. Subdivision 1. Definition. The term “miniature golf course” means one or more golf putting greens for which an admission price is charged.

Subd. 2. License required. It is unlawful to engage in the business or operation of a miniature golf course without a license therefor from the city.

Subd. 3. Application. An applicant must submit a detailed scale layout of the operation showing the location of the greens, lighting, fences, building, structures and other equipment included in the plot. The application must have attached thereto liability insurance policies as set forth herein, the name of the operator, approval of the lighting by the electrical inspector and of the building, fence and structures by the building inspector, approval of the plot plan and off street parking for the miniature golf course by the city engineer.

Subd. 4. Liability insurance. The licensee must keep in force liability insurance by a corporation, or corporations, authorized to write insurance in the state of Minnesota during the license year. The liability insurance must protect the licensee against loss in the sum of at least $100,000 for injury to or death of any one person in any one accident, and $300,000 for injury to or death of two or more persons in any one accident, and $25,000 because of damage to or destruction of property in any one accident resulting from the ownership, operation, or control of the licensed premises or the activities carried on therein. There must appear thereon that the city of Crystal must be notified, in writing, at least ten days prior to the cancellation of such policy of insurance.

Subd. 5. Lighting. Miniature golf courses must be so lighted as to cause no shadows to be cast on the greens and so shielded as to cause no direct lighting to shine off the premises.

Subd. 6. Operator. There must be on duty at all times that the miniature golf course is open to the public an adult operator or manager who is at least 21 years of age.

Subd. 7. Hours of operation. Miniature golf courses may not operate between the hours of 11:00 p.m. and 8:00 a.m.

Subd. 8. Fencing. Six foot high screen fencing of the city approved type suitable to screen abutting residential properties must be permanently installed at or near the property line of a miniature golf course.

Subd. 9. Noise. The use of microphones or other amplifying devices so as to cause attention to be directed to the premises is prohibited as is the loud playing of music, the use of barkers and other noise that is not the necessary and usual use of the premises by the public.

Section 1105 - Auctioneers

1105.01. Auctions and auctioneers. Subdivision 1. Definition. "Auctioneer" means any person who either as principal or agent engages in the occupation or profession of conducting sales at auction for others for hire, and who has been licensed as an auctioneer in the state of Minnesota.

Subd. 2. License required. Except as provided in Subdivision 3, it is unlawful to conduct an auction sale in this city or act as an auctioneer at such an auction or engage in the profession of auctioneer within this city without a license from the city. A license is not necessary in order to conduct a judicial sale; a sale by an executor, administrator or guardian; a sale by a public officer in the manner prescribed by law; or a sale pursuant to statute to satisfy any lien upon the property sold.

Subd. 3. Proof of county license. An auctioneer holding a current license from Hennepin county and who is in compliance with the bonding requirements of Minnesota Statutes, chapter 330, is not required to obtain a license from the city. An auctioneer licensed by the county must submit proof of county licensure and compliance with bonding requirements at least 14 days prior to an auction to be held in the city.

1105.03. Conditions. Subdivision 1. Conduct. A person licensed as an auctioneer in the city is responsible for the manner in which that person conducts sales by auction; the conduct of such persons as may be employed to sell goods, wares or merchandise at a sale conducted by such auctioneer.

Subd. 2. Misrepresentations. The licensee may not make or permit to be made by the licensee's employees any untruthful statements or misrepresentations to bidders with reference to the articles offered for sale or as to the description, quality or kind of goods, wares or merchandise so offered.

Subd. 3. Deceptive practices. The licensee may not employ, use or permit the employment or use of by bidders of persons commonly known as "cappers", "boosters" or "shillers", nor offer or knowingly permit any person to offer or make a false or pretended bid or by any other artifice attempt improperly to induce bidders to make offers or bids or to purchase any goods, wares or merchandise, nor practice or permit the practice of any species of fraud or deceit in the selling or offering of such goods, wares or merchandise for sale at auction.

Subd. 4. Incentives. An auctioneer may not offer or give or permit to be offered or given any promises of merchandise or otherwise as an incentive to bidders.

Subd. 5. Noises. An auctioneer may not sell or attempt to sell or offer or cry for sale at public auction in the city any goods, chattels, wares, merchandise or personal property to any person upon the sidewalks or streets within the city, nor may any person by ringing a bell, gong, or triangle, or any loud cries upon any of the streets or sidewalks give notice of any auction or sale of any kind in the city.

Section 1110 - Motor vehicle dealers

1110.01. State licensing law adopted by reference. Minnesota Statutes, chapter 168 are hereby adopted by reference and made a part of this code as if fully set forth herein. A violation of the provisions of the statutes adopted by reference herein is a violation of this code.

1110.03. Not to include auto wrecking. A dealer in motor vehicles licensed pursuant to this section is not authorized by the license to engage in the business of wrecking or dismantling motor vehicles. The wrecking and dismantling of motor vehicles, the keeping or storing for sale or selling of any used parts of motor vehicles, or the use of the premises and place of business of any licensed dealer in motor vehicles for the wrecking, dismantling, or storing of parts of motor vehicles is hereby prohibited unless the dealer has complied with section 1115 of this code relating to auto junk yards.

1110.05. State license required. A person may not engage in the business of:

a) new motor vehicle dealer,

b) used motor vehicle dealer,

c) motor vehicle broker,

d) motor vehicle wholesaler, or

e) motor vehicle auctioneer,

as those terms are defined by state law, without a current state license therefor. Every person holding such a license must file a copy of the current state certificate of license with the city clerk who must maintain a register of such licenses. Failure of a licensee to supply the city clerk with a copy of a current state license is a violation of the code.

1110.07. Off street parking. It is unlawful to park or leave on any public street or alley, any motor vehicle which the licensee may have for sale as a part of a business as a dealer in motor vehicles.

1110.09. Sunday and holidays. A licensee must entirely close the licensed place or places of sale licensed hereunder and may not conduct transactions relating to motor vehicles on or near said premises on any Sunday, legal holiday, or on any other day after 9:00 p.m. or before 8:00 a.m.

1110.11. Vehicle display. Motor vehicles that are being purchased or sold by the licensee hereunder may not be parked on the street or alley adjacent to the licensed premises, but all such vehicles must be located in an orderly arrangement on the licensed premises at all times, leaving driveways of sufficient width between the vehicles so that any vehicle can be driven or removed from the premises without the necessity of removing or moving any other vehicle located thereon.

1110.13. Sanitation of premises. The grounds of licensed premises must be kept in a clean and neat condition at all times and free of refuse, parts of vehicles, papers, weeds, etc. A licensee may not engage in or permit the unnecessary blowing of horns, flashing of vehicle lights, or racing of motors to the disturbance of persons occupying adjacent properties.

1110.15. Lighting. Floodlights may not be used on licensed premises but street lights of a reflector type may be used.

1110.17. Surface of lot. The parking and service drive areas of licensed premises must be hardtopped with asphalt or similar material and such surfacing must be kept in the state of good repair at all times.

1110.19. Building code conformance. Tents, temporary shacks or shelters may not be kept on a licensed premises or used thereon. A building located thereon or used for office purposes must meet the requirements of the building and plumbing ordinances of this code and must conform to the setback lines of the area in which it is located. The buildings must be kept well painted and in a state of good repair.

Section 1115 - Auto junk yards
(Deleted, Ord. No. 2010-07, Sec. 6)

Section 1120 - Automobile service stations

1120.01. License required. It is unlawful to engage in the business of operating, maintaining, conducting or keeping any gasoline, oil, kerosene, white gas, compressed natural gas, diesel fuel or liquified petroleum gas filling station, or any wholesale oil, gasoline, kerosene, white gas, compressed natural gas, diesel fuel or liquified petroleum gas storage plant in the city without first obtaining a license therefor from the council.

1120.03. Pumps. It is unlawful to keep, maintain or operate a gasoline pump or other gasoline, kerosene, white gas, compressed natural gas, diesel fuel or liquified petroleum gas dispensing device in the city without first obtaining a license therefor.

1120.05. Application. Application for licenses required by this section are to be made to the council in writing. If approved by the council, the license may be issued by the clerk after an inspection of the premises has been made by an officer or employee designated by the council to determine that the premises and the equipment for dispensing the products to be sold are adequate and safe for the conduct of the business.

1120.07. Fees. The license fees are set by appendix IV and may be prorated for periods of less than one year.

1120.09. Safety precautions. It is unlawful for a person in charge of or operating any filling station in the city to fill or allow to be filled with gasoline or diesel fuel the tank or tanks of any motor vehicle of any kind while the engine or motor of such motor vehicle is running. An owner or other person driving or in charge of any such motor vehicle may not fill or allow or cause the tank of the same to be filled with gasoline or diesel fuel while the engine or motor of such vehicle is running. It is unlawful to smoke or to allow smoking in or about gasoline, oil, kerosene, white gas, compressed natural gas, diesel fuel or liquified petroleum gas filling stations.

Section 1125 - Automatic dry cleaning and laundromats

1125.01. License required. It is unlawful to operate a coin-operated dry cleaning or self-service dry cleaning machine without a coin-operated dry cleaning license from the city. The license fee is set by appendix IV and may be prorated for a period of less than one year.

1125.03. Design. Subdivision 1. Type and location of building. A building that is to be used for coin-operated dry cleaning must be approved by the building inspector, the planning commission and council prior to installation of machinery or equipment. Approval of a basement except for furnace and boilers for this type of establishment will not be granted, and a part of a dwelling may not be used for a coin-operated dry cleaning business. The building must be a single story structure with concrete floors in good condition, of adequate size and height to conform to installation, layout, venting and safety provisions of this code.

Subd. 2. Plans and layout. Plans, layout, number of machines, venting, type of operation, a diagram of the solvent system, location of the boiler and furnace, must be submitted to the building inspector and the fire marshal prior to the installation thereof. Approval of the building inspector and the fire marshal is necessary prior to the granting of a license to operate. The proprietor must furnish the city with up-to-date, detailed installation, operating and maintenance manuals of the dry cleaning equipment machines to be installed.

1125.05. License conditions. Subdivision 1. Compliance. Until all the installation, operation, venting, health and safety requirements for this section are complied with, a license will not be granted to the owner or operator of a coin-operated dry cleaning business.

Subd. 2. Revocation. Failure on the part of the proprietor or operator of this type of business to maintain proper installation, operation, venting and health and safety standards is grounds for suspension or revocation of the license by the council.

Subd. 3. Combustible fluids. Licensed establishments must use a noncombustible cleaning fluid as prescribed by the manufacturer such as perchloroethylene and no ether fluid. The use of a combustible fluid such as naphtha, benzine or other combustible solvent or fluid is grounds for the revocation of the license.

Subd. 4. Inspection. The building inspector, fire marshal or health officer may enter the premises at any reasonable hour to obtain samples of the solvent or of the air and to insure compliance with this code.

1125.07. Toilet facilities. Separate rest rooms must be provided for each sex for each establishment. A minimum of one toilet and one lavatory must be provided for each rest room.

1125.09. Operator must be present. A competent, trained operator must be present at all times as long as the dry cleaning machines can be operated by the public. In the event such operator is not present then the dry cleaning machines must be made non-operative.

1125.11. Dry cleaning solvents. Subdivision 1. Storage. Dry cleaning solvents must be stored in closed containers, and must be transferred from the containers in a line free of leaks. Storage facilities for solvent, external from the equipment, must meet the requirements of this section.

Subd. 2. Residue. Filter residue and other residues containing solvent must be disposed of so as not to create a health hazard or nuisance. A covered metal container must be used for temporary storage in a ventilated room inaccessible to the public, or outside in a fenced and locked area.

Subd. 3. Protective equipment. Respirator protective equipment must be provided for maintenance personnel and must be kept in good repair and available for immediate use. Chemical cartridge respirators are approved for light solvent concentrations and the wearer must replace the cartridges immediately upon noting odor.

Subd. 4. Fire protection. A utility fire extinguisher, approved by the fire marshal, must be installed of either the carbon dioxide or dry chemical type and must be kept filled and in working condition for use against electrical or oil fires.

Subd. 5. Boiler; furnace. The location and construction of the boiler and furnace must be inspected and approved by the building inspector and fire marshal prior to operation thereof.

1125.13. Machine operation. Subdivision 1. Exhaust flow rate. Only the front or customer side of the dry cleaning machine may be exposed in the customer area. The working or maintenance portion of the equipment must be separated from the front of the machine by a solid partition. As a means of minimizing any solvent build-up in the customer area and also to control any minor solvent leakage, there must be a minimum flow rate from the customer area through the partition as follows:

Number of machines	Minimum flow rate per machine (CFM)
1 - 3	500
4 - 8	400
9 - 16	375
17 or more	360

(Example: an eight machine installation requires a minimum continuous exhaust flow rate of 3200 CFM.) The exhaust ventilation must be provided on a continuous basis while the store is open for business. The fan wiring must be such that the dry cleaning equipment cannot be operated unless the fan system is in operation. Where grille openings are installed in the partition to facilitate air movement, they should be sized on the basis of about 500 CFM per square foot of net grille area and should be placed as close to the machine as possible. An example would be the use of a 30 inch by six inch grille located directly over a machine. Access doors to the maintenance area must be kept locked.

Subd. 2. Ventilating fan. A general ventilation fan must be installed in the back room or maintenance area to be used in case of serious solvent leakage. This fan may be installed in the rear wall and must have a minimum exhaust capacity of 1000 CFM per machine.

Subd. 3. Exhaust system. The cleaning equipment must be provided with an exhaust system capable of maintaining a minimum of 100 feet per minute face velocity through the loading door whenever the door is open. The ductwork connections from this system must be soldered and the discharge stack extended to a minimum height of five feet above the roof line.

Subd. 4. Leak prevention. A satisfactory means of preventing liquid leaks from escaping the enclosure must be provided. This includes a method of "diking" the floor of the enclosure or machine base to hold a liquid volume equal to the maximum quantity of solvent which might possibly escape from the system. A means must be provided for draining solvent in the event of a leak and containment. This must be done by gravity flow with the solvent transferred to a standby holding tank. This tank must be vented to the outside.

Subd. 5. Interlock system. An interlock system must be provided on the machine to prevent the loading door from being opened during the normal cycle. This system may be either electrical or mechanical and so connected that in the event of a power failure the machine will operate in a safe manner.

Subd. 6. Instruction list. A step by step instruction list must be posted in a conspicuous location near the machine for customer use.

Subd. 7. Solvent sensing device. An approved solvent vapor sensing device, timer or other equivalent device must be installed within the tumbler to control the drying cycle and to prevent the removal of solvent-laden garments.

Subd. 8. Solvent tests. The machine design must be such that essentially no solvent is retained in the cleaned items upon completion of the dry cleaning cycle. A simple performance test which must be satisfied is the lack of any solvent odor in a closed automobile containing a newly cleaned load.

Subd. 9. Proprietor's responsibility. The proprietor must make certain that clothing which cannot be properly cleaned and dried will not be placed in the machines.

Subd. 10. Machine checks. The machine must be checked daily and kept in good repair. All maintenance personnel must be familiar with necessary machine repairs and instructed as to the solvent hazards.

Subd. 11. Solvent odors. Solvent control is to be such that under normal operation and use conditions no solvent odor can be detected in the customer area. The concentration of solvent in the air in the customer area may not exceed 100 ppm as determined by approved Halide protection devices.

Subd. 12. Make-up air. A supply of tempered (heated to 60 or 65 degrees F.) make-up air equal to or greater than the total volume of air exhausted from the plant must be provided in order to eliminate any negative pressure conditions.

Subd. 13. Air contaminations. Solvent contaminated air even in very low concentrations (5-20 ppm) must be kept out of the air intakes of all combustion equipment so as to minimize the thermal decomposition of the solvent. Break-down products such as hydrochloric acid, free chlorine and phosgene corrode metal surfaces including flues and heat components and can seriously damage cloth through acid burns or weakening of fibers.

Subd. 14. Ventilating stacks. Exhaust ventilation stacks from dry cleaning machines must be located as far as possible from combustion air or drier air intakes.

1125.15. Laundromats. Subdivision 1. License. It is unlawful to operate a laundromat within the city that is used by the general public to wash or dry clothes without a license from the city. The license fee is set by appendix IV and may be prorated for a period of less than one year.

Subd. 2. Definition. "Laundromat" means an installation of two or more laundry machines at a given location for the water washing of clothes or the drying of wet clothes by the general public upon the payment of a stated charge. Such installation may have coin-activated machines and may contain other related laundry treatment equipment or facilities.

1125.17. General licensing requirements. All machines must be kept in good operating condition. Instructions as to how to use the machine must be conspicuously posted on the premises. Each proprietor must be responsible for keeping order at his place of business and must comply with the city ordinances and state law. Soft water must be provided for all washing machines. Hot water must be supplied in sufficient quantity to operate all of the washing machines efficiently at the same time. Premises must be kept clean, well-lighted and presentable in appearance.

1125.19. Toilet facilities. Separate rest rooms must be provided for each sex for each establishment. A minimum of one toilet and one lavatory must be provided for each rest room.

Section 1130 - Christmas tree sales

1130.01. Christmas trees. Subdivision 1. License. It is unlawful to engage in the business of offering for sale Christmas trees at retail or wholesale in the city without a license from the city. A license is required for each lot or location where the trees are sold.

Subd. 2. Definition. "Christmas tree sales" means the offering for sale at retail or wholesale of cut spruce, fir, balsam, or other type of evergreen trees, for use by others during and after the holiday known as Christmas.

Subd. 3. License fees. The license fees are set by appendix IV. The term of the license is from November 1 of any year to January 7 of the next year.

1130.03. Conditions of the license. Subdivision 1. Electrical. Electrical wiring for each lot or location must comply with the city electrical code.

Subd. 2 Deposit. A $50 cash deposit is required from the licensee to guarantee that unsold Christmas trees, including branches and other debris, will be removed from the licensed location, to the satisfaction of the fire marshal, not later than one week after December 25th of each year or deposit will be forfeited to the city.

Subd. 3. Refusal of license. If a licensee for any reason forfeits the deposit posted the preceding year, the council may refuse a license to the licensee for a holiday period thereafter.

Subd. 4. Zoning. Retail or wholesale offer for sales of Christmas trees may be made only from land or premises located in a C-1 zoning district (commercial), except as otherwise approved by the city council for charitable or non-profit organizations.

Section 1131 – Fireworks
(Added, Ord. No. 2002-05, Sec. 1)

1131.01. Purpose. The purpose of this section is to regulate the sale of permitted consumer fireworks in order to protect the health, safety and welfare of the general public. The city council makes the following findings regarding the need to license and regulate the sale, distribution, storage and display of fireworks permitted under state law:

a) Consumer fireworks contain pyrotechnic chemical compositions that are combustible; accordingly, the unregulated accumulation, storage, display and sale of these items present a fire safety hazard; and

b) The improper disposal of consumer fireworks presents environmental hazards; and

c) Due to their short-term and mobile nature, it is more difficult and demanding of city staff and public safety resources to enforce compliance with city ordinance and state law for temporary and transient sales of consumer fireworks than it is for established, permanent business.

1131.03. Sale of fireworks. It is unlawful to sell fireworks in the city of Crystal in violation of Minnesota Statutes, sections 624.20 through 624.25, inclusive, which are adopted by reference. "Consumer fireworks" as defined in this section may, however, be sold upon issuance of a license issued by the city.

1131.05. Definition. For the purposes of this section "consumer fireworks" is defined to mean wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

1131.07. Subdivision 1. Application. The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location where fireworks will be sold; the type of consumer fireworks to be sold; the estimated quantity of consumer fireworks that will be stored on the licensed premises.

Subd. 2. License prohibitions. No license shall be issued for the sale of permitted consumer fireworks at a movable place of business, including without limitation, mobile sales made from motorized vehicles, mobile sales kiosks, non-permanent stands or trailers or to transient merchants or as a seasonal or temporary sales license, unless the place of business complies with National Fire Protection Association Standard 1124 (2003 edition). (Amended, Ord. No. 2003-2)

1131.09. Processing application. The application must be filed with the city clerk together with the license fee. Following an inspection of the premises proposed to be licensed, the city manager or manager's designee shall issue the license if the conditions for license approval are satisfied and the location is properly zoned. If the city manager or manager's designee denies the license application, the applicant may, within ten days, appeal the decision to the city council. (Amended, Ord. No. 2003-2)

1131.11. Conditions of license. The license shall be issued subject to the following conditions:

a) The license is non-transferable, either to a different person or location.

b) The display of items for sale must comply with National Fire Protection Association Standard 1124 (2003 edition), which is incorporated herein by reference. (Amended, Ord. No. 2003-2)

c) The license must be publicly displayed on the licensed premises.

d) The premises are subject to inspection by city employees during normal business hours.

e) The applicant must be at least 18 years of age.

f) If the applicant does not own the business premises, a true and correct copy of the current, executed lease, as well as, the written authorization of the property owner for the applicant's use of the property for the sale of permitted consumer fireworks.

g) The sale of consumer fireworks must be allowed by the zoning ordinance and must comply with all zoning ordinance requirements including signs.

h) The applicant shall not have had a license to sell fireworks revoked within the last three years.

i) The premises must be in compliance with the state building code and state fire code.

1131.13. License period and license fee. Licenses shall be issued for a calendar year. The license fee is established by resolution in appendix IV of the Crystal city code. License fees shall not be prorated. (Amended, Ord. No. 2003-2)

1131.15. Revocation of license. Following written notice and an opportunity for a hearing, the city manager or manager's designee may revoke a license for violation of this section or state law concerning the sale, use or possession of fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for 12 months. If the city manager or manager's designee revokes a license, the license holder may within ten days appeal the decision to the city council. (Amended, Ord. No. 2003-2)

Section 1135 - Cigarettes
(Repealed, Ord. No. 95-9, Sec. 2)

Section 1136 - Tobacco products
(Added, Ord. No. 95-9, Sec. 1)
(Effective, January 1, 1996)
(Repealed, Ord. No. 98-2)

Section 1137 - Tobacco
(Added, Ord No. 98-2)

1137.01. Definition. “Tobacco” means cigarettes; cigars; cheroots; stogies, perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices. means any substance or product containing tobacco leaf, including, but not limited to, cigars, cigarettes, snuff, chewing tobacco, dipping tobacco or cigarette paper or wrappers.

1137.03. General rule; application required. Subdivision 1. It is unlawful to buy for retail sale, sell at retail, or otherwise dispose for consideration tobacco without a license. (Amended, Ord. No. 2012-01, Sec. 1)

Subd. 2. Application required; contents. An application form provided by the city clerk must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information:

a) Applicant name and address, including the name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant as a natural person, and a copy of the certificate issued by the Minnesota Secretary of State, as required by Minnesota Statutes, Section 333.01 as it may be amended.

b) If the applicant does not own the business premises, a true and complete copy of the executed lease.

Subd. 3. Application execution. All applications for a license under this chapter must be signed and certified by the applicant. If the application is that of a natural person, it must be signed and certified by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

Subd. 4 Combination applications. The information required of the licensee may be combined with the application requirements of an additional license, such as licenses regulated by Section 1200 to minimize duplication in the application process.

Subd. 5. Financial responsibility. Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by any individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the city of the financial responsibility required by this subdivision is grounds for revocation or suspension of the license.

1137.05. Fees. The license fee is set by appendix IV. The license expires on December 31 annually. The license fee may be prorated for a portion of a year.

1137.07. Restriction. A tobacco product license will not be issued for a movable place of business. The license is issued only for the sale of tobacco products at a specific place of business.

1137.09. Prohibited sales and use. Subdivision 1. Sales to minors. It is unlawful to sell, offer for sale or deliver tobacco to a person under the age of 18 years.

Subd. 2. Use by minors. It is unlawful for any person under the age of 18 years to purchase, possess, or consume tobacco.

Subd. 3. Vending machines. The sale of tobacco by coin operated vending machines is prohibited.

Subd. 4. Individual packages. It is unlawful to offer for sale or to sell (i) cigarettes packaged in units smaller than a carton containing ten packages or (ii) single packages of smokeless tobacco in open displays that are accessible to the public without the intervention of a store employee.

1137.11. Penalties. Subdivision 1. Misdemeanors. A person who violates this section or Minnesota Statutes Chapter 297F, each as amended, is guilty of a misdemeanor. (Amended, Ord. No. 2012-01, Sec. 2)

Subd. 2. Administrative civil penalties; individuals. A person who sells tobacco to a person under the age of 18 years is subject to an administrative penalty. A person under the age of 18 who attempts to purchase tobacco is subject to an administrative penalty. The city council may impose administrative penalties under this subdivision as follows:

First violation: a civil fine in an amount up to $750.

Second violation within 24 months after the first violation: a civil fine in an amount up to $1,500.

Third violation within 24 months after the first violation: a civil fine in an amount up to $2,000. (Amended, Ord. No. 2001-07, Sec. 1; Ord. No. 2014 - 01)

Subd. 3. Administrative civil penalties; licensee. If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, or committed a violation of Minnesota Statutes Chapter 297F, as amended, the city council may impose an administrative penalty as follows: (Amended, Ord. No. 2012-01, Sec. 2)

First violation: a civil fine in an amount up to $750 and license suspension for a period up to one day.

Second violation within 24 months after the first violation: a civil fine in an amount up to $1,500 and suspension of license for a period of up to 5 days.

Third violation within 24 months after the first violation: a civil fine in an amount up to $2,000 and suspension of license for a period of up to 10 days.

Fourth violation within 36 months after the first violation: revocation of license. (Amended, Ord. No. 2001-07, Sec. 2; Ord. No. 2002-09, Sec. 1, Ord. No. 2014-1)

Subd. 4. Defense. It is an affirmative defense to a charge of selling tobacco to a person under the age of 18 years in violation of this section that the licensee or individual making the sale relied in good faith upon proof of age as described in Minnesota Statutes, section 340A.503, subdivision 6.

Subd. 5. Education and training. In addition to or in lieu of any other penalty imposed under this section, any person under the age of 18 years who purchases, possesses, or consumes tobacco may be required to attend an educational seminar approved by the chief of police regarding the legal and medical implications of tobacco use.

Subd. 6. Presumptions regarding administrative penalties. The administrative penalties described in subdivisions 2 and 3 of this section are the presumed sanctions for the violations indicated. In the event of any license suspension imposed under subdivision 3, the city council may select which days a suspension will be served. Notwithstanding the provisions of subdivision 3, a license may be revoked for any violation of this section when in the judgment of the council it is appropriate to do so. The city council may impose lesser penalties under subdivisions 2 and 3 when in the judgment of the council it is appropriate to do so, provided that in no event will the amount of any fine or period of suspension be less than the amounts and periods specified in Minnesota Statutes, section 461.12, subdivisions 2 and 3, as amended. The city council may by resolution revise the amount of the above civil penalties stated in subdivisions 2 and 3 above, in Appendix IV. Other mandatory requirements may be made of the establishment, including but not limited to, meetings with the Police Department staff to present a plan of action to assure that the problem will not continue, mandatory education sessions with Crime Prevention staff, or other actions that the City Council deems appropriate. (Added, Ord. No. 2001-07, Sec. 3, Amended, Ord. No. 2012-01, Sec. 2)

1137.13. Compliance monitoring. Subdivision 1. The police department must periodically, but at least once a year, perform compliance checks on all cigarette licensees in the city. License applicants must be informed of this policy at the time of license application and renewal. Violators of this section may be subject to more frequent compliance monitoring than non-violating licensees. The police department must make an annual report to the city council on the compliance checks conducted pursuant to this section.

Subd. 2. Exemption. A person no younger than 15 nor older than 17 may be enlisted by the police department to assist in the compliance checks provided that (i) written consent from the person's parent or guardian has been obtained, and (ii) that the person must at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department or in conjunction with an in-house program that has been pre-approved by the police department. A person who purchases or attempts to purchase tobacco while acting in this capacity is exempt from the penalties imposed by this section.

Subd. 3. Additional checks. If a licensee or employee of a licensee is guilty of a second violation within the 24-month period since the initial violation, the police department must conduct at least one compliance check at that licensed premises within the time remaining in that 24-month period.

Section 1140 – Dumps
(Deleted, Ord. No. 2010-07, Sec. 7)

Section 1145 - Motor scooter, motorcycle and motor bike rentals

1145.01. Motorcycle rentals. Subdivision 1. License. It is unlawful to engage in the business of furnishing, leasing or offering for rent motorcycles without a motorcycle rental license from the city.

Subd. 2. Definition. "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, but excluding a tractor.

Subd. 3. License fees. The license fees are set by appendix IV. A license will not be issued for a fractional part of the calendar year.

1145.03. Conditions of license. Subdivision 1. Insurance. The applicant for a license must submit an insurance policy in force by an insurance company authorized to do business in the state of Minnesota, to be kept in force for the remainder of the license year, insuring such person, firm or corporation, their lessees or renters driving each of its motorcycles as defined herein against loss in the sum of at least $25,000 for injury to or death of any one person in any one accident and $50,000 per injury to or death of two or more persons in any one accident and $5,000 because of damage to or destruction of property in any one accident resulting from the negligent ownership, operation, use or defective condition of any motorcycle belonging to such licensee. The policy of insurance must contain an endorsement to the effect that such policy covers operators and passengers of motorcycles leased or rented to minors and further, that the city must be notified by letter addressed to the city clerk thereof at least ten days prior to the cancellation of such policy of insurance.

Subd. 2. Rentals to licensed drivers. The licensee may not rent or lease a motorcycle to any person except the holder of a valid Minnesota driver's license and subject to the limitations prescribed therein.

Subd. 3. Condition. Rented vehicles must be kept in good operating condition by the licensee.

Subd. 4. Instructions. The licensee must explain the operation including the controls, pedals, gears and brakes of the particular motorcycle to be used by each person leasing the same prior to driving the motorcycle unless the licensee is aware that the person knows how to operate the same. The licensee must stress safety and call attention to the user thereof of:

a) the high maneuverability of the motorcycle, and

b) the lack of protection of the person, of the driver or passenger, if the vehicle is upset.

1145.05. Investigation. The chief of police must investigate the traffic conditions in the immediate vicinity of applicant's proposed motorcycle place of business, particularly on weekends and holidays, and make a report thereof to the city manager who must send copies to the city council.

Section 1150 - Taxicabs
(Repealed, Ord. No. 2000-11)

Section 1155 - Trailer camps
(Deleted, Ord. No. 2010-07, Sec. 8)

Section 1160 - Peddlers, solicitors and transient merchants
(Repealed, Ord. 2007-05)
(Added, Ord. 2007-05)

1160.01. Definitions. For purposes of this section, the terms defined in this subsection have the meanings given them. Subdivision 1. "Person" means any person, individual, co-partnership, limited liability company and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in the state or city regulated by this section.

Subd. 2. "Peddler" means a person who goes from house to house, door to door, business to business, street to street, or any other type of place to place for the purpose of offering for sale, selling or attempting to sell, and delivering immediately upon sale the goods, wares, products, merchandise, or other personal property that the person is carrying or transporting; the term does not include vendors of milk, bakery products or groceries who distribute their products to regular customers on established routes. The term Peddler shall mean the same as the term "hawker".

Subd. 3. "Solicitor" means a person who goes from house to house, door to door, business to business, street to street, or any other type of place to place for the purpose of obtaining or attempting to obtain orders for the sale of goods, wares, or merchandise including magazines, books, periodicals, other personal property or services of which they may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provisions if the actual purpose of the person's activity is to obtain or attempt to obt6ain orders as discussed above. The term solicitor shall mean the same as the term "canvasser".

Subd. 4. "Transient merchant" means a person, whether as owner, agent, consignee, or employee who engages in a temporary business out of a vehicle, trailer, box car, tent, other portable shelter, store front, or from a parking lot for the purpose of displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than four consecutive days as part of four sale events each year.

1160.03. License required. It is unlawful to engage in the business of peddler, solicitor, or transient merchant in the city without first obtaining a license therefore as provided by this section, unless exempt from such license pursuant to the requirements of subsection 1160.09. In addition, no person shall conduct business as a transient merchant within the city limits without first having obtained the appropriate license from Hennepin County as required by Minnesota Statutes, Chapter 329, as amended.

1160.05. Application. Applications for a city license under this section must be filed with the city clerk on a sworn application in writing on a form provided by the city clerk. The application must contain the following information:

a) Applicant's full legal name and other names under which the applicant conducts business or to which the applicant officially answers;

b) Physical description of the applicant (hair color, eye color, height, weight, distinguishing marks or features);

c) Complete permanent home and local address of the applicant; and in the case of transient merchants, the local address from which proposed sales will be made with a letter of signed permission from the property owner;

d) applicant's phone number(s);

e) A brief description of the nature of the business and the goods to be sold or services to be provided;

f) The name, address, and phone number of the employer, principal, or supplier of the applicant, together with credentials establishing the exact relationship;

g) The dates during which the applicant intends to conduct business and the names of its agents conducting business in the city;

h) The supply source of the goods, or property prepared to be sold, or orders taken for the sale thereof, the location of such goods or products at the time of the application, and the proposed method of delivery;

i) A recent photograph (approximately two inches by two inches) of the applicant, showing the head and shoulders of the applicant in a clear and distinguishing manner;

j) A statement as to whether or not the applicant has been convicted of any crime or violation of any municipal ordinance other than traffic violations, the nature of the offense, and the punishment or penalty assessed therefore;

k) The names of up to three other municipalities where the applicant conducted similar business immediately preceding the date of the current application and the addresses from which such business was conducted within those municipalities;

l) The applicant's driver's license number or other acceptable state-issued identification;

m) The license plate number(s) and description of the vehicle(s) to be used in conjunction with the licensed business, if applicable;

n) Proof of county license (applicable to transient merchants only).

1160.07. License fee. At the time of filing the application, the license fee set by subsection 1160.19, must be paid to the city clerk.

11.60.09. Exemptions. Subdivision 1. General exemption. For the purpose of the requirements of this section, the terms "peddler, solicitor, and transient merchant" shall not apply to and shall not include the following:

a) Sale of personal property at wholesale to dealers in such articles;

b) The sale of papers or newspaper subscriptions;

c) Calling upon residents in connection with a regular route service for the sale and delivery of perishable daily necessities of life such as food, bakery products and dairy products. This section shall also not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route;

d) Calling upon residents at the request of said residents;

e) A sale required by statute or by order of any court or prevent the conduct of a bona fide auction sale pursuant to law;

f) Sales commonly known as garage sales, rummage sales, or estate sales as well as those persons participating in an organized, multi-person bazaar or flea market;

g) A person issued an invitation by the owner or legal occupant of a residential premise shall be exempt from the definitions of peddlers, solicitors, and transient merchants.

Exemptions from this section shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

Subd. 2. Non-profit organizations and free expression exemption. Any organization, society, association, or corporation with a non-profit status approved by the state or federal government desiring to solicit or to have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature of merchandise for which a fee is charged or solicited from persons other than members of such organizations for a charitable, religious, patriotic, or philanthropic purpose by going from house to house, door to door, business to business, street to street, or other type of place to place, or when such activity is for the purpose of exercising that person's state or federal constitutional rights relating to the free exercise of religion or speech, is exempt from the licensing requirements of subsection 1160.03, provided there is a registration filed in writing on a form to be provided by the city clerk which contains the following information:

a) Organization's name and specific cause for which exemption is sought;

b) Names and addresses of the officers and directors of the organization;

c) Period during which solicitation is to be conducted;

d) Whether or not any commission, fee, wages, or emoluments are to be expended in connection with such solicitation and the amount thereof; and

e) Names and addresses of all persons involved in canvassing efforts.

Persons exercising constitutional rights may lose their exemption from licensing if the person's exercise of constitutional rights is merely incidental to a commercial activity. Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of subsection 1160.03.

Subd. 3. Farm produce, horticultural, fireworks exemption. No license shall be required for any person to sell or attempt to sell or to take or attempt to take orders for any product grown, produced, cultivated, or raised on any farm. For the purposes of this section, "product" shall also mean any horticultural product grown, produced or cultivated and/or sold by any person in this state. Persons exempt under this subdivision shall register with the city as required by subdivision 2 of this subsection. The sale of fireworks shall be regulated by section 1131 of the city code. Not withstanding any provision of the city's zoning code to the contrary, no conditional use permit or zoning approvals relating to accessory uses shall be required for sales regulated by this subsection.

1160.11. Investigation and issuance. The license application for non-exempt applicants must be referred to the chief of police or delegate who must immediately conduct a CCH Investigation of the applicant as authorized by section 311 of the city code and promptly return the application to the city clerk with a recommendation. The application will then be presented to the city council. (Amended, Ord. No. 2007-11, Sec. 3)

1160.13. License requirements. Subdivision 1. The license must contain the signature of the issuing officer and show the name, address, and photograph of the licensee, the date of issuance and expiration, and the license number.

Subd. 2. Duration. Each license shall be valid only for the period specified therein, and no license may extend beyond the 31st day of December of the year in which it is granted.

Subd. 3. License non-transferable. No license is transferable from one person to another. Each person involved in any activity regulated by this section shall be separately licensed even though associated with an organization licensed hereunder.

Subd. 4. Identification. Licensees must wear some type of identification conspicuously showing their name and the organization for which they are working and must carry their city issued license when conducting the business or activity required to be licensed.

1160.15. Prohibited activities. Subdivision 1. Loud noises and speaking devices. A person licensed under this section may not shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks, or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

Subd. 2. Use of streets. A person licensed or regulated under this section does not have an exclusive right to any location in the public streets, nor is such person permitted a permanent stationary location thereon. A person licensed under this section may not operate in a congested area where such operation might impede or inconvenience the public use of streets.

Subd. 3. Private property. Issuance of a license under this section does not permit the license holder to conduct the licensed activity on private property without the on-going permission of the property owner or the property owner's authorized agent. If such property is conspicuously posted by the owner or person in control with a sign stating "No trespassing", or "No solicitors or peddlers" or similar language, the entry thereon by any person subject to the licensing or registration requirements of this section without the permission of the owner or agent shall be a public nuisance punishable as a misdemeanor.

Subd. 4. Practices prohibited. No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

a) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right-of-way;

b) Creating a direct threat to the health, safety, or welfare of any individual or the general public;

c) Entering upon any residential premises for the purpose of carrying on the licensee's or registrant's trade or business between the hours of 8:00 p.m. and 9:00 a.m. of the following day, unless such person has been expressly invited to do so by the property owner or occupant thereof;

d) Harassing, intimidating, abusing, or threatening a person, continuing to offer merchandise for sale to any person after being told not to do so by that person, or failing or refusing to leave the premises of the resident occupant after being told to do so by the resident occupant.

1160.17. Records. The chief of police must report to the city clerk all convictions for violation of this section. The city clerk must maintain a record for each license issued and record the reports of violation therein.

1160.19. Fee. The fees for licenses issued pursuant to this section are set by appendix IV.

Section 1165 - Tree trimming

1165.01. Definitions. For purposes of this section the term "tree trimming" means and includes the trimming of trees and the removal of trees and tree stumps on the property of another for hire.

1165.03. General provisions. It is unlawful to engage in the business of tree trimming in the city without first being licensed to do so pursuant to this section.

1165.05. Application; qualifications; fees. The application for a tree trimming license must be presented to the city clerk on forms provided by the city. The application must contain the following information:

a) The name, address and business name of applicant;

b) A list of the names and addresses of at least six persons for whom the applicant has performed tree trimming services within the 12 month period preceding the date of the application;

c) A summary statement of applicant's training, experience or special qualifications in the field of tree trimming;

d) The name of any city or other governmental licensing authority which has issued or refused to issue a tree trimming license to the applicant or which has revoked or suspended such a license issued to the applicant.

The application must be accompanied by the fees required, bond and insurance certificate required by this section.

1165.07. Bond. An applicant for a license under this section must provide a surety bond in the amount of $2,500 conditioned so that the licensed activity will be conducted in accordance with applicable state laws and city ordinances and that the licensee will save the city harmless from any liability, damage or expense which may be incurred by the city by reason of performance of such activity.

1165.09. Insurance. An applicant must file with the city clerk a certificate of insurance showing that the applicant has purchased public liability and workmen's compensation insurance which will remain in effect for the term of the license, and that the insurance will not be cancelled without ten days notice to the city. The policy or policies of public liability insurance must provide public liability coverage to the applicant in the combined aggregate amount for any number of occurrences of death, bodily injury or property damage of $300,000, and must name the city as an additional insured party.

1165.11. Issuance of license. Upon submission of the application and the required insurance, bond, and fees, the manager may, if in the manager's judgment all conditions exist for the issuance of a license, issue a temporary license subject to final approval by the council. The council may require the applicant to appear before it prior to final approval of a license.

1165.13. Conditions of license. The license may be revoked or suspended in accordance with the provisions of appendix IV. The license terminates upon notice of cancellation of the insurance required by subsection 1165.09.

1165.15. Relation to other code provisions. Subdivision 1. General. Activities licensed by this section must be conducted in accordance with all applicable provisions of this code.

Subd. 2. Excavation permit. A license is not required for the removal of trees conducted pursuant to an excavation permit issued under section 415 of this code.

Subd. 3. Work in public ways. When conducting licensed activities in a public right-of-way the licensee must provide and maintain appropriate warning lights and barricades of the nature and quantity directed by the city engineer.

Subd. 4. Shade tree program. Persons licensed under this section must familiarize themselves with all aspects of the city's shade tree control program. Tree trimming or removal activities involving the treatment of diseased shade trees may not be conducted other than in conformance with section 2020 of this code.

1165.17. Fee. The fee for a license under this section is set by appendix IV.

Section 1170 - Massage
(Repealed, Ord. No. 96-10, Sec. 5)

Section 1175 - Secondhand goods dealers: pawnbrokers
(Repealed, Ord. No. 2005-19, Sec. 1)
(Added, Ord. No. 2005-19, Sec. 2)

Section 1175-Secondhand goods dealers

1175.01. Definitions. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 1. "Secondhand goods dealer" means a person whose regular business includes selling or receiving tangible personal property (excluding motor vehicles) previously used, rented, owned or leased.

1175.03. Exemptions. This section does not apply to or include the following:

a) The sale of secondhand goods where all of the following conditions are present:

1) the sale is held on property occupied as a dwelling by the seller, or owned, rented or leased by a charitable or political organization;

2) the items offered for sale are owned by the occupant;

3) the sale does not exceed a period of 72 consecutive hours;

4) not more than two sales are held either by the same person or on the same property in any 12 month period; and

5) none of the items offered for sale have been purchased for resale or received on consignment for purpose of resale.

b) sales by a person licensed under section 1110 as a motor vehicle dealer;

c) the sale of secondhand books or magazines;

d) the sale of goods at an auction held by a licensed auctioneer pursuant to section 1105;

e) the business of buying or selling only those secondhand goods taken as part or full payment for new goods, and where such business is incidental to and not the primary business of a person;

f) a bulk sale of property from a merchant, manufacturer or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock;

g) goods sold at a public market;

h) goods sold at an exhibition;

i) the sale of secondhand clothing and personal clothing accessories including costume jewelry but excluding other jewelry; provided, however, that a license is required under subsection 1175.11 for which the annual fee is set by appendix IV;

j) the sale of items that have been donated to the seller and not purchased or received on consignment for resale by the seller; provided, however, that a license is required under subsection 1175.11 for which the annual fee is set by appendix IV;

k) transactions involving coins, bullion, or ignots; (Amended Ord. No. 2011-12, Sec.1)

l) the sale of refurbished appliances by a retail dealer in new and used appliances where the used appliances are refurbished at a location off-site from the retail sales location, and where the dealer does not accept appliances for trade in at the retail location. (Amended Ord. 2011-12, Sec. 1; Ord. No. 2015 - 02).

1175.05. License required. Subdivision 1. Secondhand goods dealer. A person may not engage in the business of secondhand goods dealer without first obtaining a secondhand goods dealer license.

Subd. 2. Separate license required. A secondhand goods dealer may not conduct, operate or engage in the business of pawnbroker without having obtained a pawnbroker license as required by section 1177, in addition to a secondhand goods dealer license.

1175.07. Multiple dealers. Subdivision 1. Licenses. The owner of a business, at which two or more secondhand goods dealers are engaged in business by maintaining separate sales space and identifying themselves to the public as individual dealers, may obtain a multiple secondhand goods dealer license for that location. A multiple license may not be issued unless the following requirements are met:

a) the businesses must have a single name and address;

b) the businesses must operate in a compact and contiguous space;

c) the businesses must be under the unified control and supervision of the one person who holds the license; and

d) sales must be consummated at a central point or register operated by the owner of the business, and the owner must maintain a comprehensive account of all sales.

Subd. 2. Compliance. The holder of a secondhand goods dealer license under this section for a business with more than one dealer at the same location must comply with all of the requirements of this section, including the responsibility for police reporting and record keeping in the same manner as any other dealer licensed under this section. A dealer licensed under this subsection is responsible to its customers for stolen or misrepresented goods sold at its place of business in the same manner as any other dealer licensed under this section.

1175.09. License fee. Subdivision 1. Secondhand goods dealer. The annual license fee for a secondhand goods dealer, and a secondhand goods dealer also licensed as a pawnbroker, is set by appendix IV.

Subd. 2. Multiple sales. The annual license fee for a secondhand goods dealer for a location where more than one secondhand goods dealer is engaged in business, is set by appendix IV.

1175.11 Application required. Subdivision 1. Contents. An application form provided by the city clerk must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information: (Amended, Ord. No. 2012-01, Sec. 3)

a) If the applicant is a natural person:

1) The name, place and date of birth, street resident address, and phone number of applicant.

2) Whether the applicant is a citizen of the United States or resident alien.

3) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

4) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, Section 333.01 as it may be amended.

5) The street address at which the applicant has lived during the preceding five years.

6) The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the proceeding five years.

7) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

8) The physical description of the applicant.

9) Applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two years prior to application.

10) If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a) through d) of subdivision 1 of subsection 1175.11.

b) If the applicant is a partnership:

1) The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in subdivision 1 of this section.

2) The name(s) of the managing partner(s) and the interest of each partner in the licensed business.

3) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, section 333.01, as it may be amended, a certified copy of such certificate must be attached to the application.

4) A true copy of the federal and state tax returns for partnership for the two years prior to application.

5) If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a) through d) of subdivision 1 of subsection 1175.11.

c) <u>If the applicant is a corporation or other organization</u>:

1) The name of the corporation or business form, and if incorporated, the state of incorporation.

2) A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, section 303.06, as it may be amended, must be attached. Any proposed change in either the articles or the by-laws of the corporation must be reported to the city clerk 14 days prior to the date such change is to be adopted by the corporation. In the case of a corporate application the application must also describe fully the relationship of the corporation to any other corporation including the name, business address, state of incorporation, names of stockholders, directors and officers thereof as provided hereafter, but in the case of publicly held corporations the city manager may accept disclosure documents required by the Securities and Exchange Commission of the United States of America in lieu of such information.

3) The name of the manager(s) or other person(s) in charge of the business and all information concerning each manager, proprietor, or agent required in a) through d) of subdivision 1 of subsection 1175.11.

4) A list of all persons who control or own an interest in excess of 5% in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in subdivision 1 above. This subdivision c), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.

d) For all applicants:

1) Whether the applicant holds a business license from any other governmental unit.

2) Whether the applicant has previously been denied, or had revoked or suspended, a business license from any other governmental unit.

3) The location of the business premises.

4) If the applicant does not own the business premises, a true and complete copy of the executed lease.

5) The legal description of the premises to be licensed.

6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.

7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.

8) Such other information as the city council or issuing authority may require.

Subd. 2. Manager. When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within 14 days. The application must include all appropriate information required in this section. (Amended, Ord. No. 2012-01, Sec. 3)

Upon completion of an investigation of a new manager, the licensee must pay an amount equal to the cost of the investigation to assure compliance with this chapter. If the investigation process is conducted solely within the state of Minnesota, the fee shall be $500.00. If the investigation is conducted outside the state of Minnesota, the issuing authority may recover the actual investigation costs not exceeding $10,000.00.

Subd. 3. Application execution. All applications for a license under this chapter must be signed and certified by the applicant. If the application is that of a natural person, it must be signed and certified by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof. (Added, Ord. No. 2012-01, Sec.3)

Subd. 4. Financial responsibility. Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by any individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the city of the financial responsibility required by this subdivision is grounds for revocation or suspension of the license. (Added, Ord. No. 2012-01, Sec.3)

Subd. 5. Fees. The application must be accompanied by the required license fee. The fee will be returned to the applicant if the application is rejected. (Amended, Ord. No. 2012-01, Sec.3)

Subd. 6. False statements. It is unlawful to knowingly make a false statement in the license application. In addition to all other penalties, the license may be subsequently revoked by the city council for a violation of this subsection. (Amended, Ord. No. 2012-01, Sec.3)

1175.13. Bond. A secondhand goods dealer license will not be issued unless the applicant files with the city clerk a bond with corporate surety, cash, or a United States government bond in the amount of $3,000. The bond must be conditioned on the licensee obeying the laws and ordinances governing the licensed business and paying all fees, taxes, penalties and other charges associated with the business. The bond must provide that it is forfeited to the city upon a violation of law or ordinance.

1175.15. Site plan. The application for a secondhand goods dealer license must be accompanied by a site plan drawn to scale. The site plan must contain:

a) a legal description of the property upon which the proposed licensed premises is situated;

b) a plot plan;

c) the exact location of the licensed premises on the property, customer and employee parking areas, accesses onto the property, and entrances into the premises;

d) the location of and distance from the nearest church, school, hospital, and residence; and

e) a floor plan of the licensed premises.

1175.17. Investigations. Subdivision 1. Duties of chief of police. A new or renewal application for a license as a secondhand goods dealer will be referred to the chief of police for a CCH Investigation as authorized by section 311 of the city code, of each individual. Every individual or person having any beneficial interest in the license must be so investigated. The chief must make necessary inquiry and list all violations of federal and state law or municipal ordinance including verified complaints that occurred at the establishment being investigated while under the same ownership. The chief must report the findings and comments to the manager who must order or conduct such additional investigations as the manager deems necessary or as the council directs. (Amended, Ord. No. 2007-11, Sec. 4, Amended, Ord. No. 2012-01, Sec. 4)

Subd. 2. Fee. The fee charged by the city to an applicant for the costs of investigation is set by appendix IV. The applicant will be notified of the investigation fee prior to the city council's final action on the license application. The investigation fee is payable upon terms established by the city clerk.

1175.19. Granting of license. After review of the license application, investigation report and public hearing if required, the city council may grant or refuse the application for a new or renewed secondhand goods dealer license. A license will not be effective unless the application fee and bond have been filed with the city clerk.

1175.21. Persons ineligible for license. A secondhand goods dealer license will not be issued to:

a) a person not a citizen of the United States or a resident alien;

b) a person under 18 years of age;

c) subject to the provisions of law, a person who within five years of the license application date has been convicted of receiving stolen property, sale of stolen property or controlled substance, burglary, robbery, damage or trespass to property, or any law or ordinance; regulating the business of pawnbroker or secondhand goods dealer;

d) a person who within five years of the license application date had a pawnbroker or secondhand goods dealer license revoked;

e) a person whom the city council determines not to be of sufficient good moral character and repute; or

f) when the city council determines, after investigation and public hearing, if required, that issuance or renewal of the license would adversely affect the public health, safety or welfare.

1175.23. Places ineligible for license. A license will not be issued or renewed under this section for any place or for any business:

a) if taxes, assessments or other financial claims of the city or the state of Minnesota on the licensee's business premises are delinquent and unpaid;

b) if the premises is located within 300 feet of a school or church;

c) where operation of a licensed premises would violate zoning ordinances; or

d) where the applicant's present license was issued conditioned upon the applicant making specified improvements to the licensed premises or the property of the licensed premises which improvements have not been completed.

1175.25. Conditional licenses. The council may grant an application for a new or renewed secondhand goods dealer license conditioned upon the applicant making reasonable improvements to the proposed business premises or the property upon which the business premises is situated. The council, in granting a conditional license, will specify when the modifications must be completed. Failure to comply with the conditions of the license is grounds for the city council to refuse to renew the license.

1175.27. License limitations. A license will be issued to the applicant only and only for the business premises as described in the application. The license is effective only for the premises specified in the approved license application.

1175.29. Term; expiration; pro rata fee. The license is issued for a period of one year beginning on January 1 except that if the application is made during the license year a license may be issued for the remainder of the licensed year for a monthly pro rata fee. An unexpired fraction of a month will be counted as a complete month. The license expires on December 31.

1175.31. Refunds. The city clerk will refund a pro rata share of the license fee for a license to the licensee or the licensee's estate if:

a) the business ceases to operate because of destruction or damage;

b) the licensee dies;

c) the business ceases to be lawful for a reason other than a license revocation; or

d) the licensee ceases to carry on the licensed business under the license.

1175.33. Death of licensee. In the case of the death of a licensee the personal representative of the licensee may continue operation of the business for not more than 90 days after the licensee's death.

1175.35. Records.

a) Requirements for preparation of reports by licensed secondhand goods dealers. A licensed secondhand goods dealer, at the time of receipt of an item, must immediately record, in ink or other indelible medium in a book or word processing unit, the following information:

1) an accurate description of the item including, but not limited to, any trademark, identification number, serial number, model number, brand name or other identifying mark on such item;

2) the purchase price;

3) date, time and place of receipt;

4) name, address and date of birth of the person from whom the item was received;

5) the identification number from any of the following forms of identification of the seller:

i) valid picture driver's license;

ii) picture identification;

iii) medicard.

b) Retention and inspection of records. The records as well as the goods received must be open for inspection by the police department at reasonable times. Records required by this subsection must be stored and maintained by the licensee for a period of at least three years.

1175.37. Daily reports.

a) Requirements for daily reports to police by secondhand goods dealers. For the following items, regardless of resale price, a secondhand goods dealer must make out, on forms approved by the police department, and send daily by mail to the police department a legible description of the goods received during the preceding day, together with the time received and a description of the person from whom the goods were received:

1) items with a serial number identification, or "operation identification" or similar program symbol;

2) cameras;

3) electronic audio or video equipment;

4) precious jewelry or gems, and precious metals;

5) artist-signed or artist-attributed works of art;

6) guns and firearms; and

7) items not included in the above, except furniture and kitchen or laundry appliances, which the secondhand goods dealer intends to sell for more than $200.

1175.39. Stolen goods. A licensed secondhand goods dealer must report to the police any article received, or sought to be received, if the licensee has reason to believe that the article was stolen or lost.

1175.41. Holding goods. An item received by a secondhand goods dealer for which a report to the police is required, may not be sold or otherwise transferred for a period of 30 days after the date of such report to the police.

1175.43. Receipt. A licensed secondhand goods dealer must provide a receipt to the seller or consignor of any items which includes:

a) the address and phone number of the business;

b) the date;

c) a description of the item purchased; and

d) the purchaser's signature.

1175.45. Police orders. If a city police officer notifies a dealer not to sell an item, the item may not be sold or removed from the licensed premises until authorized to be released by the police.

1175.47. Weapons. A licensed secondhand goods dealer may not receive as a pledge or otherwise accept for consignment or sale any revolver, pistol, sawed-off shotgun, automatic rifle, blackjack, switchblade knife, or other similar weapons or firearms.

1175.49. Prohibited acts. Subdivision 1. Minors. A person under the age of 18 ("minor") may not sell or consign, or attempt to sell or consign, goods with a secondhand goods dealer. A secondhand goods dealer may not receive goods from a minor.

Subd. 2. Others. A secondhand goods dealer may not receive any goods from a person of unsound mind or an intoxicated person.

Subd. 3. Identification. A secondhand goods dealer may not receive goods, unless the seller presents identification in the form of a valid driver's license or identification card issued by the State of Minnesota, another State or a province of Canada.

1175.51. License denial; suspension or revocation; penalties. Subdivision 1. License denial; suspension or revocation. A license under this section may be denied, suspended or revoked by the council, after a public hearing where the licensee is granted the opportunity to be heard, for one or more of the following reasons: (Amended Ord. No. 2012-01, Sec. 5)

a) the operating of the business is in conflict with any provision of this code;

b) the operation of the business is in conflict with any health, building, building maintenance, zoning, or any other provision of this code or law;

c) the licensee or the business premises fails to conform with the standards for license application contained in this section;

d) the licensee has failed to comply with one or more provisions of this section or any statute, rule or ordinance pertaining to the businesses of pawnbroker or secondhand goods dealer;

e) fraud, misrepresentation or bribery in securing a license;

f) fraud, misrepresentation or false statements made in the course of the applicant's business;

g) subject to the provisions of law, a violation within the preceding five years of any state or federal law relating to theft, receiving stolen property, burglary, robbery, forgery, damage or trespass to property, sale of a controlled substance or stolen good, or operation of a business.

Subd. 2. Fee. The fee charged by the city to an applicant for the costs of investigation is set by appendix IV. The applicant will be notified of the investigation fee prior to the city council's final action on the license application. The investigation fee is payable upon terms established by the city clerk. (Added, Ord. No. 2012-01, Sec. 5)

Subd. 3 Penalties. (Added, Ord. No. 2012-01, Sec. 5)

a) Misdemeanors. A person who violates this section is guilty of a misdemeanor unless otherwise provided by law.

b) Administrative civil penalties; licensee. If a licensee or an employee of a licensee is found to have violated this section, the city council may impose an administrative penalty as follows:

1) First violation: a civil fine in the amount of $500 and license suspension for a period of ten days.
2) Second violation within 24 months after the first violation: a civil fine in the amount of $750 and suspension of license for a period of 20 days.
3) Third violation within 36 months after the second violation: a civil fine in the amount of $1,000 and suspension of license for a period of 30 days.
4) Fourth violation within 36 months after the third violation: revocation of license.

Subd. 4. Presumptions regarding administrative penalties. The administrative penalties described in subdivision 3 of this section are the presumed sanctions for the violations indicated. In the event of any license suspension imposed under subdivision 3, the city council may select which days a suspension will be served. Notwithstanding the provisions of subdivision 3, a license may be revoked for any violation of this section when in the judgment of the council it is appropriate to do so. The city council may impose lesser penalties under subdivision 3 when in the judgment of the council it is appropriate to do so. The city council may by resolution revise the amount of the above civil penalties stated in subdivision 3 above, in Appendix IV. Other mandatory requirements may be made of the establishment, including but not limited to, meetings with the Police Department staff to present a plan of action to assure that the problem will not continue, mandatory education sessions with Crime Prevention staff, or other actions that the City Council deems appropriate. (Added, Ord. No. 2012-01, Sec. 5)

1175.53. Deleted, Ord. No. 2012-06, Sec.1)

1175.55. Inspections. A peace officer or any properly designated employee of the city or the state of Minnesota may enter, inspect and search business premises licensed under this section, during business hours, without a warrant.

1175.57. County license. Secondhand goods dealers dealing in precious metals and gems must be licensed by Hennepin County.

Section 1177 – Pawnbrokers
(Added, Ord. No. 2005-20, Sec. 1)

1177.01. Purpose. The city council finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The city council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The city council further finds that the pawn industry has outgrown the city's current ability to effectively or efficiently identify criminal activity related to pawn shops. The purpose of this chapter is to prevent pawn businesses from being used as facilities for the commission of crimes, and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the automated pawn system ("APS").
1177.03. Definitions. When used in this section, the following words shall mean:

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

"Reportable transaction" means every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:

1) The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.

2) Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

"Billable transaction" means every reportable transaction conducted by a pawnbroker is a billable transaction except renewals, redemptions or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions, and confiscations.

1177.05. License required; license fees. Subdivision 1. License required. It is unlawful to conduct, operate or engage in the business of a pawnbroker without first having obtained a license.

Subd. 2. Annual fee. The annual license fees for licenses issued under this chapter shall be set by appendix IV.

Subd. 3. Fee adjustments. The billable transaction license fee shall reflect the cost of processing transactions and other related regulatory expenses as determined by the city council, and shall be reviewed and adjusted, if necessary, annually. Licensees shall be notified in writing 30 days before any adjustment is implemented.

Subd. 4. Billing of fees. Billable transaction fees shall be billed monthly and are due and payable within 30 days. Failure to do so is a violation of this section.

1177.07. Application required. Subdivision 1. Contents. An application form provided by the city clerk must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information:

a) If the applicant is a natural person:

1) The name, place and date of birth, street resident address, and phone number of applicant.

2) Whether the applicant is a citizen of the United States or resident alien.

3) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

4) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, Section 333.01 as it may be amended.

5) The street address at which the applicant has lived during the preceding five years.

6) The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the proceeding five years.

7) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

8) The physical description of the applicant.

9) Applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two years prior to application.

10) If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a) through d) of subdivision 1 of subsection 1177.07.

b) If the applicant is a partnership:

1) The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in subdivision 1 of this section.

2) The name(s) of the managing partner(s) and the interest of each partner in the licensed business.

3) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, section 333.01, as it may be amended, a certified copy of such certificate must be attached to the application.

4) A true copy of the federal and state tax returns for partnership for the two years prior to application.

5) If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a) through d) of subdivision 1 of subsection 1177.07.

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

1) The name of the corporation or business form, and if incorporated, the state of incorporation.

2) A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, section 303.06, as it may be amended, must be attached. Any proposed change in either the articles or the by-laws of the corporation must be reported to the city clerk 14 days prior to the date such change is to be adopted by the corporation. In the case of a corporate application the application must also describe fully the relationship of the corporation to any other corporation including the name, business address, state of incorporation, names of stockholders, directors and officers thereof as provided hereafter, but in the case of publicly held corporations the city manager may accept disclosure documents required by the Securities and Exchange Commission of the United States of America in lieu of such information. (Amended 2012-01, Sec. 6)

3) The name of the manager(s) or other person(s) in charge of the business and all information concerning each manager, proprietor, or agent required in a) through d) of subdivision 1 of subsection 1177.07.

4) A list of all persons who control or own an interest in excess of 5% in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in subdivision 1 above. This subdivision c), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.

d) <u>For all applicants</u>:

1) Whether the applicant holds a current pawnbroker, precious metal dealer or secondhand goods dealer license from any other governmental unit.

2) Whether the applicant has previously been denied, or had revoked or suspended, a pawnbroker, precious metal dealer, or secondhand dealer license from any other governmental unit.

3) The location of the business premises.

4) If the applicant does not own the business premises, a true and complete copy of the executed lease.

5) The legal description of the premises to be licensed.

6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.

7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.

8) Such other information as the city council or issuing authority may require.

Subd. 2. Manager. When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within 14 days. The application must include all appropriate information required in this section.

a) Upon completion of an investigation of a new manager, the licensee must pay an amount equal to the cost of the investigation to assure compliance with this chapter. If the investigation process is conducted solely within the state of Minnesota, the fee shall be $500.00. If the investigation is conducted outside the state of Minnesota, the issuing authority may recover the actual investigation costs not exceeding $10,000.00.

Subd. 3. Application execution. All applications for a license under this chapter must be signed and certified by the applicant. If the application is that of a natural person, it must be signed and certified by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof. (Amended 2012-01, Sec. 6)

Subd. 4. Investigation. Duties of chief of police. A new or renewal application for a license as a pawnbroker will be referred to the chief of police for a CCH Investigation as authorized by section 311 of the city code, of each individual. Every individual or person having any beneficial interest in the license must be so investigated. The chief must make necessary inquiry and list all violations of federal and state law or municipal ordinance including verified complaints that occurred at the establishment being investigated while under the same ownership. The chief must report the findings and comments to the manager who must order or conduct such additional investigations as the manager deems necessary or as the council directs. (Amended, Ord. No. 2007-11, Sec. 5, Amended, Ord. No. 2012-01, Sec. 7)

Subd. 5. Public hearing. A new pawnbroker license will not be issued without a public hearing. Any person having an interest in or who will be affected by the proposed license will be permitted to testify at the hearing. The public hearing must be preceded by ten days' published notice specifying the location of the proposed licensed business premises. (Amended, Ord. No. 2010-09, Sec. 1)

Subd. 6. Persons ineligible for a license. No licenses under this chapter will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

a) Is a minor at the time that the application is filed;

b) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subdivision 2, as it may be amended, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this chapter as prescribed by Minnesota Statutes, section 364.03, subdivision 3, as it may be amended; or

c) Is not of good moral character or repute.

Subd. 7. Financial responsibility. Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by any individual applicant and all individual owners and/or shareholders of the business entity. Operation of a business licensed under this section without having on-going evidence on file with the city of the financial responsibility required by this subdivision is grounds for revocation or suspension of the license. (Added 2012-01, Sec. 8)

1177.09. Bond required. Before a license will be issued, every applicant must submit a $5,000.00 bond on the forms provided by the city. All bonds must be conditioned that the principal will observe all state laws and city ordinances in relation to pawnbrokers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal’s hand through the principal’s business as a pawnbroker, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon 30 days written notice to the city, which shall be served upon the licensing authority.

1177.11. Records required. At the time of any reportable transaction other than renewals, extensions, redemptions or confiscations, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police department:

a) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

b) The purchase price, amount of money loaned upon, or pledged therefor.

c) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.

d) Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.

e) Full name, current residence address, current residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and color of hair.

f) The identification number and state of issue from any of the following forms of identification of the seller:

1) Current valid Minnesota driver's license.

2) Current valid Minnesota identification card.

3) Current valid photo identification card issued by another state or province of Canada.

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

h) Effective 60 days from the date of notification by the police department of acceptable video standards the licensee must also take a color photograph or color video recording of:

1) Each customer involved in a billable transaction.

2) Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

3) If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable facial image of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that they are being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must focus on the person pawning or selling the item so as to include an identifiable image of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that they are being videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three months.

i) Digitized photographs. Effective 60 days from the date of notification by the police department licensees must fulfill the color photograph requirements in subsection 1177.11 h) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding that the digital images may be captured from required video recordings, this provision does not altar or amend the requirements in subsection 1177.11 h).

j) Renewals, extensions, redemptions and confiscations. For renewals, extensions, redemptions and confiscations the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

k) Inspection of records. The records must at all reasonable times be open to inspection by the police department or department of licenses and consumer services. Data entries shall be retained for at least three years from the date of transaction. Entries of required digital images shall be retained a minimum of 90 days.

1177.13. Daily reports to police. Subdivision 1. Reportable transactions. Effective no later than 60 days after the police department provides licensees with the current version of the Automated Pawn System Interchange File Specification, licensees must submit every reportable transaction to the police department daily in the following manner:

a) Licensees must provide to the police department all reportable transaction information by transferring it from their computer to the Automated Pawn System via modem using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. Any transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the police department daily.

Subd. 2. Billable transaction fees. Licensees will be charged for each billable transaction reported to the police department.

a) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the police department, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day.

b) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in subsection 1177.13, subdivision 1, and shall be charged a $50.00 reporting failure penalty, daily, until the error is corrected.

c) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the reports required by subsection 1177.13, subdivision 1, and must resubmit all such transactions via modem when the error is corrected.

d) If a licensee is unable to capture, digitize or transmit the photographs required in subsection 1177.11 i), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the police department upon request.

e) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

f) Subsections 1177.13, subdivision 1 through subdivision 2 e) notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

1177.15. Receipt required. Subdivision 1. Information on receipt. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three years. The receipt must include at least the following information:

a) The name, address and telephone number of the licensed business.

b) The date and time the item was received by the licensee.

c) Whether the item was pawned or sold, or the nature of the transaction.

d) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

e) The signature or unique identifier of the licensee or employee that conducted the transaction.

f) The amount advanced or paid.

g) The monthly and annual interest rates, including all pawn fees and charges.

h) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.

i) The full name, current residence address, current residence telephone number, and date of birth of the pledger or seller.

j) The identification number and state of issue from any of the following forms of identification of the seller:

1) Current valid Minnesota driver's license.

2) Current valid Minnesota identification card.

3) Current valid photo driver's license or identification card issued by another state or province of Canada.

k) Description of the pledger or seller including sex, approximate height and weight, race, color of eyes and color of hair.

l) The signature of the pledger or seller.

m) All printed statements as required by Minnesota Statutes, section 325J.04, subdivision 2, as it may be amended, or any other applicable statutes.

1177.17. Redemption period. Any person pledging, pawning or depositing an item for security must have a minimum of 90 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 90-day holding period, items may not be removed from the licensed location except as provided in subsection 1177.31. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the chief of police, or chief's designee. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with subsection 1177.11 k). (Amended, Ord. 2006-07, Sec. 1)

1177.19. Holding period. Any item purchased or accepted in trade by a licensee must not be sold or otherwise transferred for 30 days from the date of the transaction. An individual may redeem an item 72 hours after the item was received on deposit, excluding Sundays and legal holidays.

1177.21. Police order to hold property. Subdivision 1. Investigative hold. Whenever a law enforcement official from any agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to hold/confiscate is issued, pursuant to subsection 1177.21, subdivision 2 or 3, whichever comes first.

Subd. 2 Order to hold. Whenever the chief of police, or the chief's designee, notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the chief or the chief's designee. The order to hold shall expire 90 days from the date it is placed unless the chief of police or the chief's designee determines the hold is still necessary and notifies the licensee in writing.

Subd. 3. Order to confiscate. If an item is identified as stolen or evidence in a criminal case, the chief or chief's designee may:

a) Physically confiscate and remove it from the shop, pursuant to a written order from the chief or the chief's designee, or

b) Place the item on hold or extend the hold as provided in subsection 1177.21, subdivision 2, and leave it in the shop.

When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

When an order to hold/confiscate is no longer necessary, the chief of police, or chief's designee shall so notify the licensee.

1177.23. Inspection of items. At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities as authorized in subsection 1177.31, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this chapter or other applicable laws.

1177.25. Label required. Licensees must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

1177.27. Prohibited acts. The following acts are prohibited:

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

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

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

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

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

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

1177.29. Denial, suspension or revocation; penalties. Subdivision 1. Denial, suspension or revocation. Any license under this chapter may be denied, suspended or revoked for one or more of the following reasons: (Amended 2012-01, Sec. 9)

a) The proposed use does not comply with any applicable zoning code.

b) The proposed use does not comply with any health, building, building maintenance or other provisions of this code of ordinances or state law.

c) The applicant or licensee has failed to comply with one or more provisions of this chapter.

d) The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

e) Fraud, misrepresentation or bribery in securing or renewing a license.

f) Fraud, misrepresentation or false statements made in the application and investigation for, or in the course of, the applicant's business.

g) Violation within the preceding five years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.

h) The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this section.

i) Pawnbrokers dealing in precious metals and gems must be licensed by Hennepin County.

Subd. 2 Penalties. (Added Ord. No. 2012-01, Sec. 9)

a) Misdemeanors. A person who violates this section is guilty of a misdemeanor unless otherwise provided by law.

b) Administrative civil penalties; licensee. If a licensee or an employee of a licensee is found to have violated this section, the city council may impose an administrative penalty as follows:

1) First violation: a civil fine in the amount of $500 and license suspension for a period of ten days.
2) Second violation within 24 months after the first violation: a civil fine in the amount of $750 and suspension of license for a period of 20 days.
3) Third violation within 36 months after the second violation: a civil fine in the amount of $1,000 and suspension of license for a period of 30 days.
4) Fourth violation within 36 months after the third violation: revocation of license.

Subd. 3. Presumptions regarding administrative penalties. The administrative penalties described in subdivision 3 of this section are the presumed sanctions for the violations indicated. In the event of any license suspension imposed under subdivision 3, the city council may select which days a suspension will be served. Notwithstanding the provisions of subdivision 3, a license may be revoked for any violation of this section when in the judgment of the council it is appropriate to do so. The city council may impose lesser penalties under subdivision 3 when in the judgment of the council it is appropriate to do so. The city council may by resolution revise the amount of the above civil penalties stated in subdivision 3, in Appendix IV. Other mandatory requirements may be made of the establishment, including but not limited to, meetings with the Police Department staff to present a plan of action to assure that the problem will not continue, mandatory education sessions with Crime Prevention staff, or other actions that the City Council deems appropriate. (Added Ord. No. 2012-01, Sec. 9)

1177.31. Business at only one place. A license under this section authorizes the licensee to carry on its business only at the permanent place of business designated in the license. However, upon written request, the chief of police, or chief's designee, may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with subsection 1177.13. All provisions of this chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premise that extends for more than six months.

1177.33. Severability. Should any section, subsection, clause or other provision of this chapter be declared by a court of competent jurisdiction to be invalid such decision shall not effect the validity of the ordinance as a whole or any part other than the part so declared invalid.

Section 1180 - Amusement centers

1180.01. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Machine" means, but is not limited to, a mechanical amusement device of any of the following types:

a) A machine or electronic contrivance, including "pinball" machines, mechanical miniature pool tables, bowling machines, shuffle boards, electric rifle or gun ranges, miniature mechanical and electronic devices and games or amusements patterned after baseball, basketball, hockey and similar games and like devices, machines or games which may be played solely for amusement and not as a gambling device and which devices or games are played by the insertion of a coin or coins or at a fee fixed and charged by the establishment in which such devices or machines are located, and which contain no automatic payoff devices for the return of money, coins, merchandise, checks, tokens or any other thing or item of value; provided, however, that such machine may be equipped to permit a free play or game: the term does not include coin-operated music machines.

b) Amusement devices designed for and used exclusively as rides by children, such as, but not limited to, kiddie cars, miniature airplane rides, mechanical horses, and other miniature mechanical devices, not operated as a part of or in connection with any carnival, circus, show, or other entertainment or exhibition.

Subd. 3. "Amusement center" means a business at one location devoted primarily to the operation of mechanical amusement devices consisting in the operation of ten or more machines and open for public use and participation; the term does not include a licensed premises or business which, by law or ordinance, a minor may not enter unless accompanied by a parent or guardian.

1180.03. Licenses. Subdivision 1. General rules. It is unlawful to keep, operate, maintain or permit to be operated or maintained upon premises within an applicants direct or indirect control an amusement center or any machine therein, without having first procured an amusement center license and a license for each machine under the provisions of this code.

Subd. 2. Amusement center license. It is unlawful to own, operate or permit operation of an amusement center on premises owned, leased, or operated by an applicant or engage in the business of operating an amusement center unless an annual amusement center license has been obtained.

Subd. 3. Application. The application for an amusement center license must contain the following information:

a) Name and address of the applicant, age, date, and place of birth.

b) Place where machine or device is to be displayed or operated, the business conducted at that place, and the zoning classification.

c) If the interest of the applicant be that of a corporation or other business entity, the names of any persons having a 5% or more interest in said business entity must be listed.

d) Applications must conform to the provisions of this section, and must also include a statement that the applicant, if requested by the city clerk, will permit a record of his fingerprints to be made by the police department for the purpose of additional investigation to determine whether or not the application should be granted.

Subd. 4. License fees. The license fee for an amusement center license is set by appendix IV and may be pro-rated for a partial year. The license fees are in lieu of all other fees for amusement devices or machines under this code.

Subd. 5. Council approval. The application for an amusement center license must be presented to the city council for consideration, and if approved, the city clerk must issue the license to the applicant.

1180.05. Insurance. If the machines to be operated in the amusement center are of the type described in subsection 1, subdivision 2, clause b), the applicant must also submit with his application a policy of liability insurance applicable to death or injury caused by the operation of the licensed machine, in the minimum amounts of $100,000 for injury to or death of any person or $300,000 for one accident.

1180.07. Inspection. Subdivision 1. Police review. Application for an amusement center license must be made in duplicate, and one copy must be referred to the chief of police who must investigate the location wherein it is proposed to operate an amusement center, ascertain if the applicant is a person of good moral character, and may recommend approval or disapproval of the application.

Subd. 2. Duty of police department. Each amusement center licensed under this section must be inspected by the police department.

1180.09. Display of license. The license must be posted permanently and conspicuously at the location of the amusement center.

1180.11. Amusement centers restrictions. Subdivision 1. Nuisance. An amusement center and a coin-operated musical or other musical device therein may not be operated so as to constitute a public nuisance.

Subd. 2. Order. It is the responsibility of the licensee to maintain order on the licensed premises at all times.

Subd. 3. Fire hazards. It is the responsibility of the licensee to see that the licensed premises does not become overcrowded so as to constitute a hazard to the health or safety of persons therein. The fire marshal must designate and post the maximum number of persons to be permitted on the licensed premises.

Subd. 4. Supervision. The licensee must provide a full-time attendant of 21 years of age or over upon the licensed premises during business hours.

Subd. 5. Liquor and beer. It is unlawful for a person operating an amusement center to sell, offer for sale, or knowingly permit to be sold or offered for sale, or to be dispensed or consumed or knowingly brought on the licensed premises any alcoholic beverages or narcotic drugs, or to knowingly allow any illegal activity upon the licensed premises.

Subd. 6. Posting. An amusement center must have affixed on its premises in plain view a decalcomania evidencing the issuance of its license, and each machine on the licensed premises must have affixed to it a plate or sticker evidencing its being licensed under this section.

Subd. 7. Transferability. The license required by this section is a personal privilege and does not constitute property. It is not transferable except as provided in this section.

Subd. 8. Hours. There are no restrictions on the hours of operation of amusement centers.

Subd. 9. Restrictions on conditional use. The restrictions contained in this section may be amended and additional conditions or restrictions may be imposed as a part of a conditional use permit issued pursuant to the zoning code.

Subd. 10. Exits; entrances. The premises in which an amusement center is located must have adequate entrances and exits at the front and rear of the premises but may have no entrances to or exits from adjoining buildings, uses or premises.

Subd. 11. Smoking. Smoking of tobacco or any other product in an amusement center is prohibited. The licensee is responsible to insure that this restriction is conformed to. Tobacco products may not be sold in an amusement center.

Subd. 12. Lighting. The interior of an amusement center must be so illuminated as to insure proper and complete observation of patrons at all times. The building inspector must recommend standards for lighting levels to carry out the intent of this subdivision.

Subd. 13. Food and beverage sales. Food and beverages may be sold in an amusement center subject to the provisions of section 610. (Amended, Ord. No. 96-8, Sec. 1)

1180.13. Penalties. A violation of this section is a misdemeanor. The licensee under this section, whether or not in direct control of an amusement center or the premises on which the machines are located, may be charged under this section for a violation thereof by virtue of the responsibility under this section and by virtue of the indirect control of the machines and the premises.

Section 1185 - Lawful gambling

1185.01. Lawful gambling. Subdivision 1. General rule. Pursuant to the provisions of Minnesota Statutes, section 340A.410, subdivision 5, as amended, lawful gambling may be conducted on premises licensed for the sale of intoxicating liquor by organizations licensed by the charitable gambling control board (board) under Minnesota Statutes, Chapter 349, as amended, when a premises permit or bingo hall license, if required by law, therefor has been issued by the board. Non-profit organizations licensed by the board may conduct lawful gambling on the licensed premises or adjoining rooms of on sale liquor establishments provided the gambling is in compliance with the law and the requirements of this section are complied with. (Amended, Ord. No. 2010-01)

Subd. 2. Expanded premises for lawful gambling. Notwithstanding anything to the contrary in section 1185, lawful gambling may be conducted on any premises for which the organization obtains a premises permit from the board. Lawful gambling conducted on any premises other than a licensed on sale liquor establishment is subject to all the terms and conditions of section 1185, except that (a) references to on sale establishments are deemed to include any other premises for which a lawful gambling premises permit has been issued, and (b) lawful gambling may be conducted on such premises only between the hours of 11:00 a.m. and 12:00 midnight on any day. (Added, Ord. No. 2000-02, Sec. 1; Amended, Ord. No. 2001-06, Sec. 1)

1185.03. City review. Subdivision 1. City investigation. Upon receipt of an application for an initial premises permit or bingo hall license and payment of the investigation fee required by subsection 1185.17 the city manager will refer the application to the police chief for a Computerized Criminal History (CCH) Investigation as authorized by section 311 of the city code. The police chief must as part of the CCH Investigation, obtain from the board data received by the board in the initial license application and premises permit application of the organization and other information that the board may have in its possession relating to the eligibility and qualifications of the licensed organization to conduct or continue to conduct lawful gambling at the premises specified in the permit application. (Amended, Ord. No. 2007-11, Sec. 6; Ord. No. 2010-01)

Subd. 2. City council action. The city council will review the initial application for a bingo hall license or premises permit. The council may by resolution decline to approve the initial application if in its judgment the conduct of lawful gambling at the premises by the applicant will adversely affect the public health, safety and welfare. The resolution approving an initial application shall be adopted by the council within 90 days of the date of application for the new permit and approval of the state license by the board. The council may by resolution suspend or revoke a previously granted premises or license permit where the board has suspended or revoked the state license, or where the permittee/licensee has engaged in conduct constituting grounds for the revocation or suspension of an intoxicating liquor license as specified in subsection 1005.21 of this code or both (i) and (ii) as the case may be. (Amended, Ord. No. 2010-01)

Subd. 3. Prior board approval. The city will not consider an application for an initial lawful gambling premises permit or bingo hall license unless (i) the application for the permit or license has been approved by the board or (ii) the board has indicated in writing to the city clerk that board approval is granted pending only the approval of the city council. (Amended, Ord. No. 2010-01)

1185.05. Eligible organizations. a) The city will consider for approval only premises permits or bingo hall licenses by organizations that are licensed by the board and meet all the conditions in subsection 1185.05, paragraph b). When an application is submitted to the city the city will presume that the applicant is eligible for the permit or license under state law but will make no independent investigation of that fact. (Amended, Ord. No. 2005-18, Sec. 1)

b) An organization shall not be eligible to conduct lawful gambling in the city unless it meets the requirements of Minnesota Statutes, section 349.16, as amended, and at least one of the following conditions are met for an initial application and a perpetual license: (Amended, Ord. No. 2010-01)

1) The organization has at least 15 members that are residents of the city; or

2) The physical site for the organization's headquarters or the registered business office of the organization is located within the city or a municipality contiguous to the city and has been located within the city or a municipality contiguous to the city for at least two years immediately preceding application for a license; or

3) The organization owns real property within the city and the lawful gambling is conducted on the property owned by the organization within the city; or

4) The physical site where the organization regularly holds its meetings and conducts its activities, other than lawful gambling and fund raising, is within the city and has been located within the city for at least two years immediately preceding application for a license; or

5) The organization is a fire relief organization that provides fire protection services to the city. (Added, Ord. No. 2005-18, Sec. 1)

1185.07. Limit of licenses. On sale establishments authorized to allow gambling are limited to one yearly lessee at premises licensed for on sale liquor sales in the city. The city council may by resolution authorize more than one organization to conduct lawful gambling activities at various locations for a limited period in connection with an annual civic celebration.

1185.09. Hours. Lawful gambling may be conducted only during the permitted hours of operation of the licensed on sale establishment.

1185.11. Leases; filing. A copy of the lease agreement between a non-profit organization and an on sale licensee must be filed with the city clerk within one week after execution of the lease. The lease must provide that the lessee may operate only after issuance of a license and premises permit from the board and be subject to the terms of this section.

1185.13. Distribution of proceeds. a) Each organization licensed to conduct gambling within the city shall contribute to a fund administered and regulated by the city, without cost to such fund, for distribution by the city for purposes authorized under Minnesota Statutes, section 349.213, subdivision 1, an amount equal to 10% of the organization's net profits derived from lawful gambling at premises within the city. For purposes of this subsection the term "net profits" means profits less amounts expended for allowable expenses; the terms "profits" and "allowable expenses" have the meanings given them by Minnesota Statutes, chapter 349 and rules and regulations promulgated thereunder. Payments to the fund shall be made annually on or before March 1 for the prior calendar year, and shall be submitted together with verifiable supporting documentation. (Amended, Ord. No. 2005-18, Sec. 2; Ord. 2006-10, Sec. 1)

b) Each organization conducting lawful gambling within the city must expend 15% of its lawful purpose expenditures on lawful purposes conducted or located within the trade area of the city. For the purposes of this subsection, the term "trade area" means the area within the boundaries of the city and within the boundaries of the cities of New Hope, Robbinsdale, Golden Valley, Brooklyn Center, and Brooklyn Park; provided that a contribution to Independent School District No. 281 is deemed to have been made in the trade area of the city. This subdivision applied only to lawful purpose expenditures of gross profits derived from lawful gambling conducted at premises within the city. On or before each March 1, each organization must file with the city (a) a report listing all lawful purpose expenditures in the prior calendar year, the name of the entity to whom each check was written, and the city location of the recipient; and (b) a report prepared by an independent certified public accountant documenting compliance with this subdivision. (Added, Ord. No. 2005-18, Sec. 2; Ord. 2006-10, Sec. 2)

c) Each organization conducting lawful gambling within the City may apply the 10% net profits contribution requirement of subsection a) of this section, against the 15% lawful purpose expenditures requirement of subsection b) of this section. Such election shall be clearly disclosed in the report required by subsection b) of this section. (Added, Ord. 2006-10, Sec. 3)

1185.15. Filing. Organizations conducting lawful gambling in the city must file with the city clerk copies of records and reports filed with the board pursuant to Minnesota Statutes, chapter 349 and the rules and regulations promulgated thereunder, as each may be amended. (Amended, Ord. No. 2010-01)

1185.17. Investigation fees. An organization applying for an initial premises permit or bingo hall license to conduct lawful gambling in the city must pay the investigation fee set by appendix IV. If the fee is not paid the council will not approve the permit or license under subsection 1185.03. (Amended, Ord. No. 2010-01)

Section 1190 - Adult Establishments
(Added, Ord. No. 1996-2)

1190.01 Findings and Purpose. Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks. Based on these studies and findings, the city council concludes:

a) Adult establishments have adverse secondary impacts of the types set forth above.

b) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing, and health requirements.

c) It is not the intent of the city council to prohibit adult establishments from having a reasonable opportunity to locate in the city.

d) Minnesota Statutes, section 462.357, allows the city to adopt regulations to promote the public health, safety, morals and general welfare.

e) The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.

1190.03 Definitions. For purposes of this section, the following terms have the meanings given them.

Subd. 1. "Adult Establishment" means:

a) any business that is conducted exclusively for the patronage of adults and that excludes minors from patronage, either by operation of law or by the owners of the business, except any business licensed under chapter XII of this code;

b) any business that (i) derives 25% or more of its gross receipts during any calendar month from, or (ii) devotes 25% or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or

c) any business that engages in any adult use as defined in subdivision 2 of this section.

Subd. 2. Adult Use. An adult use is any of the following activities or businesses:

a) "Adult Body Painting Studio" means an establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.

b) "Adult Bookstore" means an establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if: (1) the business is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age; (2) 25% or more of the business' gross receipts during any calendar month are derived from items, merchandise, or other materials distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or (3) 25% or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to items, merchandise, or other materials distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

c) "Adult Cabaret" means a business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on: (1) the depiction of Specified Sexual Activities or Specified Anatomical Areas; or (2) the presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.

d) "Adult Companionship Establishment" means a business or establishment that excludes minors by reason of age, and that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

e) "Adult Conversation/Rap Parlor" means a business or establishment that excludes minors by reason of age, and that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

f) "Adult Health/Sport Club" means a health/sport club that excludes minors by reason of age, and that is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

g) "Adult Hotel or Motel" means a hotel or motel that excludes minors by reason of age, and that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

h) "Adult Massage Parlor/Health Club" means a massage parlor or health club that excludes minors by reason of age, and that provides massage services distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

(i) "Adult Mini-Motion Picture Theater" means a business or establishment with a capacity of less than 50 persons that presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

j) "Adult Modeling Studio" means a business or establishment that provides figure models who, with the intent of providing sexual stimulation or sexual gratification, engage in Specified Sexual Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.

k) "Adult Motion Picture Arcade" means any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

l) "Adult Motion Picture Theater" means a motion picture theater with a capacity of 50 or more persons that as a prevailing practice excludes minors by reason of age or that as a prevailing practice presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.

m) "Adult Novelty Business" means an establishment or business that (i) derives 25% or more of its gross receipts during any calendar month from, or (ii) devotes 25% or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, items or merchandise depicting Specified Sexual Activities or Specified Anatomical Areas or devices that either stimulate human genitals or are designed for sexual stimulation.

n) "Adult Sauna" means a sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

(o) "Adult Steam Room/Bathhouse Facility" means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

Subd. 3. Nude or Specified Anatomical Areas.

a) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola; and

b) Human male genitals in a discernably turgid state, even if completely and opaquely covered.

Subd. 4. Specified Sexual Activities.

a) Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; buggery; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pederasty; pedophilia; piquerism; sapphism; or zooerastia;

b) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;

c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

d) Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;

e) Situations involving a person or persons, any of whom are nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding, or other physical restraint of any person;

f) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or

g) Human excretion, urination, menstruation, or vaginal or anal irrigation.

1190.05. Location. An Adult Establishment may not be located within 250 feet of: any residentially-zoned property boundary; or any church site, school site, day care facility, park, or business licensed under chapter XII of this code. An Adult Establishment may not be located within 500 feet of another Adult Establishment. For purposes of this section, this distance is a horizontal measurement from the main public entrance of the Adult Establishment to: the nearest point of a residentially-zoned property boundary; the property line of a church site, school site, day care facility, park, or business licensed under chapter XII of this code; and the main public entrance of another Adult Establishment.

1190.07 Hours of Operation. An Adult Establishment may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.

1190.09. Additional Conditions for Adult Cabarets. The following additional conditions apply to Adult Cabarets:

a) An owner, operator, or manager of an adult cabaret may not allow any dancer or other live entertainer to display specified anatomical areas or to display or perform Specified Sexual Activities on the premises of the Adult Cabaret;

b) A dancer, live entertainer, performer, patron, or any other person may not display Specified Anatomical Areas in an Adult Cabaret;

c) The owner, operator, or manager of an adult cabaret must provide the following information to the city concerning any person who dances or performs live entertainment at the adult cabaret: The person's name, home address, home telephone number, date of birth, and any aliases;

d) A dancer, live entertainer, or performer may not be under 18 years old;

e) Dancing or live entertainment must occur on a platform intended for that purpose and that is raised at least two feet from the level of the floor;

f) A dancer or performer may not perform a dance or live entertainment closer than ten feet from any patron;

g) A dancer or performer may not fondle or caress any patron and no patron may fondle or caress any dancer or performer;

h) A patron may not pay or give any gratuity to any dancer or performer; and

i) A dancer or performer may not solicit or accept any pay or gratuity from any patron.

1190.11 License Required. Subdivision 1. A person may not own or operate an Adult Establishment without having first secured a license as provided for in this subsection. Notwithstanding any other provision of this code to the contrary, the procedures set forth in this subsection establish the exclusive method for obtaining an adult establishment license.

Subd. 2. Application: The application for an Adult Establishment license must be submitted on a form provided by the city and must include:

a) If the applicant is an individual, the name, residence, phone number, and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates of all persons holding more than five percent of the issued and outstanding stock of the corporation;

b) The name, address, phone number, and birth date of the operator and manager of the adult establishment, if different from the owner's;

c) The address and legal description of the premises where the adult establishment is to be located;

d) A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an Adult Establishment or adult business by the applicant, operator, or manager, and whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in another community. In the case of a corporation, a statement detailing any felony convictions by the owners of more than five percent of the issued and outstanding stock of the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type of business in another community;

e) The activities and types of business to be conducted;

f) The hours of operation;

g) The provisions made to restrict access by minors; and

h) A building plan of the premises detailing all internal operations and activities.

Subd. 3. License Fee:

a) The annual license fee is set by appendix IV.

b) An application for a license must be submitted to the city clerk and accompanied by payment of the required license fee. Upon rejection of an application for a license, the city will refund the license fee.

c) Licenses will expire on December 31 in each year. Each license will 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 rated fee. In computing a pro rated fee, any unexpired fraction of a month will be counted as one month.

d) No part of the fee paid by any license will be refunded, except that a pro rata portion of the fee will be refunded in the following instances upon application to the city council within 30 days from the happening of one of the following events, provided that the event occurs more than 30 days before the expiration of the license:

i) Destruction or damage of the licensed premises by fire or other catastrophe;

ii) The licensee's illness, if such illness renders the licensee unable to continue operating the licensed Adult Establishment;

iii) The licensee's death; or

iv) A change in the legal status making it unlawful for the licensed business to continue.

e) An application must contain a provision in bold print indicating that withholding information or providing false or misleading information will be grounds for denial or revocation of a license. Changes in the information provided on the application or provided during the investigation must be brought to the attention of the city council by the applicant or licensee. If such a change takes place during the investigation, it must be reported to the police chief or the city clerk in writing and they will report it to the city council. A failure by an applicant or licensee to report such a change may result in a denial or revocation of a license.

Subd. 4. Fees. The investigative fee for an Adult Establishment license is established by appendix IV.

Subd. 5. Granting of license.

a) The chief of police will conduct and complete a CCH Investigation as authorized by section 311 of the city code within 30 days after the city clerk receives a complete application and all license and investigative fees. (Amended, Ord. No. 2007-11, Sec. 7)

b) If the application is for a renewal, the applicant will be allowed to continue business until the city council has determined whether to renew or refuse to renew a license.

c) If, after the CCH Investigation, it appears that the applicant and the place proposed for the business are eligible for a license, then the license will be issued by the city council within 30 days after the CCH Investigation is completed. If the city council fails to act within 30 days after the CCH Investigation is completed, the application will be deemed approved. (Amended, Ord. No. 2007-11, Sec. 7)

d) A license will be issued to the applicant only and is not transferable to another holder. Each license will be issued only for the premises described in the application. A license may not be transferred to another premise without the approval of the city council. If the licensee is a partnership or a corporation, a change in the identity of any partner or holder of more than five percent of the issued and outstanding stock of the corporation will be deemed a transfer of the license. Adult Establishments existing at the time of the adoption of this subsection must obtain an annual license.

Subd. 6. Persons Ineligible for License. A license will not be granted to or held by a person who:

a) Is under 21 years of age;

b) Who is overdue or whose spouse is overdue in payments to the city, county, or state of taxes, fees, fines or penalties assessed against them or imposed upon them;

c) Who has been convicted or whose spouse has been convicted of a gross misdemeanor or felony or of violating any law of this state or local ordinance relating to sex offenses, obscenity offenses, or Adult Establishments;

d) Who is not the proprietor of the establishment for which the license is issued;

e) Who is residing with a person who has been denied a license by the city or any other Minnesota municipal corporation to operate an Adult Establishment, or residing with a person whose license to operate an Adult Establishment has been suspended or revoked within the preceding twelve (12) months; or

f) Who has not paid the license and investigative fees required by this subsection.

Subd. 7. Places Ineligible for License.

a) A license will not be granted for any Adult Establishment on premises where the applicant or any of its officers, agents or employees has been convicted of a violation of this subsection, or where a license hereunder has been revoked for cause, until one (1) year has elapsed after the conviction or revocation.

b) A license will not be granted for any Adult Establishment that is not in full compliance with the city code and all provisions of state and federal law.

c) A license will not be granted for any premises that are licensed under chapter XII of this code.

Subd. 8. Conditions of License.

a) A license is subject to the provisions of this subsection, and of any applicable sections of the city code and all provisions of state and federal law.

b) Licensed premises must have the license posted in a conspicuous place at all times.

c) A minor may not be permitted on the licensed premises.

d) Any designated inspection officer of the city has the right to enter, inspect, and search the premises of a licensee during business hours.

e) The licensee is responsible for the conduct of the licensed place of business and must maintain conditions of order.

f) Items or Materials depicting Specified Sexual Activities or Specified Anatomical Areas may not be offered, sold, transferred, conveyed, given or bartered to a minor, or displayed in a fashion that allows them to be viewed by a minor, whether or not the minor is on the licensed premises.

g) The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase price or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the City upon request.

h) The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting Specified Sexual Activities or Specified Anatomical Areas.

Subd. 9 Penalty.

a) A violation of this section is a basis for the suspension or revocation of a license granted hereunder. In the event that the city council proposes to revoke or suspend the license, the licensee must be notified in writing of the basis for such proposed revocation or suspension. The council will hold a hearing for the purpose of determining whether to revoke or suspend the license. The hearing must be within 30 days of the date of the notice.

b) The city council must determine whether to suspend or revoke a license within 30 days after the close of the hearing or within 60 days of the date of the notice, whichever is sooner. the council must notify the licensee of its decision within that period.

Subd. 10. Right of Appeal.

a) If the council determines to suspend, or revoke a license, the suspension or revocation is not effective until 15 days after notification of the decision to the licensee. If, within that 15 days, the licensee files and serves an action in state or federal court challenging the council's action, then the suspension or revocation is stayed until the conclusion of such action.

b) If the city council determines not to renew a license, the licensee may continue its business for 15 days after receiving notice of such non-renewal. If the licensee files and serves an action in state or federal court within that 15 days for the purpose of determining whether the City acted properly, the licensee may continue in business until the conclusion of the action.

c) If the city council does not grant a license to an applicant, then the applicant may commence an action in state or federal court within 15 days for the purpose of determining whether the City acted properly. The applicant may not commence doing business unless the action is concluded in its favor.

Section 1195: Therapeutic Massage
(Added, Ord. No. 96-10, Sec. 1)

1195.01. Findings. It is found and determined that:

a) persons who have recognized and standardized training in therapeutic massage, health and hygiene provide a legitimate and necessary service to the general public;

b) health and sanitation regulations governing therapeutic massage enterprises and massage therapists will minimize the risk of the spread of communicable diseases and promote health and sanitation;

c) license qualifications for therapeutic massage enterprises and massage therapists will minimize the risk that such businesses and persons may facilitate prostitution and other criminal activity in the city; and

d) massage services provided by persons without recognized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.

1195.03. Definitions. Subdivision 1. The terms defined in this section have the meanings given them.

Subd. 2. "Clean" means the absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.

Subd. 3. "In good repair" means free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions and similar defects.

Subd. 4. "Massage" means the rubbing, stroking, kneading, tapping or rolling of the body of another person with the hands for the purpose of physical fitness, health-care referral, relaxation and for no other purpose.

Subd. 5. "Operate" means to own, manage or conduct, or to have control, charge or custody over.

Subd. 6. "Therapeutic massage enterprise" means a place of business providing massage services to the public for consideration: the term does not include a hospital, sanitarium, rest home, nursing home, boarding home or other institution for the hospitalization or care of other human beings duly licensed under the provisions of Minnesota Statutes, Sections 144.50 through 144.69.

Subd. 7. "Therapeutic massage therapist" means a person who practices or administers massage to the public for consideration.

Subd. 8. "In the city" means physical presence as well as telephone referrals such as phone-a-massage operations in which the business premises, although not physically located within the city, serves as a point of assignment of employees who respond to requests for services from in the city.

1195.05. License required. Subdivision 1. Therapeutic massage enterprise. It is unlawful to operate, offer, engage in or carry on massage services in the city without a therapeutic massage enterprise license.

Subd. 2. Therapeutic massage therapist license. It is unlawful to practice, administer or provide massage services in the city without a therapeutic massage therapist license.

1195.07. Exemptions. A therapeutic massage enterprise license or massage therapist license is not required for the following persons and places:

a) persons licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, provided that the massage is administered in the regular course of the medical treatment not provided as part of a separate and distinct massage business;

b) persons licensed by the state as beauty culturists or barbers, provided the persons do not hold themselves out as giving massage treatments and provided that massage by beauty culturists is limited to the head, hand, neck and feet and the massage by barbers is limited to the head and neck;

c) persons working solely under the direction and control of a person duly licensed by the state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry;

d) places licensed or operating as a hospital, nursing home, hospice, sanitarium or group home established for hospitalization or medical care; and

e) athletic coaches, directors and trainers employed by public or private schools.

1195.09. General rule. The owner or operator of a licensed therapeutic massage enterprise may employ only licensed therapeutic massage therapists to provide massage services. The owner or operator of a licensed therapeutic massage enterprise need not be licensed as a therapeutic massage therapist unless that owner or operator personally provides massage services.

1195.11. License application. Subdivision 1. Therapeutic massage enterprise. The application for a therapeutic massage enterprise license must contain the following information:

1) For all applicants:

i) whether the applicant is an individual, corporation, partnership or other form of organization;

ii) the legal description of the premises to be licensed together with a plan of the area showing dimensions, location of buildings, street access and parking facilities;

iii) the floor number, street number and rooms where the massage services are to be conducted;

iv) whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not, the years and amounts that are unpaid;

v) if the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by preliminary plans showing the design of the proposed premises; if the plans for design are on file with the building inspector, no plans need be submitted;

vi) the name and street address of the business if it is to be conducted under a designation, name or style other than the name of the applicant, and a certified copy of the certificate required by Minnesota Statutes, section 333.02;

vii) other information that the city council may require.

2) For applicants who are individuals:

i) the name and date of birth of the applicant and applicant's residence address;

ii) if the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning the dates and places where used;

iii) residence addresses of the applicant during five years preceding the date of application;

iv) the type, name and location of every business or occupation the applicant has been engaged in during the preceding five years;

v) names and addresses of the applicant's employers for the preceding five years;

vi) if the applicant has ever been convicted of a felony, crime or violation of an ordinance other than a minor traffic offense; if so, the applicant must furnish information as to the time, place and offense involved in the convictions;

vii) if the applicant has ever been engaged in the operation of massage services; if so, the applicant must furnish information as to the name, place and length of time of the involvement in such activity.

3) For applicants that are partnerships:

i) the names and addresses of general and limited partners and the information concerning each general partner described in paragraph 2);

ii) the managing partners must be designated, and the interest of each general and limited partner in the business must be disclosed;

iii) a true copy of the partnership agreement must be submitted with the application, and if the partnership is required to file a certificate as to a trade name under Minnesota Statutes, section 333.02, a certified copy of that certificate must be submitted.

The license if issued will be in the name of the partnership.

4) For applicants that are corporations:

i) the name of the organization, and if incorporated, the state of incorporation;

ii) a true copy of the certificate of incorporation, and, if a foreign corporation, a certificate of authority as described in Minnesota Statutes, section 303.02;

iii) the name of the general manager, corporate officers, proprietor, and other person in charge of the premises to be licensed, and the information about those persons described in paragraph 2);

iv) a list of the persons who own or have a controlling interest in the corporation or organization or who are officers of the corporation or organization, together with their addresses and the information regarding such persons described in paragraph 2).

Subd. 2. Therapeutic massage therapist. An application for a therapeutic massage therapist license must contain the following information:

1) the applicant's name and address;

2) the applicant's current employer;

3) the applicant's employers for the previous five years, including employer's name, address and dates of employment;

4) the applicant's residence address for the previous five years;

5) the applicant's social security number, date of birth, home telephone number, weight, height, color of eyes and color of hair;

6) if the applicant has ever been convicted of a felony, crime or violation of an ordinance other than a minor traffic offense and, if so, the time, place and offense involved in the convictions;

7) if the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used;

8) evidence that the applicant:

a) has current insurance coverage over $1,000,000 for professional liability in the practice of massage;

b) is affiliated with, employed by or owns a therapeutic massage enterprise licensed by the city;

c) has completed 400 hours of certified therapeutic massage training from a recognized school that has been approved by the city manager; or

d) has one year of experience practicing massage therapy as established by an affidavit and can document within two years of obtaining the license that the person has completed 400 hours of certified therapeutic massage training from a recognized school; if such documentation cannot be established at the time of license renewal, the license will not be renewed and the person who received the license based upon experience may not receive a license in the future unless the person has the requisite certified hours;

9) other information that the city council may require;

10) the minimum requirement of massage training specified in clause 8, paragraphs c) and d) does not apply to a massage therapist i) employed by an establishment licensed for massage on the effective date of Ordinance No. 96-10 and ii) continuously employed since that date by the licensed establishment. (Added, Ord. No. 97-6, Sec. 1)

1195.13. Application and investigation fees. The fees for a massage enterprise and therapist licenses are set forth in Appendix IV. An investigation fee will be charged for therapeutic massage enterprise licenses. An application for either license must be accompanied by payment in full of the required license and investigation fees, if applicable.

1195.15. Application verification and consideration. Subdivision 1. Therapeutic massage enterprise license. The city manager must verify the information supplied on the license application and investigate the background, including the criminal background, of the applicant to assure compliance with this section, by referring the application to the police chief for a CCH Investigation as authorized by section 311 of the city code. Within 90 days of receipt of a complete application and fee for a therapeutic massage enterprise license, the city manager must make a written recommendation to the city council as to issuance or nonissuance of the license. The city council may order additional investigation if it deems it necessary, but must grant or deny the application within 120 days of receipt by the city manager of the complete application and required fees. (Amended, Ord. No. 2007-11, Sec. 8)

Subd. 2. Therapeutic massage therapist license. Within 90 days of receipt of a complete application and fee for a therapeutic massage therapist license, the city manager must grant or deny the application. Notice will be sent to the applicant upon a denial informing the applicant of the right to appeal to the city council within 20 days. If an appeal is properly made, the matter will be placed on the next available city council agenda.

1195.17. Persons ineligible for license. Subdivision 1. Therapeutic massage enterprise license. A therapeutic massage enterprise license may not be issued to an individual who:

a) is a minor at the time the application is filed;

b) has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subdivision 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota Statutes, section 364.03, subdivision 3;

c) is not of good moral character or repute;

d) is not the real party in interest of the enterprise;

e) has misrepresented or falsified information on the license application.

Subd. 2. Therapeutic massage therapist license. A therapeutic massage therapist license may not be issued to a person who could not qualify for a therapeutic massage enterprise license or who is not (i) affiliated with, (ii) employed by or (iii) does not hold, a therapeutic massage enterprise license.

1195.19. Locations ineligible for therapeutic massage enterprise license. Subdivision 1. A therapeutic massage enterprise may not be licensed if the enterprise is located on property on which taxes, assessments or other financial claims to the state, county, school district or city are due and delinquent. In the event a suit has been commenced under Minnesota Statutes, sections 278.01-278.13, questioning the amount or validity of taxes, the city council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one year after becoming due.

Subd. 2. Zoning compliance. A therapeutic massage enterprise may not be licensed if the location of such enterprise is not in conformance with section 515 (Appendix I-Zoning) of this Code.

1195.21. General license restrictions. Subdivision 1. Posting. A therapeutic massage enterprise license issued must be posted in a conspicuous place on the premises for which it is used. A person licensed as a therapeutic massage therapist must have in possession a copy of the license when therapeutic massage services are being rendered.

Subd. 2. Area. A therapeutic massage enterprise license is effective only for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered or extended, the licensee must inform the city manager. A licensed therapeutic massage therapist may perform on-site massage at a business, public gathering, private home or other site not on the therapeutic massage enterprise premises.

Subd. 3. Transfer. The license issued is for the person or the premises named on the approved license application. Transfer of a license from place to place or from person to person is not permitted.

Subd. 4. Coverings. The therapist must require that the person who is receiving the massage will at all times have that person's breasts, buttocks, anus and genitals covered with non-transparent material or clothing. A therapist performing massage must have the therapist's breasts, buttocks, anus and genitals covered with a non-transparent material or clothing.

Subd. 5. Prohibited massage. A therapist may not intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva or vaginal area of a person.

1195.23. Restrictions regarding sanitation and health. Subdivision 1. A therapeutic massage enterprise must be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet room must be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet room must be kept clean and in good repair and be fully and adequately illuminated.

Subd. 2. A therapeutic massage enterprise must provide single-service disposal paper or clean linens to cover the table, chair, furniture or area on which the patron receives the massage. If the table, chair or furniture on which a patron receives the massage is made of material impervious to moisture, such table, chair or furniture must be sanitized after each massage.

Subd. 3. The therapeutic massage therapist must wash the therapist's hands and arms with water and soap, anti-bacterial scrubs, alcohol or other disinfectants prior to and following each massage service performed.

Subd. 4. Massage tables, chairs or furniture on which the patron receives the massage must have surfaces that can be readily disinfected after each massage.

Subd. 5. Rooms in a therapeutic massage enterprise must be fully and adequately illuminated.

Subd. 6. A therapeutic massage enterprise must have a janitor's closet that provides for the storage of cleaning supplies.

Subd. 7. Therapeutic massage enterprises must provide adequate refuse receptacles that must be emptied as required by this code.

Subd. 8. Therapeutic massage enterprises must be maintained in good repair and sanitary condition.

Subd. 9. Therapeutic massage enterprises must comply with the requirements of the Minnesota Indoor Clean Air Act.

Subd. 10. A therapeutic massage enterprise must take reasonable steps to prevent the spread of infections and communicable diseases on the licensed premises.

Subd. 11. Massage therapists must wear clean clothing when performing massage services.

1195.25. License term; fees; renewals. Licenses expire annually on December 31. The license fee will be prorated in 30-day increments for licenses issued after June 30. The city manager must prepare an application form for the renewal of a license requiring information that the manager determines necessary for consideration of the renewal. The renewal application must be made no later than November 30. License fees are set by Appendix IV.

1195.27. Suspension; revocation. A license granted under this section may be suspended or revoked by the city council for the reasons and under the procedures specified in Chapter X of the code.

1195.29. Temporary therapist license. Subdivision 1. The city manager may issue a temporary theraputic massage therapist license as provided in this subsection.

Subd. 2. A temporary massage therapist license may be issued to a person who

a) is qualified to hold a massage therapist license under this section;

b) has completed the required application and paid the license fee at least seven days prior to the effective date of the license.

Subd. 3. A temporary license is effective for four consecutive days. A person may not be issued more than three temporary licenses in any period of 360 consecutive days.

Subd. 4. All other provisions of this section apply to temporary licenses.

1195.31. Hours of operation. A licensed therapeutic massage enterprise may not operate for business between the hours of 9:00 p.m. and 7:00 a.m.

CHAPTER XII

SALE, CONSUMPTION AND DISPLAY OF LIQUOR AND BEER

Section 1200 - Intoxicating liquor

1200.01. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. “Brewer taproom” means the on sale of malt liquor produced by a brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. The holder of a brewer taproom license may also hold a license to operate a restaurant at the brewery. (Added, Ord. 2015-05)

Subd. 3. “Brewpub” means a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted by this chapter. (Added, Ord. 2015-05)

Subd. 4. "Club" means any corporation duly organized under the laws of the state of Minnesota for civic, fraternal, social or business purposes or for intellectual improvements or for the promotion of sports, or a congressionally chartered veterans organization, which must have more than 50 members, and which must for more than a year have owned, hired or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members and whose affairs and management are conducted by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents or employees are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the directors or other governing body. The fact that dancing is conducted in a hotel or restaurant must not make such place ineligible to receive a license hereunder, if such dance is incidental to the regular services of the hotel or restaurant.

Subd. 5. "Exclusive liquor store" means an on sale or off sale or combination on sale or off sale establishment used exclusively for the sale of intoxicating liquor at retail and under the control of an individual owner or manager and as an incident thereof may also sell cigars, cigarettes, ice, all forms of tobacco, non-intoxicating malt beverages, and soft drinks at retail. An exclusive liquor store includes an on sale or combination on sale and off sale establishment operating a restaurant or selling food for consumption on the premises.

Subd. 6. "Hotel" means any establishment having a resident proprietor or manager, where in consideration of payment therefor food or lodging are regularly furnished to transients and which maintains for the use of its guests not less than ten guest rooms, with bedding and other suitable and necessary furnishings in each room, and which is provided with a suitable lobby, desk and office for registration of its guests, on the ground floor, and which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment and as an integral part thereof a dining room with appropriate facilities for seating not less than 30 guests at one time, where the general public is, in consideration of payment therefor, served with meals at tables.

Subd. 7. "Intoxicating liquor" and "liquor" mean ethyl alcohol, distilled, fermented, spirituous, vinous and malt liquors containing in excess of 3.2% of alcohol by weight.

Subd. 8. “Licensed premises” means the premises, building, establishment or location within a building which is the area where the city permits the sale of intoxicating liquor pursuant to the license required by section 1200.03 of this code. (Added, Ord. No. 2007-12, Sec. 1)

Subd. 9. For purposes of this section, the term "minor" means a person under the age specified in Minnesota Statutes, section 340A.503.

Subd. 10. "Off sale" means the sale of liquor in original package in retail stores for consumption off or away from the premises where sold.

Subd. 11. “Off sale brewpub license” means a license that is issued by the city to a brewpub for the off sale of malt liquor produced and packaged on the licensed premises. The brewpub must hold an on sale license and the off sale license must be approved by the commissioner of public safety. Off sale of malt liquor shall be limited to the hours of off sale liquor as set forth in this chapter and the malt liquor sold off sale must be removed from the premises before the off sale closing time. Malt liquor sold at off sale under this license must be packaged in required packaging. (Added, Ord. 2015-05)

Subd. 12. “Off sale microdistillery license” means a license that is issued by the city to a microdistillery for the off sale of distilled spirits. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on-site. Off-sale of distilled spirits is limited to the hours of off-sale liquor as set forth in this chapter. No brand may be sold at the microdistillery unless it is also available for distribution by wholesalers. (Added, Ord. 2015-05)

Subd. 13. “Off sale small brewer license” means a license that is issued by the city to a small brewer for the off-sale of malt liquor at its licensed premises that has been produced and packaged by the brewer. This license must be approved by the commissioner of public safety. The amount of malt liquor sold at off sale may not exceed 500 barrels annually. Off sale of malt liquor shall be limited to the hours of off sale liquor as set forth in this chapter and the malt liquor sold off sale must be removed from the premises before the off sale closing time. Malt liquor sold at off sale under this license must be packaged in the required packaging. (Added, Ord. 2015-05)

Subd. 14. "On sale" means the sale of liquor by the glass for consumption on the premises only.

Subd. 15. “On sale brewpub license” means an on sale intoxicating liquor license or a 3.2 percent malt liquor license that is issued by the city for a restaurant operated by a brewpub in the place of manufacture. (Added, Ord. 2015-05)

Subd. 16. “On sale brewer taproom license” means a license that may be issued by the city to a brewer who holds a brewer’s license pursuant to Minnesota Statutes Section 340A.301, subdivision 6 (c), paragraph (i) or (ii). (Added, Ord. 2015-05)

Subd. 17. “On sale microdistillery cocktail room license” means a license that may be issued by the city only to a holder of an off sale microdistillery license. (Added, Ord. 2015-05)

Subd. 18. “On sale microdistillery cocktail room” means the on-sale of distilled liquor produced by a distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller. (Added, Ord. 2015-05)

Subd. 19. "On sale wine" means the sale of wine not exceeding 14% alcohol by volume in premises licensed under this section which meet the qualifications of Minnesota Statutes, section 340A.404, subdivision 5 and this section; an "on sale wine" license permits the sale of wine for consumption on the licensed premises only, in conjunction with the sale of food. (Amended, Ord. No. 99-07, Sec. 1)

Subd. 20. "Package" or "original package" means any container or receptacle holding liquor, which container or receptacle is corked or sealed.

Subd. 21. “Required packaging” means malt liquor authorized for off sale pursuant to this chapter must be packaged in 64-ounce containers, commonly known as “growlers” or in 750 milliliter bottles. The containers or bottles must bear a twist-type closure, cork, stopper or plug. At the time of sale, a paper or plastic adhesive band, strip or sleeve must be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper or plug forming a seal that must be broken upon opening the container or bottle. The adhesive band, strip or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, and bear the name and address of the brewpub or brewer selling the malt liquor. (Added, Ord. 2015-05)

Subd. 22. "Restaurant" means any establishment, other than a hotel, under the control of a proprietor or manager, having appropriate facilities for the serving of meals to not less than 30 guests at one time and where meals are regularly furnished at tables to the general public and which employs an adequate staff to provide the usual and suitable service to its guests, and the principal part of the business of which is the serving of foods.

Subd. 23. "Sale" and "sell" and "sold" mean all barters, and all manners or means, of furnishing intoxicating liquor and including such furnishing in violation or evasion of law.

Subd. 24. “Small brewer” means a brewer who manufactures fewer than 3,500 barrels in a year. (Added, Ord. 2015-05)

Subd. 25. “Smoking area” means a compact and contiguous exterior area connected to the licensed premises designated by the license and approved by the city, where the licensee is authorized to permit its patrons to smoke, and where the patron is permitted to consume intoxicating liquor previously purchased and/or delivered to the patron in the licensed premises. Intoxicating liquor, food, or non-intoxicating beverages may not be served or delivered to patrons in the smoking area by employees of licensee. The licensee must file a specific written request in the initial application for, or in an amendment to, the liquor license for permission to establish a smoking area addressing conditions outlined as follows:

a) Fencing or screening
b) Controlled access (entrance/exit obtained from inside building; emergency exit provision)
c) Underage access prevention
d) Size and type of area (dimensions; patio/deck/fenced area)
e) Placement and aesthetics
f) Rubbish
g) Security and supervision
h) Lighting and illumination
i) Insurance
j) Signage

The licensee must provide an operations plan and site plan with the application of the proposed smoking area to the city clerk for staff review and council approval. The smoking area must meet all zoning, building, and fire codes of the city. (Added, Ord. No. 2007-12, Sec. 2)

Subd. 26. "Sunday sale" means the sale of liquor by the glass for consumption on the premises, in conjunction with the serving of food by the licensee, pursuant to a special license therefor issued by the city as authorized by state law.

1200.03. License required. It is unlawful to sell liquor or keep it for sale without first obtaining a license therefor from the city and complying with the laws of the state of Minnesota, the regulations promulgated by the liquor control commissioner, appropriate regulations and statutes of the United States of America, and this section.

1200.05. Qualifications of applicant. A license may not be issued to a person other than a citizen of the United States who is of good moral character and repute, nor to any person who within five years prior to the application for such license has been convicted of a willful violation of any law of the United States, or the state of Minnesota, or any local ordinance, with regard to the manufacture, sale, possession for sale or distribution of intoxicating liquor, nor to a person whose license under this section has been revoked for a willful violation of any such laws or ordinances nor to a minor. A false material statement made in the application is grounds for revocation of the license.

1200.07. License procedure. Subdivision 1. Application. A person desiring a liquor license from the city must file with the city clerk a verified written application in the form prescribed by the liquor control commissioner of the state of Minnesota together with other additional information required by the city.

Subd. 2. Contents. An application form provided by the city clerk must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information: (Amended, Ord. No. 2012-01, Sec. 10)

a) If the applicant is a natural person:

1) The name, place and date of birth, street resident address, and phone number of applicant.

2) Whether the applicant is a citizen of the United States or resident alien.

3) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

4) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, Section 333.01 as it may be amended.

5) The street address at which the applicant has lived during the preceding five years.

6) The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the proceeding five years.

7) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

8) The physical description of the applicant.

9) Applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two years prior to application.

10) If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a) through d) of subdivision 2 of subsection 1200.07.

b) If the applicant is a partnership:

1) The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in subdivision 1 of this section.

2) The name(s) of the managing partner(s) and the interest of each partner in the licensed business.

3) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, section 333.01, as it may be amended, a certified copy of such certificate must be attached to the application.

4) A true copy of the federal and state tax returns for partnership for the two years prior to application.

5) If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a) through d) of subdivision 2 of subsection 1200.07.

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

1) The name of the corporation or business form, and if incorporated, the state of incorporation.

2) A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, section 303.06, as it may be amended, must be attached. Any proposed change in either the articles or the by-laws of the corporation must be reported to the city clerk 14 days prior to the date such change is to be adopted by the corporation. In the case of a corporate application the application must also describe fully the relationship of the corporation to any other corporation including the name, business address, state of incorporation, names of stockholders, directors and officers thereof as provided hereafter, but in the case of publicly held corporations the city manager may accept disclosure documents required by the Securities and Exchange Commission of the United States of America in lieu of such information.

3) The name of the manager(s) or other person(s) in charge of the business and all information concerning each manager, proprietor, or agent required in a) through d) of subdivision 2 of subsection 1200.07.

4) A list of all persons who control or own an interest in excess of 5% in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in subdivision 1 above. This subdivision c), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.

d) For all applicants:

1) Whether the applicant holds a business license from any other governmental unit.

2) Whether the applicant has previously been denied, or had revoked or suspended, a business license from any other governmental unit.

3) The location of the business premises.

4) If the applicant does not own the business premises, a true and complete copy of the executed lease.

5) The legal description of the premises to be licensed.

6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.

7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.

8) Such other information as the city council or issuing authority may require.

Subd. 3. Manager. When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within 14 days. The application must include all appropriate information required in this section. (Added, Ord. No. 2012-01, Sec. 10)

a) Upon completion of an investigation of a new manager, the licensee must pay an amount equal to the cost of the investigation to assure compliance with this chapter. If the investigation process is conducted solely within the state of Minnesota, the fee shall be $500.00. If the investigation is conducted outside the state of Minnesota, the issuing authority may recover the actual investigation costs not exceeding $10,000.00.

Subd. 4. Application execution. All applications for a license under this chapter must be signed and certified by the applicant. If the application is that of a natural person, it must be signed and certified by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof. (Added, Ord. No. 2012-01, Sec. 10)

Subd. 5 Insurance requirements; financial responsibility.

a) Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of adequate insurance coverage which also must meet the conditions specified in Minnesota Statutes, section 340A.409, as amended. The city must be named as an additional insured on the insurance policy or policies. The licensee must provide evidence of coverage in the form of a certificate of insurance complying with the most recent edition of the applicable ACORD forms (or similar insurance service organization forms), as approved by the city manager or designee. The licensee shall notify and identify the city to its insurance carrier(s) and require its insurance carrier(s) to provide the statutory cancellation notice if the policy is cancelled, not renewed or materially changed. Operation of a business licensed under this section without having on-going evidence on file with the city of the insurance required by this subdivision is grounds for revocation or suspension of the license.

b) Prior to the issuance of a license the applicant must file with the city clerk satisfactory evidence of financial responsibility. "Satisfactory evidence of financial responsibility" shall be shown by a certification under oath that the property taxes, public utility bills, and all state and federal taxes or other governmental obligations or claims concerning the business entity applying for the license are current, and that no notice of delinquency or default has been issued, or if any of the financial obligations stated in this subsection are delinquent or in default, that any such delinquency or default is subject to a payment plan or other agreement approved by the applicable governmental entity. "Satisfactory evidence of financial responsibility" as required by this subsection shall in addition be shown by any individual applicant and all individual owners and/or shareholders of the business entity. (Added, Ord. No. 2011-5; Amended, Ord. No. 2012-01, Sec.10))

1200.09. Investigation of license applicants. Subdivision 1. Duties of chief of police. A new or renewal application for a license to sell intoxicating liquor will be referred to the chief of police for a CCH Investigation as authorized by section 311 of the city code, of each individual. Every individual or person having any beneficial interest in the license must be so investigated. The chief must make necessary inquiry and list all violations of federal and state law or municipal ordinance including verified complaints that occurred at the establishment being investigated while under the same ownership. The chief must report the findings and comments to the manager who must order or conduct such additional investigations as the manager deems necessary or as the council directs. (Amended, Ord. No. 2007-11, Sec. 9)

Subd. 2. Fees. Every new applicant must pay to the city treasurer the investigation fees set by appendix IV. The fees must be paid for each individual when more than one individual has a beneficial interest in the license whether a partnership, corporation or a group by whatever arrangement, to pay for the cost of investigation of each additional individual having a beneficial interest in a retail liquor license regardless of the nature and extent of such interest.

1200.11. Burden of proof. Subdivision 1. Facts. The applicant or holder of a retail liquor license has the burden or proving to the council the following:

a) That each individual having a pecuniary interest or a beneficial interest in the license is a fit person of good character and integrity.

b) That the person applying for said license or holding the same is in fact the true proprietor thereof and that each individual having any interest in the license has in fact been listed correctly on the application, and the council has been accurately apprised at least 14 days prior to any change of any and all changes in the person holding the license regardless of whether an individual, partnership, corporation or group by whatever arrangement organized.

c) That the premises are suitable for the type and kind of license requested.

d) That the applicant or licensee will be responsible for its agents, employees and servants and for the conduct of its place of business and for conditions of sobriety and order therein.

e) That the provisions of this chapter and other city ordinances, state and federal law will be complied with.

Subd. 2. Failure to disclose. In the event that the applicant for a license, or a holder of an existing license fails to make full disclosure to the council, manager or chief or any officer of the city so designated by them, or fail to promptly produce books, records, leases or subleases or to promptly correct any deficiency in the operation or management of the premises as requested, then such refusal or non-compliance may be sufficient grounds of itself for denial of the new license, revocation or suspension of an existing license or refusal to renew an existing license.

1200.13. License year. Pro rata licenses may be issued to new licensees for a partial year. A period of less than one month that the license is in effect will be considered and computed as one month for the payment of the pro rata fee, except as provided in this subsection. Liquor licenses expire on the 30th day of June of each year. The council may in its discretion provide by resolution for an increase or decrease in the license bond, or the payment of an "on sale" or "on sale wine" license fee in two equal installments payable on or before December 1 and June 30 of each license year. Liquor licenses commence on July 1 of each year. Failure to pay liquor license fees or installments thereof terminates the license, and the license may be reinstated only after at least ten days' notice and hearing before the council. A change of license fee or change in bond requirement is effective immediately for new licenses, but for renewal licenses such changes are effective at the expiration of the current license year in which the increase or decrease was approved by the council.

1200.15. Types of licenses; fees. Subdivision 1. License classifications. The council may issue licenses for "on sale", “on sale club”, “on sale microdistillery cocktail room”, “off-sale microdistillery”, “on sale brewer taproom”, "off sale", “off sale brewpub”, “on sale brewpub”, “off-sale small brewer”, "on sale wine", or "Sunday sale" or a combination thereof in such number as permitted by law and as an incident thereof the licensee may also sell, if licensed to do so by this code and if authorized by state statute, food, cigars, cigarettes, tobacco, 3.2% malt beverages and soft drinks.

Subd. 2. Sunday sale licenses. A "Sunday sale" license must not be issued unless the applicant qualifies as the definition of “restaurant” as set forth in subsection 1200.01 of this chapter and holds a valid "on sale" license, "on sale wine" license or the applicant holds on sale brewpub or on sale brewer taproom license.

Subd. 3. On sale of 3.2% malt liquor and wine. The holder of an “on sale wine” license issued pursuant to this section must concurrently hold an “on sale” 3.2% malt liquor license issued pursuant to section 1215 to sell 3.2% malt liquors at on sale. The holder of an “on sale wine” license who is also the holder of an “on sale” 3.2% malt liquor license may sell intoxicating malt liquors at on sale without an additional license.

Subd. 4. Intoxicating liquor license holder sale of 3.2% malt liquor and wine. Holders of an “on sale” intoxicating liquor license may sell 3.2% malt liquors and wine at on sale without further license.

Subd. 5. License fees. Fees for licenses issued pursuant to this section are set by appendix IV. The acceptance by the city of one-half installment payment must not be construed as a waiver on the part of the city of the whole license fee which is hereby declared to be one divisible fee.

(Section 1200.15 Amended, Ord. No. 2015-05)

1200.17. Annual reports. A licensee must furnish the city clerk the following information not later than 60 days prior to renewal of each retail liquor license:

a) The name or names of all persons owning or having an interest in the licensed business including their age, occupation, residence and place of business.

b) A list of all other liquor businesses by name and address that are located in the state of Minnesota in which such person listed in paragraph a) have an interest, and state the extent of such interest.

1200.19. License revocation. A license issued to a person not entitled to receive the same under this section or any law of the state of Minnesota may be revoked by the council at any time after ten days notice and public hearing in accordance with chapter X of this code.

1200.21. Corporations holding licenses. Subdivision 1. Stock transfers. A corporate retail liquor licensee must report within 14 days to the city clerk prior to each and any proposed change of legal ownership or beneficial interest in any of said corporate shares of stock. The report must be in writing and list all stockholders, their age, occupation, their residence address, the number of shares held by each, whether individually or for the benefit of others. The report must include all powers of attorney for proxies granted that relate to the voting of the corporate shares of stock. The council may approve or disapprove each such proposed transfer or assignment.

Subd. 2. Change of control. Any change in the legal ownership or beneficial interest in the shares of stock that results in a change of ownership or change of control of the corporation is hereby declared to be a transfer of a liquor license that is prohibited by this section and prior approval of the council is required. A new application, new investigation, new license fee and new processing is required. A change of partners will be deemed to be a new person requiring a new application, new investigation, new license fee and a new processing. The council will consider and vote on the matter of the change of ownership or control of the licensee as though an outsider were desiring to take out a new license. The failure to obtain such prior approval of the council or to produce books or other records in compliance with this section is grounds for automatic revocation of the corporate liquor license after notice and a public hearing.

Subd. 3. Corporation books. The council or any officer of the city so designated by it may at any reasonable hour examine the stock, transfer records, minute books and all other business records of the corporate licensee as may appear necessary. This right is especially provided to disclose the extent of the interest of any and all persons in the licensed corporation, the ownership and voting of shares of stock of the corporation, and to determine whether or not any change of the legal ownership of, or beneficial interest in certain shares of stock by itself or together with other transfers of shares of stock has directly or indirectly resulted in a multiple ownership or in a change of control of the licensed business. Particular scrutiny must be given to proxy voting and powers of attorney to vote stock shares.

Subd. 4. Corporate stockholder. The sale or transfer of shares of voting stock by the corporate licensee to another corporation is prohibited.

Subd. 5. Corporation information. In the case of publicly held corporations the city manager may accept disclosure documents required by the Securities and Exchange Commission of the United States of America in lieu of or as supplemental to information required of a corporation under any provision of this section.

1200.23. License revocation or suspension. Upon conviction of the licensee, or of any agent or employee of said licensee, for violation of any of the provisions of federal law, state law, or this code relating to intoxicating liquor, the council may revoke the license, suspend the license for up to 60 days, impose a civil penalty of up to $2,000 for each violation, or impose any combination of these sanctions. (Amended, Ord. No. 2000-01, Sec. 1)

1200.25. Liquor control commissioner. The city clerk must after issuing any retail liquor license submit to the liquor control commissioner of the state of Minnesota the full name and address of each person granted such license including the trade name, effective license date, date of expiration, change of address, change of ownership, suspension, cancellation, or the revocation of such license by the council.

1200.27. Multiple ownership. Except where a combination "on sale" and "off sale" or "Sunday sale" license is permitted by the laws of the state of Minnesota a person may not knowingly have or possess a direct or indirect interest in more than one retail license in the city. Interest includes any pecuniary interest in the ownership, operation, management, or profits of retail liquor establishment other than bona fide rental agreements, bona fide loans or bona fide open accounts. A manufacturer or wholesaler may not directly or indirectly own or control or have any financial interest in any retail business selling intoxicating liquor.

1200.29. License transfer; posting. Liquor licenses are non-transferable. Licenses must be posted in a conspicuous place in the premises for which they are issued.

1200.31. License refunds. A liquor license may be pro rata refunded by the council in the following cases:

a) The licensed premises of the business is destroyed by fire or other catastrophe.

b) The licensee ceases business because of death or serious illness.

c) Any act of the legislature or local option election prohibiting the sale of intoxicating liquors by the licensee.

1200.33. Health regulations. Subdivision 1. "On sale" sanitary facilities. In premises licensed for "on sale" separate wash rooms, including flush toilets must be provided for each sex on the inside of the premises and must be provided with a ventilation system permitting the air from the outside to circulate so that there will be a complete change of air at least four times per hour.

Subd. 2. Inspections. The premises of liquor establishments may be inspected by city officials and other public officers at any time. The premises must be maintained in a sanitary condition. Laws, regulations and ordinances in force pertaining to sanitation and health must be complied with. Glasses must be sterilized prior to being refilled or reused.

1200.35. Conditions of license; penalties. Subdivision 1. Beverage. Licenses issued under this section are subject to the conditions of this subsection. A licensee is responsible for the conduct of the licensed place of business. (Amended, Ord. No. 2012-01, Sec. 11)

Subd. 2. Unlawful acts. It is unlawful for:

a) A licensee to sell or furnish to a minor, or to any habitual drunkard, or to any person obviously intoxicated, or to any person to whom sale is prohibited by Minnesota Statutes, any intoxicating liquor.

b) A minor to be employed to sell or serve intoxicating liquor.

c) A licensee to keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the premises, any slot machines, dice or any gambling device or apparatus, nor permit any gambling therein, or permit the licensed premises or any room in the same or any adjoining building directly or indirectly under the license's control to be used for prostitution or by other disorderly persons.

d) A licensee or an employee of licensee to fail to cooperate fully with police in investigating illegal acts upon the licensed premises. (Added, Ord. No. 2012-01, Sec. 11)

e) Sale or consumption of alcoholic beverages before or after authorized hours of operation on the licensed premises. (Added, Ord. No. 2012-01, Sec. 11)

f) Illegal gambling, prostitution, or adult entertainment occurring on the licensed premises. (Added, Ord. No. 2012-01, Sec. 11)

g) Any other violation of this section or Minnesota Statutes Chapters 340A or 297F, each as amended. (Added, Ord. No. 2012-01, Sec. 11)

Subd. 3. Liquor in autos. Liquor may not be sold, served, or consumed in an automobile or on a street or alley within the city.

Subd. 4. Minors. The provisions of Minnesota Statutes, section 340A.503, as amended, are adopted by reference. (Amended, Ord. No. 2012-01, Sec. 11)

Subd. 5 Penalties. (Added, Ord. No. 2012-01, Sec. 11)

a) Misdemeanors. A person who violates this section is guilty of a misdemeanor unless otherwise provided by law.

b) Presumptive revocation. The Council will revoke a license on the first violation for the following types of offenses:

1) Commission of a felony by licensee or an employee of licensee related to the licensed activity authorized by this chapter and Minnesota Statutes Chapter 340 A, each as amended.

2) The sale of alcoholic beverages on the licensed premises while a license is under suspension or revocation.

c) Administrative civil penalties. If a licensee or an employee of a licensee is found to have violated this section, the city council may impose an administrative penalty as follows:

1) First violation: a civil fine in the amount of $750 and license suspension for a period of one day.

2) Second violation within 24 months after the first violation: a civil fine in the amount of $1500 and suspension of license for a period of 3 days.

3) Third violation within 36 months after the second violation: a civil fine in the amount of $2,000 and suspension of license for a period of 10 days.

4) Fourth violation within 36 months after the third violation: revocation of license.

Subd. 6. Presumptions regarding administrative penalties. The administrative penalties described in subdivision 3 of this section are the presumed sanctions for the violations indicated. In the event of any license suspension imposed under subdivision 3, the city council may select which days a suspension will be served. Notwithstanding the provisions of subdivision 5, a license may be revoked for any violation of this section when in the judgment of the council it is appropriate to do so. The city council may impose lesser penalties under subdivision 3 when in the judgment of the council it is appropriate to do so. The city council may by resolution revise the amount of the above civil penalties stated in subdivision 5 above, in Appendix IV. Other mandatory requirements may be made of the establishment, including but not limited to, meetings with the Police Department staff to present a plan of action to assure that the problem will not continue, mandatory education sessions with Crime Prevention staff, or other actions that the City Council deems appropriate. (Added, Ord. No. 2012-01, Sec. 11)

1200.37. Hours of sale. The hours of sale for intoxicating liquor are those specified in Minnesota Statutes, chapter 340A. No licensee may sell intoxicating liquor or 3.2% malt liquor on sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner of public safety and paid any applicable state or city fees. (Amended, Ord. No. 2015-05)

1200.39. Proximity to churches and schools. A liquor license will not be granted for a building or place within 300 feet of any school building or church building without 60 days prior notification given by the clerk to the governmental entity or organization operating the school or church.

1200.41. Temporary on sale licenses. The city council may issue temporary on sale licenses for the on sale of intoxicating liquor to clubs, or charitable, religious or other non-profit organizations in the manner and subject to the conditions specified in Minnesota Statutes, section 340A.404, subdivision 10. The fee for a temporary on sale license is set by appendix IV.

1200.43. Sunday sales; special regulations. Subdivision 1. General. An establishment licensed for Sunday sale of intoxicating liquor must observe the regulations set forth in this subsection.

Subd. 2. Restaurant license. The establishment must be licensed as a restaurant under this code and conform to the provisions of chapter VI.

Subd. 3. Food service. Food service in the establishment must be provided continuously during operating hours as permitted by this code.

Subd. 4. Food preparation. The food preparation area of the establishment must be capable of preparing and serving full meals. At least one cook and one dishwasher must be on duty during hours of operation.

Subd. 5. Staff; personnel. The food service area of the establishment must have table seating for at least 30 persons. There must be on duty and assigned to the food service area at least (i) two waiters or waitresses or (ii) one waiter or waitress and one bus boy or bus girl during hours of operation. Generally, the food service staff must be adequate for the usual and suitable preparation and service of the presented menu and proper sanitation of the food service areas and food preparation areas.

Subd. 6. Menu. The menu at the establishment must consist of not less than four distinct entrees complete with vegetable, salad, rolls or bread and a selection of beverages.

Subd. 7. Clean air act. The establishment must conform to the requirements of Minnesota Statutes, sections 144.411 to 144.417, the Minnesota clean indoor air act, as amended. (Amended, Ord. No. 2007-12, Sec. 3)

Subd. 8. Hours of Sunday sales. The hours of sale for intoxicating liquor are those specified in Minnesota Statutes, chapter 340A. Holders of on sale brewpub and on sale brewer taproom licenses are authorized to conduct on sale business on Sundays if they hold a Sunday sales license. Malt liquor in growlers only may be sold by brewpubs, brewer taprooms and small brewers at off sale on Sundays between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday, if approved by the city council. (Amended, Ord. No. 2015-05)

1200.45. Notice; granting of license. The city manager must give mailed notice of the council consideration of application for a new on sale intoxicating liquor license to property owners and residents of residential properties within 500 feet of the location of the licensed premises. The notice must (i) be mailed at least ten days prior to the date of council consideration, (ii) state the date, time and place of the council meeting, (iii) the address of the licensed premises, (iv) the name of the applicant and the proposed name of the licensed premises. Failure to give the notice does not affect the validity of the license.

1200.47. (Added, Ord. 2008-3) Social host liability. Subdivision 1. Purpose and findings. The Crystal city council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Crystal city council finds that:

(a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

(b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

(c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

(d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.

(e) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

(f) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

Subd. 2. Authority. This subsection is enacted pursuant to Minnesota Statutes, sections 145A.05, subdivision 1 and 340A.509.

Subd. 3. Definitions. For purposes of this subsection, the following terms have the following meanings:

(a) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(b) Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(c) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(d) Host. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

(e) Parent. "Parent" means any person having legal custody of a juvenile:

(1) As natural, adoptive parent, or step-parent;

(2) As a legal guardian; or

(3) As a person to whom legal custody has been given by order of the court.

(f) Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

(g) Residence or premises. "Residence" or "premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

(h) Underage person. "Underage person" is an individual under 21 years of age.

Subd. 4. Prohibited acts.

(a) It is unlawful for any person(s) to;

Host an event or gathering;
At any residence, premises, or on any other private or public property;
Where alcohol or alcoholic beverages are present;
When the person knows or reasonably should know that an underage person will or does
(i) consume any alcohol or alcoholic beverage; or
(ii) possess any alcohol or alcoholic beverage with the intent to consume it; and
The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

Possession by a person under the age of 21 at a place other than the household of a parent or guardian creates a rebuttable presumption of intent to consume it. This presumption may be rebutted by a preponderance of the evidence.

(b) A person is criminally responsible for violating subdivision 4(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Subd. 5. Exceptions.

(a) This subsection does not apply to conduct solely between an underage person and their parents while present in the parent's household.

(b) This section does not apply to legally protected religious observances.

(c) This section does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minnesota Statutes, section 340A.503, subdivision 1(a)(1).

(d) This subsection does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Subd. 6. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this subsection is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

Subd. 7. Penalty. Violation of subdivision 4 is a misdemeanor.

Subd. 8. Effective date. This subsection shall take effect 30 days following its final passage and adoption.

Section 1205 - Consumption and display of intoxicating liquor; bottle clubs

1205.01. Bottle clubs. Subdivision 1. Serving set-ups. The proprietor of any private club or public place of business, other than a holder of an intoxicating liquor license or a holder of a permit issued by the Minnesota state department of public safety pursuant to Minnesota Statutes, section 340A.114 may permit the consumption or display of intoxicating liquors upon such premises. The serving or providing of the serving of liquids for the purpose of mixing with intoxicating liquor, is prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to the provisions of this section.

Subd. 2. Additional fees. There is imposed upon holders of permits issued pursuant to Minnesota Statutes, section 340A.114, an additional fee of $300 per annum. The fee must be paid to the city finance director on or before March 31 of each year and a receipt given thereof, provided, however, upon commencement of a new permit period under the state permit, if a portion of the year has elapsed when payment is made, a pro rata fee may be paid but no such pro rata fee may be less than $150. In computing the fee, an unexpired fraction of a month is counted as one month. The receipt must be posted in some conspicuous place upon the premises alongside the state permit.

Subd. 3. Inspections. A private club or public place allowing the consumption or display of intoxicating liquor must be open at reasonable hours for inspection by the department of public safety and authorized city officials. Refusal to permit such inspection is a violation of this section.

Subd. 4. Hours of consumption and display. The hours of consumption and display of intoxicating liquor are those specified in Minnesota Statutes, chapter 340A.

Section 1215 – 3.2% malt liquor

1215.01. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "3.2% malt liquor" or "beer" means a malt liquor that contains not more than 3.2% of alcohol by weight and not less than 1/2 of 1% alcohol by volume, and is a fermented malt beverage. (Amended, Ord. No. 99-07, Sec. 3)

Subd. 3. "Intoxicating liquor" and "liquor" means ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2% of alcohol by weight.

Subd. 4. "Sale" or "sell" or "sold" means all barters, gifts and all manners or means of furnishing non-intoxicating malt liquor including such furnishing in violation or evasion of law.

Subd. 5. "Package" or "original package" means a container, can, receptacle, or bottle holding or containing 3.2% malt liquor which remains capped, corked or sealed. (Amended, Ord. No. 99-07, Sec. 4)

Subd. 6. "Off sale" means the sale of 3.2% malt liquor to be consumed off the premises. (Amended, Ord. No. 99-07, Sec. 5)

Subd. 7. "On sale" means the sale of 3.2% malt liquor to be consumed on the premises. (Amended, Ord. No. 99-7, Sec. 6)

Subd. 8. "Manufacturer" means a person who by any process of manufacture, fermenting or brewing must prepare or produce 3.2% malt liquor. (Amended, Ord. No. 99-07, Sec. 7)

Subd. 9. "Wholesaler" means a person engaged in the business of selling 3.2% malt liquor to retail dealers. (Amended, Ord. No. 99-07, Sec. 8)

Subd. 10. "Bona fide club" means a non-profit corporation duly organized under the laws of the state of Minnesota and in continuous existence holding meetings for more than one year prior to the granting of the license which is organized for civic, religious, fraternal, social, sports or intellectual purposes where the serving of 3.2% malt liquor is incidental to and not the major purpose of the organization. (Amended, Ord. No. 99-07, Sec. 9)

Subd. 11. "Tavern" means a place other than a bona fide club that in addition to serving its guests 3.2% malt liquor is used, maintained, advertised or held out to the public to be where: (Amended, Ord. No. 99-07, Sec. 10)

a) Music of any kind whatsoever is played, either by orchestra, phonograph, automatic piano, radio, television, musical instrument, or any other machine or device of any kind or character, or

b) Where there is singing, dancing, vaudeville, stage show, or any other amusement of any kind on the premises.

Subd. 12. For purposes of this section the term "minor" means a person under the age specified in Minnesota Statutes, section 340A.503.

1215.03. License required. It is unlawful to sell, or keep for sale, beer without first obtaining a license therefor from the city and complying with the laws of the state of Minnesota, the regulations of the liquor control commissioner, appropriate regulations and statutes of the United States, and this section.

1215.05. Qualifications of applicant. A license may not be issued to a person other than a citizen of the United States, who is not a minor, who is of good moral character and repute, nor to any person who within five years prior to the application for such license has been convicted of a wilful violation of any law of the United States or the state of Minnesota or any local ordinance, with regard to the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquor or of 3.2% malt liquor, nor to any person whose license under this section has been revoked for a wilful violation of any such laws or ordinance. A false material statement made in the application is grounds for revocation of the license. (Amended, Ord. No. 99-07, Sec. 11)

1215.07. Restriction on issuance of licenses. Subdivision 1. Multiple ownership. A person may not knowingly have or possess a direct or indirect interest in more than one tavern license in the city.

Subd. 2. Licensee must be proprietor. A beer license may not be issued to an applicant unless that person is the actual owner or proprietor of the premises where beer is to be sold.

Subd. 3. Federal stamp tax holder. A beer license may not be granted to a holder of a federal retail dealer's special tax stamp for the sale of intoxicating liquor at any place, unless the holder also has a license to sell intoxicating liquor at that location.

Subd. 4. Other ownership. A manufacturer or wholesaler of beer may not have any ownership in whole or part either directly or indirectly in the business of any licensee under this section.

Subd. 5. Ineligible person. A retail beer license may not be issued to a person who has been convicted of a felony during the past five years under the laws of the state of Minnesota or any other state; who has been convicted three times of the non-wilful violation of the provisions of a municipal ordinance regulating the sale, possession, use, manufacture or transportation of intoxicating liquor or beer within the last five years; or whose intoxicating liquor or beer license has been revoked for any reason during the past five years. The five year period is computed from the date of application for license.

Subd. 6. Proximity to churches and schools. A beer license may not be granted for a building or place within 300 feet of any school building or church building without 60 days prior notification given by the clerk to the governmental entity or organization operating the school or church. (Amended, Ord. No. 2011-5)

Subd. 7. Ineligible premises. A beer license may not be granted to premises where the licensee has had the license revoked for any reason until one year has elapsed after the revocation. (Amended, Ord. No. 2011-5)

1215.09. Application contents. Subdivision 1. Individuals. The applicant for an off sale beer license and special permit license must supply the information listed in items a) to f) below, but all information must be supplied if so requested by the manager or council. For all other beer licenses each new applicant must supply all the information listed below.

a) Name and age of applicant.

b) Marital status.

c) Whether applicant is a registered voter and in which municipality.

d) The various addresses at which the applicant has resided during the last five years preceding the making of the application.

e) The exact street address or legal description of premises where licensed business is to be conducted.

f) Name or names of all persons owning or having an interest and the extent of such interest in the licensed business, including their age, occupation, residence and place of business.

g) Whether the applicant has ever operated a saloon, cafe, soft drink parlor or other business of a similar nature, and if so, where and for how long.

h) The kind and location of every business and occupation that the applicant has been engaged in during the last five years prior to the making of the application, together with the name and address of all employers by whom engaged during that period.

i) Whether the applicant has ever been arrested for or convicted of any state or federal crime, violation of any ordinance, state or federal regulations concerning intoxicating liquor or beer and the reason such arrests or convictions were made.

j) A list of all leases or subleases of real estate, building fixtures and furniture where non-intoxicating malt liquor is to be sold, and a list of all syndicate, trustee, guardian, partnership, rental and powers of attorney arrangements.

k) A list of all liquor or beer businesses in which applicant has an interest and the extent of such interest.

l) The name, address and age of every person who will have charge, management or control of the licensed premises.

m) Names and addresses of at least three or more persons who have known the applicant well enough during the past five years to attest to the applicant's good character and reputation.

n) A diagram of the layout of the building, premises and parking lot, in the case of new applicants for club and tavern licenses.

Subd. 2. Renewal application. An application for renewal of a beer license must be made at least 20 days prior to the renewal date. The application must state any material change in the information supplied with the original application.

Subd. 3. Corporations and partnerships. If the applicant is a corporation or partnership, the application must supply the information listed in subdivision 1 for the manager of the licensed premises and must also list the name and general purpose of the corporation or partnership and the state under whose laws it is incorporated or organized. The following information is mandatory for all tavern and club licenses, but for off sale licenses only if requested by the manager or council:

a) The names of all partners if a partnership and the names of all officers, directors and stockholders, and their addresses if a corporation.

b) Each individual's interest in the license and the extent of such interest; as to each individual, all the information required above must be furnished as for an individual applicant and such other information as the manager or council may from time to time require.

c) The individual or individuals having controlling interest of the corporation or partnership.

d) All voting arrangements, trustee, syndicate, proxies and powers of attorney arrangements for the voting of shares of stock, and which shares of stock are voting and which are non-voting.

e) The name of any other municipality in the state of Minnesota in which the applicant has held or presently holds a license for the sale of intoxicating or 3.2% malt liquor. (Amended, Ord. No. 99-07, Sec. 12)

If at any time during the term of an off sale license held by a corporation or partnership, the manager of the licensed premises is changed, the licensee must promptly notify the city manager and submit the information required by subdivision 1 on the new manager.

1215.11. Investigation of application. Subdivision 1. Duties of chief of police. Applications for a beer license must be referred to the chief of police for a CCH Investigation as authorized by section 311 of the city code. Each manager under a corporation or partnership license and each individual or person having any beneficial interest in the license must be investigated. The chief of police must make necessary inquiry and list all violations pending that occurred at the establishment being investigated while under the same ownership. The chief must verify the facts stated in the application and investigate the operation of applicant under an intoxicating or 3.2% malt liquor license in any other municipality in the state of Minnesota by means of a CCH Investigation as authorized by section 311 of the city code. The chief must report the findings and comments to the manager who must order or conduct such additional investigation as the chief deems necessary or as the council may direct. (Amended, Ord. No. 99-07, Sec. 13; Ord. No. 2007-11, Sec. 10)

Subd. 2. Fees. An applicant for a new beer license must pay to the city finance director the fee set by appendix IV for each individual investigated pursuant to subdivision 1. A similar fee must be paid for any investigation required by this section upon renewal of a beer license.

1215.13. Burden of proof. Subdivision 1. Facts. The applicant or holder of a beer license has the burden of proving to the council the following:

a) That each individual having a pecuniary interest or a beneficial interest in the license is a person of good character and integrity.

b) That the person applying for the license or holding the same is in fact the true proprietor thereof and that each individual having any interest in the license has in fact been listed correctly on the application, and the council has been accurately apprised promptly of any and all

changes in the person holding the license, regardless of whether an individual, partnership, corporation or group by whatever arrangement organized.

c) That the premises are suitable for the type and kind of license required.

d) That the applicant or licensee will be responsible for his agents, employees and servants and for the conduct of the licensed place of business and for conditions of sobriety and order therein.

e) That the provisions of this code and state and federal law will be complied with.

Subd. 2. Failure to disclose. In the event that the applicant for a license, or a holder of an existing license, fails to make full disclosure to the council, manager, or police chief or any officer of the city so designated by any of them or fail to promptly produce books, records, leases or subleases or to promptly correct any deficiency in the operation or management of the premises as requested, then such refusal or non-compliance may be sufficient grounds for denial of the new license, revocation or suspension of an existing license or refusal to renew an existing license.

1215.15. License year. Pro rata licenses for a partial year may be issued to new tavern licensees only. Other applicants must pay the full annual license fee. Any period of less than one month that the license is in effect will be considered and computed as one month for the payment of the pro rata fee, except as provided in this subsection. Beer licenses expire annually on June 30. The council may provide by resolution for an increase or decrease in the license fees for off sale, tavern, bona fide club, or special permit licenses. Failure to pay the fee required for a beer license when due automatically terminates the license and it may only be reinstated after at least ten days notice and hearing before the council in accordance with appendix IV.

1215.17. Types of licenses; fees. There are four kinds of beer licenses:

a) A tavern license permits the on sale of beer. Unless operating under a tavern license no music of any kind is permitted to be played on a licensed intoxicating liquor or beer premises, except in a bona fide club, either by orchestra, phonograph, piano, radio, television or any other musical instrument, machine or device of any kind or character, nor is live entertainment of any kind or dancing permitted on the premises.

b) Off sale license.

c) Bona fide club license.

d) Special permit on sale license, which may be issued by the council to non-profit corporations, social organizations, lodges, labor unions, churches and for sale to members and guests for a period not to exceed five days.

The fees for each kind of license are set by appendix IV.

1215.19. Improper license; mandatory revocation. A license issued to a person not entitled to receive the same under this section or any law or regulation of the state of Minnesota or any law or regulation of the United States must be revoked by the council after ten days' notice and public hearing in accordance with appendix IV.

1215.21. License revocation or suspension. Upon conviction of the licensee, or of any agent or employee of said licensee, for violation of any of the provisions of federal law, state law, or this code relating to 3.2 percent malt liquor, the council may revoke the license, suspend the license for up to 60 days, impose a civil penalty of up to $2,000 for each violation, or impose any combination of these sanctions. (Amended, Ord. No. 2000-01, Sec. 2)

1215.23. Transfer of license; posting. Beer licenses are non-transferable. Beer licenses must be posted in a conspicuous place in the premises for which they are issued.

1215.25. Refunds of fees. Tavern licenses may be pro rata refunded if the licensed premises are destroyed by fire or other catastrophe, or the licensee ceases business because of death or serious illness. No other refunds are permitted.

1215.27. Health regulations. Subdivision 1. Sanitary facilities. In each licensed on sale establishment there must be installed and maintained at least one toilet room for each sex. In each toilet room for use by women there must be installed and maintained at least one water closet and one lavatory. In each toilet room for use by men, there must be installed and maintained at least one water closet, one lavatory, one urinal, and a properly installed and maintained floor drain sufficient at all times to keep such floor dry and in a sanitary condition. Water closet bowls must be of extended lip pattern styles equipped with an open front and must at all times be kept clean, sanitary and in good working condition. The floors and side walls, except doors, to a height of at least three feet above the floor, of toilet rooms and urinal compartments must be constructed of a non-corrosive and non-absorbent material, and approved by the building inspector. Toilet rooms may not be installed in cellars or basements if there are no other rest rooms in the establishment. When toilet rooms are on the same floor the entrances thereto must be located as far apart as practicable, and each must be plainly marked to indicate whether for men or women. Toilet rooms must be provided with a ventilator system permitting the air from the outside to circulate so that there will be a complete change of air at least four times per hour.

Subd. 2. Inspections. Licensed beer establishments must be open for inspection by the city officials and other public officers at all times. The premises must be maintained in a sanitary condition. All laws, regulations and ordinances in force pertaining to sanitation and health must be complied with. Glasses must be sterilized prior to being refilled or reused.

1215.29. Hours of sale. The hours of sale for 3.2% malt liquor are those specified in Minnesota Statutes, chapter 340A. (Amended, Ord. No. 99-07, Sec. 15)

1215.31. Regulations of minors. The provisions of Minnesota Statutes, section 340A.503 are adopted by reference.

1215.33. License conditions. Subdivision 1. Licensee's responsibility. The licensee is responsible for the conduct of the place of business. The licensee is responsible for agents, employees or servants. Beer may not be sold to an habitual drunkard, to any person obviously intoxicated, or to any person to whom the sale is prohibited by ordinance or statute.

Subd. 2. Gambling. Gambling is not permitted on a licensed premises.

Subd. 3. Federal retail liquor license. It is unlawful to sell beer while holding or exhibiting in the place of business a federal retail liquor dealer's special tax stamp without having an intoxicating liquor license from the city.

Subd. 4. Bona fide club. Bona fide clubs may sell beer only to members and to their guests. Clubs must enforce this regulation and all regulations of this section.

1215.35. Places where sale forbidden. Subdivision 1. Pool tables. Pool tables, billiard tables, bumper pool tables, or coin operated pool tables are not allowed upon the licensed premises unless the said pool tables, billiard tables, bumper pool tables or coin operated pool tables are enclosed in a separate room or enclosure. Beer may not be sold or consumed in such a room or enclosure.

Subd. 2. Other places. Beer may not be sold, served, or consumed in any automobile or on any street, alley or other public place within the city, nor on any other public premises except when permitted by a special permit license issued by the council.

1215.37. Multiple ownership. A person may not knowingly have or possess a direct or indirect interest in more than one retail tavern or on sale license within the city.

1215.39. Change of control. Subdivision 1. New proprietor, owner or partnership. Prior approval of the council is necessary if there is a change in the ownership, change of proprietor or a new partnership formed to control the license. A new application, new investigation and new license fee and processing is then necessary.

Subd. 2. Corporation. A change in the legal ownership or beneficial interest in shares of stock entitled to be voted at any meeting of the stockholders of a corporate licensee which results in or which could so result, if exercised, in a change of voting control of the corporate licensee, is declared to be a transfer of a beer license which is proscribed by this section and prior approval by the council is required. A new application, new investigation, new license fee and processing is then necessary.

Subd. 3. Council approval. The council must consider and vote on the matter of the change of the ownership or control of the corporate or other licensee as though an outsider were applying for a new license. The failure to obtain the approval of the council or to produce books or other records in compliance with this section is grounds for automatic revocation of the corporate beer license after notice and a public hearing in accordance with appendix IV.

1215.41. Notice; granting of license. The city manager must give mailed notice of the council consideration of application for a new on sale 3.2% malt liquor license to property owners and residents of residential properties within 500 feet of the location of the licensed premises. The notice must (i) be mailed at least ten days prior to the date of council consideration, (ii) state the date, time and place of the council meeting, (iii) the address of the licensed premises, (iv) the name of the applicant and the proposed name of the licensed premises. Failure to give the notice does not affect the validity of the license. (Amended, Ord. No. 99-007, Sec. 16)

Section 1220 - Entertainment in licensed premises

1220.01. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them:

Subd. 2. "License" means any of the following licenses issued by the city:

a) on sale 3.2% malt liquor, (Amended, Ord. No. 99-07, Sec. 17)

b) on sale liquor, and

c) on sale wine.

Subd. 3. "Licensed premises" means the compact and contiguous area of real estate for which a license is issued.

Subd. 4. "Nudity" means the showing of the post-pubertal human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of a post-pubertal female breast with less than a fully opaque covering of any portion thereof below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For the purposes of this definition, the female breast is considered uncovered if the nipple only or the nipple and the areola are uncovered. (Amended, Ord. No. 1996-2, Sec. 3)

Subd. 5. "Sadomasochistic abuse" means scenes involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering or binding or other physical restraint of any such persons, in an apparent act of sexual stimulation or gratification.

Subd. 6. "Sexual conduct" means acts of masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

1220.03. Prohibited acts. Subdivision 1. General rule. It is unlawful for the licensee, owner, or manager of any licensed establishment to permit or allow entertainment or service involving any nudity, sado-masochistic abuse, or sexual conduct to occur in such licensed establishment.

Subd. 2. Revocation and suspension. The council may suspend or revoke a license for violation of this section. A suspension or revocation does not take effect until the licensee has been afforded an opportunity for a hearing pursuant to this code. This section does not preclude other civil remedies, including injunctive relief, pending the outcome of the hearing.

CHAPTER XIII

TRAFFIC, MOTOR VEHICLES AND OTHER VEHICLES

Section 1300 - Highway traffic regulation

1300.01. State highway traffic regulation act adopted by reference. Minnesota Statutes, chapter 169, "The highway traffic regulation act", is adopted by reference and is as much a part of this code as if fully set forth herein. Any violation of chapter 169 as herein adopted is a violation of this code.

1300.03. Definitions. For purposes of this chapter, the terms defined in Minnesota Statutes, section 169.01, as adopted herein, have the meanings given by that section.

Section 1305 - Streets; traffic

1305.01. Emergency street closings. Subdivision 1. Reasons. In an emergency either the manager, chief of police or the fire chief may close off any public street, alley, or area to vehicular or pedestrian traffic, including parked cars and to reroute traffic when necessary to control or prevent a riot, to fight or prevent the spreading of a fire, to control or remove explosives, to repair electrical service, gas, water or sewer main, or to prevent damage to life, limb or property that might result from any traffic or other hazard.

Subd. 2. Procedure. The engineer or street superintendent, after obtaining the approval of the manager may close off or prohibit vehicular traffic on a public street or alley or portion thereof in order to effect the orderly installation, repair, maintenance, or snow removal of any streets. Prior to closing a street or alley both the fire and police department must be notified.

Subd. 3. Temporary closing. The chief of police, after obtaining the approval of the manager, may order the temporary closing off or the temporary designation of one way traffic or to reroute any or all vehicular traffic on any public street, alley or area when it appears necessary to control vehicular or pedestrian traffic or crowds resulting from any large public gathering, prior to, during and after a public or private convention, assembly, parade, carnival, circus, political rally or sports events where the use of the public street, park or other public property is necessary or incidental to the holding or convening of any of the foregoing activities.

Subd. 4. Barrier; warnings. A street or area may be closed to vehicular or pedestrian traffic or to parked cars at any hour by the stationing of a police officer at both ends of said street or area, who may then direct traffic, or during the daylight hours by posting or erecting suitable signs, flags or barriers at both ends of the street or area so designated, stating the restriction imposed and by whose authority the restriction is imposed, or at night by the placing of suitable barriers and warning lights or flasher signals at both ends of the street or areas so designated. Drivers must obey police officers and barriers, flags, signs, lights, or signals so placed.

Subd. 5. Emergency traffic restrictions. The city manager may make and enforce necessary traffic control restrictions in time of emergency, provided that public notice of such restrictions be published, or broadcast, or posted in at least two public places, and further, that any such restrictions be reviewed by the council at the next regular council meeting, following the establishment of such emergency restrictions, at which time such restrictions may be continued or abandoned by resolution of the council.

1305.03. Cutting across public or private property. It is unlawful to disobey the instructions of an official traffic control device within the meaning of this section, unless at the time otherwise directed by a police officer, by driving into or across public or private property so as to obviate the need to comply with the traffic control device.

1305.05. Weight limits; seasonal restrictions. Subdivision 1. Prohibition; weight. It is unlawful to operate a vehicle or a combination of vehicles upon a public street, alley or highway within the city, during the period between March 20 and May 15 where the gross weight on any single axle exceed 8,000 pounds. This limitation does not apply to emergency vehicles of public utilities used incidental to making repairs to its plant or equipment within the city; or to roads or streets paved with concrete.

Subd. 2. Council action. The council may by resolution prohibit the operation of vehicles upon public streets or alleys in the city. The council may also by resolution impose restrictions as to the weight of vehicles to be operated upon streets or alleys, whenever such streets or alleys, by reason of deterioration, rain, snow or other climatic conditions may be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or their permissible weights reduced. The resolution adopted must designate the particular streets or alleys affected and must set forth the prohibitions or restrictions imposed on the streets or alleys.

Subd. 3. Posting of signs. Upon the adoption of a prohibition or restriction as provided for in this section, the street superintendent must cause to be posted or erected, signs plainly indicating the prohibition or restriction at each end of the street or alley or that portion of any street or alley affected thereby. The prohibition or restriction is not effective until after such signs are so posted or erected.

Subd. 4. Special permits. A person desiring to move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum authorized by this section or otherwise not in conformity with the provisions hereof, may make written application therefor to the council and upon good cause being shown therefor, the council may, in its discretion, issue a permit. The application and permit must specifically describe the vehicle or vehicles and loads to be moved, the public streets over which the same is to travel and the period of time for which the permit is granted. The council must prescribe the conditions to govern the operation of such vehicle or vehicles and may require an undertaking or other security to compensate for any injury to any roadway or road structure. The permit must be carried on the vehicle or combination of vehicles to which it refers and be open to inspection by any police officer, official, or employee of the city.

Subd. 5. Damage to streets. A person driving a vehicle, object or contrivance upon a city street is liable for all damages that the highway or highway structure sustains as a result of any illegal operation, driving, or moving of the vehicle, object or contrivance, or as a result of operation, driving, or moving a vehicle, object, or contrivance in excess of the maximum weight authorized by and pursuant to the issuance of a permit. When the driver is not the owner of the vehicle, object or contrivance, but is operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver are jointly and severally liable for damage. The damage may be recovered in a civil action brought by the city.

Subd. 6. Police duties. A police officer having reason to believe that the weight of a vehicle and load is unlawful, may require the driver to stop and 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 such scales are within five miles. If an officer determines that the weight of any vehicle or the load thereon exceeds the maximum authorized the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under the provisions of this section. Materials so unloaded must be cared for by the owner or driver of the vehicle, at the risk of the owner or driver. A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, is guilty of a misdemeanor.

1305.07. Unreasonable acceleration. It is unlawful to start or accelerate any motor vehicle with an unnecessary exhibition of speed on a public or private way within the city limits. Unreasonable squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by the tires of the vehicle or both is prima facie evidence of unnecessary exhibition of speed.

Section 1310 - Parking regulations

1310.01. General rules. Subdivision 1. Parallel to curb. Vehicles must be parked or stopped parallel with the edge of the roadway, headed in the direction of traffic, with the curb-side wheels of the vehicle within 12 inches of the edge of the roadway, and not closer than four feet to another vehicle parked at the curb.

Subd. 2. Where no curb. On streets and highways not having a curb a vehicle stopped or parked must be stopped or parked parallel with and to the right of the paved or improved or main travelled part of the street or highway.

Subd. 3. One-way roadway. On a one-way roadway a vehicle must be parked with the front of the vehicle facing in the same direction on the one-way street as the traffic thereof is permitted to pass.

Subd. 4. Angle parking. On those streets that have been marked or signed for angle parking, vehicles must be parked at the angle to the curb indicated by the marks or signs.

Subd. 5. Boulevard defined. For the purposes of this code, the term "boulevard" means the area between the adjacent property line and the portion of a roadway improved for public traffic.

1310.03. Parking prohibited. Subdivision 1. Specified places. A vehicle may not be parked, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the places specified in this subsection.

Subd. 2. On a sidewalk or boulevard.

Subd. 3. In front of a public or private driveway or alley or within five feet of the intersection of any public or private driveway or alley with any street or highway.

Subd. 4. Within an intersection.

Subd. 5. Within ten feet of a fire hydrant.

Subd. 6. On a crosswalk.

Subd. 7. Within 20 feet of a crosswalk at an intersection.

Subd. 8. Within 30 feet upon the approach of any flashing school signal, stop sign, traffic control signal, or school sign at the side of a roadway.

Subd. 9. Within a designated or marked bus stop.

Subd. 10. Within a 50 foot distance of the nearest rail of a railroad crossing.

Subd. 11. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite to the entrance to any fire station within 75 feet of the entrance when properly sign-posted.

Subd. 12. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

Subd. 13. Upon a bridge or approach or other elevated structure upon a street or highway or within a street or highway tunnel, except as otherwise provided by this code.

Subd. 14. At a place where there are placed temporary signs prohibiting parking.

Subd. 15. Parking prohibited; methods. It is unlawful to park a vehicle:

a) So as to block a fire escape or the exit from any building;

b) Contrary to an order to proceed by a peace officer directing, controlling, or regulating traffic.

Subd. 16. Other acts prohibited. It is unlawful to move a vehicle not owned by that person into a prohibited parking area or away from the curb to an unlawful distance.

1310.05. Other parking restrictions. Subdivision 1. Cars for sale. It is unlawful to place a vehicle on a highway to display the vehicle for sale or exchange. A vehicle is deemed to be displayed in violation of this subsection when it is found standing upon a street or highway, and bearing a sign indicating that it is for sale or exchange.

Subd. 2. Disabled vehicles. The provisions of this section relating to stopping, standing and parking do not apply to the driver of a vehicle that is disabled for a reasonable time while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

Subd. 3. No parking zones. It is unlawful to stop, stand or park a vehicle, except as otherwise provided in this code or unless directed to do so by a police officer, on a street or highway where the city council has established a no parking zone and the zone is marked by sign or yellow curb.

Subd. 4. Off street parking. It is unlawful to park a vehicle in an industrial, commercial or multiple or single dwelling area where off-street parking area or truck standing spaces are provided. Vehicles must use a designated area for parking, loading or unloading.

Subd. 5. City parks. It is unlawful to park a vehicle in a city park other than in a designated parking area.

Subd. 6. Angle parking. Angle parking is prohibited on public streets or alleys within the city.

Subd. 7. Snow emergency. After a snowfall of at least 1-1/2 inches in the city, parking is prohibited on public streets and alleys until and after the street or alley has been plowed and the snow removed to the curb line.

Subd 8. City parking lot. It is unlawful to park a truck in the city parking lot adjoining Becker Park.

1310.07. Parking times. Subdivision 1. General rule. A vehicle may not be parked within the city on a public street or alley between the hours of 2:00 a.m. and 5:00 a.m. on any day. A vehicle, except a governmental vehicle, may not be parked in any city-owned or operated parking lot between the hours of 2:00 a.m. and 5:00 a.m. on any day. A truck may not be parked on any public street, avenue, alley, or other public way for a continuous period of more than two hours unless actually engaged in loading or unloading in the due course of business. For purposes of this section, the term "truck" means a self-propelled motor vehicle not operated on rails, having capacity of one and one-half tons or more, or any tractor or trailer or combination thereof; and the term “governmental vehicle” means (a) a vehicle owned or controlled by the federal government, the state, or any political subdivision or instrumentality thereof, and (b) a vehicle owned or controlled by an employee of the city or any joint powers organization of which the city is a member. (Amended, Ord. No. 99-11, Sec. 1; Ord. No. 2002-13, Sec. 1)

Subd. 2. Parking; temporary permits. During the period from April 1 to November 30 and on legal holidays and the days preceding and following legal holidays, the city manager is authorized to issue temporary permits for the parking of a vehicle on a street between the hours of 2:00 a.m. to 5:00 a.m. when in the manager's judgment special circumstances exist justifying the issuance of the temporary permit and the purposes of this section will not be impaired thereby. The permit is to be issued for a specific motor vehicle at a specific residential dwelling unit and must be prominently displayed in the interior of the vehicle. A temporary permit issued under this subsection is not transferable to another vehicle. One temporary permit may be issued under this subsection without a fee. The fee for the issuance of additional temporary permits under this subsection is set by appendix IV. For purposes of this subdivision, the term "legal holiday" means: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day. (Amended, Ord. No. 95-8, Sec. 1; Ord. No. 2002-13, Sec. 1)

Subd. 3. City parking lots; temporary permits. The city manager is authorized to issue temporary permits for the parking of a vehicle in a city owned or operated parking lot between the hours of 2:00 a.m. to 5:00 a.m. when in the manager’s judgment special circumstances exist justifying the issuance of the temporary permit and the purposes of this section will not be impaired thereby. The permit is to be issued for a specific motor vehicle and must be prominently displayed in the interior of the vehicle. A temporary permit issued under this subsection is not transferable to another vehicle. One temporary permit may be issued under this subsection without a fee. The fee for the issuance of additional temporary permits under this subsection is set by Appendix IV. (Added, Ord. No. 99-11, Sec. 2; Ord. No. 2002-13, Sec. 1)

1310.09. Towaway of vehicles. A vehicle parked in violation of this section may be ordered removed from a public street or alley or a city owned or operated parking lot by a police officer or authorized city official. The owner or driver of the vehicle must be notified, if present or readily available, to remove the vehicle, otherwise the vehicle is to be towed away to a garage, service station or other place of safekeeping as soon as possible to facilitate snow removal, street maintenance, the orderly flow of traffic, fire fighting or other lawful purpose. The owner must pay the costs of such towing and storage. Except in an emergency, the removal of a vehicle by or under the direction of the police officer or other city official does not prevent the prosecution of a violation of this section. (Amended, Ord. No. 99-11, Sec. 3)

1310.11. Parking defined. For purposes of this section, the term "park" includes the term "stand" or "standing" and "stop" or "stopping".

1310.13. Parking; handicapped; prohibition. It is unlawful to park, obstruct, or occupy with a motor vehicle a parking space, on public or private property, designated and posted as parking space for handicapped persons pursuant to the state building code unless the vehicle has prominently displayed upon it an insignia or certificate issued by the division of motor vehicles in the state department of public safety pursuant to Minnesota Statutes, section 169.345.

Section 1315 - Sale of unclaimed motor vehicles

1315.01. Abandoned motor vehicle law adopted by reference. Minnesota Statutes, chapter 168B, is except as modified by this section adopted by reference and is as much a part of this code as if fully set forth herein. A violation of the statutes adopted herein by reference is a violation of this code. (Amended, Ord. No. 97-11, Sec. 4)

1315.03. Policy; purpose; findings. Subdivision 1. The city council has found and determined i) that the presence of junk vehicles and abandoned vehicles on private property in the city constitutes a public health and safety hazard; ii) that in many instances junk and abandoned vehicles are kept on private property by the owners of the property themselves or by others with the consent of the property owner; iii) that in some instances the fair market value of a junk vehicle exceeds the approximate value of the scrap in the vehicle; and iv) that it is necessary to adopt regulations for the removal of junk and abandoned vehicles from private property more stringent than those contained in Minnesota Statutes, chapter 168B. (Added, Ord. No. 97-11, Sec. 4)

1315.05. Modification of chapter 168B. Subdivision 1. Definitions. For purposes of this section,

a) the term "abandoned vehicle" includes a vehicle defined in Minnesota Statutes, section 168B.011, subdivision 2 that is on private property with or without the consent of the person in control of the property;

b) the term "junk vehicle" includes a vehicle defined in Minnesota Statutes, section 168B.011, subdivision 3, the fair market value of which exceeds the approximate scrap value of the vehicle. (Added, Ord. No. 97-11, Sec. 4)

Subd. 2. Notice and hearing. Before impounding an abandoned vehicle or a junk vehicle under Minnesota Statutes, section 168B.04, the city manager must give ten days' mailed written notice to the owner of or person in control of the property on which the vehicle is located. The notice must state:

a) a description of the vehicle;

b) that the vehicle must be moved or properly stored within ten days of service of the notice;

c) that if the vehicle is not removed or properly stored as ordered, the vehicle will be towed and impounded at an identified location;

d) that the vehicle may be reclaimed in accordance with the procedures contained in Minnesota Statutes, sections 168B.02 and 168B.07 or disposed of in accordance with Minnesota Statutes, section 168B.08; and

e) that the owner of the vehicle or the owner of or person in control of the property on which the vehicle is located may in writing request a hearing before the city manager. (Added, Ord. No. 97-11, Sec. 4)

1315.07. Hearing; action. If a hearing is requested under subsection 1315.05, subdivision 2, clause e) the manager must promptly schedule the hearing, and no further action on the towing and impoundment of the vehicle may be taken until the manager's decision is rendered. At the conclusion of the hearing the manager may i) cancel the notice to remove the vehicle, ii) modify the notice, or iii) affirm the notice to remove. If the notice is modified or affirmed the vehicle must be disposed of in accordance with the city manager's written order. (Added, Ord. No. 97-11, Sec. 4)

Section 1320 - Driver's licenses and registration of motor vehicles

1320.01. Adoption by reference. Subdivision 1. Motor vehicle registration act. Minnesota Statutes, sections 168.011, 168.055, 168.056, 168.09, 168.10, 168.11, 168.27, 168.36, 168.39, 168.41, 168.44 and 168.43 are adopted by reference and are as much a part of this code as if fully set forth herein.

Subd. 2. Driver's license law. Minnesota Statutes, sections 171.01, 171.02, 171.03, 171.05, 171.08, 171.09, 171.11, 171.17, 171.18, 171.20, 171.22, 171.23, and 171.24 are adopted by reference and are as much a part of this code as if fully set forth herein.

Subd. 3. Violations. A violation of a statute adopted by reference herein is a violation of this code.

Section 1325 – Bicycles

1325.01. Bicycles; license required. It is unlawful to operate or use a bicycle that is not currently registered by the state of Minnesota or which does not display a currently valid license sticker issued by the state of Minnesota on a public way in the city. Minnesota Statutes, chapter 168C is adopted by reference.

1325.03. Destruction of license plate. It is unlawful to remove, destroy, mutilate, or alter a bicycle license plate during the effective period of the license.

1325.05. Restrictions on bicycle riding; traffic rules. The provisions of section 1300, including the state laws adopted by reference therein, apply to bicycles and their operation in the city. Where the city has provided sidewalks and bituminous ramps adjacent to streets, the sidewalks and ramps are usable paths for riding bicycles. When a person is riding a bicycle upon a sidewalk, the person must yield the right-of-way to a pedestrian and must give audible signal before overtaking and passing the pedestrian.

1325.07. Impoundment of bicycles. The chief of police may impound bicycles operated or used in violation of subdivision 1 of this section. The chief may also impound unregistered bicycles found on or adjacent to a street, alley or highway. A bicycle impounded pursuant to this subsection will be returned to its owner upon display of a currently valid state registration covering the bicycle.

Section 1330 – Recreational vehicles and equipment
(Repealed, Ord. 2006-9, Sec. 1)

Section 1330 – Motor vehicles and recreational vehicles and equipment
(Added, Ord. 2006-9, Sec. 2)

1330.01. Purpose and intent. The purpose of this section is to prevent public nuisances by reasonable regulations for use, parking and storage of motor, recreational and commercial vehicles and equipment on public and private property in the city and to protect the resident's health, safety and general welfare while enhancing the quality of our neighborhoods.

1330.03. Definitions. Subdivision 1. For the purposes of this section, unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases shall be given the meanings found therein, and in addition shall include, but not be limited to the meanings of similar words, terms, and phrases found in Minnesota Statutes, chapters 168, 169, and 171, as such may be amended.

Subd. 2. "Motor vehicle" means a passenger vehicle; truck; recreational vehicle; commercial vehicle; motorcycle; motor scooter; golf cart or other similar self-propelled vehicle. "Motor vehicle" does not mean a, bicycle, tricycle, quadricycle or motorized wheelchair.

Subd. 3. "Recreational vehicles and equipment (RVEs)" means camper trailers, including those which telescope or fold down; chassis mounted campers; utility trailers; motor homes; tent trailers; slip in campers; converted buses or vans that are motor homes as defined in this section; snowmobiles as defined in section 1335 of this code; snowmobile trailers; boats; boat trailers; all-terrain vehicles; all-terrain vehicle trailers and go-carts.

Subd. 4. “Passenger vehicle” means an automobile; station wagon; van; sport utility vehicle; minivan; pick-up truck or motorcycle designed and primarily intended for on-street operation. Passenger vehicles do not include commercial vehicles, recreational vehicles, racing cars or stock cars.

Subd. 5. “Motor home” means a motor vehicle that also provides temporary living quarters for recreation or vacation purposes. Motor homes contain at least four of the following in working condition, two of which must be a), b), or c):

a) liquid propane gas for cooking;

b) potable water including sink and faucet;

c) separate 110-125 volt electrical power;

d) heating or air conditioning;

e) electric or propane refrigerator;

f) toilet self-contained or connected to a plumbing system.

Subd. 6. "Residential use districts" means the following districts established by the zoning code of the city of Crystal: R-1, R-2 and R-3.

Subd. 7. “Front lot line”: The boundary of a lot that abuts a public street. On a corner lot, it shall be the street-abutting lot line with the shortest dimension. On a through lot, all street-abutting lot lines shall be deemed front lot lines. On a through corner lot, the street-abutting lot lines on opposite sides of the lot shall be deemed front lot lines.

Subd. 8. "Side lot line (side street)": Any street-abutting lot line that is not a front or rear lot line.

Subd. 9. "Side lot line (interior)": Any lot line that is not a front, rear or side street lot line.

Subd. 10. "Rear lot line": The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Subd. 11. "Front yard": The horizontal distance between the principal structure and the front lot line, extending across the full width of the lot.

Subd. 12. "Side yard (side street)": The horizontal distance between the principal structure and the side street lot line, extending from the front yard to the rear yard.

Subd. 13. "Side yard (interior)": The horizontal distance between the principal structure and the side lot line, extending from the front yard to the rear yard.

Subd. 14. "Rear yard": The horizontal distance between the principal structure and the rear lot line, extending across the full width of the lot.

1330.05. Recreational vehicles and equipment not permitted to be operated on public streets, roads or other public property within the city of Crystal include, but are not limited to the following: boats with motors, canoes, kayaks, rowboats, all-terrain vehicles, snowmobiles, jet skis and go-carts.

1330.07. It is unlawful to operate a motor, recreational or commercial vehicle on private residential property of another without having in one's possession at the time of driving or operation of the vehicle the written permission of the owner, or on publicly owned land including school, park property, playground, and recreational area, except where permitted in accordance with this section.

1330.09. When the driving of a motor, recreational or commercial vehicle is permitted, the vehicle may not be operated:

a) So as to create, permit, or maintain a loud, unnecessary or unusual noise which annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public;

b) In a manner which interferes with, obstructs or renders dangerous the proper use of the premises involved;

c) While under the influence of intoxicating liquor, narcotics or any habit forming drugs;

d) At a rate of speed greater than reasonable or proper under all the surrounding conditions, or in a careless or reckless manner so as to endanger or be likely to endanger person or property;

e) To intentionally chase, run over, disturb or kill any wild or domestic animal.

1330.11. Exception. This section does not apply to emergency vehicles or vehicles used by governmental bodies on governmental business.

1330.13. Permitted areas. The city council may from time to time by resolution define the areas of public land owned and maintained by the city for the use of recreational vehicles under the conditions herein provided or may add thereto such conditions as may be required. It is unlawful for any person to drive, operate or use a motor, recreational or commercial vehicle except in the areas defined in the council's resolution.

1330.15. Parking and storage. Subdivision 1. Findings. The unregulated outside parking and outside storage of all motor vehicles and recreational vehicles and equipment within a residential use district or accessory to a residential use is found to create a nuisance, hazard and detrimental influence upon the public health, safety and general welfare of the community by obstructing the view on streets and on private property, bringing noise and odors into residential areas, creating cluttered and otherwise unsightly areas, preventing the full use of residential streets for residential parking, reducing the useable open space of streets and private property and otherwise adversely affecting residential property values and neighborhood maintenance and improvement.

Subd. 2. Additional requirements. In addition to the other restrictions imposed by this code the restrictions of this subsection apply to the parking and storage of motor vehicles and recreational vehicles and equipment in residential districts of the city.

Subd. 3. Public ways. A motor vehicle or recreational vehicle and equipment may be parked in an authorized portion of any public street, alley, public right-of-way or driveway for that period of time which is in conformance with the parking regulations of this code.

Subd. 4. Placement on a lawful driveway or auxiliary space.

a) In any yard, recreational vehicles and equipment may not be placed within ten feet of the living quarters of the principal structure on the adjacent lot. For corner lots, in a front or side street side yard, motor vehicles and recreational vehicles and equipment may only be placed on a hard surfaced driveway or lawful auxiliary parking space.

b) In a front yard, motor vehicles and recreational vehicles and equipment may only be placed on a hard surfaced driveway or lawful auxiliary parking space.

c) Recreational vehicles and equipment not permitted to be operated on public streets, roads or other public property may not be parked or stored on a driveway or lawful auxiliary space unless placed on or in a trailer or motor vehicle.

d) Not withstanding c) above, slip in campers are permitted when not mounted in the bed of a pickup if lowered to their lowest practicable profile and stabilized in a manner so as to be safe and secure and not pose a threat to a person’s health or safety.

e) Wheeled fish houses are considered to be trailers and must be placed in accordance with this subsection. Non-wheeled fish houses are structures and must comply with section 515 (zoning).

f) Recreational vehicles and equipment that are out of season may not be stored on any part of the driveway or lawful auxiliary parking space closer to the street than the principal structure.

g) The total number of licensed motor vehicles and recreational vehicles and equipment parked or stored on a lawful driveway or auxiliary space shall not exceed four for each single family dwelling or two per dwelling unit for a two family dwelling.

Subd. 5. Placement in locations other than a lawful driveway or auxiliary space.

a) Motor vehicles are prohibited, except those motor vehicles which are also recreational vehicles and equipment as defined in section 1330.03, subdivision 3.

b) In any yard, recreational vehicles and equipment may not be placed within ten feet of the living quarters of the principal structure on the adjacent lot.

c) In an interior side yard, recreational vehicles and equipment may not be placed closer than five feet to the side lot line.

d) In a rear yard, recreational vehicles and equipment may not be placed closer than three feet to the interior side lot line or rear lot line. For corner lots, recreational vehicles and equipment may not be placed closer to the street side property line than the principal structure.

e) In a front yard, recreational vehicles and equipment are prohibited unless they are located on a lawful driveway or auxiliary space in accordance with subdivision 4 b). For corner lots, recreational vehicles and equipment are prohibited in a front or side street yard unless they are located on a lawful driveway or auxiliary space in accordance with subdivision 4 b).

f) Recreational vehicles and equipment may not be placed in that part of a side or rear yard closer to a principal structure on an abutting lot than to the owner's principal building.

g) Slip in campers, when not mounted in the bed of a pickup, must be lowered to their lowest practicable profile and stabilized in a manner so as to be safe and secure and not pose a threat to a person's health or safety.

h) Wheeled fish houses must be placed in accordance with this subsection. Non-wheeled fish houses are structures and must comply with section 515 (zoning).

Subd. 6. Size. RVEs of any size may be parked or stored in the side or rear yard in accordance with this section. RVEs 32 feet or less in length may be parked or stored in a front yard or side street yard if on a hard surface driveway or auxiliary space in accordance with this section. RVEs exceeding 32 feet in length may be parked in the front yard or side street yard on a hard surface driveway or auxiliary space if the RVE complies with the front and side street building setbacks.

Subd. 7. Coverage.

a) The portion of the rear yard occupied by RVE's shall not exceed 20%. Notwithstanding the foregoing, the maximum RVE coverage for any rear yard shall be at least 600 square feet and not more than 1,200 square feet.

b) The portion of the rear yard occupied by RVEs shall not exceed the residential footprint of the principal structure. Notwithstanding the foregoing, the maximum RVE coverage for any rear yard shall be at least 600 square feet and no more 1,200 square feet.

Subd. 8. Licensing, operability and maintenance. Motor vehicles and recreational vehicles and equipment may be parked or stored outside in accordance with this section, provided that:

a) All vehicles and equipment are currently licensed as required by law.

b) All vehicles and equipment are operable and in a state of good repair at all times.

c) All vehicles and equipment parked or stored on a property must be owned by and licensed to the owner or occupant of the dwelling where the vehicle or equipment is kept.

d) Only fabric covering may be used to protect the recreational vehicle or equipment. If covers are used, they must be soundly secured to the vehicle or equipment, kept in a state of good repair, and fit tightly over the vehicle or equipment not significantly increasing the dimension thereof.

e) When a recreational vehicle or equipment is parked or stored outside, no other material, debris or household items shall be placed on, under or against it. Only gear directly related to the use of the RVE may be stored in the RVE provided it is not visible.

Subd. 9. Prohibited vehicles. The following shall not be parked or stored in residential use districts:

a) Farm tractors and equipment

b) Oversized military vehicles, including but not limited to, half-tracks, troop transports and tankers.

c) Semi tractors or trailers.

d) Any vehicle, not defined as a recreational vehicle, with a gross weight of greater than 12,000 pounds.

Subd. 10. Commercial vehicles parked in a residential use district. For each dwelling unit, off street parking of not more than one licensed and operable commercial motor vehicle is permitted. Any such vehicle must be operated by a resident of that dwelling unit. If not a pick-up, minivan or full-size van of any size, the vehicle shall not exceed 12,000 pounds gross vehicle weight, 22 feet in length, eight feet in width, and eight feet in height. Such parking is only permitted in a garage or on a hard surface driveway or lawful auxiliary space in accordance with the requirements of subsection 515.17.

Subd. 11. Motor vehicles parked or displayed in residential use districts for the purpose of selling or renting.

a) No more than one vehicle may be displayed for sale at any given time on a lot.

b) Vehicle displayed for sale shall not occur on any lot for more than six weeks in any 12 month period.

c) Prior to it being displayed for sale, the vehicle was primarily used for personal transportation by the resident and was not purchased primarily for the purpose of re-selling the vehicle.

d) The vehicle is parked on a hard surface.

e) The vehicle is in such condition that it is fully operable and can immediately be driven on a public roadway in a lawful manner.

f) The vehicle must have a current valid registration including having clearly visible current license plate tabs.

g) The address listed on the registration is the same as the property where the vehicle is parked and displayed for sale.

1330.17. Continuation permits. For certain specific provisions of this code, when it can be shown by the owner of an RVE that their vehicle or equipment cannot be reasonably parked or stored in accordance with this section, but was parked or stored in a manner consistent with the previous code provisions in effect prior to the effective date of this code, the city manager may issue an RVE continuation permit to grant an exception from the specific provision. RVE continuation permits shall only be issued to grant exceptions from the following specific provisions, and only when all of the listed criteria are met:

- Out of season RVEs where the owner is unable to access the side or rear yard.
- 1330.15 subdivision 5 c): RVEs parked or stored within the five foot setback in interior side yards where the owner is unable to access the rear yard.
- 1330.15 subdivision 5 e): RVEs parked or stored on a corner lot in the front or side street yard and not located on a hard surface.
- 1330.15 subdivision 6: RVEs exceeding 32 feet in length parked or stored within the front yard or side street building setbacks and located on a hard surface.

The RVE continuation permit shall terminate and the property shall fully comply with this section upon the property owner (1) ceasing to own the property, (2) ceasing to occupy the property, or (3) ceasing to own the RVE for which the permit was issued.

The city manager may require completion of an application for such RVE continuation permit. The city council may require payment of a fee prior to issuance of such RVE continuation permit, said fee to be established in the city's fee schedule.

In no case shall a permit allow for the parking or storage of an RVE in a boulevard or public right-of-way.

1330.19. Unauthorized use. Recreational vehicles may not be used for living or housekeeping purposes while parked or stored on residential lot.

1330.21. Authorized parking and storage. Recreational vehicles and equipment may be parked or stored within a private garage at any time.

1330.23. Effective date. The effective date of this section shall be August 1, 2007.

Section 1335 - Snowmobile regulation

1335.01. State laws and regulations adopted by reference. Subdivision 1. Snowmobile law. Minnesota Statutes, sections 84.81, 84.82, 84.87, 84.871, 84.872, 84.88, 84.89, 100.26, subdivision 29, are adopted by reference and are as much a part of this code as if fully set forth herein.

Subd. 2. Department of natural resources rules. The rules of the commission of natural resources of the state of Minnesota applying to snowmobiles, are adopted by reference and are as much a part of this code as if fully set forth herein.

Subd. 3. Violations. A violation of the statutes or rules herein adopted by reference is a violation of this section.

1335.03. Additional regulations. Subdivision 1. Purpose. In accordance with the authority granted by Minnesota Statutes, section 84.87, the city enacts the additional regulations contained in this subsection.

Subd. 2. Operation prohibited. It is unlawful to operate a snowmobile:

a) On a public sidewalk or walkway provided or used for pedestrian travel;

b) On private property of another without lawful authority or written consent of the owner or occupant;

c) On any publicly owned lands and frozen waters, including but not limited to school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority. Authorized areas in the city owned by the city may be designated by council resolution.

Subd. 3. Towing. It is unlawful to tow any person or thing by snowmobile except by use of a rigid tow bar attached to the rear of the snowmobile.

Subd. 4. Speed. It is unlawful to operate a snowmobile at a speed greater than ten miles an hour when within 100 feet of any lakeshore, except in channels, or of fishermen, skaters, pedestrians, ice houses or skating rinks; within 100 feet of any sliding area; or where the operation would conflict with the lawful use of property or would endanger other persons or property.

Subd. 5. Noise. It is unlawful to operate a snowmobile in a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.

Subd. 6. Hours. Snowmobile operation is prohibited between the hours of 9:30 p.m. to 8:00 a.m.

Subd. 7. Dead-man throttle. It is unlawful to operate a snowmobile without a safety or so-called "dead-man" throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.

Subd. 8. Leaving snowmobiles unattended. A person leaving a snowmobile in a public place must lock the ignition, remove the key and take the key away from the snowmobile.

Section 1340 - Motorcycles and motor bikes

1340.01. Operator's license. A person owning, leasing or having the care or custody of a motorcycle may not allow an unlicensed driver to operate the same except on private property. It is unlawful to misstate one's age or driver's qualifications or to use a false driver's license to obtain the rental or use of a motorcycle or motor vehicle.

1340.03. Erratic operation prohibited. Subdivision 1. Rules of road. The driver of a motorcycle must comply with the rules of the road and with the traffic laws of the state of Minnesota, be courteous to other drivers, passengers and respect the rights of pedestrians in or about the streets.

Subd. 2. Acrobatics. Stunts, drills, acrobatics, "bump tag", "chicken", racing, games, contests of any type or variety are prohibited on the city streets, or upon private property except upon application and receipt of an amusement license from the city.

Subd. 3. Riding abreast. Only one motorcycle or motor vehicle may occupy a single traffic lane at one time. Three or more motorcycles are forbidden to ride abreast in the same traffic lane.

Subd. 4. Private property. A motorcycle may not be driven across private property without permission of the owner or occupant thereof except upon private parking lots where off-street parking is furnished for their customers or guests and such motorcycle is to be parked therein.

Subd. 5. Public property. A motorcycle may not be operated on a public sidewalk.

Subd. 6. Horns. Horns on motor vehicles must be used for traffic purposes only and not to call attention to the operator, a passenger or for other purposes.

1340.05. Safety of driver. Subdivision 1. Controls. Each prospective driver of a motorcycle must familiarize himself with controls, pedals, gears, hand and foot brakes necessary to operate or stop the motorcycle prior to operating the same.

Subd. 2. Care. Care must be exercised by the driver in turning on sand, ice or wet streets knowing that two wheels provide less stability and traction than four.

Subd. 3. Brakes. A driver must apply rear brakes first before applying front wheel brakes on a motorcycle, if so equipped.

1340.07. Safety of passenger. Subdivision 1. Seat required. Passengers may not be carried on a motorcycle except on the the seat.

Subd. 2. Security. When a passenger is aboard a motorcycle the driver thereof must be certain that the passenger has a firm grip on the motorcycle or driver before moving same.

Subd. 3. Unseating passenger. When a passenger is aboard a motorcycle the driver thereof must avoid sharp turns or radical movement or quick stopping of the motorcycle to avoid unseating the passenger.

Subd. 4. Exhaust manifold. The operator must show the prospective passenger the location of the exhaust manifold and may not permit any passenger to ride on his motorcycle where a leg comes in contact with the exhaust manifold.

Subd. 5. Helmets. The operator must wear an approved helmet when operating the motorcycle.

Section 1345 - Skateboards

1345.01. Definition. A skateboard is a footboard or similar object mounted on wheels and designed or intended to propel a rider by human power or force of gravity but without mechanical assistance. The following are not skateboards: a wheelchair operated by a disabled person, or a scooter with an upright steering handle.

1345.03. General purpose. The purpose of this section is to prevent injuries arising out of the use of skateboards in areas where conditions are such as to present an imminent danger to skateboarders or pedestrians.

1345.05. Skateboard regulations. Subdivision 1. General rule. It is unlawful to operate a skateboard on a street, alley, sidewalk or parking area within commercial and industrial zoning districts (that is, districts zoned B-1A, B-1, B-2, B-3, B-4, I-1 and I-2) unless authorized by a permit granted in accordance with subdivision 8.

Subd. 2. Streets. It is unlawful to operate a skateboard upon the shoulder of main-travelled portion of a state or county road within the city.

Subd. 3. Safe operation. It is unlawful to operate a skateboard carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger persons, property or the operator of the skateboard.

Subd. 4. Traffic. It is unlawful to operate a skateboard in a place where the surface or traffic conditions render the place unsafe for skateboarding.

Subd. 5. Private property. It is unlawful to operate a skateboard on private property without the prior express permission of the owner of the property.

Subd. 6. Right-of-way. An operator of a skateboard must yield the right-of-way to any other type of vehicle or a pedestrian while the operator is entering or travelling upon a street, alley, sidewalk or bicycle path.

Subd. 7. Parks. The operation and use of skateboards in public parks in the city is subject to rules and regulations promulgated by the city manager under subsection 815.07.

Subd. 8. Temporary permit. The owner of property located within a district specified in subdivision 1 may apply for a temporary permit to allow skateboarding on the owner's property for a special event or during specified hours by applying to the city manager. If a permit is granted the owner must require appropriate precautions to protect the safety of participants and spectators.

1345.07. Penalties. A person who violates this section is guilty of a petty misdemeanor and may be fined up to $50.

CHAPTER XX

MISDEMEANORS

Section 2000 - General provisions; state law adopted by reference

2000.01. Conduct prohibited. It is unlawful to engage in an act or in the behavior prohibited by this chapter. Violation of a provision of this chapter is a misdemeanor and may be punished as provided in section 115 of this code.

2000.03. Provisions of criminal code adopted by reference. The provisions of Minnesota Statutes, Chapter 609, as amended, the provisions of Minnesota Statutes, Chapter 624, as amended, and any provision of the Crystal City Code which is punishable as a misdemeanor, are hereby adopted by reference and are as much a part of this code as if fully set forth herein. (Amended, Ord. No. 2010-08, Sec. 1)

2000.05. A violation of the statutes adopted by reference herein is a violation of this code.

2000.07. Liability for crimes of another. Subdivision 1. Aiding, abetting; liability. A person is criminally liable for a crime established by subsection 2000.05 committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime. (Added, Ord. No. 2010-08, Sec. 3)

Subd. 2. Expansive liability. A person liable under subdivision 1 is also criminally liable for a crime established by subsection 2000.05 committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended. (Added, Ord. No. 2010-08, Sec. 3)

Subd. 3. Abandonment of criminal purpose. A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a crime established by subsection 2000.05, and thereafter abandons that purpose and makes a reasonable effort to prevent the commission of the crime prior to its commission is not liable if the crime is thereafter committed. (Added, Ord. No. 2010-08, Sec. 3)

Subd. 4. Circumstances of conviction. A person liable under this subsection may be charged with and convicted of a crime established by subsection 2000.05 although the person who directly committed it has not been convicted, or has been convicted of some other degree of the crime or of some other crime based on the same act, or if the person is a juvenile who has not been found delinquent for the act. (Added, Ord. No. 2010-08, Sec. 3)

Section 2005 - Misdemeanors; specific provisions

2005.01. Disorderly conduct. The following acts are disorderly conduct:

a) Lurking, lying in wait, or concealment in a building, yard or street in the city with intent to commit a crime or misdemeanor therein;

b) Wilfully disturbing a meeting not unlawful in its character, or the peace and quiet of a family or neighborhood;

c) Wilfully and lewdly exposing one's person or one's private parts, or procuring another to so expose oneself, open and gross lewdness or lascivious behavior, or an act of public indecency;

d) Using profane, vulgar or indecent language in or about a public building, store, place of public entertainment, or place of business, or on streets, alleys or sidewalks of the city so as to be audible and offensive;

e) Appearing upon a public street or other public place in an intoxicated condition or drinking intoxicating liquor on a street or a vehicle on a public street;

f) Unlawfully striking or in an unlawful manner offering to or doing bodily harm to another person or unlawfully making an attempt to apply any degree of force or violence to the person of another, or in a violent, rude, angry or insolent manner touch or lay hands upon the person of another;

g) Wilfully making a false report to a police officer in the performance of the officer's duties. (Amended, Ord. No. 95-17, Sec. 1)

2005.03. Resisting a public officer. It is unlawful to wilfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of the officer's office.

2005.05. False statements. It is unlawful to make a false statement in an application for a permit or license from the city.

2005.07. Swimming in Twin Lakes. It is unlawful to swim or bathe in Twin Lakes or in a creek or pond within the limits of the city between the hours of 10:00 p.m. and 6:00 a.m.

2005.09. Loitering. Subdivision 1. Prohibited. It is unlawful to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner as to:

a) Obstruct any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

b) Commit in or upon any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by any one in or upon or facing or fronting on any such public street, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.

Subd. 2. Police order. If a person causes or commits a condition enumerated in subdivision 1, a police officer or any law enforcement officer may order that person to stop causing or committing such conditions and to move on or disperse. A person who fails or refuses to obey such orders is guilty of a violation of this section.

2005.11. Fire alarm system and false alarms. It is unlawful to tamper with or in any way interfere with any element of any fire alarm system within the city. It is unlawful to give, or cause to be given, any alarm of fire or other emergency condition when no fire or emergency condition exists.

2005.13. Obstruction of fire hydrants. It is unlawful to park a vehicle in such a way as to obstruct a fire hydrant. The stopping or parking of a vehicle within ten feet of a fire hydrant is an obstruction of the hydrant and a violation of this subsection.

2005.15. Liquor and beer in parks. It is unlawful to bring into, possess, barter, give away or consume any intoxicating liquor or non-intoxicating malt beverages in any public park or any vehicle parking area immediately adjoining such park; provided, however, that this prohibition does not apply to any special permit issued by the city council under the provisions of subsection 1215.15 of this code relating to non-intoxicating malt liquor.

2005.17. Liquor and beer in public places. Subdivision 1. Public ways. It is unlawful to consume, barter, or give intoxicating beverages or malt beverages in or upon a public street, avenue, boulevard, alley or other public way, whether in a vehicle or not, in the city.

Subd. 2. Parking areas. It is unlawful to consume, barter or give any intoxicating beverages or non-intoxicating malt beverages in or upon a parking area open to the public whether in a vehicle or not.

2005.19. Trespass; notice. Subdivision 1. On premises privately owned but open to the use of the general public, it is unlawful to remain on the premises after having been requested to leave by the owner of the premises, an authorized representative of the owner, or any other person or entity entitled to possession of the premises.

Subd. 2. Two year rule. On any property privately owned but open to the use of the general public, it is unlawful to return to the property after receipt of a written notice of trespass from the owner, an authorized representative of the owner, or any person or entity entitled to possession of the property, or law enforcement official, which notice prohibits the person from returning to the property. This prohibition is effective for two years from the date the written notice was served.

Subd. 3. Notice. The written notice under subdivision 2 must be personally served upon the party prohibited from entering the property. An affidavit of service must be executed at the time of service. A prosecution may not be maintained under subdivision 2 unless the property owner or other complaining party can produce a copy of the notice of trespass and a signed affidavit of its service.

Section 2010 - Nuisances

2010.01. Nuisances. Subdivision 1. Defined. The following acts are declared a public nuisance:

a) Engaging in a business or activity that is dangerous, hurtful, unwholesome, offensive or unhealthy to the neighborhood, or that constitutes an annoyance to the persons in the neighborhood, or is detrimental to the property in the neighborhood;

b) Permitting, suffering or maintaining, or failing to remove offensive, nauseous, hurtful, dangerous, unhealthy conditions resulting from a failure to properly dispose of garbage, sewage, waste, debris or any other unwholesome or offensive substance, liquid or thing, upon one's premises, or to drop, discharge, pass, deposit or otherwise deliver the same upon the premises of another or public property;

c) Constructing, maintaining, permitting or allowing upon one's property any billboard, sign, poster, or advertisement, or to post, publish, promulgate, broadcast, display, issue or circulate insulting, profane or abusive emblem, sign, or device, or blasphemous written or printed statement, calculated or such as is likely to cause a breach of the peace;

d) Displaying, circulating, issuing or publishing slanderous or obscene, immoral, or lewd pictures, posters, literature, writings, drawings or oral statements.

Subd. 2. Abatement. A nuisance defined herein may be abated after 48 hours notice to remove the same by any officer of the city. The notice describing the property upon which the nuisance is situated and the nature of the nuisance to be abated must be given to the owner or occupant of the property. If the notice cannot be delivered to the owner or occupant of the property the notice must be published in a local newspaper, and must state that the nuisance must be abated within a designated time of not less than 60 hours from the time of publication.

Subd. 3. Penalty. Violation of this section is a misdemeanor. The imposition of one penalty for any violation of this section does not excuse the violation, or permit it to continue. Each ten days that prohibited conditions are maintained constitutes a separate offense.

2010.03. Noise in residential areas. It is unlawful to congregate because of or participate in a party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. It is unlawful to visit or remain within any residential dwelling unit wherein such party or gathering is taking place except for persons who have gone there for the sole purpose of abating the disturbance. (Amended, Ord. No. 97-8, Sec. 3)

2010.05. It is unlawful to do the following:

a) keep a disorderly house or place of public resort in such a manner that the peace, comfort or decency of a neighborhood is habitually disturbed;

b) being the owner or in control of the premises, to intentionally permit them to be so used; or

c) keep, permit or be present in a disorderly house or place of public resort kept for illegal purposes, including, but not limited to, prostitution, illegal gambling, illegal sale or consumption of intoxicating beer or illegal sale or use of controlled substances. (Added, Ord. No. 97-8, Sec. 2)

Section 2015 - Conduct in or around school buildings

2015.01. Defacement of school property. It is unlawful to mark with ink, paint, chalk, or other substance, or post hand bills on, or in any other manner deface or injure any public or private school building or structures used or usable for school purposes within the city, or mark, deface or injure fences, trees, lawns or fixtures appurtenant to or located on the site of such buildings, or post hand bills on such fences, trees or fixtures or place a sign anywhere on any such site.

2015.03. Breach of peace on, or adjacent to school grounds. It is unlawful to wilfully or maliciously make or assist in making on any school grounds adjacent to any school building or structure any noise, disturbance or improper diversion or activity by which peace, quiet and good order is disturbed.

2015.05. Offensive language and conduct. It is unlawful to use offensive, obscene or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger or resentment in others on school grounds or in buildings or structures.

2015.07. Improper conduct while school in session. It is unlawful to, in any school room or in any building or on the grounds adjacent to the same, disturb or interrupt the peace and good order of the school while in session. A person not in immediate attendance in the school and being in such building or upon the premises belonging thereto who conducts or behaves improperly, or who upon the request of a teacher of such school or the person in charge thereof to leave said building or premises, neglects or refuses so to do, is in violation of this section. It is unlawful to loiter on school grounds or in school buildings or structures.

Section 2020 - Nuisances; shade tree disease control

2020.01. Declaration of policy. The city council has determined that the health of the shade trees within the city limits is threatened by shade tree diseases. It has further determined that the loss of shade trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is the intention of the council to control and prevent the spread of these diseases, and this section is enacted for that purpose, and to conform to the policies and procedures embodied in Minnesota Statutes, section 18.023, section 66 and rules promulgated thereunder.

2020.03. Definitions. Subdivision 1. The terms defined in this section have the meanings given them.

Subd. 2. "Shade tree" means an oak or elm tree situated in the city of Crystal.

Subd. 3. "Shade tree disease" means Dutch elm disease caused by ceratocystis ulmi, or oak wilt disease caused by ceratocystis fagaceorum.

Subd. 4. "Commissioner" means the commissioner of the state department of agriculture.

Subd. 5. "Tree inspector" or "inspector" means a person having the necessary qualifications to conduct a shade tree program and who is so certified by the commissioner.

Subd. 6. "Disease control area" means the city of Crystal.

Subd. 7. "Shade tree control program" or "program" means a program developed by the city to combat shade tree disease in accordance with rules promulgated by the commissioner.

2020.05. Tree inspector. Subdivision 1. Position created. The powers and duties of the city tree inspector as set forth in this section are hereby conferred upon the city manager. The manager may designate a member of the administrative staff to perform the duties of tree inspector.

Subd. 2. Duties of tree inspector. It is the duty of the tree inspector to coordinate, under the direction and control of the council, all activities of the city relating to the control and prevention of shade tree disease. The inspector must recommend to the council the details of a program for the control of shade tree disease, and perform the duties incident to such a program adopted by the council.

2020.07. Shade tree disease program. It is the intention of the city council to conduct a program of shade tree control pursuant to the authority granted by Minnesota Statutes, section 18.023. This program is directed specifically at the control and elimination of shade tree diseases and is undertaken at the recommendation of the commissioner of agriculture, and in conformance with rules promulgated by the commissioner. The city tree inspector acts as coordinator between the commissioner of agriculture and the council in the conduct of this program.

2020.09. Shade tree diseases. Subdivision 1. Nuisances declared. The following things are public nuisances whenever they may be found within the city:

a) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus ceratocystis ulmi (buisman) moreau or which harbors any of the elm bark beetles scolytus multistriatus (eichh.) or hyluigopinus rufipes (marsh).

b) Any dead elm tree or part thereof, including legs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.

c) Any living or standing northern red oak, northern pine oak, black oak or scarlet oak, or part thereof infected to any degree with oak wilt disease.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in subdivision 1 to remain on premises owned or controlled by that person within the city. Such nuisances may be abated in the manner prescribed by this section.

2020.11. Inspection and investigation. Subdivision 1. Annual inspection. The tree inspector must inspect all premises and places within the city as often as practicable to determine whether any condition described in subsection 2020.09 exists thereon. The inspector must investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles or oak wilt.

Subd. 2. Entry on private premises. The tree inspector may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties of the inspector under this section. Such inspections must be preceded by two days' written notice to the owner of said private property, unless such notice is waived in writing by the owner.

Subd. 3. Diagnosis. The tree inspector must, upon finding conditions indicating shade tree disease infestation, immediately send appropriate specimens or samples to the commissioner of agriculture for analysis, or take such other steps for diagnosis as may be provided by the commissioner by rule. Except as provided in subsection 2020.13 no action to remove infected trees or wood must be taken until positive diagnosis of the disease has been made.

2020.13. Abatement of shade tree disease nuisances. In abating the nuisances defined in this section, the tree inspector must cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of disease. Such abatement procedures must be carried out in accordance with current technical and expert opinions and procedures as may be established by the commissioner of agriculture.

2020.15. Procedure for removal of infected trees and wood. Subdivision 1. Findings. Whenever the tree inspector finds with reasonable certainty that the infestation defined in subsection 2020.07 exists in any tree or wood in any public or private place in the city, the inspector must proceed as follows:

a) If the inspector finds that the danger of infestation of other trees is not imminent because of dormancy, the inspector must make a written report of his findings to the council which must proceed by (i) abating the nuisance as a public improvement under Minnesota Statutes, chapter 429, or (ii) abating the nuisance as provided in subdivision 2 of this subsection.

b) If the inspector finds that danger of infestation of other trees is imminent, the inspector must notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from the date of mailing of such notice. The inspector must immediately report such action to the council, and after the expiration of the time limited by the notice the inspector may abate the nuisance.

Subd. 2. Notice; hearing. Upon receipt of the inspector's report required by Subdivision 1 a), the council may by resolution order the nuisance abated. Before action is taken on such resolution, the council must publish notice of its intention to meet to consider taking action to abate the nuisance. The notice must be mailed to affected property owners and published once no less than one week prior to such meeting. The notice must state the time and place of the meeting, the streets affected, action proposed, and the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the council must hear property owners with reference to the scope and desirability of the proposed project. The council may thereafter adopt a resolution confirming the original resolution with such modification as it considers desirable and provide for the doing of the work by day labor or by contract.

Subd. 3. Records. The inspector must keep a record of the costs of abatements ordered under this subsection and report monthly to the city clerk work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

Subd. 4. Assessment. On or before September 1 of each year, the clerk must list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

2020.17. Tree inspector; program. The tree inspector must conduct the shade tree disease control program in accordance with the rules and regulations of the commissioner embodied in AGR 101-120 "shade tree disease control" and subsequent amendments thereto.

2020.19. Transporting elm wood prohibited. Subdivision 1. It is unlawful to transport within the city any bark-bearing elm wood without having obtained a permit from the tree inspector. The inspector will grant such permits only when the purposes of this section will be served thereby.

2020.21. Interference prohibited. It is unlawful to prevent, delay or interfere with the inspector while engaged in the performance of the duties imposed by this section.