TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE.

(A) All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “city code,” for which designation “code of ordinances,” “codified ordinances,” or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "traffic code." Sections may be referred to and cited by the designation "§" followed by the number, such as "§ 10.01." Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.02 RULES OF INTERPRETATION.

(A) *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

(B) *Specific rules of interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(1) ***AND*** *or* ***OR.*** Either conjunction shall include the other as if written "and/or," whenever the context requires.

(2) *Acts by assistants.* When a statute, code provision, or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(3) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(4) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

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

§ 10.04 CAPTIONS.

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

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

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

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

COUNTY. Ramsey County, Minnesota.

MAY. The act referred to is permissive.

MONTH. A calendar month.

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

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

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

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

SHALL. The act referred to is mandatory.

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

STATE. The State of Minnesota.

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

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

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 SEVERABILITY.

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

§ 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in 1 section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.08 REFERENCE TO OFFICES.

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

§ 10.09 ERRORS AND OMISSIONS.

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

§ 10.10 OFFICIAL TIME.

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

§ 10.11 REASONABLE TIME.

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

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

§ 10.12 ORDINANCES REPEALED.

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

§ 10.13 ORDINANCES UNAFFECTED.

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

§ 10.14 EFFECTIVE DATE OF ORDINANCES.

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

§ 10.15 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.17 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS, AND LIABILITIES.

(A) All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws.

(B) This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code.

(C) The liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted.

(D) In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.18 COPIES OF CODE.

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

§ 10.19 ADOPTION OF STATUTES AND RULES BY REFERENCE.

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

§ 10.20 ENFORCEMENT.

(A) Any licensed peace officer of the city's Police Department, or the County Sheriff, or any Deputy Sheriff shall have the authority to enforce any provision of this code.

(B) As permitted by M.S. § 626.862, as it may be amended from time to time, the City Clerk shall have the authority to administer and enforce this code. In addition, under that statutory authority, certain individuals designated within the code or by the Clerk or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.

(C) The City Clerk and any city official or employee designated by this code who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

(D) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Clerk, peace officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety, and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(E) Every licensee, owner, resident, or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Clerk or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety, and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses, or city service to the property. Mailed notice shall be given to the licensee, owner, resident, or other person in control of the property, stating the grounds for

the termination, and the licensee, owner, resident, or other person in control of the property shall be given an opportunity to appear before the City Clerk to object to the termination before it occurs, subject to appeal of the Clerk's decision to the City Council at a regularly scheduled or special meeting.

(F) Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety, and welfare.

§ 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.

(A) In addition to those administrative penalties established in this code and the enforcement powers granted in § 10.20, the City Council is authorized to create by resolution, adopted by a majority of the members of the Council, supplemental administrative penalties.

(B) These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost-effective, and expeditious alternative to traditional criminal charges for violations of certain provisions of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

(C) Administrative penalties for violations of various provisions of the code, other than those penalties established in the code or in statutes that are adopted by reference, may be established from time to time by resolution of a majority of the members of the City Council. In order to be effective, an administrative penalty for a particular violation must be established before the violation occurred.

(D) In the discretion of the peace officer, City Clerk, or other person giving notice of an alleged violation of a provision of this code, in a written notice of an alleged violation, sent by first-class mail to the person who is alleged to have violated the code, the person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Treasurer within 14 days of the notice of the violation. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given. In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, that the payment of the administrative penalty will be waived.

(E) At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

(F) At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the city, through the City Attorney, may bring criminal charges in accordance with state law and this code. Likewise, the city, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the city for the alleged violation.

§ 10.99 GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than $1,000, or both.

(B) Any person, firm, or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than $300.

(C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

(E) In addition to any penalties provided for in this section or in § 10.98, if any person, firm, or corporation fails to comply with any provision of this code, the Council or any city official designated by it may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

TITLE III: ADMINISTRATION

Chapter

30. GENERAL PROVISIONS

31. CITY COUNCIL

32. CITY OFFICIALS AND ORGANIZATIONS

33. EMERGENCY MANAGEMENT

CHAPTER 30: GENERAL PROVISIONS

Section

City Law Enforcement

30.01 Citation issuance in lieu of arrest
30.02 Sheriff of Ramsey County; powers

City Elections

30.15 Regular city election

Cross-reference:
Enforcement, see § 10.20

CITY LAW ENFORCEMENT

§ 30.01 CITATION ISSUANCE IN LIEU OF ARREST.

(A) The duly appointed City Clerk, Building Inspector, Code Enforcement Officer, and Animal Control Officer are authorized to issue citations in lieu of arrest or continued detention to persons who violate ordinances of the City of North Oaks.

(B) This section is adopted to comply with the requirement in Chapter 334, § 5, of Laws 1987 Regular Session.

(C) This section shall take effect and be in force after its passage and official publication.
(Ord. 74, passed 8-13-1987)

§ 30.02 SHERIFF OF RAMSEY COUNTY; POWERS.

In addition to any other peace officer now or hereafter designated by the City Council of the City of North Oaks, the Sheriff of Ramsey County and his or her lawfully designated deputies are hereby empowered to act as the law enforcement agency of the City of North Oaks.
(Ord. 32, passed 6-14-1962)

CITY ELECTIONS

§ 30.15 REGULAR CITY ELECTION.

(A) *Date of election.* The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year beginning with the 1974 election.

(B) *Terms and transition.* Two Council members shall be elected for 4-year terms at each biennial election commencing in 1978. One Council member shall be elected for a 4-year term at the 1974 city election. Of the 3 Council members to be elected at the 1976 election, the 2 candidates receiving the highest number of votes shall serve for terms of 4 years and the 1 receiving the third highest number of votes shall serve for a term of 2 years. The Mayor shall be elected for a 2-year term at each election commencing in 1976.
(Ord. 61, passed 7-11-1974)

CHAPTER 31: CITY COUNCIL

Section

Meetings and Legislation

31.01 Meetings of the Council
31.02 Presiding officer
31.03 Minutes
31.04 Order of business
31.05 Voting
31.06 Ordinances, resolutions, notions, petitions, and communications
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MEETINGS AND LEGISLATION

§ 31.01 MEETINGS OF THE COUNCIL.

(A) *Regular meetings.* Unless otherwise scheduled by the Council, regular meetings of the Council shall be held on the second Thursday of each calendar month at 7:30 p.m. All meetings, including special and adjourned meetings, shall be held in the Recreational Center, 5 Mink Lane, unless the Council decides otherwise at a prior meeting, or meeting in the Recreational Center is impossible.

(B) *Special meetings.*

(1) *Special meetings with notice.* The Mayor or any 2 members of the Council may call a special meeting of the Council upon at least 24-hours' written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. In lieu of the above notification procedure, it shall be acceptable to mail notification to each member if the mailed notification is received at least 24 hours prior to the meeting.

(2) *Special meetings without notice.* Special meetings may be held without notice when all members are present and take part in the meeting or, if a member cannot be present, when the absent member consents in writing to hold the special meeting without other notice. The written consent shall be filed with the Clerk prior to the commencement of the meeting. Any special meeting shall be a regular meeting for the transaction of any business that may come before it.

(C) *Initial meeting.*

(1) At the first regular Council meeting in January of each year, the Council shall:

(a) Designate the depositories of city funds;

(b) Designate the official newspaper;

(c) Choose 1 of the Council members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor or, in case of a vacancy in the Office of Mayor, until a successor has been appointed and qualifies; and

(d) Establish and appoint Council members to the Council committees as are deemed appropriate for the efficient and orderly management of the city.

(2) The Mayor shall appoint the officers and employees and the members of boards, commissions, and committees as may be necessary unless expressly ordered by the Council.

(D) *Public meetings.* All Council meetings, including special and adjourned meetings and meetings of Council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.
(Ord. 1-A, passed 10-11-1990)

§ 31.02 PRESIDING OFFICER.

(A) *Who presides.* The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the Clerk shall call the meeting to order and shall preside until the Council members present at the meeting choose 1 of their number to act temporarily as presiding officer.

(B) *Procedure.* The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with *Robert's Rules of Order, Revised*.

(C) *Appeal procedure.* Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present including the presiding officer.
(Ord. 1-A, passed 10-11-1990)

§ 31.03 MINUTES.

(A) *Who keeps.* Minutes of each Council meeting shall be kept by the Clerk or, in the Clerk's absence, by the Deputy Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes.

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Clerk, and copies thereof shall be delivered to each Council member as soon as practicable after the meeting. At the next regular Council meeting following the delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections, which may be made without a vote of Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.
(Ord. 1-A, passed 10-11-1990)

§ 31.04 ORDER OF BUSINESS.

(A) *Order established.* Each meeting of the Council shall convene at the time and place appointed therefor. Council business shall be conducted in the following order unless varied by the presiding officer:

(1) Call to order;

(2) Roll call;

(3) Approval of minutes;

(4) Consent agenda;

(5) Public hearings;

(6) Petitions, requests, and communications;

(7) Ordinances and resolutions;

(8) Reports of officers, boards, and committees;

(9) Unfinished business;

(10) New business;

(11) Miscellaneous; and

(12) Adjournment.

(B) *Petitions and agenda.* Petitions and other papers addressed to the Council shall be read by the Clerk upon presentation of the same to the Council. All persons desiring to present new business before the Council shall inform the Clerk thereof at least 2 hours before the new business is to be heard. The Clerk may prepare an agenda of the new business for submission to the Council on or before the time of the next regular meeting.
(Ord. 1-A, passed 10-11-1990)

§ 31.05 VOTING.

(A) The votes of the members on any questions may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes.

(B) The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

(C) If any member is present but does not vote, the minutes, as to his or her name, shall be marked Present-Not Voting.
(Ord. 1-A, passed 10-11-1990)

§ 31.06 ORDINANCES, RESOLUTIONS, NOTIONS, PETITIONS, AND COMMUNICATIONS.

(A) *Signing and publication proof.* Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the Clerk, and filed by the Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution, or a section or subdivision thereof, shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.
(Ord. 1-A, passed 10-11-1990)

§ 31.07 SUSPENSION OR AMENDMENT OF THIS SUBCHAPTER.

This subchapter may be suspended only by a 2/3 vote of the members present and voting.
(Ord. 1-A, passed 10-11-1990)

§ 31.08 EFFECTIVE DATE.

This subchapter shall take effect and be in force after its passage and official publication.
(Ord. 1-A, passed 10-11-1990)

CHAPTER 32: CITY OFFICIALS AND ORGANIZATIONS

Section

Board of Health; Health Officer

32.01 Generally
32.02 Duties of Board of Health
32.03 Duties of Health Officer

BOARD OF HEALTH; HEALTH OFFICER

§ 32.01 GENERALLY.

(A) A Board of Health is hereby established in and for the City of North Oaks consisting of a Health Officer, who shall be the chief executive officer of the Board, and 2 other members to be appointed by the Council.

(B) When first appointed, 1 member of the Board shall be appointed for 1 year, 1 for 2 years, and 1 for 3 years. Thereafter, all appointments shall be for a period of 3 years.

(C) Appointments shall be made at the first meeting of the Council year.
(Ord. 49, passed 2-10-1966)

§ 32.02 DUTIES OF BOARD OF HEALTH.

(A) The Board of Health shall make the investigations and reports and shall obey the directions concerning communicable diseases as the state department may require or give, and shall enforce all statutes, ordinances, and all lawful rules and regulations concerning public health.

(B) In suppressing communicable diseases, all medical and other assistance may be employed as is deemed necessary in the establishing, enforcing, quarantine, and the releasing thereof.

(C) All expenses thus properly incurred shall be paid and thereafter certified to the County Auditor for allowance and payment of 1/2 of the amount by the county as provided by law.
(Ord. 49, passed 2-10-1966)

§ 32.03 DUTIES OF HEALTH OFFICER.

The Health Officer shall execute the lawful order of the State and City Board of Health and perform the other duties as are or may be prescribed by statute, by ordinance or resolution of the City Council, or by regulations of the State Board of Health. He or she shall enforce the nuisance ordinances of the municipality in so far as they relate to matters in any way affecting the public health; and he or she is hereby given power, and it is made his or her duty, to enter and inspect any and all premises where food products are stored that are to be or are offered for sale or are sold or offered to the public, and to see that no unwholesome thing is offered for sale to the public. It is hereby made a condition of all licenses granted in the city that the Health Officer is given power to inspect any and all products sold and any licensed premises. He or she shall take all necessary steps to abate any nuisances or unwholesome conditions, and in his or her discretion shall recommend the revocation or refusal of any license for any premises operated or maintained in an unhealthful or unsanitary condition.
(Ord. 49, passed 2-10-1966)

CHAPTER 33: EMERGENCY MANAGEMENT

Section

33.01 Policy and purpose
33.02 Definitions
33.03 Establishment of emergency management organization
33.04 Powers and duties of Director
33.05 Local emergencies
33.06 Emergency regulations
33.07 Emergency management a government function
33.08 Participation in labor disputes or politics
33.99 Penalty

Cross-reference:

Board of Health; Health Officer, see §§ 32.01 et seq.

§ 33.01 POLICY AND PURPOSE.

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

(A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;

(B) To provide for the exercise of necessary powers during emergencies and disasters;

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and

(D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 33.02 DEFINITIONS.

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

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

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

EMERGENCY MANAGEMENT.

(1) The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps.

(2) These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions.

(3) ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as civil defense functions.

EMERGENCY MANAGEMENT FORCES.

(1) The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder.

(2) This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION.

(1) The staff responsible for coordinating city-level planning and preparation for disaster response.

(2) This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

§ 33.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

(A) There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director.

(B) The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time.

(C) The Director shall serve with a salary as established by the City Council and shall be paid his or her or her necessary expenses.

(D) The Director shall have direct responsibility for the organization, administration, and operation of the emergency preparedness organization, subject to the direction and control of the Council.

§ 33.04 POWERS AND DUTIES OF DIRECTOR.

(A) (1) The Director shall represent the city on any regional or state conference for emergency management.

(2) The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action.

(3) These arrangements shall be consistent with the State Emergency Plan.

(B) (1) The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster.

(2) The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) (1) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval.

(2) When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved.

(3) The plan may be modified in like manner from time to time.

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

(D) In accordance with the State and City Emergency Plan, the Director shall institute training programs and public information programs, and conduct practice warning alerts and emergency exercises as may be necessary, to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

(E) (1) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable.

(2) The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request.

(3) The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) (1) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state.

(2) To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting
training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

§ 33.05 LOCAL EMERGENCIES.

(A) (1) A local emergency may be declared only by the Mayor or his or her legal successor.

(2) It shall not be continued for a period in excess of 3 days except by or with the consent of the Council.

(3) Any order or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) (1) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

(2) However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.
Penalty, see § 33.99

§ 33.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) (1) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Clerk.

(2) A copy shall be kept posted and available for public inspection during business hours.

(3) Notice of the existence of these regulations and their availability for inspection at the City Clerk's office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution.

(4) By resolution, the Council may modify or rescind a regulation.

(C) (1) The Council may rescind any regulation by resolution at any time.

(2) If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first.

(3) Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) (1) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time, and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster.

(2) The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.
Penalty, see § 33.99

§ 33.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

(A) All functions and activities relating to emergency management are hereby declared to be governmental functions.

(B) The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

§ 33.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

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

§ 33.99 PENALTY.

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

Cross-reference:

General penalty, see § 10.99

City of North Oaks Code of Ordinances

CHAPTER 51: SUBSURFACE SEWAGE TREATMENT SYSTEMS

Section:

51.1 Purpose, applicability, and authority

51.2 General provisions

51.3 Standards adopted

51.4 Permits

51.5 Application and Interpretation

51.6 Violations and penalties

§ 51.01 PURPOSE, APPLICABILTY, AND AUTHORITY.

(1) *Purpose.* It is the purpose of this chapter to establish standards for the proper design, installation, location, construction, operation, use and maintenance of subsurface sewage treatment systems (SSTS) and individual sewage treatment systems (ISTS) in order to protect the public health, safety, and general welfare.

(2) *Applicability.* This chapter shall apply to those sites or facilities that are licensed, permitted, or otherwise regulated by the City of North Oaks. The provisions of this chapter shall apply to any premises in the city that are served by a subsurface sewage treatment system permitted by the Minnesota Pollution Control Agency.

(3) *Authority.* This chapter is adopted pursuant to the authorization and requirements contained in M.S. § 145A05, M.S. § 115.55, and Minnesota Rules Chapter 7082.

§ 51.02 GENERAL PROVISIONS.

(1) *Treatment Required.* All sewage generated in unsewered areas shall be treated and disbursed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.

(2) *Administration.* This chapter shall be administered by the City of North Oaks Building Department. The term *DEPARTMENT*, where used in this chapter, shall mean the City of North Oaks Building Department.

(3) *Compliance.* No person shall cause or permit the location, construction, alteration, extension, conversion, operation, or maintenance of a subsurface sewage treatment system, except in full compliance with the provisions of this chapter.

(4) *Conditions.* Violation of any condition imposed by the city on a license, permit, or variance issued under this chapter shall be deemed a violation of this chapter and subject to the penalty provisions set forth herein.

(5) *Site Evaluation, System Design, Construction, Inspection, and Servicing.* Site evaluation, system design, construction, inspection, and system servicing, shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of local governments or persons exempt from licensing in Minn. Rule 7083.0700.

a) At the time of subdivision, development, or redevelopment, the developer of each lot, which will not be serviced by municipal sanitary sewer, shall identify 2 sites, each 5,000 square feet in size, for the purpose of sewage treatment and dispersal. These sites, as identified by the developer, shall be protected from all future encroachment by any improvements, construction, or other activities that may result in compaction or disturbance of soil on the site, other than the installation of a sewage treatment system.

b) At least four (4) soil observations, and two (2) percolation tests, must be conducted to assure that suitable soil exists in each area for long-term treatment. At least one (1) soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.

(1) If two (2) or more different soil textures are present in the proposed treatment area, at least one (1) soil observation and one (1) percolation test shall be performed in each soil texture.

(6) *Inspection.* No part of an individual sewage treatment system shall be covered until it has been inspected and approved by the Department. If any part of the system is covered before being inspected and approved as provided herein, it shall be uncovered upon the direction of the Department. The Department shall cause such inspections as are necessary to determine compliance with this chapter. It shall be the responsibility of the permittee to notify the Department that the system is ready for inspection. If the integrity of the system is threatened by adverse weather if left open and the Department is unable to conduct an inspection, the permittee may, after receiving written permission from the Department, document compliance with this chapter by photographic means that show said compliance and submit that evidence to the Department prior to final approval being sought.

(7) *Sanitary Inspector.* The Sanitary Inspector is any individual licensed by the MPCA as an Inspector, who approves the design, grants permits, and inspects the installation and maintenance of subsurface sewage treatment systems for the City of North Oaks.

(8) *Compliance Inspection and Certificate of Compliance Required.* For all properties served by an SSTS, a compliance inspection and a Certificate of Compliance are required:

a) Prior to the issuance of a building permit when altering an existing structure to add a bedroom.

b) In Shoreland areas, prior to the issuance of a building permit that will result in increased lot coverage.

c) When a parcel having an existing system undergoes development, redevelopment, or subdivision.

(9) *Noncompliant Systems and Imminent Public Health Threat.*

a) The owner of an SSTS that poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the Department and be brought into compliance with this chapter in accordance with a schedule established by the Department, which schedule shall not exceed ten (10) months.

b) A Noncompliant system shall be brought into compliance within twenty four (24) months after receiving notice of noncompliance.

c) An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.

(10) *Septic Tank Maintenance.* The owner of a sewage tank, or tanks, shall regularly, but not less frequently than every two (2) years, engage a licensed Maintenance Business, who shall inspect the tank(s) in order to maintain the system in accordance with the procedures specified in MN Rules 7080.2450. Removal of septage shall include complete removal of scum and sludge. Maintenance reports, on forms approved by the Department, are required to be submitted to the City within thirty (30) days of servicing the system. A filing fee, as set by resolution, shall be required to be paid upon filing of the reports.

(11) *Variances.* Where conditions prevent the construction, alteration, and/or repair of a sewage treatment system in strict compliance with the requirements of this chapter, the property owner may apply for a variance following the procedures outlined in North Oaks City Code Sections 151.078 & 151.079.

(12) *Floodplain.* An SSTS shall not be located in a floodway or floodplain location within the flood fringe is permitted provided that the design complies with this chapter and all of the rules and statutes incorporated herein by reference.

(13) *Class Injection Wells.* All owners of a new or replacement SSTS that are considered to be Class V injection wells, as defined in C.F.R. Title 40, Part 144, are required by federal law to submit SSTS inventory information to the Environmental Protection Agency.

§ 51.03 STANDARDS **ADOPTED.**

(1) *Minnesota Rules Adopted.* Adopted and incorporated herein by reference is current M.S. §§ 115.55 *et seq.* and MN Rules, Chapters 7080 and 7081, as they may be amended from time to time, Subsurface Sewage Treatment Systems Program of the Minnesota Pollution Control Agency, and amendments thereto adopted subsequent to the effective date of this subchapter.

(2) *Rules Amended.* The Rules, adopted in division (1) above, are amended as follows:

a) *Compliance Inspection, 15 Percent Vertical Separation Reduction.* Minn. Rules 7080.1500, Subp. 4D, is amended to allow fifteen (15) percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to accountfor settling and variable interpretation of soil characteristics.

b) *Sewage Tanks.* Capacity sewage tanks shall meet the requirements of MN Rules, Chapter 7080.1930, as it may be amended from time to time, except the liquid capacity of septic tanks serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given below in Table I below.

TABLE I

Number of Bedrooms	Tank Liquid Capacities (Gallons)
4	2,500
5 or 6	3,000
7, 8, 9	4,000
10 or more	The septic tank shall be sized as another establishment; MN Rules, Chapter 7080.1930, as it may be amended from time to time, covers this detail.

c) *Design Flow.* Design flow shall be according to MN Rules Chapter 7080.1860 Table IV, except that all dwellings shall be considered Classification I, and no design shall be for less than 3 bedrooms. For multiple residential units, the estimated daily flow shall consist of the sum of the flows for each of the units.

d) *Setbacks.* Setbacks shall be according to MN Rules Chapter 7080.2150 Table VII, except that the setback distance for all tanks and treatment areas to property lines, wetlands and the nearest edge of any road easement shall be thirty (30) feet.

e) *Dosing of Effluent.* An alarm shall be installed on an electrical circuit separate from the pump to warn of pump failure. The dosing chamber shall be a separate tank.

(3) *Holding Tanks.* Holding tanks may only be allowed for replacement of an existing system where an SSTS cannot feasibly be installed and the Department finds extenuating circumstances.

(4) *System Abandonment.* An SSTS or any component thereof that is no longer intended to be used must be abandoned in accordance with the adopted standards of this chapter.

(5) *Type III and IV (Performance) Systems.* System Types I-IV are pursuant to Minn R. 7080.2200 through 7080.2400. Type III and IV systems may be installed provided that:

a) Type III systems may be installed where a Type I system cannot be feasibly installed.

b) Type IV systems may be installed on lots platted prior to the two 5,000 square foot site requirements referenced in Section 51.02(5)a), as a new or replacement system, where a Type I or III system cannot be installed; and, on all other lots , only as a replacement system where a Type I or III system cannot be installed.

c) Type IV systems are subject to an Operating Permit renewable every two (2) years.

d) In addition to the permit fees for system installations, the applicant shall reimburse the city for all costs incurred for the additional review and inspection services of the required Intermediate or Advanced Designer/Inspector. A minimum deposit of $500.00 towards these costs shall be made at the time of application.

§ 51.04 PERMITS.

(1) *Permit Required.* No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any SSTS without first obtaining a permit for such work from the Department.

a) All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing. Permit applications shall be submitted by the person doing the individual SSTS construction on forms approved by the Department and accompanied by required site and design data, and permit fees.

b) Permits shall only be issued to the person doing the individual sewage treatment system construction.

c) Permit applications for a new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.

d) Except for tank replacement, a permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components, or otherwise change the original system's design, layout, or function.

e) An As-Built Report complying with MN Rules Chapter 7080.2430, must be submitted to the City of North Oaks prior to obtaining a Certificate of Compliance for all new system installations.

(2) *Operating Permit.* An operating permit shall be required of all owners of new holding tanks, Type IV and V systems, MSTS, and other SSTS that the Department has determined require operational oversight.

a) Application for an operating permit shall be made on a form approved by the Department.

b) The owner of holding tanks installed after the effective date of this chapter shall provide the Department with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

§ 51.05 APPLICATION AND INTERPRETATION.

(1) Where the conditions imposed by any provision of this subchapter are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulations of any kind, then the regulations which are more restrictive or imposed higher standards or requirements shall prevail.

§ 51.06 VIOLATIONS AND PENALTIES.

(1) *Authority.* The Sanitary Inspector shall have the authority to conduct inspections of any individual sewage treatment system which may possibly be an imminent health threat or a nuisance and may conduct inspections of any individual sewage treatment system which may possibly be deemed Noncompliant.

a) The owner of any lot upon which the system is found to be an imminent health threat, a nuisance, or otherwise not in compliance with this subchapter, including maintenance/pumping requirements, shall be given written notice thereof.

b) After receipt of a notice thereof, it shall be the responsibility of the owner to correct the defects within the time period(s) provided in the notice.

(2) *Misdemeanor.* Any person who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during on which a violation occurs or continues. Penalty, see § 10.99

(3) *Civil action/injunctive relief.* In the event of a violation or a threat of violation of this chapter, the Department may institute appropriate civil or administration actions or proceedings, including actions seeking damaged, filing of a Notice of Interest, declaratory relief, or injunctive relief to prevent, restrain,correct, or abate such violations or threatened violations, and the City Attorney is authorized to institute such action.

(4) *Effective Date.* This chapter shall take effect and be in force upon publication

(5) *Repealed.* North Oaks Ordinance Chapter 50, Sections 50.01 through 50.21 is hereby repealed.

Adopted 8/13/2015.

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC AND PARKING REGULATIONS

CHAPTER 70: GENERAL PROVISIONS

Section

Snowmobiles and All-Terrain Vehicles

70.01 Definitions
70.02 Snowmobile registration
70.03 Operation; generally
70.04 Prohibited operation
70.05 Equipment
70.06 Unattended vehicle; parking
70.07 Killing of animals prohibited

SNOWMOBILES AND ALL-TERRAIN VEHICLES

§ 70.01 DEFINITIONS.

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

ALL-TERRAIN VEHICLES or ***ATV.*** Trail bikes, mini-bikes, mopeds, go cars, amphibious vehicles, and similar devices other than snowmobiles used at least partially for travel on natural terrain but not "special mobile equipment" as defined in M.S. § 168.011, Subd. 22, as it may be amended from time to time.

DEAD MAN THROTTLE or ***SAFETY THROTTLE.*** A device when pressure is from the engine accelerator or throttle, the motor is caused to be disengaged from the driving mechanism.

OPERATE. To ride in or on and control the operation of a snowmobile or ATV.

OPERATOR. Every person who operates or is in actual physical control of a snowmobile or ATV.

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

PERSON. An individual, partnership, corporation, the state, and its agencies and subdivisions, and any body of persons, whether incorporated or not.

SNOWMOBILE. A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

(Ord. 72, passed 11-6-1980; Am. Ord. passed 4-13-1995)

§ 70.02 SNOWMOBILE REGISTRATION.

No person shall operate any snowmobile within the City of North Oaks unless the snowmobile has been registered with the Commissioner of Natural Resources of the State of Minnesota in accordance with the laws of the State of Minnesota.
(Ord. 72, passed 11-6-1980; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 70.03 OPERATION; GENERALLY.

(A) No person shall operate a snowmobile or an all-terrain vehicle (ATV) upon the roadway, shoulder, outside bank, inside bank, or slope of any public or private road in the City of North Oaks.

(B) No person shall operate a snowmobile or an all-terrain vehicle (ATV) on the private property of another without the express permission of the owner or the person in control thereof.

(C) An all-terrain vehicle (ATV) licensed for highway use may be operated on the public streets and highways.

(D) (1) No snowmobile or an all-terrain vehicle (ATV) may be operated upon land or premises controlled by the City of North Oaks or the North Oaks Home Owners Association unless permission to do so is posted thereon.

(2) It is unlawful for the owner of a snowmobile or ATV to permit the snowmobile or ATV to be operated contrary to the provisions of this section. The violation itself shall be prima facie evidence of intent.
(Ord. 72, passed 11-6-1980; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 70.04 PROHIBITED OPERATION.

It is unlawful for any person to operate a snowmobile within the limits of the City of North Oaks:

(A) While under the influence of intoxicating liquor or narcotics or habit forming drugs;

(B) At a rate of speed in excess of 30 mph, except where surrounding circumstances dictate a more reduced speed;

(C) In a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto;

(D) Unless operation is between the hours of 7:00 a.m. and 10:00 p.m. Central Standard Time;

(E) If for the purpose of towing any person or thing, except through use of a rigid tow bar attached to the rear of the snowmobile;

(F) Within 100 feet of any playground, skating rink, or sliding area where the operation would conflict with the use or endanger other persons or property; and/or

(G) 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.
(Ord. 72, passed 11-6-1980; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 70.05 EQUIPMENT.

It is unlawful for any person to operate a snowmobile, unless it is equipped with the following:

(A) Standard mufflers which are properly attached and which reduce the noise of the operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, bypass, straight pipe, or similar device on a snowmobile or on an all-terrain vehicle motor;

(B) Brakes adequate to control the movement of and to stop and hold the snowmobile or all-terrain vehicle under any condition of operation

(C) A safety or so called dead man throttle in operating condition;

(D) At least 1 head lamp and 1 tail lamp in operating condition if the snowmobile is operated after dark; and

(E) Reflective material at least 16 square inches on each side, forward of the handlebars, or steering device of a snowmobile and at the highest practical point of any object, as to reflect light at a 90-degree angle.
(Ord. 72, passed 11-6-1980; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 70.06 UNATTENDED VEHICLE; PARKING.

It shall be unlawful to leave a snowmobile or all-terrain vehicle unattended on any publicly-owned property, other than in a designated parking area. Every person leaving a snowmobile or all-terrain vehicle in a designated parking area shall lock the ignition, remove the key, and take the same with them.
(Ord. 72, passed 11-6-1980; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 70.07 KILLING OF ANIMALS PROHIBITED.

It is unlawful to intentionally drive, chase, run over, or kill any animal with a snowmobile or all-terrain vehicle.
(Ord. 72, passed 11-6-1980; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

TRAFFIC AND PARKING REGULATIONS

Section

71.01 Definitions
71.02 Enforcement and obedience to traffic regulations
71.03 Traffic-control devices
71.04 Careless or reckless driving
71.05 Speed regulations
71.06 Operation of vehicles
71.07 Through, restricted, and one-way streets
71.08 Driver's license; vehicle registration
71.09 Equipment
71.10 Alcoholic beverages and narcotic drugs
71.11 Pedestrians
71.12 Parking
71.13 Bicycles
71.14 Injurious substances; blocking streets
71.15 Weight restrictions
71.16 Offenses
71.17 Negligence as a matter of law
71.18 Council's right to review acts of Mayor
71.19 Motorized golf carts
71.20 State Traffic Code

§ 71.01 DEFINITIONS.

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

CROSSWALK AREA. The portion of a roadway at an intersection, whether marked or unmarked, ordinarily included within the connections of the lateral lines of sidewalks or pedestrian walks or ways where there are no sidewalks on opposite sides of the streets measured from the curbs or in the absence of curbs from the edges of the traversable roadway.

DRIVER. Every person who drives or is in actual physical control of a motor vehicle.

MOTOR VEHICLE. Every vehicle which is self-propelled and includes those vehicles known as "motor bicycles," "motor scooters," and "go-carts."

POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations contained in this chapter and the laws of the State of Minnesota.

STREET or ***HIGHWAY.*** The entire width between the boundary lines of any place or way owned by the North Oaks Company, or any easement reserved from each conveyed tract in the City of North Oaks for use by the property owners and residents of the City of North Oaks or members of the North Oaks Golf Club and their respective assigns, licensees, guests, and invitees or any other way open to the public as a matter of right for the purpose of vehicular travel.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.

(B) Whenever any words and phrases used herein are not defined herein but are defined in the Minnesota laws regulating the operation of vehicles, that definition shall be deemed to apply to the words and phrases herein.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995)

§ 71.02 ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS.

(A) *State law penalty.* Where a specific or minimum fine or imprisonment is specified by the Highway Traffic Regulation Act, M.S. Chapter 169, as it may be amended from time to time, for an offense, that penalty shall apply to a person convicted of the same offense under this chapter.

(B) *Compliance.* No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by this Council with authority to direct, control, or regulate traffic.

(C) *County Sheriff.* The Sheriff of Ramsey County and his or her duly appointed deputies and any other police officer duly appointed as such by this Council are hereby vested with the authority to enforce within the City of North Oaks the traffic regulations set forth in this chapter and in the laws of the State of Minnesota.

(D) *Application of provisions.* The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, the State of Minnesota, and any county or other political subdivision, and it shall be unlawful for any driver to violate any of the provisions of this chapter except as are set forth as exemptions for authorized emergency vehicles.

(E) *Emergency vehicles.*

(1) The driver of an authorized emergency vehicle, when actually responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from a fire alarm, subject to the conditions herein stated, may:

(a) Park or stand, regardless of the provisions of this chapter or any official sign regulating parking;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limit; and

(d) Disregard regulations governing the direction of movement or turning in specified directions.

(2) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall the provisions protect the driver from the consequences of his or her reckless disregard for the safety of others.

(3) The exemptions granted herein shall apply only when the emergency vehicle is equipped

with at least 1 lighted red lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the driver is giving audible signal by siren.

(F) *Yield to emergency vehicles.* Upon the immediate approach of an authorized emergency vehicle making use of the specified audible and visual signals, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection, and shall stop and remain in this position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer, but the provisions of the previous subdivisions relative to due regard for the safety of others shall apply to the driver of the emergency vehicle.

(G) *Accidents.* The driver of and vehicle involved in an accident or collision shall comply with the provisions of Minnesota laws relative to the accidents or collisions and, if the occurrence results in injury to or death of any person, shall immediately, by the quickest means of communication, notify the office of the Sheriff of Ramsey County or any police officer duly appointed as such by this Council. (Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.03 TRAFFIC-CONTROL DEVICES.

(A) *Authority.* The Mayor shall cause to have placed and maintained traffic-control signs, signals, and devices when and as required under the traffic ordinance of this city to make effective the provisions of the ordinance and may have placed and maintained the additional traffic-control devices as he or she may deem necessary to regulate traffic under the traffic ordinance of this city or under Minnesota laws or to guide or warn traffic.

(B) *Specifications for traffic-control devices.*

(1) All traffic-control signs, signals, and devices shall conform to the manual and specifications adopted by the Commissioner of Highways.

(2) All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city.

(3) All traffic-control devices so erected and not inconsistent with the provisions of Minnesota law or this chapter shall be official traffic-control devices.

(C) *Obedience to official traffic-control devices.* The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(D) *Signs required for enforcement purposes.* Whenever a particular provision of this chapter does not state that signs are required, the section shall be effective even though no signs are erected or in place.

(E) *Unauthorized signs.*

(1) No person shall place, maintain, or display upon or in view of any street or highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles

an official traffic-control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device.

(2) Every prohibited sign, signal, or marking is hereby declared to be a public nuisance and the Mayor is hereby empowered to remove the same or cause it to be removed without notice.

(F) *Interference with signs.* No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any inscription, shield, or insignia thereon or any other part thereof.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.04 CARELESS OR RECKLESS DRIVING.

(A) No person shall operate or halt any vehicle within the City of North Oaks carelessly or heedlessly in disregard of the rights or safety of others or in a manner so as to endanger or be likely to endanger any person or property.

(B) Any person who drives any vehicle in a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving and that reckless driving is a misdemeanor.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.05 SPEED REGULATIONS.

(A) (1) No person shall drive a vehicle in the City of North Oaks at a speed greater than is reasonable and prudent under existing conditions and having regard to the actual and potential hazards then existing.

(2) In every event, speed shall be so restricted as may be necessary in order to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(B) (1) No person shall drive a vehicle in the City of North Oaks at a speed in excess of 30 mph on any street on which a different speed zone has not been established.

(2) On any street in the City of North Oaks where a speed zone other than 30 mph has been established and signs have been posted calling attention to the zone, no vehicle shall be driven at a speed greater than that indicated on the signs.

(C) (1) The City Council may by resolution determine that the maximum speed of 30 mph permitted herein is less on certain streets than is reasonable for the safe operation of vehicles thereon or is greater on certain streets than reasonable or safe under the conditions found to exist thereon.

(2) Having made such a determination, the Council may establish on those streets a different speed zone, and those streets and the speeds established thereon shall be listed in a schedule thereof to be kept by the City Clerk.

(3) The speed zones established in this manner shall be effective when signs are posted giving notice thereof.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.06 OPERATION OF VEHICLES.

(A) Upon all streets within the City of North Oaks of sufficient width, except upon 1-way streets, the driver of a vehicle shall drive the vehicle upon the right half of the roadway and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of the street, unless it is impracticable to do so and except when overtaking and passing.

(B) Except on a 1-way street, no vehicle shall be driven to the left side of the center of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the street where the driver's view along the street is obstructed within a distance of 700 feet;

(2) Within 100 feet of or while traversing any intersection; and

(3) Where official traffic-control devices are in place prohibiting passing or where there is a marked distinctive center line or center lines prohibiting passing or crossing to the left half of the roadway as declared in the manual of traffic-control devices adopted by the Commissioner of Highways.

(C) The following right-of-way rules shall apply in the City of North Oaks unless modified as elsewhere provided in this chapter.

(1) When 2 vehicles approach an uncontrolled intersection from different streets at approximately the same time, the driver on the left shall yield the right-of-way to the vehicle on the right.

(2) The driver of a vehicle intending to turn left at an intersection or off the street at any other place shall signal his or her intent and yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.

(3) The driver of any vehicle entering or crossing any street in the city shall yield the right-of-way to all vehicles approaching on the street so closely as to constitute an immediate hazard.

(4) The driver of any vehicle traveling at an unlawful speed or without required lighting shall forfeit any right-of-way which he or she might otherwise have under the terms of this chapter.

(D) When driving to the left of the center of the roadway in overtaking and passing as heretofore authorized, the following provisions shall apply.

(1) The left side must be clearly visible and free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be made completely without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(2) The overtaking vehicle must return to the right-hand side of the roadway before coming

within 100 feet of any vehicle approaching from the opposite direction.

(3) The overtaking vehicle shall pass at a safe distance to the left of the vehicle overtaken and shall not return to the right-hand side of the roadway until safely clear of the vehicle overtaken.

(4) The driver of the overtaken vehicle shall upon audible warning give way to the right and shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

(E) No person shall drive a vehicle at the slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(F) No person driving a motor vehicle shall follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles and the traffic upon and the conditions of the highway.

(G) (1) No person shall stop or turn a vehicle or change from 1 traffic lane to another unless the movement can be done with safety and without interfering with the normal flow of pedestrian and vehicle traffic.

(2) If any other vehicle may be affected, the intention to make stop, change of position, or turn shall be indicated by the driver in the manner set forth by state law.

(H) (1) The Mayor is hereby authorized to determine and designate which intersections drivers of vehicles may not make right, left, or U-turns and shall have proper signs posted at the intersections.

(2) The making of the turns may be prohibited at some hours and permitted at other hours of the day, in which event the signs shall plainly indicate the prohibited times.

(3) Whenever authorized signs are erected indicating that the above turns are not permitted, no driver of a vehicle shall disobey the directions of the signs. The intersections shall be listed in a schedule thereof to be kept by the City Clerk.

(I) Any school bus driver who has stopped his or her vehicle on a street of the city for the purpose of receiving or discharging any school child or children shall extend the stop signal arm of the bus and activate its flashing red signals and shall not withdraw the stop signal arm and extinguish the flashing red signals until all children have been safely received or discharged.

(J) The driver of any vehicle upon a street or highway of this city, upon meeting or overtaking from front or rear any school bus marked as required by law which has stopped on the street or highway for the purpose of discharging or receiving any school child or children, shall stop the vehicle immediately upon the extension of a stop signal arm and display flashing red signals by the school bus driver, and shall remain stopped until the school bus driver retracts the stop signal arm and extinguishes the flashing red signals.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.07 THROUGH, RESTRICTED, AND ONE-WAY STREETS.

(A) (1) The Mayor may designate any street as a through street and any intersection as a stop

intersection where the action is necessary to preserve a free flow of traffic and to prevent accidents.

(2) Having so designated a street or intersection, he or she shall have appropriate signs posted at the entrance to the streets and intersections.

(3) Every driver of a vehicle shall bring his or her vehicle to a full stop before entering any through street or stop intersection properly designated and posted as such.

(4) The driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard.

(5) The streets and intersections shall be listed in a schedule thereof to be kept by the City Clerk.

(B) (1) The Mayor is hereby authorized to determine and designate intersections where vehicles on one street shall yield the right-of-way to vehicles on another street at those intersections.

(2) In that event, he or she shall have yield signs posted at the entrance to the intersections.

(3) The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for existing conditions, or shall stop if necessary, and yield the right-of-way to any vehicle approaching on another street so closely as to constitute an immediate hazard and to any pedestrian legally crossing the street on which he or she is driving.

(4) The streets and intersections shall be listed in a schedule thereof to be kept by the City Clerk.

(C) (1) The Mayor may designate any street as a 1-way street, in which event he or she shall have signs giving notice thereof posted and maintained at every intersection.

(2) Upon those streets so designated as 1-way streets, vehicular traffic shall move only in the direction indicated by the signs which have been so posted and maintained at every intersection, and movement in the opposite direction is forbidden.

(3) The streets shall be listed in a schedule thereof to be kept by the City Clerk.

(D) (1) The Mayor may from time to time designate any street or part thereof a play street and place appropriate signs or devices in the roadway indicating and helping to protect the streets.

(2) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a motor vehicle upon any such street or portion thereof, except drivers having business or whose residences are within the closed areas; and those authorized drivers entering the designated play street shall exercise the greatest of care in driving on the play street.

(3) The street or parts thereof shall be listed in a schedule to be kept by the City Clerk.

(4) Notwithstanding any other provision of this chapter, when any street or part thereof has been designated as a play street, the Mayor may upon application authorize the use of the streets or parts thereof by motor vehicles of a type known as go-carts and when so authorized the use of the play streets shall be lawful.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed

12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.08 DRIVER'S LICENSE; VEHICLE REGISTRATION.

(A) No person shall drive or operate a motor vehicle upon any street in the City of North Oaks without having in his or her possession a driver's license or chauffeur's license valid under the provisions of Minnesota law.

(B) No person shall drive or operate a motor vehicle in the City of North Oaks which is not properly registered as required by the laws of this state and does not display in the manner required by law the number plates for the current year only as assigned to it by the Registrar of Motor Vehicles.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.09 EQUIPMENT.

(A) No person shall drive or operate a motor vehicle on any street in the city unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise; and no person shall use a muffler cut-out, by pass, or similar device on a motor vehicle upon any street in the city. The exhaust system shall not emit or produce a sharp popping or crackling sound and shall be kept in the state of repair as to prevent carbon monoxide from entering the interior of vehicle.

(B) No person shall drive or operate upon any streets in the city a motor vehicle which is not equipped with, in good working condition, lighting equipment, windshield wipers, rear vision mirrors, horn, front and rear bumpers, and brakes as required by the Highway Traffic Regulation Act of Minnesota.

(C) Headlamps and rear lamps on motor vehicles shall be lighted at all times when the vehicle is operated upon the streets of the city from 1/2 hour after sunset until 1/2 hour before sunrise and, at any other time when there is not sufficient light to render persons and vehicles clearly discernible, 500 feet ahead upon the street except that when a vehicle is stopped or parked upon the street during those hours parking lights shall be lighted.

(D) Every school bus shall be equipped with a stop signal arm and flashing red signals of a legal type which shall be used only when the school bus is stopped on a street or highway for the purpose of receiving and discharging any school child or children.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.10 ALCOHOLIC BEVERAGES AND NARCOTIC DRUGS.

(A) The provisions of M.S. Ch. 169A, as it may be amended from time to time, are hereby incorporated in and made a part of this chapter as completely as if set out here in full.

(B) No person shall drink or consume intoxicating liquors or 3.2% malt liquors in any motor vehicle when the vehicle is upon the streets of the city. No person shall have in his or her possession or on his or her person in a motor vehicle upon the streets of the city any bottle or receptacle containing liquor which has been opened, the seal broken or the contents of which have been partly removed, unless the bottle or receptacle shall be kept in the trunk of a motor vehicle equipped with a trunk, or in some other area of the vehicle not normally occupied by the driver or passenger if the motor vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.11 PEDESTRIANS.

(A) When traffic at intersections is not controlled, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to yield, to a pedestrian crossing the roadway within a crosswalk area when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger; but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(B) When any vehicle is stopped at an intersection or pedestrian crossing to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(C) At any point other than a crosswalk area at an intersection, pedestrians shall yield the right-of-way to motor vehicles; but this shall not relieve the driver of a vehicle of the duty to exercise due care to avoid colliding with any pedestrian upon any roadway and to give warning by sounding the horn when necessary and to exercise proper precaution upon observing any child or any confused or incapacitated person upon the street.

(D) No person shall stand upon the traveled portion of a street or highway for the purpose of soliciting a ride from the driver of a private vehicle.

(E) Pedestrians walking along or upon a street or highway shall walk near the left side of the street or highway, giving way to oncoming traffic.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.12 PARKING.

(A) Except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or a traffic-control device, no person shall stop, stand, or park a vehicle upon the traveled portion of any street in the city other than as closely as is practical to the right-hand edge or curb of the street, and unless there is left available at least 10 feet of the width of the traveled portion of the street for the free movement of vehicular traffic. In no case shall the stopping,

standing, or parking of a vehicle be allowed unless the street opposite the vehicle is clear of any other vehicle stopped, standing, or parked and, in no event, shall the stopping, standing, or parking be permitted for more than 10 hours, whether consecutive or not, on any day of the year or for more than 2 hours between the hours of 2:00 a.m. and 6:00 a.m.

(B) The Mayor is hereby authorized to post official signs indicating no parking upon either or both side of any street when he or she has determined that the parking would interfere with traffic or create a hazardous situation, and when the official signs are in place no person shall park a vehicle in violation of the signs. The locations shall be listed in a schedule thereof to be kept by the City Clerk.

(C) No person shall stop, stand, or park a vehicle upon the traveled portion of any street in the city during the times and in the manner as to interfere with snow plowing and snow removal operations.

(D) No person shall stop, stand, or park a vehicle 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 following places:

(1) In front of any driveway giving access to and egress from a street;

(2) Within any intersections;

(3) Within 30 feet upon the approach to any official traffic-control device sign or signal located at the side of the street;

(4) On the roadway side of any vehicle stopped or parked at the edge or curb of a street; or

(5) At any place where official signs prohibit stopping, standing, or parking.

(E) The prohibition against parking on the streets of this city contained herein shall not apply to the driver of any vehicle which is disabled while on the street to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position. Any wrecked or damaged vehicle on a street shall be removed therefrom without reasonable delay and pending removal shall be guarded during the period when lights are prescribed with proper lights, equal in intensity to ordinary parking lights or by red flares.

(F) In addition to the penalties provided for violations of this chapter, any vehicle left stopped, standing, or parked unattended in violation of divisions (B), (C), (D), and (E) above, or in violation of division (A) above so as to constitute a definite hazard or obstruction to the normal movement of traffic, may be removed by the police from the street to an area of safety nearby. Any towing fees or storage charges involved in the removal shall be paid by the owner of the vehicle prior to its release to him.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.13 BICYCLES.

(A) *Rights and duties.* Every person riding a bicycle upon a street in the city shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state or by the traffic ordinance of this city, except as to special regulations in this chapter and except as to those provisions which by their nature can have no application.

(B) *Riding.* A person propelling a bicycle, motorcycle, motor bike, or motor scooter shall not ride other than astride a permanent and regular seat attached thereto; and no bicycle, motorcycle, motor bike, or motor scooter shall be used to carry more persons at 1 time than the number for which it is designed and equipped. No person riding upon any bicycle, motorcycle, motor bike, or motor scooter, coaster, toboggan, sled, toy vehicle, skis, or skates or similar device shall attach himself or herself to or hitch a ride on any vehicle upon a street.

(C) *Other provisions.*

(1) Every person riding a bicycle upon a street shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or when being passed by 1 proceeding in the same direction.

(2) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(3) No person shall operate a bicycle while carrying a package or bundle or article which prevents him or her from keeping at least 1 hand upon the handle bars.

(4) Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles unless otherwise directed by a police officer.

(5) Every bicycle when used at night shall be equipped with lights required by state law for bicycles and with reflectors as follows:

(a) With an essentially colorless front-facing reflector, and essentially colorless or amber pedal reflectors, and a red rear-facing reflector;

(b) With reflective tire sidewalls or, alternatively, reflectors mounted on the spokes of each wheel which shall be visible on each side of each wheel; and

(c) The mounting placement and reflectance values of these required reflectors shall be as prescribed in § 1512.16 of the regulations of the United States Consumer Product Safety Commission.

(D) *Parents and guardians.* The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter relative to bicycles.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.14 INJURIOUS SUBSTANCES; BLOCKING STREETS.

(A) No person shall throw or deposit glass, metal garbage, tin cans, or similar substances upon any street or highway in the city.

(B) Any person removing a damaged or wrecked vehicle from a street shall remove any glass or other injurious substance dropped upon the street from the vehicle.

(C) No person shall deposit or place any matter or thing upon the street which will be a hazard

to traffic and will or might cause damage or injury to any vehicle or person encountering or colliding with the matter or thing. This provision shall not apply to any person placing any authorized traffic-control device or barrier in the street to regulate, guide, or warn traffic.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.15 WEIGHT RESTRICTIONS.

(A) The Mayor shall determine and establish weight restrictions for vehicles traveling or traversing any of the streets and highways within the city whenever the streets or highways, because of climatic or other conditions, will be seriously damaged unless the permissible weights of vehicles thereon be reduced. Upon the determination and establishment, the Mayor shall have appropriate signs posted and maintained at all entrances to the city indicating maximum permissible weights. Whenever the signs are so posted and maintained, no person shall drive or operate any vehicle or combination of vehicles weighing in excess of the maximum permissible weight upon any of the streets or highways within the city.

(B) Upon application and good cause being shown therefor, the Mayor may issue a special permit which shall be in writing, authorizing the driver or operator of any vehicle or combination of vehicles which weigh in excess of maximum permissible weights to operate the vehicles on the streets and highways of this city. The permit shall be conditioned upon the giving of security in sufficient amount to compensate for any injury or damage to any street or highway caused by the operation of the vehicle or combination of vehicles thereon.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995)

§ 71.16 OFFENSES.

(A) Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be a misdemeanor, whether individually or in conjunction with 1 or more other persons or as principal, agent, or accessory shall be guilty of the offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter is likewise guilty of the offense.

(B) It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.17 NEGLIGENCE AS A MATTER OF LAW.

In all civil actions, a violation of any of the provisions of this chapter by either or any of the parties to the action or actions shall be negligence as a matter of law.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.18 COUNCIL'S RIGHT TO REVIEW ACTS OF MAYOR.

The Council may review and thereafter by resolution amend, modify, or repeal any act or acts done by the Mayor pursuant to authority delegated to him or her by this chapter. However, any such act or acts of the Mayor shall have full force and effect of law without need for ratification and shall be enforced as such until the time as amended, modified, or repealed by the Council. The action, as amended, modified or repealed by the City Council will remain in effect and may not be modified by the Mayor there after.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995; Am Ord. passed 8-11-2016) Penalty, see § 10.99.

§ 71.19 MOTORIZED GOLF CARTS.

(A) In order that motorized golf carts and golf course maintenance equipment, including but not limited to ATV's, UTV's and lawn mowing vehicles, may traverse the golf course maintained in the city by the North Oaks Golf Club, the Mayor, or in his absence the Councilmember acting as Police Commissioner, may designate places where the golf carts and golf course maintenance equipment may cross private roads within the city or may travel short distances on the roads. The Mayor, or Police Commissioner, may direct the marking of these areas by stripes or signs. The City Clerk shall keep a written record of the directions given by the Mayor, the record being available at all times during the normal business hours of the office of the City Clerk.

(B) Motorized golf carts shall be authorized within the subdivision of Rapp Farms by signed permit only. The permit must be available for inspection upon request by law enforcement by anyone operating a golf cart within the Rapp Farms subdivision. The City Administrator shall develop permit requirements which may be modified by the City Council from time to time.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995; Am. Ord. passed 12-08-2016) Penalty, see § 10.99.

§ 71.20 STATE TRAFFIC CODE.

(A) The regulatory provisions of M.S. Ch. 169 and 171, as they may be amended from time to time, are adopted as a traffic ordinance regulating the use of highways, streets, and alleys within the city and are hereby incorporated in and made part of this chapter as completely as if set out herein in full, except as herein provided.

(B) The following sections of M.S. Ch. 169 and 171, as they may be amended from time to time, are not incorporated as a part of this chapter: M.S. §§ 169.06 (1-3), 169.09 (9), 169.10, 169.11, 169.66, 169.78, 169.87, and 171.04.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. ALARM SYSTEMS

92. STREETS AND SIDEWALKS

93. HEALTH AND SAFETY; NUISANCES

CHAPTER 90: ANIMALS

Section

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90.26 Effective date

§ 90.01 INTENTIONAL FEEDING OF WILD ANIMALS.

(A) Feeding Prohibited. Except as provided in this Section, no person may intentionally feed wild animals within the City. Intentional feeding means the provision of any grain, fruit, vegetables, nuts, salt licks, or any other food that attracts wild animals. "Wild animal" means an animal not domesticated or tamed. Living food sources such as trees and other live vegetation are not considered as food for wild animals.

(B) The provisions of Section (A) above do not apply to:

(1) Feeding Songbirds. The feeding of songbirds provided:

(a) Feeding is done from a bird feeder that is designed to discourage other wild animals from feeding and is placed at least five feet from the ground;

(b) Songbird feeding does not attract songbirds or other wild animals in numbers that constitute a nuisance or damage property; and

(c) Songbird feeding occurs on private property owned or controlled by the person responsible for the feeder.

(d) Feeding programs or efforts undertaken by or under the auspices of the Minnesota Department of Natural Resources or other programs or efforts undertaken with the express written permission or invitation of the City Council.

(e) The employees or agents of the City, County, State, Federal Government or veterinarians who in the course of their official duties have wild animals in their custody or under their management.

(f) Any food placed upon the property for the purpose of entrapping or otherwise taking wild animals where the trapping or taking is pursuant to a permit issued by the Minnesota Department of Natural Resources.

(g) Any feeding of animals located in the Agricultural Zoned properties.

(h) Any feeding of domesticated wild exotic animals which either have been licensed by the City or are at all times kept within an enclosed structure.

§ 90.02 CONDUCT OF A DEER MANAGEMENT PROGRAM WITHIN THE CITY.

(A) No person shall obstruct or interfere with the city's authorized deer management program or threaten, intimidate, obstruct, or interfere with any authorized city employee or agent in implementing the authorized deer management program.

(B) No person shall touch, damage, manipulate, disengage, make inoperative, or otherwise tamper with a deer trap or other deer removal equipment or material which is being used as part of the city's authorized deer management program.

(C) No person shall be within 100 feet of a deer trap or other deer removal equipment or material being used as part of the city's authorized deer management program, unless the person is on land which he or she owns or has the express permission of the city, the city's authorized agent, or the owner of the property where the trap or removal equipment or material is located.

(D) No person shall enter any area which the city has closed to the public as part of the city's authorized deer management program if the city has provided notice of the closure by conspicuously posted signs or other reasonable means.
(Ord. 88, passed 8-14-1997) Penalty, see § 10.99

§ 90.03 VIOLATIONS.

(A) Any person, firm or corporation who violates any provision of 90.01 shall upon conviction, be guilty of a petty misdemeanor.

(1) The penalty which may be imposed for the first offense is a fine of not more than One Hundred Dollars ($100.00).

(2) For a second offense, a fine of not more than Two Hundred Dollars ($200.00).

(3) For a third offense, and each subsequent offense, a fine of not more than Three Hundred Dollars ($300.00).

(4) The General Penalties set forth in § 10.99 of this Code will not apply to violation of § 90.01.

(B) Any person, firm or corporation who violates any provision of 90.02 is subject to the penalties set forth in § 10.99 of this Code.

(C) In addition to the penalties described in this section, if the penalties described are ineffective, the City of North Oaks may bring an action to enjoin any violation of the Chapter. In the event that the City neglects or refuses to bring an action within thirty (30) days of demand by an aggrieved party, any resident or group of residents of the City of North Oaks may bring the action. In the event that an injunction is granted, the plaintiff or plaintiffs bringing the action will be entitled to recover costs, disbursements, and witness fees actually incurred, together with attorney's fees not to exceed $2,000.

§ 90.04 EFFECTIVE DATE.

This subchapter shall take effect and be in force upon its passage and official publication.
(Ord. 88, passed 8-14-1997; Am. Ord. 10-11-2012)

LICENSING, VACCINATION, AND CONTROL OF DOMESTIC ANIMALS

§ 90.15 DEFINITIONS.

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

ANIMAL. Any animal kept by an owner in the city, such as, but not limited to, dogs and cats.

ANIMAL SHELTER. Any premises designated by the City Council for the purpose of impounding and caring for animals held under the authority of this subchapter. It may or may not be located within the city limits.

CONTROL. Any animal shall be deemed to be under control if it is on the premises of its owner; on the premises of another owner of property with the property owner's permission; if on a leash held by a person able to physically restrain the animal; or if suitably trained to respond to audible or other signals and accompanied by a person within the range of trained response when on public or easement property.

EASEMENT. Any street, roadway, bridle path, park, recreation property, or unplatted land where residents have been granted access rights by deed covenant, joint ownership, or blanket permission for use by residents of the city or any geographical subdivision of the city.

OFFICER. Any law enforcement officer of the city or county and any person, firm, partnership, or corporation designated by the Mayor or City Council to assist in the enforcement of this subchapter.

OWNER. Any person, firm, partnership, or corporation owning, harboring, or keeping any animal or animals.

POUNDMASTER. A person, firm, partnership, or corporation appointed by the Mayor to act as set forth in § 90.21. ***POUNDMASTER*** includes assistants appointed by the Poundmaster and employees of the Poundmaster. The ***POUNDMASTER*** may or may not operate the Animal Shelter.

PUBLIC NUISANCE. Any animal is hereby declared a ***PUBLIC NUISANCE***:

(1) Where without provocation or justification has at any time bitten or otherwise injured any person;

(2) Which without provocation has injured or destroyed other domestic animals or wildlife protected by law on more than 1 occasion;

(3) Which without provocation, on more than 2 occasions:

(a) Barks, yowls, cries or makes other loud noises in such a manner as to cause annoyances to residents of the city or their guests;

(b) Chases horses, automobiles, bicycles, or other vehicles; or

(c) Attacks (without injuring), chases, impedes the progress of, barks, rushes, or growls at humans, except when the animal is on the property of its owner.

(4) Whose owner has been convicted of violation of § 90.17 more than twice on account of the animal being out of control.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

§ 90.16 PROHIBITION OF PUBLIC NUISANCE ANIMALS AND FEMALE DOGS IN SEASON.

It shall be unlawful for an owner, or the owner's parents or guardians if the owner is under 18 years of age, to keep in the city:

(A) An animal that is a public nuisance, as defined herein; or

(B) To keep an unspayed female dog when it is in heat or season, unless the unspayed female dog is at all times confined within the house or residence and its biological odor is effectively neutralized by chemical or other means.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.17 ANIMALS NOT UNDER CONTROL.

If an animal is not under control as defined in § 90.15, the owner shall be in violation hereof.

(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.18 NUMBER OF ANIMALS.

(A) No owner shall keep more than 3 animals of the same species within the city, but this shall not apply to animals less than 6 months of age.

(B) If there is more than 1 owner resident in the same household, whether related or not, the total number of animals of each species owned by residents of the household shall be, and hereby is, limited to 3.

(C) If there are more than 3, then each owner shall be considered in violation of this subchapter until the total number of animals of the same species within the household is reduced to 3.

(D) Notwithstanding this section, it shall be a violation of this section to continue to keep animals within the city that were being kept at the effective date of this subchapter, provided, however, that in determining the maximum number of animals of 1 species being kept in the city, those animals being kept in the city on the effective date of this subchapter shall be counted to determine if animals acquired and/or kept after the effective date of this subchapter exceed the maximum.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.19 LICENSE REQUIRED.

(A) No dog or cat over 6 months of age shall be kept within the city, unless a license therefor is secured, except a dog or cat need not be licensed until kept in the city over 30 days.

(B) Applications for a license shall be made to the City Clerk and a license form shall be completed, which shall set forth:

(1) The name, address, and telephone number of the owner;

(2) The name, address, and telephone number of the person making the application if other than the owner;

(3) The breed, sex, and age of the animal; and

(4) A certificate of vaccination, including the vaccine batch number, and showing the sex of the dog or cat, and whether it has been spayed, neutered, or otherwise sterilized, from a doctor of veterinary medicine qualified to practice the medicine in the state in which the vaccination took place. No license shall be issued to any person other than the owner, except upon request in writing by the owner.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.20 REQUIREMENTS FOR LICENSE.

(A) (1) A license for a dog or cat shall be valid for a period of 2 years commencing March 1 and expiring March 1 of the second year; and except as hereinafter provided, shall be issued only upon completion of the application and payment of the applicable following fee.

(2) Applications shall be filed with the City Clerk after January 1 and before March 1 of the year of license application.

(3) A penalty for late application shall be imposed on every application submitted after March 1 at the rate of $2 for each calendar month or part of a month beginning March 1, except that no late fee shall be charged if the application is being filed because the dog or cat has reached the age of 6 months or because the owner became a resident of the city or acquired an animal with 30 days of application.

(B) No license shall be granted for a dog or cat which has not been vaccinated against rabies within 6 months of the application by a doctor of veterinary medicine qualified to practice in the state in which the animal was vaccinated, however, to obtain a license for a portion of the 2-year period, a certificate which will not be over 2½ years old at the beginning of the next licensing period may be presented.

(C) A license shall be issued only upon payment of the applicable fee from the following schedule.

(1) For each male dog, spayed female dog, female dog under 1 year of age, and male or female cat:

(a) Two-year license - $10; and

(b) One-year license - $5.

(2) For each unsterilized female dog over 1 year of age:

(a) Two-year license - $15;

(b) One-year license - $7.50; and

(c) New tag or license to replace lost tag or license - $2.

(D) (1) Upon issuance of a license, the City Clerk shall provide the owner with a tag or suitable material containing the identifying number and year of issuance, along with a written license certificate.

(2) The City Clerk shall keep and maintain an accurate record of identifying numbers which shall be open to public inspection.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

§ 90.21 ENFORCEMENT.

(A) (1) Any officer, or the Poundmaster upon the direction of an officer, may take up and impound in the Animal Shelter any animal whenever there is reasonable cause to believe the animal is being kept by an owner, or is, in violation of this subchapter, or that the animal is rabid or diseased or that it is exhibiting the conduct that it is a possible menace to the public.

(2) To enforce this subchapter, the Poundmaster or an officer may use the force as is reasonably necessary and may enter upon private premises whenever necessary.

(3) If the animal is a dog, the fact it is without a current license attached to a collar or other harness shall be presumptive evidence that an animal is in violation of this subchapter.

(B) (1) If a charge or complaint by a citizen is filed with the clerk of the appropriate court against an owner in violation of this subchapter, the person bringing the charges may apply to the court for an order stating that there are reasonable grounds for impounding the animal complained of pending trial of the charge and ordering the Poundmaster or an officer to pick up and impound the animal.

(2) Copies of the petition and affidavit, if any, must be served on the owner who shall have an opportunity to respond by affidavit.

(C) (1) As soon as possible after impounding an animal, the Poundmaster shall give oral notice followed by written confirmation to its owner and the City Clerk if the owner is known from the license tag number or otherwise.

(2) In case the owner is unknown, the Poundmaster shall post notice on the official City Bulletin Board and notify the City Clerk.

(D) (1) To claim an impounded animal, the owner must obtain a current license from the city of his or her residence; determine if the animal is officially charged with violation of this subchapter, and if a complaint has been filed with the Clerk of the appropriate court by a private citizen, obtain a release from the court; and pay all costs of taking and impounding the animal.

(2) The owner may petition the court for an order for release of the animal before disposition of the charge or complaint.

(3) Any facts or evidence the owner wishes to present to demonstrate the public would not be harmed if the animal is released to the owner shall be put in an affidavit and filed with the petition.

(4) The City Attorney shall be served with a copy of the petition and affidavit, if any, and shall be given the opportunity to respond by affidavit prior to the court rendering its order.

(E) Any animal that is not claimed after a 5-day period from actual notification and whose owner is not known to be in the process of redemption of the animal from impoundment, may be sold for not less than the costs involved in picking up and boarding the animal, to anyone desiring to license and maintain the animal or destroyed, except that animals who are the subject of a complaint relating to animals of vicious habits must await the court's determination.

(F) Whenever a law enforcement officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to the residents of the city or their guests because it is infected with rabies or is clearly uncontrollable and vicious in its nature toward humans, the officer, after reasonable attempts to impound the animal, may summarily destroy it.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

§ 90.22 REPORTING OF VIOLATIONS.

(A) If a person observes an owner, or an owner's animal, acting in such a manner as to cause a violation of this subchapter, the person may either bring a formal complaint in the appropriate court against the owner of the animal or, short of that, may send to the City Clerk a report of the conduct.

(B) The report shall be filed with the City Clerk in duplicate and contain the full name and address of the person making the report, the specific acts observed by the person that he or she alleges to be in violation of this subchapter, and a statement as to whether the person would be willing be testify if a complaint were brought at a future time.

(C) Any time a complaint is filed in the appropriate court alleging a violation of this subchapter, the City Attorney shall inquire of the City Clerk as to whether reports are on file about the complained

of animal, or its owner, and may utilize the reports in assembling evidence and witnesses to conduct the prosecution of the complaint.

(D) The report itself shall not be admissible in any manner or form in any court of law.

(E) Upon receipt of the report, the Clerk shall send a copy to the owner.

(F) The owner shall have the right to file an explanatory report which, again, shall be available only for the purpose of compiling evidence and shall not be admissible in any manner or form in any court of law.

(G) The City Clerk shall keep a file of these reports and explanatory reports and shall make it available to any resident of the city during normal City Clerk office hours.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

§ 90.23 OWNER OBLIGATION FOR PROPER CARE.

No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the elements, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, treat cruelly, torment, or otherwise abuse any animal, or cause or permit any animal fights. No person shall abandon an animal within the city limits.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.24 QUARANTINE OF CERTAIN ANIMALS.

Any dog or cat, or any other animal, that bites a person shall be quarantined immediately and released only on the direction of the City Health Officer. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Health Officer, the confinement may be on the premises of the owner or in the Animal Shelter or other suitable place of containment such as a kennel or veterinary office at the owner's expense.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.25 NAME TAGS.

Owners of dogs are responsible for having the dog wear at all times the city license tag and either a separate tag or plate containing the owner's name and address, or the same information indelibly inscribed on the license tag.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 90.26 EFFECTIVE DATE.

This subchapter shall be in force and effect after its publication according to law.
(Ord. 62, passed 3-13-1975; Am. Ord. passed 11-12-1981; Am. Ord. passed 4-13-1995)

CHAPTER 91: ALARM SYSTEMS

Section

91.01 Purpose
91.02 Definitions
91.03 False alarm reports
91.04 User fees
91.05 Notice
91.06 Appeal
91.07 Collection of delinquent fees
91.08 Excessive alarm report
91.09 Confidentiality
91.10 Prohibited alarm systems
91.11 Effective date

§ 91.01 PURPOSE.

The purpose of this chapter is to ensure the availability of the city's public safety services for appropriate public safety needs and to encourage alarm users to adequately maintain and utilize alarm systems.
(Ord. 80, passed 7-12-1990)

§ 91.02 DEFINITIONS.

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

ALARM SYSTEM. An alarm installation designed to be used for the prevention or detection of burglary, robbery, or fire and located in or on a building, structure, or facility.

ALARM USER. The legal entity in control of any building, structure, or facility wherein or whereon an alarm system is located.

FALSE ALARM. An alarm signal eliciting a response by personnel of the city's law enforcement agency when a situation requiring a response does not, in fact, exist, and which is caused by the activation of an alarm system through mechanical failure, movement, alarm malfunction, improper installation, or the inadvertence of the alarm user or its employees, family, or agents. A ***FALSE ALARM*** does not include an alarm 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 user.

LAW ENFORCEMENT AGENCY. An agency or a person designated by the City Council.
(Ord. 80, passed 7-12-1990)

§ 91.03 FALSE ALARM REPORTS.

The City Council shall cause the law enforcement agency to report all false alarms occurring within the city. The report shall include the identification of the alarm user and the date, time, and location of the false alarm and also shall include the probable cause of the false alarm.
(Ord. 80, passed 7-12-1990)

§ 91.04 USER FEES.

(A) *Generally.* An alarm user whose alarm system has resulted in the reporting of 3 or more false alarms shall be charged the following user fees.

(B) *User fees.*

(1) If a third false alarm has been reported within 365 consecutive days from the first false alarm, the user fee shall be in an amount set by City Council from time to time.

(2) If 4 through 6 false alarms have been reported within 365 consecutive days, the user fee shall be in an amount set by City Council from time to time for each such false alarm.

(3) If more than 6 false alarms have been reported within 365 consecutive days, the user fee shall be in an amount set by City Council from time to time for each such false alarm within 365 consecutive days.
(Ord. 80, passed 7-12-1990)

§ 91.05 NOTICE.

(A) Upon notice of the first false alarm report for a particular alarm system, the city shall notify the alarm user by mail that a false alarm has been reported.

(B) The notice shall include a copy of the city's false alarm regulations.

(C) Upon notice of the second false alarm report for the alarm system, the city shall mail a copy of the notice to the alarm user.

(D) Upon receipt of the third and subsequent false alarm reports for a particular alarm system, the city shall notify the alarm user by mail that, within 10 days of the date of the city's notice, the appropriate user fee must be paid to the city or the alarm user must file a written notice of appeal with the city.
(Ord. 80, passed 7-12-1990)

§ 91.06 APPEAL.

(A) User fees or false alarm determinations which have been appealed shall be reviewed by the Police Commissioner, and a determination upon the appeal shall be made within a reasonable time following the notice of appeal.

(B) If the alarm user is not satisfied with the results of the appeal, the alarm user must file a written notice of appeal with the City Council within 10 days following the date of the notice of determination by the Police Commissioner.

(C) If the alarm user is not present when the Council reviews the appeal, the city shall notify the alarm user, by mail, of the result of the Council's review.

(D) User fees, as determined by the city, shall be paid within 10 days of the date of the city's notice of the Council's determination.
(Ord. 80, passed 7-12-1990)

§ 91.07 COLLECTION OF DELINQUENT FEES.

If payment of the user fee is not made within the time required by §§ 91.05 or 91.06, the alarm user shall be subjected to a late payment fee in an amount set by City Council from time to time. In addition, if the city is forced to institute collection procedures to collect user fees, the alarm user shall be responsible for all costs of collection, plus actual attorney's fees incurred.
(Ord. 80, passed 7-12-1990)

§ 91.08 EXCESSIVE ALARM REPORT.

(A) When the operation of an alarm system has resulted in 5 or more false alarms within 365 days, the city shall request the alarm user to provide the city with a written report indicating the actions taken or to be taken by the alarm user to discover and eliminate the cause of the false alarms.

(B) Failure to submit the written report within the time limits provided by the city shall be considered a violation of this chapter.
(Ord. 80, passed 7-12-1990) Penalty, see § 10.99

§ 91.09 CONFIDENTIALITY.

All information submitted in compliance with this chapter shall be held in confidence and shall be deemed a confidential report exempt from discovery to the extent permitted by law. Subject to the requirements of confidentiality, the city shall develop and maintain statistics for the purpose of ongoing alarm system evaluation.
(Ord. 80, passed 7-12-1990)

§ 91.10 PROHIBITED ALARM SYSTEMS.

Every audible alarm system located in or on a building, structure, or facility within the city must be of the type that will automatically reset itself within no more than 15 minutes after having been activated. A violation of this section shall be punishable by a fine of in an amount set by City Council from time to time.
(Ord. 80, passed 7-12-1990) Penalty, see § 10.99

§ 91.11 EFFECTIVE DATE.

This chapter shall take effect and be in force on and after 8-1-1990.
(Ord. 80, passed 7-12-1990)

CHAPTER 92: STREETS AND SIDEWALKS

Section

Residence Numbering; Mailboxes; Newspaper Receptacles

92.01 Residence numbering
92.02 Mailboxes
92.03 Newspaper receptacles
92.04 Effective date

§ 92.01 RESIDENCE NUMBERING.

In order to improve the response time of fire and emergency service providers within the City, each residential property in the City must have the address number posted, using reflectorized numbers not less than 3 1/2 inches high and with a stroke width of letters of half an inch, as follows:

(A) On each side of the mailbox, if the mailbox is within 30 feet from the entrance to the driveway; and

(B) If the mailbox is more than thirty (30) feet from the entrance to the driveway, the address must be posted within thirty (30) feet of the entrance on a free standing post type fixture that is not more than a 4 x 4 dimension and that displays the reflectorized numbers at a height of at least fifty (50) inches.

(C) Compliance

(a) On the effective date of this ordinance, property signed and posted in substantial compliance with Section 505 of the 2006 International Fire Code, and property that is signed and posted in a manner that plainly and legibly identifies the house from the street or road serving the house are exempt from the requirements of this ordinance.

(b) To qualify for the exemption described in (a), and before July 1st, 2011, a property owner must obtain written approval of the City Emergency Manager, or his or her designee, whose decision may be appealed to the City Council.

(Ord. 65-A, passed 10-14-1993; Am. Ord 4-14-2011) Penalty, see § 10.99

§ 92.02 MAILBOXES.

(A) Mailboxes shall be positioned so that the front edge of the box is perpendicular to and directly above the edge of the hard surface shoulder or roadway so that the bottom surface of the box shall be

from 45 inches to 48 inches above the road surface.

(B) The vertical support shall be positioned at least 2 feet back from the edge of the hard surface shoulder or roadway.
(Ord. 65-A, passed 10-14-1993) Penalty, see § 10.99

§ 92.03 NEWSPAPER RECEPTACLES.

Newspaper delivery receptacles shall be located either in the vertical support or within 18 inches of mailboxes and must be positioned so that the front opening thereof does not protrude beyond the front edge of the mailbox.
(Ord. 65-A, passed 10-14-1993) Penalty, see § 10.99

§ 92.04 EFFECTIVE DATE.

This subchapter shall take effect and be in force after its passage and official publication.
(Ord. 65-A, passed 10-14-1993)

CHAPTER 93: HEALTH AND SAFETY; NUISANCES

Section

Refuse, Garbage and Waste Material

93.01 Refuse/waste material/garbage to be deposited in metal garbage can or container
93.02 Definitions
93.03 No pile or collection or gathering of refuse/waste materials and the like
93.04 Refuse/waste material/garbage not to be placed adjacent to any road/street in city, exception
93.05 Refuse/waste material/garbage permitted adjacent to road/street in city
93.06 Notice and continuation of violation
93.07 Application to residential property

Fires

93.20 Fires prohibited

Shade Tree Diseases

93.30 Title
93.31 Declaration of policy
93.32 Forester
93.33 Shade tree disease control program
93.34 Nuisances declared
93.35 Inspection and investigation
93.36 Abatement of shade tree disease nuisances
93.37 Procedure for removal of infected trees and wood
93.38 Transporting elm wood and oak wilt tree disease wood prohibited
93.39 Interference prohibited

93.99 Penalty

REFUSE, GARBAGE AND WASTE MATERIAL

§ 93.01 REFUSE/WASTE MATERIAL/GARBAGE TO BE DEPOSITED IN METAL GARBAGE CAN OR CONTAINER.

No person, firm or corporation shall drop, throw, or deposit or cause to be dropped, thrown or deposited any garbage, rubbish or waste material upon, along or adjacent to any road, recreational area, vacant property or occupied property, or upon any waters or land lying within the village except and unless such material be deposited in a suitable metal garbage can or like container.
(Ord. 5, passed 4-11-1957) Penalty, see § 93.99

§ 93.02 DEFINITIONS

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

GARBAGE. Includes every accumulation of animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials.

REFUSE. Means all solid waste products or those having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, offal, animals excreta, or the carcass of animals; tree or shrub trimmings; grass clippings, brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structure; accumulated waste materials, cans, containers, tires, junk, or other such substance which may become a nuisance.

RUBBISH. Includes wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden ware, printed matter, paper, paper board, paste board, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term ***GARBAGE***.

SWILL. Includes that particular garbage which is wholly or nearly edible and usable as a food and has food value for animals or fowl, accumulating from animal, vegetable or other.

WASTE MATTER. Includes waste matter composed of soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal and all other noncombustible material which has been or is to be discarded.
(Ord. 5, passed 4-11-1957)

§ 93.03 NO PILE OR COLLECTION OR GATHERING OF REFUSE/WASTE MATERIALS AND THE LIKE.

No person, firm or corporation shall maintain or cause or allow to be maintained upon any land (whether owned by such person or not) or water lying within the city any accumulation, pile, collection or gathering of garbage, rubbish, refuse, or other waste material, or noxious substance, except and unless such materials are enclosed in metal or plastic garbage cans or like containers and are retained therein only temporarily awaiting collection, transportation or disposition outside the city.

(Ord. 5, passed 4-11-1957) Penalty, see § 93.99

§ 93.04 REFUSE/WASTE MATERIAL/GARBAGE NOT TO BE PLACED ADJACENT TO ANY ROAD/STREET IN CITY, EXCEPTION.

(A) No such refuse, waste material or garbage whether or not contained in a plastic bag, metal or plastic can, or cart shall be placed or deposited on or adjacent to any road or street in the city, or in such a location where such refuse, waste material or garbage can be seen from any road or street within the city.

(B) It shall not be a violation of this subchapter where such refuse, waste material or garbage, which is contained in a plastic bag, metal or plastic can, or cart, is placed within 20 feet of a residential or garage structure on the day that such refuse, waste material or garbage is to be collected.
(Ord. 5, passed 4-11-1957)

§ 93.05 REFUSE/WASTE MATERIAL/GARBAGE PERMITTED ADJACENT TO ROAD/STREET IN CITY.

It shall not be a violation of this subchapter to place such refuse, waste material or garbage adjacent to any road or street within the city during the hours of 6:00 a.m. and 6:00 p.m. on the day that such refuse, waste material or garbage is to be collected. Provided, however, that such refuse waste material or garbage, other than recyclable materials, must be contained in 1 or more metal or plastic cans, not exceeding 30 gallons in size and with lids securely in place. Such metal or plastic cans shall not be automatically emptied by a means of a mechanical contrivance or device.
(Ord. 5, passed 4-11-1957)

§ 93.06 NOTICE AND CONTINUATION OF VIOLATION .

In the event the City Council or its duly authorized representative notifies in writing any person, firm or corporation that a condition exists which causes such person, firm or corporation to be in violation of this subchapter, each day of the continued existence of such condition commencing with the third day following the date of mailing of such written notification shall constitute a separate violation.
(Ord. 5, passed 4-11-1957)

§ 93.07 APPLICATION TO RESIDENTIAL PROPERTY.

This subchapter shall apply only to residential property within the City of North Oaks.
(Ord. 5, passed 4-11-1957)

FIRES

§ 93.20 FIRES PROHIBITED.

(A) No person shall start a fire at any place outside a building, within the city of North Oaks at any time that conditions are such that a fire hazard may exist.

(B) Such conditions, under which there may be a fire hazard, shall be deemed to exist when a determination to that effect is made by the Mayor, and signs with respect thereto are placed in at least 2 locations adjacent to the boundaries of the village. The Mayor is hereby authorized to make such determination.

(C) No person shall commence a fire which is outside of a building and which is not prohibited by this ordinance, unless there is in constant attendance at such fire a person of suitable age, discretion, and capability to extinguish such fire, and unless there is immediately available means to totally extinguish the fire.
(Ord. 17, passed 4-9-1959) Penalty, see § 93.99

SHADE TREE DISEASES

§ 93.30 TITLE.

This subchapter shall hereafter be known, cited and referred to as the Shade Tree Disease Ordinance, except as referred to herein, where it shall be known as this subchapter.
(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.31 DECLARATION OF POLICY.

1. The City Council finds that the justifications for the Shade Tree Disease Regulations are:
   - A. Necessary and desirable for preserving the character of the North Oaks Community; and
   - B. The loss of large numbers of oak, elm and ash trees would depreciate the value of property in the City of North Oaks and impair the safety, good order, general welfare and convenience of the public; and
   - C. Loss of oak, elm and ash trees over a short time period would impose financial hardship on property owners to replace them all at once; and
   - D. It is the intention of the City Council to control and prevent as much as possible the spread of these diseases.

(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.32 FORESTER.

(A) The position of Forester (tree inspector) is hereby created within the city to carry out the provisions of M.S. § 18.023, as it may be amended from time to time, and his or her powers and duties as set forth in this subchapter are hereby conferred on the City Clerk.

(B) It is the duty of the Forester to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch Elm disease, Oak Wilt disease and Emerald Ash Borer (EAB) disease. He or she shall recommend to the Council the details of the program for the control of such diseases, and perform the duties incident to such a program adopted by the Council.
(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.33 SHADE TREE DISEASE CONTROL PROGRAM.

(A) It is the intention of the City Council to conduct a program of plant pest control pursuant to the authority granted by M.S. § 18.023, as it may be amended from time to time.

(B) This program is directed specifically at the control of Dutch Elm disease, Oak Wilt disease and Emerald Ash Borer (EAB) disease. The City Forester shall direct the shade tree disease control program and be the contact between the Commissioner of Agriculture and the Council.

(C) The Emerald Ash Borer (EAB) Management Plan is hereby adopted as part of this Ordinance.
(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.34 NUISANCES DECLARED.

(A) The following things are public nuisances, whenever they may be found within the city:

(1) Any elm tree infected with Dutch Elm disease, any oak tree infected with Oak Wilt disease and any ash tree infected with Emerald Ash Borer (EAB) disease;

(2) Any diseased elm or red oak tree or part thereof, including branches, stumps and firewood or other material from which the bark has not been removed;

(3) Any dead oak tree and part thereof which has been dead for less than 1 year;

(4) Any elm tree and part thereof infested by elm bark beetles.

(B) It is unlawful for any person to permit any public nuisance, as defined in division (A) to remain on any premises owned or controlled by him or her within the city. Such nuisances may be abated in the manner prescribed by this subchapter.
(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013) Penalty, see § 93.99

§ 93.35 INSPECTION AND INVESTIGATION.

(A) The Forester shall inspect all premises and places within the city to determine whether any condition described in § 93.34 exists thereon. This inspection shall be done in accordance with the Minnesota Department of Agriculture Rules AGR 106 or as often as necessary. He or she shall investigate all reports of the existence of nuisances described in said § 93.35.

(B) The Forester, or his or her duly authorized agents, may enter upon private premises at any

reasonable time for the purpose of carrying out any of the duties assigned him or her under this subchapter.

(C) The Forester may, upon finding conditions indicating Dutch Elm disease, Oak Wilt disease infection, or Emerald Ash Borer (EAB) disease send appropriate samples to the State Shade Tree Disease Laboratory for diagnosis or follow diagnostic recommendations of the Commissioner of Agriculture.
(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.36 ABATEMENT OF SHADE TREE DISEASE NUISANCES.

In abating the nuisances defined in § 93.34, the Forester shall cause the removed tree or wood to be effectively treated so as to destroy and prevent, as fully as possible, the spread of the diseases. Such abatement procedures shall be carried out in accordance with methods prescribed by the Commissioner of Agriculture.
(Ord. 67, passed 4-14-1977)

§ 93.37 PROCEDURE FOR REMOVAL OF INFECTED TREES AND WOOD.

(A) Whenever the Forester finds with reasonable certainty that any of the conditions defined in § 93.34 exists in any tree or wood in any public or private place in the city, he or she shall proceed as follows:

(1) The City Clerk shall notify the property owner by mail that the nuisance must be abated within a specified time, not more than 20 days from the date of mailing such notice.

(2) In cases of non-compliance by the property owner within the period specified by the notice, the City Clerk shall immediately abate the nuisance by using municipal labor or by contracting for such services, and shall report such action to the Council. The City Clerk shall bill the owner of private property for the costs incurred for abating such nuisance, together with an administrative fee to be set by the Council.

(B) The City Clerk shall keep a record of trees removed and the cost of all abatements done under this section and shall report monthly to the City Council all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amounts chargeable to each.

(C) On or before September 1 of each year the City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this subchapter. The City Council may then charge all or any portion of such charges together with an administrative fee to be set by the Council against the property involved as a special assessment under M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the county auditor with collection in the following year with that year's current taxes.
(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013)

§ 93.38 TRANSPORTING ELM WOOD, OAK WILT DISEASED WOOD AND EMERALD ASH BORER DISEASED WOOD PROHIBITED.

It is unlawful for any person to transport within the city any bark-bearing or oak wilt diseased wood without having obtained a permit from the Forester. The Forester shall grant such permits only in conformity with the state approved removal and wood disposal practices.
(Ord. 67, passed 4-14-1977, Am. Ord. passed 10-10-2013) Penalty, see § 93.99

§ 93.39 INTERFERENCE PROHIBITED.

It is unlawful for any person to prevent, delay or interfere with the Forester or his or her agents while they are engaged in the performance of duties imposed by this subchapter.
(Ord. 67, passed 4-14-1977) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person violating any provision of §§ 93.01 through 93.07 shall be guilty of a misdemeanor, punishable by a fine not to exceed $700 or by imprisonment for a period not exceeding 30 days or both.
(Ord. 5, passed 4-11-1957)

(B) The violation of any provision of § 93.20 shall be a penal offense. Any person violating the provisions of § 93.20 shall be punished by a fine not to exceed $700 or by imprisonment for a period not exceeding 90 days or both.
(Ord. 17, passed 4-9-1959)

(C) Any person, firm, organization or corporation violating any of the provisions of §§ 93.30 through 93.39 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $700 or imprisonment for not more than 90 days, or both.
(Ord. 67, passed 4-14-1977)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. TOBACCO REGULATIONS

111. ALCOHOLIC BEVERAGES

112. GENERAL LICENSING PROVISIONS

113. THERAPEUTIC MASSAGE

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CHAPTER 110: TOBACCO REGULATIONS

Section

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§ 110.01 PURPOSE.

This chapter is intended to regulate the sale, dispensing, possession, and use of tobacco, tobacco products, and tobacco-related devices for the purpose of enforcing and furthering existing laws and to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco-related devices.
(Ord. 92, passed 8-13-1998)

§ 110.02 DEFINITIONS AND INTERPRETATIONS.

(A) Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice versa. The term ***SHALL*** means mandatory and the term ***MAY*** means permissive.

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

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

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

LOOSIES. The common term used to refer to a single or individually packaged cigarette.

MINOR. Any natural person who has not yet reached the age of 18 years.

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

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

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

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

TOBACCO or ***TOBACCO PRODUCTS.*** Any substance or item containing tobacco leaf, including, but not limited to: cigarettes; cigars; pipe tobacco; snuff; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco;

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

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

VENDING MACHINE. Any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco-related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to obtain the tobacco, tobacco product, or tobacco-related device.
(Ord. 92, passed 8-13-1998)

§ 110.03 LICENSE.

(A) *Generally.* No person shall sell, dispense, or offer to sell or dispense any tobacco, tobacco products, or tobacco-related device without first having obtained a license to do so from the city.

(B) *Application.*

(1) An application for a license to sell and dispense tobacco, tobacco products, or tobacco-related devices shall be made on a form provided by the city.

(2) The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary.

(3) Upon receipt of a completed application, the City Clerk shall forward the application to the Council for action at its next regularly scheduled Council meeting.

(4) If the Clerk shall determine that an application is incomplete, the Clerk shall return the application to the applicant with notice of the information necessary to make the application complete.

(C) *Action.*

(1) The Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary.

(2) If the Council shall approve the license, the Clerk shall issue the license to the applicant.

(3) If the Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the Council's decision.

(D) *Term.* All licenses issued under this chapter shall be valid for 1 calendar year from January 1.

(E) *Revocation or suspension.* Any license issued under this chapter may be revoked or suspended as provided in this chapter.

(F) *Transfers.*

(1) All licenses issued under this chapter shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued.

(2) No transfer of any license to another location or person shall be valid without the prior approval of the Council.

(G) *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this chapter.

(H) *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(I) *Renewals.* The renewal of a license issued under this chapter shall be handled in the same manner as the original application.
(Ord. 92, passed 8-13-1998) Penalty, see § 110.99

§ 110.04 FEES.

No license shall be issued under this chapter until the appropriate license fee shall be paid in full. The fee for a license under this chapter shall be $100 and shall be prorated at $8.50 per month for applications for less than a 1-year period.
(Ord. 92, passed 8-13-1998)

§ 110.05 BASIS FOR DENIAL OF LICENSE.

(A) *Generally.*

(1) The following shall be grounds for denying the issuance or renewal of a license under this chapter; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license.

(2) If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section.

(B) *Grounds for denying issuance or renewal.*

(1) The applicant is under the age of 18 years.

(2) The applicant has been convicted within the past 5 years of any violation of a federal, state, or local law, ordinance, or other regulation relating to tobacco, or tobacco products, or tobacco-related devices.

(3) The applicant has had a license to sell or dispense tobacco, tobacco products, or tobacco-related devices revoked within the 12 months preceding the date of application.

(4) The applicant fails to meet any requirement in this chapter or fails to provide any information required on the application, or provides false or misleading information.

(5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation, from holding such a license.
(Ord. 92, passed 8-13-1998)

§ 110.06 PROHIBITED SALES.

It shall be a violation of this chapter for any person to sell, offer to sell, or dispense any tobacco, tobacco product, or tobacco-related device:

(A) To any person under the age of 18 years;

(B) By means of any type of vending machine, except as may otherwise be provided in this chapter;

(C) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco product, or tobacco-related device and such that there is not a physical exchange of the tobacco, tobacco product, or tobacco-related device between the licensee or the licensee's employee, and the customer;

(D) By means of loosies, as defined in § 110.02;

(E) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process; and/or

(F) By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance, or other regulation.
(Ord. 92, passed 8-13-1998) Penalty, see § 110.99

§ 110.07 VENDING MACHINES.

It shall be unlawful for any person licensed under this chapter to allow the sale or dispensing of tobacco, tobacco products, or tobacco-related devices by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.
(Ord. 92, passed 8-13-1998) Penalty, see § 110.99

§ 110.08 SELF-SERVICE SALES.

(A) It shall be unlawful for a licensee under this chapter to allow the sale or dispensing of tobacco, tobacco products, or tobacco-related devices by any means whereby the customer may have access to the items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, or the tobacco-related device between the licensee or the licensee's employee and the customer.

(B) All tobacco, tobacco products, and tobacco-related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

(C) Any licensee selling or dispensing tobacco, tobacco products, or tobacco-related devices at the time this chapter is adopted shall comply with this section within 60 days following the effective date of this chapter.
(Ord. 92, passed 8-13-1998) Penalty, see § 110.99

§ 110.09 RESPONSIBILITY.

(A) All licensees under this chapter shall be responsible for the actions of their employees in regard to the sale or dispensing of tobacco, tobacco products, and tobacco-related devices on the licensed premises, and the sale or dispensing of such an item by an employee shall be considered a sale or dispensing by the license holder.

(B) Nothing in this section shall be construed as prohibiting the city from also subjecting the employee to whatever penalties are appropriate under this chapter, state or federal law, or other applicable law or regulation.
(Ord. 92, passed 8-13-1998)

§ 110.10 COMPLIANCE CHECKS AND INSPECTIONS.

(A) All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours.

(B) From time to me, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years but less than 18 years, to enter the licensed premises to attempt to purchase or obtain tobacco, tobacco products, or tobacco-related devices.

(C) Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel.

(D) Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco-related devices when the items are obtained as a part of the compliance check.

(E) No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or the licensee's employee and shall produce any identification, if any exists, for which he or she is asked.

(F) Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law. (State law now mandates at least 1 unannounced compliance check per year for each licensed premises.)
(Ord. 92, passed 8-13-1998) Penalty, see § 110.99

§ 110.11 OTHER ILLEGAL ACTS.

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

(A) For any person to sell, dispense, or otherwise provide any tobacco, tobacco product, or tobacco-related device to any minor;

(B) For any minor to have in his or her possession any tobacco, tobacco product, or tobacco-related device. This division (B) shall not apply to minors lawfully involved in a compliance check;

(C) For any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco-related device;

(D) For any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco-related device, and it shall be a violation of this chapter for any person to purchase or otherwise obtain any such item on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco-related device. This division (D) shall not apply to minors lawfully involved in a compliance check; and

(E) For any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.
(Ord. 92, passed 8-13-1998) Penalty, see § 110.99

§ 110.12 VIOLATIONS.

(A) *Notice.* Upon discovery of a suspected violation of this chapter, the person alleged to have violated this chapter shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the person of his or her right to be heard on the accusation.

(B) *Hearings.* If a person accused of violating this chapter so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused person.

(C) *Hearing officer.* The City Council shall serve as the hearing officer.

(D) *Decision.* If the hearing officer determines that a violation of this chapter did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under § 110.99, shall be recorded in writing, a copy of which shall be provided to the accused person. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, the findings shall be recorded and a copy provided to the previously accused person who shall then be considered acquitted.

(E) *Appeals.* Appeals of any decision made by the hearing officer shall be filed in the District Court for Ramsey County, Minnesota.

(F) *Misdemeanor prosecution.*

(1) Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this chapter.

(2) If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

(G) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
(Ord. 92, passed 8-13-1998) Penalty, see § 110.99

§ 110.13 EXCEPTIONS AND DEFENSES.

Nothing in this chapter shall prevent the providing of tobacco, tobacco products, or tobacco-related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony.
(Ord. 92, passed 8-13-1998)

§ 110.14 EFFECTIVE DATE.

This chapter becomes effective upon its passage and publication according to law.
(Ord. 92, passed 8-13-1998)

§ 110.99 PENALTY.

(A) *Licensees.* Any licensee found to have violated this chapter, or whose employee shall have violated this chapter, shall be charged an administrative fine of $75 for a first violation of this chapter; $200 for a second violation at the same licensed premise s within a 24-month period; and $250 for a third and each subsequent violation at the same premises within a 24-month period. In addition, after the third violation, the license shall be suspended for not less than 7 days.

(B) *Other persons.* Persons other than minors regulated by division (C) below and licensees found to be in violation of this chapter shall be charged an administrative fee of $50.

(C) *Minor.* Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco-related devices, shall be referred to the Northwest Youth and Family Services diversion program.

(D) *Misdemeanor.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this chapter in addition to any other penalty which may be imposed.
(Ord. 92, passed 8-13-1998)
Cross-reference:
General penalty, see § 10.99

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

Intoxicating Liquor and 3.2% Malt Liquor

111.01 Provisions of state law adopted
111.02 Intoxicating liquor license required
111.03 3.2% malt liquor license
111.04 Application for license
111.05 License fees
111.06 Granting of licenses
111.07 Persons ineligible for license
111.08 Conditions of license
111.09 Suspension and revocation
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INTOXICATING LIQUOR AND 3.2% MALT LIQUOR

§ 111.01 PROVISIONS OF STATE LAW ADOPTED.

The provisions of M.S. Chapter 340A, as it may be amended from time to time, relating to the definition of terms, licensing, consumption, sale, financial responsibility of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor and 3.2% malt liquor are adopted and made a part of this subchapter as if fully set out in full herein.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992)

§ 111.02 INTOXICATING LIQUOR LICENSE REQUIRED.

(A) *General requirement.* No person shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor without a license to do so as provided in this subchapter. Liquor licenses shall be of 5 kinds: "on-sale," temporary "on-sale," "on-sale" wine, "off-sale," and club licenses.

(B) *On-sale licenses.* On-sale intoxicating liquor licenses shall be issued only to hotels, clubs, bowling centers, and restaurants and shall permit on-sale of liquor only.

(C) *On-sale wine licenses.* On-sale wine licenses shall be issued only to restaurants meeting the qualifications of M.S. § 340A.404, Subdivision 5, as it may be amended from time to time, and shall permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

(D) *Temporary on-sale licenses.* Subject to the approval of the Commissioner of Public Safety, temporary on-sale licenses shall be issued only to clubs or charitable, religious, or other nonprofit organizations in existence for at least 3 years. A temporary license authorizes the on-sale of intoxicating liquor in connection with a social event within the city sponsored by the licensee and subject to restrictions imposed by the State Liquor Act.

(E) *Off-sale licenses.* Off-sale intoxicating liquor licenses shall be issued only to exclusive liquor stores.

(F) *Special club licenses.* Special club licenses shall be issued only to incorporated clubs or congressionally chartered veterans organizations which have been in existence at least 3 years and meet the qualifications of M.S. § 340A.101, Subd. 7, as it may be amended from time to time.

(G) *Special license for Sunday sales.* A special license authorizing sales of intoxicating liquor on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant, or club which has facilities for serving at least 30 guests at 1 time, and which has an on-sale license. A special Sunday license is not needed for Sunday sales by wine licensees.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992) Penalty, see § 10.99

§ 111.03 3.2% MALT LIQUOR LICENSE.

(A) On-sale and off-sale 3.2% malt liquor licenses may be issued to any business eligible for that license under state law.

(B) Licenses for the sale of 3.2% malt liquor, whether on-sale or off-sale, may be issued in any combination and in the numbers as may be permitted by state law and, where otherwise not provided, in the numbers as the governing body shall determine.

(C) The sale of 3.2% malt liquor, whether on-sale or off-sale, shall be permitted during the hours and on the days as authorized by state law.

(D) Any person licensed to sell intoxicating liquor at on-sale shall not be required to obtain an on-sale license to sell 3.2% malt liquor and may sell the same at on-sale without further license.

(E) Any person licensed to sell intoxicating liquor at off-sale shall not be required to obtain an off-sale license to sell 3.2% malt liquor and may sell the same at off-sale without further license.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992) Penalty, see § 10.99

§ 111.04 APPLICATION FOR LICENSE.

(A) *Form.* Every application for a license to sell intoxicating liquor, 3.2% malt liquor, or wine shall state the name of the applicant, his or her age, representations as to his or her character, his or her citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he or she has been in that business at that place, and the other information as the Council may require from time to time. In addition to containing the information, the application shall be in the form prescribed by the Bureau of Criminal Apprehension and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

(B) *Financial responsibility.*

(1) No retail license may be issued, maintained, or renewed unless the applicant demonstrates proof of financial responsibility as required in M.S. § 340A.409, as it may be amended from time to time, with regard to liability under M.S. § 340A.801, as it may be amended from time to time. The proof shall be submitted to the Commissioner of Public Safety.

(2) The security offered shall be approved by the City Council. Operation of a licensed business without having on file with the city at all times effective security is a cause for revocation of the license.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992)

§ 111.05 LICENSE FEES.

(A) *Fees.* The annual fee shall be for an on-sale intoxicating liquor license; for an on-sale wine license; for an off-sale intoxicating liquor license; for an on-sale 3.2% malt liquor license; and, for a special club license shall be in an amount set by Council from time to time. The fee for a temporary on-sale intoxicating liquor or on-sale 3.2% malt liquor license shall be set by the Council at the time the application is approved.

(B) *Payment.* Each application for a license shall be accompanied by a receipt from the City Clerk for payment in full of the license fee and the fixed investigation fee, if any, required under § 111.06. All fees shall be paid into the general fund. If an application for a license is rejected, the Clerk shall refund the amount paid as the license fee.

(C) *Term; pro rata fee.* Each license shall be issued for a period of 1 year, except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as 1 month. Every license shall expire on the last day of December.

(D) *Refunds.* No refund of any fee shall be made except as authorized by Minnesota Statutes.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992)

§ 111.06 GRANTING OF LICENSES.

(A) *Preliminary investigation.*

(1) On an initial application for an on-sale license and on application for transfer of an existing on-sale license, the applicant shall pay with his or her application an investigation fee of $100 and the city shall conduct a preliminary background and financial investigation of the applicant.

(2) The application in the case shall be made on a form prescribed by the State Bureau of Criminal Apprehension and with the additional information as the Council may require.

(3) If the Council deems it in the public interest to have an investigation made on a particular application for renewal of an on-sale license, it shall so determine.

(4) In any case, if the Council determines that a comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation itself or contract with the Bureau of Criminal Investigation for the investigation.

(5) No license shall be issued, transferred, or renewed if the results show to the satisfaction of the Council that issuance would not be in the public interest.

(B) *Hearing and issuance.*

(1) The City Council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to division (A) above.

(2) Opportunity shall be given to any person to be heard for or against the granting of the license.

(3) After the investigation and hearing, the Council shall, in its discretion, grant or refuse the application.

(4) No on-sale wine license or off-sale intoxicating liquor license shall become effective until it has been approved by the Commissioner of Public Safety.

(C) *Person and premises licensed; transfer.*

(1) Each license shall be issued only to the applicant and for the premises described in the application.

(2) No license may be transferred to another person or place without City Council approval.

(3) Any transfer of stock of a corporate licensee is deemed a transfer of the license, and a transfer of stock without prior Council approval is a ground for revocation of the license.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992)

§ 111.07 PERSONS INELIGIBLE FOR LICENSE.

No license shall be granted to any person made ineligible for such a license by state law. No more than 1 intoxicating liquor license shall be directly or indirectly issued within the city to any 1 person.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992)

§ 111.08 CONDITIONS OF LICENSE.

(A) *In general.* Every license is subject to the conditions in this section and all other provisions of this subchapter and of any other applicable ordinance, state law, or regulation.

(B) *Insurance.* Compliance with financial responsibility requirements of state law and of this subchapter is a continuing condition of any license granted pursuant to this subchapter.

(C) *Licensee's responsibility.* Every licensee is responsible for the conduct in the licensed establishment, and any sale of alcoholic beverages by any employee authorized to sell the beverages in the establishment is the act of the licensee.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992) Penalty, see § 10.99

§ 111.09 SUSPENSION AND REVOCATION.

(A) The Council shall either suspend for up to 60 days or revoke any retail license, or impose a civil fine not to exceed an amount set by Council from time to time, for each violation upon a finding that the licensee has failed to comply with an applicable statute, regulation, or ordinance relating to alcoholic beverages.

(B) Except in cases of failure of financial responsibility required by M.S. § 340A.409, as it may be amended from time to time, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing under M.S. §§ 14.57 to 14.70 of the Administrative Procedure Act, as they may be amended from time to time.

(C) Lapse of required insurance or bond, or withdrawal of a required deposit of cash or securities required by M.S. § 340A.409, as it may be amended from time to time, shall effect an immediate suspension of any license issued pursuant to this subchapter without further action by the City Council.

(D) Notice of cancellation, lapse of a current liquor liability policy or bond, or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the license.

(E) The holder of a license who has received notice of lapse of required insurance or bond, or withdrawal of a required deposit, or of suspension or revocation of a license, may request a hearing thereon and if the request is made in writing to the Clerk a hearing shall be granted within 10 days or such longer period as may be requested.

(F) Any suspension under this paragraph shall continue until the City Council determines that the financial responsibility requirements of this subchapter have again been met.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992)

§ 111.10 EFFECTIVE DATE.

This subchapter becomes effective upon its passage and publication according to law.
(Ord. 81, passed 7-22-1991; Am. Ord. passed 9-10-1992)

CHAPTER 112: GENERAL LICENSING PROVISIONS

Section

112.01 License required
112.02 Application
112.03 Fees
112.04 Issuance of licenses; temporary licenses
112.05 Expiration
112.06 Minimum qualifications
112.07 Revocation or suspension
112.08 Period of suspension
112.09 Revocation upon violations
112.10 Insurance

112.99 Penalty

§ 112.01 LICENSE REQUIRED.

Before any person shall engage in the business of performing any of the work listed below in this section within the City of North Oaks, whether as a contractor, employee, or independent contractor, such person shall first obtain a license to do so as hereinafter provided:

(A) General construction, including alteration or repair of any structure, where such work is deemed commercial in nature and not within the exclusive licensing authority of the State of Minnesota.

(B) Mechanical contracting work, including installation, alteration or repair of any heating, ventilation, air conditioning, refrigeration or wood burning system or appliance.

(C) Tree trimming, tree removal, tree stump removal, tree maintenance or tree disease prevention. (Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005) Penalty, see § 112.99

§ 112.02 APPLICATION.

Application for licenses required by § 112.01 above shall be filed with the City Administrator on forms provided by the city.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005)

§ 112.03 FEES.

The fee for a license granted under § 112.01 above shall be established annually by the city. The fee shall be an annual fee which is not prorated regardless of when the license is granted or renewed.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005)

§ 112.04 ISSUANCE OF LICENSES; TEMPORARY LICENSES.

All licenses shall be issued by the City Administrator after approval by the City Council. A temporary license may be issued by the City Administrator with the approval of the Mayor, which approval shall be at the Mayor's sole discretion, to be effective only until the next regular City Council meeting is held.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005)

§ 112.05 EXPIRATION.

All licenses shall expire on the thirty-first day of December following the date of issuance, unless sooner revoked or forfeited.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005)

§ 112.06 MINIMUM QUALIFICATIONS.

No license shall be issued to an applicant for work which is also licensed by the State of Minnesota unless such applicant already possesses the license required by the State of Minnesota. No license shall be issued for the work described at § 112.01(C) unless the person (or a person in such person's employ who is supervising the work) is an ISA Certified Arborist or such person attends an annual workshop by the City Forester which addresses tree, shrub and other woody plant maintenance and removal practices.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005) Penalty, see § 112.99

§ 112.07 REVOCATION OR SUSPENSION.

The City Council may suspend or revoke the license of any person whose work is found to be improper, defective or so unsafe as to jeopardize life or property. The licensee shall be given 20-days' written notice by certified mail, return receipt requested, and granted the opportunity to be heard before such action is taken. If such notice is sent to the address of the licensee that appears on the application for license, and the person fails or refuses to appear at said hearing, then the license will be automatically suspended or revoked 5 days after the date of hearing.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005)

§ 112.08 PERIOD OF SUSPENSION.

When a license is suspended, the period of suspension shall be as determined by the City Council.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005)

§ 112.09 REVOCATION UPON VIOLATIONS.

When any licensee has been convicted for the second time by a court of competent jurisdiction for violation of any city ordinance, then the City Council shall revoke the license of the person so convicted. Such person may not make application for a new license for a minimum period of 1 year after revocation.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005)

§ 112.10 INSURANCE.

Any person applying for a license shall file with the application a certificate of insurance provided by an insurance company authorized to do business in the State of Minnesota with coverage and for amounts required by the city. Such insurance certificate shall indicate that the insurance coverage will not be changed or cancelled without at least 10-days' prior written notice to the city. Receipt by the city of notice that such insurance coverage will be cancelled or changed so as not to meet the minimum requirements established by the city will result in the license being suspended until evidence that the required insurance coverage is in force; provided, however, if such evidence of insurance coverage is not provided within 30 days after the city's receipt of the notice of cancellation or change, then the license shall automatically be deemed revoked and terminated.
(Ord. 42, passed 10-15-1964; Am. Ord. passed 1-11-1979; Am. Ord. passed 4-13-1995; Am. Ord. 42-A, passed 9-8-2005)

§ 112.99 PENALTY.

Any person performing work within the City of North Oaks without a valid license as required in this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed $700 or shall be imprisoned for a period not to exceed 90 days, or both.
(Am. Ord. 42-A, passed 9-8-2005)

CITY OF NORTH OAKS
ORDINANCE 113
TO REGULATE THERAPEUTIC MASSAGE ESTABLISHMENTS AND MASSAGE THERAPISTS

Adding Title XI, Section 113 of the North Oaks Code of Ordinances relating to Licenses and Business Regulations for Therapeutic Massage and Establishments.

The City Council of the City of North Oaks does ordain as follows:

That the North Oaks Code of Ordinances be amended by adding thereto a new Section 113 to read as follows:

§ 113.10. PURPOSE.
The purpose and intent of this Ordinance is to regulate Therapeutic Massage Establishments and Massage Therapists, as defined herein, in order to protect and promote the public health, safety and welfare by:

A. Providing a clean, sanitary, healthy and safe environment in which Massage Therapists can operate.
B. Recognizing Therapeutic Massage as a legitimate business occupation.

§ 113.20. DEFINITIONS.
As used in this Section, the following terms shall mean:

A. “Therapeutic Massage” shall mean, for the purposes of this ordinance, services consisting of or relating to any method of the manipulation of soft body tissue (muscle, connective tissue, tendons and ligaments), including but not limited to applying pressure to, or friction against, or rubbing, stroking, kneading, tapping or rolling of the external parts of the human body.
B. “Massage Therapist” shall mean any person who offers Therapeutic Massage.
C. “Therapeutic Massage Establishment” shall mean any place wherein Therapeutic Massage is conducted by a Massage Therapist.
D. “City” shall mean the city of North Oaks located in Minnesota.
E. “Applicant” shall mean either the owner of the Therapeutic Massage Establishment or the Massage Therapist, who applies for the license.
F. “Responsible Person” shall mean a parent or guardian of a minor.

§ 113.30. EXEMPTIONS.

The following persons are exempt from compliance with the provisions of this Section: Persons licensed or registered to practice medicine, surgery, nursing, osteopathy, chiropractic, dentistry, physical therapy, or podiatry, and individuals performing Therapeutic Massage under the direction of such persons, provided that they are rendering Therapeutic Massage within their scope of employment.

§ 113.40. LICENSE REQUIRED.

Except as otherwise provided herein, no person shall provide Therapeutic Massage or engage in the business of operating a Therapeutic Massage Establishment, without first obtaining a license issued by the City. The license of a Therapeutic Massage Establishment and the license of each Massage Therapist must be displayed prominently on its premises.

§ 113.50. LICENSE REQUIREMENTS.

A. Investigations. The City is empowered to conduct any and all investigations to verify the information on applications submitted under this section, including ordering a criminal history inquiry and/or a driver's license/identification history inquiry on the Applicant or persons listed in the application, and any other inquiry deemed necessary by the City or its agents.

B. Application for a Therapeutic Massage Establishment. The application for a license, or renewal of a license, for a Therapeutic Massage Establishment shall be made only upon forms furnished by the City and when completed by the Applicant, shall be filed with the City, and shall contain the following information:

1. Names and addresses of the business owner, the manager or operator and, if a corporation, and names and addresses of the officers of such corporation.
2. Names of all persons performing Therapeutic Massage in the Therapeutic Massage Establishment, including any names they have ever used or been known by.
3. A statement as to whether the persons named in Section 113.50(B) have had any license denied, revoked or suspended, and the reason therefor.
4. Applicant shall include information about past applications for a license with the City for operating a Therapeutic Massage Establishment, including if the application was denied or the license was revoked or suspended and the reason therefor.
5. A description of any crime or other offense, including the time, place, date and disposition for which any of the persons required to be named in Section 113.50(B) have been arrested and convicted.
6. Proof of Insurance and policy coverage.
7. The applicant shall report any disciplinary action recorded by the Office of Unlicensed Complementary and Alternative Health Care Practice in the Minnesota Department of Health, Health Occupations Program and/or from other similar state agencies, of any employee of the Therapeutic Massage Establishment.
8. A description of services to be offered related to Therapeutic Massage.

C. Application for a Massage Therapist. The application for a license, or renewal of a license, for a Massage Therapist shall be made only upon forms furnished by the City and

when completed by the Applicant shall be filed with the City, and shall contain the following information:

1. The name, address and birth date of the Applicant.
2. A statement as to whether the Applicant has received a Comprehensive Certificate of Massage from a school recognized by the Minnesota Higher Education Board, or certification or licensing from an equivalent accredited out of state institution and be a member in good standing of the Minnesota Therapeutic Massage Network or the American Massage Therapy Association or other organizations possessing the same or similar standards and having an enforceable code of ethics.
3. A statement whether or not the Applicant has had any license denied, revoked or suspended and the reason therefor.
4. A description of any crime or other offense, including the time, date and disposition, for which any of the persons named in Section 113.50(B) have been arrested and convicted.

D. The application shall not be granted, or any granted license shall be subject to discipline, if one or more of the following is found to be true:

1. Except in the case of a corporation, the Applicant is under eighteen (18) years of age.
2. A Massage Therapist is under eighteen (18) years of age.
3. A Massage Therapist is not a United States citizen or lawfully authorized to work in the United States.
4. A Massage Therapist has not received a Comprehensive Certificate of Massage from a school recognized by the Minnesota Higher Education Board, or certification or licensing from an equivalent accredited out of state institution and be a member in good standing of the Minnesota Therapeutic Massage Network or the American Massage Therapy Association or other organizations possessing the same or similar standards and having an enforceable code of ethics.
5. The Applicant, any employee or any contractor has been convicted of a felony, any sexually oriented crime, ordinance violation or any conducted prohibited by Minnesota statutes 146A.08.
6. The Applicant, any employee, or any contractor has been required to register as a predatory offender under Minnesota statute Section 243.166 or similar law in Minnesota or elsewhere.

E. <u>Applicant.</u> The Applicant shall comply with the following:

1. The Applicant shall make an inquiry to determine that all of Section 113.50(D) is complied with prior to filing an application for a license.
2. Applicant shall inform the City promptly if any part of Section 113.50(D) is found not to be true, or becomes not true.
3. In the case of an application for a Therapeutic Massage Establishment, employment records, including copies of documents used to determine if the employee, agent, or contractor is eighteen (18) years of age or older, for each employee employed by a licensed Therapeutic Massage Establishment shall be kept at the licensed premises and available for immediate review upon request of a city officer. Documents that are acceptable forms of identification can be found in Minnesota Rule Part 7410.0100.
4. Applicant shall promptly notify the City of any changes or corrections to the information provided in the application.

F. License fees and Investigation Fees. The annual fee for a license and the investigation fee for the purpose of establishing a licensed Therapeutic Massage Establishment shall be determined from time to time by resolution or ordinance of the City Council. If the license is denied by the City, then no part of the application fee or the investigation fee shall be returned. No part of the annual license fee shall be refunded if the license is suspended, revoked, or discontinued.

§ 113. 60. LICENSE EXPIRATION.

Licenses issued under this Section shall expire on December 31st of each year.

§ 113.70. THERAPEUTIC MASSAGE ESTABLISHMENT REGULATIONS.

A Therapeutic Massage Establishment shall protect the public from the unprofessional, improper, incompetent and unlawful practice of Therapeutic Massage. A Therapeutic Massage Establishment shall comply with the following regulations:

A. The premises shall comply with applicable zoning, fire, health, building codes, and licensing inspection and be open to inspection by licensing inspectors, police officers, city officials, or building managers.
B. The premises and equipment shall be clean, sanitary and well maintained.
C. The Therapeutic Massage Establishment, any person in their employ and any contractors shall comply with all applicable city, county, state or federal ordinances, regulations and laws which are applicable to the premises and the practice of Therapeutic Massage. The Therapeutic Massage Establishment shall obtain and maintain all other licenses or permits which may be applicable.
D. The Therapeutic Massage Establishment and any person in their employ and any contractors shall permit inspections during regular business hours by the City's law enforcement agency, city manager, building inspector, or appropriate fire or health officials to determine compliance with the city regulations or other appropriate state or county regulations.
E. No alcohol may be sold on the premises.
F. The Hours of Operation shall be limited to no earlier than 6:00 a.m. and no later than 9:00 p.m.
G. No minor under the age of eighteen (18) shall be permitted to receive Therapeutic Massage unless consent is given by a parent or guardian. Such consent must be signed in the presence of the Therapeutic Massage Establishment operator.
H. No residential use is allowed on the premises. Furniture used in Therapeutic Massage must not be intended for sleep.
I. Massage Therapists must be fully clothed such that they do not expose his/her breasts, buttocks, or genitals.
J. Sanitation and health requirements must be met in the Therapeutic Massage Establishment premises, including as follows:
   1. Employees, agents and contractors must take reasonable steps to prevent the spread of infections and communicable diseases on the licensed premises.
   2. Toilet room(s) must be adequately and conveniently located on the premises for the accommodation of its employees and patrons. The toilet room(s) must be kept clean

and in good repair and be fully and adequately illuminated and well ventilated and enclosed with a door.

3. Single service disposal paper or clean linens to cover the table, chair, furniture or area on which the patron receives the massage and must be sanitized after each massage.
4. Massage tables, chairs or furniture on which the patron receives the massage must have surfaces that can be readily cleaned and disinfected after each massage.
5. Massage Therapist's must wash their hands and arms with water and soap, antibacterial scrubs, alcohol or other disinfectants prior to and following each massage service performed.

§ 113.80. INSURANCE REQUIRED.

Therapeutic Massage Establishments must have and maintain in full force and effect, a policy of liability and malpractice insurance issued by an insurance company licensed to do business in the state of Minnesota covering death, personal injury and property damage in the minimum amount of Three Hundred Thousand ($300,000) Dollars per person and per occurrence.

§ 113.90. ADVERSE LICENSE ACTION; GROUNDS.

It shall be grounds for denial, revocation, nonrenewal, suspension or any other appropriate adverse license sanction if the licensee, or any of its employees, agents or contractors:

A. Fails to comply with or has a history of violations of this ordinance or the laws and ordinances that apply to public health, safety and morals.
B. Is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premise, of any city ordinance or federal or state statue.
C. Has evidenced in the past willful disregard for health codes and regulations.
D. The applicant gave false or misleading information during the application process or failed to provide all information and certificates required by this Section.
E. The Therapeutic Massage Establishment has been operated without a valid Therapeutic Massage license or has operated when the license was suspended.
F. The Applicant, or the responsible person, is delinquent in payment to the City of property taxes or fees related to the Therapeutic Massage Establishment.
G. The Applicant or its employees, agents or contractors, refuses to permit any authorized police officers, building inspectors or city officials to inspect the premises or the operations.
H. The City Council may base denial, suspension, revocation, or nonrenewal of a license upon any additional grounds which they may, in their sole discretion, determine to be sufficient cause.

§ 113.100. APPEAL.

If the license is suspended or revoked by the City Administrator, the license holder shall have a right to appeal to the City Council.

§ 113.110. SEVERABILITY.

If any provision of this Section is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall remain with full force and effect.

§ 113.120. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication.

Passed by the City Council this 9th day of April, 2015.

_____	_____
Michael Egelston	Michael Robertson
Mayor	City Administrator
	Attested:

ORDINANCE NO. 114

AN ORDINANCE GRANTING A CABLE TV FRANCHISE TO CENTURYLINK

Passed by the Council this 12th day of November, 2015.

_____

Mayor

Attested:

_____

City Administrator

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES
131. EXCLUSION ZONES AND PROHIBITIONS FOR CERTAIN ACTIVITIES

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Curfew for minors
130.02 Disorderly conduct
130.03 Discharging firearms
130.04 Trespass
130.99 Penalty

§ 130.01 CURFEW FOR MINORS.

(A) *Purpose.* The curfew for minors established by this section is maintained for 4 primary reasons:

(1) To protect the public from illegal acts of minors committed during the curfew hours;

(2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;

(3) To protect minors from criminal activity that occurs during the curfew hours; and

(4) To help parents control their minor children.

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

EMERGENCY ERRAND.

(a) A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household.

(b) The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or Fire Department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

OFFICIAL CITY TIME. The time of day as determined by reference to the master clock used by the Police Department.

PLACES OF AMUSEMENT, ENTERTAINMENT, OR REFRESHMENT. Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering

to minors, restaurants, and pool halls.

PRIMARY CARE or ***PRIMARY CUSTODY.*** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

SCHOOL ACTIVITY. An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

(C) *Hours.*

(1) *Minors under the age of 16 years.* No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds, or other public grounds, public places, or public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 10:30 p.m. and 5:00 a.m. the following day, official city time.

(2) *Minors ages 16 years to 18 years.* No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds, or other public grounds, public places, or public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 12:00 a.m. midnight and 5:00 a.m. the following day, official city time.

(D) *Effect on control by adult responsible for minor.* Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

(E) *Exceptions.* The provisions of this section shall not apply in the following situations:

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business, trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work;

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor;

(5) To a minor who is passing through the city in the course of interstate travel during the hours of curfew;

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion;

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence; or

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

(F) *Duties of person legally responsible for minor*. No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

(G) *Duties of other persons*. No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian, or other adult person having primary care or custody of the minor, or unless 1 of the exceptions to this section applies.

(H) *Defense.* It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(I) A law enforcement officer must look into whether a minor has an affirmative defense before making an arrest.
Penalty, see § 130.99

§ 130.02 DISORDERLY CONDUCT.

(A) The doing of any of the following acts without authority of law by any person or persons within the City of North Oaks is hereby declared to be disorderly conduct:

(1) Willfully disturbing any assembly or meeting not unlawful in its character, or the peace and quiet of any family or neighborhood;

(2) Surreptitiously looking, gazing, staring, or peeping in the windows of the home or place of dwelling of another with the intent to intrude upon or interfere with the privacy of the members of the household thereof;

(3) Rioting, fighting, quarreling, reveling, and any other conduct calculated to disturb a neighborhood or annoy travelers or others: and/or

(4) Assaulting any person or persons, or engaging in any battery or affray.

(B) Disorderly conduct is hereby prohibited.
(Ord. 36, passed 11-8-1962; Am. Ord. passed 4-13-1995) Penalty, see § 130.99

§ 130.03 DISCHARGING FIREARMS.

(A) *Shooting upon, over or near a cemetery.* No person shall, without permission from the proper officials, discharge a firearm upon or over a cemetery or within 100 yards thereof, unless the person is upon his or her own land.

(B) *Hunting near a city park.* No person shall hunt, shoot, or kill game within 1/2 mile of a city park unless the City Council has granted permission to kill game not desired within the limits prohibited by this division.

(C) *Discharge of firearms prohibited in certain places.* No person shall discharge a firearm on a lawn, park, playground, orchard, or other ground appurtenant to a school, church, or an inhabited dwelling, the property of another, or a charitable institution. This section does not prevent or prohibit the owner thereof from discharging firearms upon his or her own land.

(D) *Discharging firearms on highways prohibited.* No person shall discharge a firearm upon or over a public road or highway.

(E) *Exceptions.* This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials in the proper enforcement of the law, or to any person in the proper exercise of the right of self defense, or to any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a firearm in a manner contrary to the provisions of this section.

(F) If any of the above provisions are found to be in conflict with M.S. § 624.717, as it may be amended from time to time, the provisions of that statute shall prevail.
Penalty, see § 130.99

§ 130.04 TRESPASS.

(A) No person shall enter upon any real property situated within the city without the express consent of the owner or owners of the property. Consent given on any occasion to enter upon the property shall not be implied or deemed to be consent to enter upon the property on any other occasion or occasions.

(B) No person shall manipulate, operate, open, or otherwise move any gate or any similar device situated within the city without the express consent of the owner or owners of the gate or device. Consent given on any occasion to manipulate, operate, open, or otherwise move any gate or device shall not be implied or deemed to be consent to open or move the gate or device on any other occasion or occasions.

(C) No person shall assist, aid, or abet another in the violation of the provisions of this section.

(D) This section shall take effect and be in force from and after its passage and publication.
(Ord. 10, passed 9-20-1957; Am. Ord. passed 4-13-1995) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) *Generally.* Whoever violates any provision of this chapter for which no other penalty has been established shall be punished as provided in § 10.99.

(B) *Curfew penalties.*

(1) *Minors.* Any minor found to be in violation of § 130.01 may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. Ch. 260B, as it may be amended from time to time.

(2) *Adults.* Any adult person found to be in violation of § 130.01 shall be guilty of a misdemeanor.

CHAPTER 131: EXCLUSION ZONES AND PROHIBITIONS FOR CERTAIN ACTIVITIES

Section

131.010 Purpose
131.020 Definitions
131.030 Restrictions
131.040 Exceptions
131.050 Criminal Penalties

131.010: PURPOSE: The City of North Oaks considers the safety of its residents, its children in particular, to be of critical importance and the potential threat of designated predatory offenders in close proximity to them to be an unacceptable risk. This chapter is intended to exclude sex offenders and predators from locations throughout the City of North Oaks to help protect the welfare and safety of the residents and reduce the risk presented by the presence of predatory offenders in close proximity to the public, children in particular, in areas that the City has control over.

131.020: DEFINITIONS:

a. Predatory offender: A person who is required to register as a predatory offender under Minn. Stat. §243.166.

131.030: A predatory offender shall not do any of the following:

a. Be present upon or within 500 feet of any school, school bus stop, church or place of worship, public or private park, or public or private wooded space, or any public or private trails.

b. Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee when the vehicle is in use to transport students to or from a school or school-related activities, unless enrolled as a student at the school or unless the vehicle is simultaneously made available to the public as a form of public transportation.

c. Be present upon the real property of any child care facility without the written permission of the child care facility administrator.

d. Be present upon or within 500 feet of the real property boundary of a child care facility.

e. Operate, manage, be employed by, or act as a contractor or volunteer, or attend or participate in any public or private fair or carnival including but not limited to the Garden Club Sale, North Oaks Community Fair and Parade, Bonfire Dance and Fireworks, the Hill Farm Historical Society Ice Cream Social and Farm Fest.

f. Operate, manage, be employed by, or act as a contractor or volunteer at any place enumerated in section 131.030 a. above.

131.040: EXCEPTIONS:

A predatory offender:

a. Who, as of the date of enactment of this ordinance, resides in a dwelling located within 500 feet of the real property boundary of, child care facility, or place intended primarily for the use by the public as specified in section131.030.a shall not be in violation of section 131.030 for having an established residence within the exclusion zone. Nothing in this provision shall permit conduct which is otherwise prohibited as enumerated in section 131.030.a.

b. Who is the parent or legal guardian of a minor shall not be in violation of section 131.030 solely during the period of time reasonably necessary to transport the offender's own minor child or ward to or from a place specified in section 131.030.

c. Who is legally entitled to vote shall not be in violation of section 131.030 solely for the period of time reasonably necessary to exercise the right to vote in a public election if the polling location of the offender is located in a place specified in section 131.030.

131.050: CRIMINAL PENALTIES: Any person violating any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor.
(Ord. 117, passed 06-09-2016) Penalty, see § 130.99

TITLE XV: LAND USAGE

Chapter

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153. SHORELAND MANAGEMENT AREA

154. EROSION AND SEDIMENT CONTROL

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156. STORMWATER MANAGEMENT

CHAPTER 150: GENERAL PROVISIONS

Section

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150.003 Definitions
150.004 Antenna structure limited to LI Limited Industrial District
150.005 Analysis/proof of need
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150.007 Antenna structure requirements
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150.078 Preparation of comprehensive city plan
150.079 Procedure for adoption of plan
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TELECOMMUNICATIONS TOWER AND ANTENNAS

§ 150.001 TITLE.

This subchapter regulating the location, construction, screening, and use of a telecommunications tower and antennas within the City of North Oaks shall hereafter be known, cited, and referenced to as the Telecommunications Tower and Antennas Ordinance of the City of North Oaks, except as referred to herein, where it shall be known as this subchapter.
(Ord. 90, passed 5-14-1998)

§ 150.002 PURPOSE.

In order to accommodate the communications needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary in order to:

(A) Provide for the appropriate location and development of a telecommunications tower and antennas within the city;

(B) Maximize the use of an existing tower, structures, or buildings to accommodate new telecommunications antennas in the city; and

(C) Minimize adverse visual effects of structures and buildings through careful design, siting, and screening.
(Ord. 90, passed 5-14-1998)

§ 150.003 DEFINITIONS.

In the construction of this subchapter, the definitions set forth in the city zoning code shall be applicable. In addition, for the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTENNA. Any device which by use of any means is designed to transmit or receive any electromagnetic, microwave, radio, television, or other frequency energy waves, of any type or purpose.

ANTENNA STRUCTURE. Any building, ground, or roof-mounted pole, spire, telescoping mast, tower, tripod, structure, or combination thereof to which a telecommunications antenna is or may be attached or affixed, including structural support of the foregoing.

WIRELESS TELECOMMUNICATION SERVICES. Licensed or unlicensed wireless telecommunication services including cellular, digital cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), commercial or private paging services, or similar services that are marketed to the general public.
(Ord. 90, passed 5-14-1998)

§ 150.004 ANTENNA STRUCTURE LIMITED TO LI LIMITED INDUSTRIAL DISTRICT.

An antenna structure shall be allowed only in the LI Limited Industrial District.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.005 ANALYSIS/PROOF OF NEED.

(A) Antenna structures shall not be erected, constructed, used, or located within the city unless a building permit is obtained from city.

(B) A building permit shall not be issued unless the following requirements are met.

(1) The applicant demonstrates to the satisfaction of the city that the proposed antenna structure will reasonably meet the radio frequency and spacing needs of the applicant and anticipated co-locators to provide wireless telecommunications service within the city;

(2) The applicant demonstrates to the satisfaction of the city that applicant's needs for an antenna cannot be accommodated on an existing approved antenna structure within the city due to 1 or more of the following reasons:

(a) No antenna structure exists at a height necessary for the proposed antenna to function as documented by a qualified licensed professional engineer;

(b) The planned antenna would exceed the structural capacity of any existing approved antenna structure in the city as documented by a qualified and licensed professional engineer, and the existing or approved antenna structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent antennas; and/or

(c) The planned antenna would cause interference materially impacting existing or planned antennas at the existing approved antenna structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

(3) The applicant demonstrates to the satisfaction of the city that the proposed antenna structure site is at least 1/4 mile from any existing antenna structure within the city.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.006 CO-LOCATION REQUIREMENTS.

(A) Any proposed antenna structure shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antenna and comparable antennas for additional users.

(B) Any antenna structure must be designed to allow for future expansion (at new co-locator's expense) or rearrangement of antennas upon the antenna structure and to accept antennas mounted at varying heights.

(C) A letter of intent as required in § 150.016(B)(2) committing the applicant, antenna structure owner, user, property owner upon which situated, and successors to allow the shared use of the antenna structure shall be submitted to the city at the time of application to accommodate co-location.

(D) The applicant shall negotiate in good faith with any and all potential co-locators.

(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.007 ANTENNA STRUCTURE REQUIREMENTS.

(A) *Generally.* Proposed or modified antenna structures shall meet the following design requirements.

(B) *Design requirements.*

(1) (a) Any antenna structure shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(b) Any antenna structure location shall be screened as required by the city to inhibit off-site views of the antenna structure.

(2) (a) The use of guyed towers is prohibited.

(b) Any antenna structure must be self-supporting without the use of wires, cables, beams, or other means.

(c) The design should utilize an open framework or monopole configuration unless the city determines that an alternative design would better blend into the surrounding environment or better facilitate co-location.

(3) Any antenna structure shall be constructed and maintained so as to meet recognized applicable standards or regulations, such as, but not limited to, those standards and regulations established by (ANSI), (EIA), (FCC), (FAA), (IEEE), (MBC), (NEC), (NFDA), (OSHA), or their successors.

(4) The base of the antenna structure shall occupy no more than 500 square feet and the top of any antenna structure and antennas shall be no larger than the base.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.008 ACCESSORY STRUCTURES.

(A) Transmitting, receiving, switching, and other equipment necessary for use of any antenna shall be housed within an existing structure whenever possible.

(B) All new structures accessory to an antenna shall be designed and screened as required by the city to minimize off-site and other visibility and blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.009 ANTENNA STRUCTURE AND ANTENNA HEIGHT.

(A) Antenna structure height shall meet, but not exceed, the height needed for the proposed use and co-location requirements of this subchapter.

(B) No antenna shall be located any higher on an antenna structure than is reasonably necessary for proper operation of the antenna.

(C) In the event that actual uses for any 12-month period do not require the full tower height, at city's request, applicant shall reduce the tower height to a height no higher than reasonably necessary for the actual use, to the extent technically feasible.

(D) In any event, an antenna structure shall not exceed 150 feet in height.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.010 SETBACKS.

Any antenna structure shall be setback from any residential building a distance equal to the height of the antenna structure, and setback from any property line by at least 40 feet.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.011 ANTENNA STRUCTURE LIGHTING.

(A) Any antenna structure shall not be illuminated by artificial means and shall not display strobe lights unless the lighting is specifically required by the Federal Aviation Administration or other federal or state authority.

(B) When incorporated into the design of the antenna structure approved by the city, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the antenna structure.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.012 SIGNS AND ADVERTISING.

The use of any portion of an antenna structure or antenna for signs other than warning or equipment information signs is prohibited.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.013 SECURITY FENCING.

If requested by the city, an antenna structure shall be provided with security fencing to prevent unauthorized entry.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.014 ON-SITE VEGETATION.

Existing on-site vegetation shall be preserved to the maximum extent practicable.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.015 ABANDONED OR UNUSED ANTENNA STRUCTURE OR PORTIONS OF ANTENNA STRUCTURE.

(A) *Generally.* Any abandoned or unused antenna structure or portions of the antenna structure shall be removed as follows.

(B) *Removal.*

(1) (a) Any abandoned or unused antenna structures and accessory structures shall be removed (or retained) as required by city.

(b) Any antenna structures and accessory structures shall be deemed abandoned or unused if all antennas are not used for transmitting or receiving for 6 consecutive months.

(c) A copy of the relevant portions of a signed lease which requires the applicant to remove or retain the antenna structure and accessory structures as required herein shall be submitted at the time of application.

(d) In the event that an antenna structure and accessory structure is not removed as required herein, the same may be removed by the city and the costs of removal shall be paid to the city by the applicant upon demand.

(2) Unused portions of any antenna structure above a manufactured connection shall be removed within 6 months of the time of antenna relocation.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.016 ADDITIONAL SUBMITTED REQUIREMENTS.

(A) *Generally.* In addition to the information required elsewhere in this subchapter, applications for an antenna structure shall include the following supplemental information.

(B) *Supplemental information.*

(1) A report from a qualified and licensed professional engineer, which:

(a) Describes the antenna structure height and design including a cross section and elevation;

(b) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

(c) Describes the antenna structure's capacity, including the number and type of antennas that it can accommodate;

(d) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

(e) Certifies that applicant will construct and operate its antenna structure in a manner so as to comply with all regulations and requirements referenced in § 150.007(B)(3); and

(f) Includes an engineer's stamp and registration number.

(2) (a) For any wireless telecommunications service antenna structure, a letter of intent shall be provided to the city committing the antenna structure owner, property owner, and his, her, or its successors to allow the shared use of the antenna structure if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

(b) Any disputes arising out of any shared use agreements shall be resolved through arbitration conducted under the then current rules of the American Arbitration Association.

(3) The following supplemental information shall also be submitted:

(a) Proof that the proposed antenna structure complies with regulations administered by Federal Aviation Administration;

(b) Any proof of noninterference or other report which applicant has submitted or is required to submit under any Federal Communications Commission regulation or requirement regarding interference with radio or television service enjoyed by adjacent residential and nonresidential properties;

(c) A report from a qualified engineer or other professional which demonstrates that the antenna structure is in compliance with the aforementioned standards; and

(d) Proof of reasonable liability insurance acceptable to the city.
(Ord. 90, passed 5-14-1998)

§ 150.017 ANTENNA ATTACHMENT.

No antenna may be attached as a co-location on any antenna structure without first submitting the supplemental information required under § 150.016(B)(3)(b) and obtaining a building permit pursuant to the city zoning code.
(Ord. 90, passed 5-14-1998) Penalty, see § 10.99

§ 150.018 COSTS AND FEES.

(A) The applicant shall also pay the application fee established by resolution of the City Council which shall not exceed all costs the city may incur in employing the services of engineers, attorneys, and other professional consultants in connection with an application.

(B) The city may require the applicant to pay an initial deposit for these services at the time of application.

(C) If the amount of the initial deposit does not cover all costs, the applicant will be so advised and full reimbursement shall be made by the applicant whether the application is approved or denied.
(Ord. 90, passed 5-14-1998)

§ 150.019 INSPECTIONS.

(A) The city shall have the right to conduct reasonable periodic inspections of any antenna structure and accessory structures in order to determine compliance with this subchapter and the applicant, user, property owner, and structure owner shall cooperate with city in any such city inspections.

(B) In the event the city utilizes outside consultants for any necessary inspections, the applicant will reimburse the city for the reasonable costs of the outside consultants.
(Ord. 90, passed 5-14-1998)

§ 150.020 EFFECTIVE DATE.

This subchapter shall take effect and be in force after its passage and official publication.
(Ord. 90, passed 5-14-1998)

SETBACKS FROM PIPELINES

§ 150.035 DEFINITIONS.

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

BUILDING. A structure designed primarily for human use or occupancy, including businesses, offices, educational facilities, medical facilities, residences, and institutions. Decks, overhangs, porches, or similar attached structures are considered part of the building. ***BUILDING*** does not include appurtenances required to operate or maintain pipeline systems.

COMMISSIONER. The Commissioner of Public Safety.

OTHER DEVELOPMENT. Commercial, industrial, or agricultural development, when it results in the construction of a building or place of public assembly.

PIPELINE. Has the meaning given it in M.S. § 299J.02, Subd. 11, as it may be amended from time to time.

PIPELINE EASEMENT. The existing easement or a subsequent easement resulting from the negotiation of a change in the boundaries of the existing easement.

PLACE OF PUBLIC ASSEMBLY. A site that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period. The days and weeks need not be consecutive.
(Ord. 82, passed 8-27-1991)

§ 150.036 PURPOSE.

The purpose of this subchapter is to increase public safety by requiring that new development be set back from pipeline locations.
(Ord. 82, passed 8-27-1991)

§ 150.037 APPLICABILITY.

This subchapter applies to new residential and other development. It does not apply to development that has occurred or for which development permits have been issued before the effective date of this subchapter.
(Ord. 82, passed 8-27-1991)

§ 150.038 SETBACK.

Buildings and places of public assembly subject to this subchapter shall not be constructed closer to the pipeline than the boundary of the pipeline easement.
(Ord. 82, passed 8-27-1991) Penalty, see § 10.99

§ 150.039 VARIANCES.

Variance procedures adopted by the City of North Oaks under M.S. §§ 462.351 through 462.365, as they may be amended from time to time, shall apply.
(Ord. 82, passed 8-27-1991)

§ 150.040 EFFECTIVE DATE.

This subchapter shall take effect and be in force after its passage and official publication.
(Ord. 82, passed 8-27-1991)

SWIMMING POOLS AND SPAS

§ 150.055 DEFINITIONS.

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

PRIVATE SWIMMING POOLS. Are regulated by this subchapter and are defined as any enclosure, designed or intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guests.

SPAS. Are regulated by this subchapter and are defined as a unit primarily designed for therapeutic use which is not drained, cleaned, or refilled for each individual use. It may include, but not be limited to, hydrojet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for a ***SPA*** includes but is not limited to therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tub, and the like.
(Ord. 76, passed 5-23-1989)

§ 150.056 PERMIT REQUIRED.

No swimming pool shall be constructed or established and no pool construction shall be commenced in the City of North Oaks without first obtaining a permit from the Building Official.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.057 APPLICATION FOR PERMIT.

(A) Applications for a swimming pool permit shall be made to the City Clerk. A fee shall be collected commensurate with the estimated value of the construction to cover the costs of inspection.

(B) The application for the permit shall include, without limitation, the following information:

(1) Complete plans and specifications for the construction of the pool;

(2) A site plan showing the location of all structures on the lot, including the house, garage, fences, trees, overhead or underground wiring, utility easements, sewage systems, and other significant improvements or natural features;

(3) The proposed location of pumps, filters, electrical power source (if applicable), flushing and drainage outlets, and other operational features; and

(4) Location and specifications of protective fencing.
(Ord. 76, passed 5-23-1989)

§ 150.058 CONSTRUCTION SETBACK REQUIREMENTS.

(A) *Generally.* Private swimming pools shall be constructed so as to avoid hazard or damage to the occupants of the subject property or the occupants of adjacent property and shall meet the following minimum requirements.

(B) *Minimum requirements.*

(1) Underground or overhead utilities shall be located in conformance with the National Electrical Code.

(2) No pool shall be located within any private easement, public or private utility easement, ingress or egress easement, drainage way, marsh, or other location in which it will represent a threat to the natural environment.

(3) (a) In areas zoned or used for single-family residential purposes, pools are prohibited in the front yard and shall not be located within 30 feet of any lot line, nor within 10 feet of any principal structure or accessory buildings except accessory buildings without frost footings.

(b) No mechanical equipment, fence, or accessory building shall be located closer than 30 feet to any lot line.

(4) (a) In areas zoned or used for multiple-family residential purposes, pools are prohibited in the front yard and shall not be located within 30 feet of any lot line, nor within 30 feet of any side lot line, nor within 30 feet of any principal structure or accessory buildings except accessory buildings without frost footings.

(b) No mechanical equipment shall be located closer than 30 feet to any lot line.

(5) No portion of any swimming pool or appurtenances thereto shall be located less than 10 feet to any portion of a sewage disposal line or sewage treatment system, nor shall any water supply line for a swimming pool be less than 15 feet to any portion of the sewage treatment system.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.059 SAFETY FENCE REQUIRED.

(A) (1) A safety fence of at least 5 feet in height shall completely enclose the pool.

(2) All openings or points of entry into the pool area shall be equipped with self-closing and self-latching gates or doors.

(3) All gates and doors shall have a latch which is no less than 4 feet above the ground level and which shall be so constructed and so placed as to be inaccessible to small children.

(4) All gates and doors shall be latched when the pool is not in use or is unattended by an adult with demonstrated swimming ability.

(5) Any opening between the bottom of the fence and the ground level shall not exceed 3 inches.

(B) (1) Safety fences shall be constructed of materials with minimum spaces between the materials and shall be constructed so as to inhibit the climbing thereof by any person.

(2) If a safety fence is located within an area subject to and covered by a homeowners association, and if the homeowners association has an architectural review committee, then the architectural review committee shall approve the location and style of the fence.

(C) (1) Above-ground pools of 4 feet or more in wall height shall be exempt from complete closure by a type of fence resistant to being climbed, however, above ground pools shall be equipped with a fence and gate system at all points of entry to the pool.

(2) The fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications herein contained for underground pools.

(D) No person shall introduce or cause to be introduced any water to a depth of more than 18 inches into the shallowest portion of any swimming pool newly constructed or being constructed until the time as the Building Official authorizes the filling of the pool with water. The authorization shall be withheld until, as a minimum, the permittee has caused the pool to be completely enclosed by a swimming pool construction fence. The construction fence shall:

(1) Be of snow fence like or similar design and be securely anchored in place;

(2) Be constructed with its base flush to the ground;

(3) Be at least 4 feet in height and have supportive posts placed no more than 8 feet apart; and

(4) Remain in place until a permanent fence completely enclosing the swimming pool is installed.

(E) (1) All outdoor spas shall have either a fence as described in this section or a latchable cover.

(2) The cover should be constructed of a material impenetrable by toddlers and subject to inspection by the Building Official.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.060 MISCELLANEOUS REQUIREMENTS.

(A) All back-flushing water or pool drainage water shall be directed on to the property of the owner or on to approved drainage ways. Drainage onto public or private streets or other public or private drainage ways shall require a permit from the Building Official.

(B) Any outdoor lighting of the pool shall not be permitted to spill or shine upon adjacent properties.

(C) All electrical installations shall comply with the State Electrical Code.

(D) Precautions during construction:

(1) Avoid damage, hazards, or inconvenience to adjacent or nearby property;

(2) Assure that proper care shall be taken in stockpiling excavating materials to avoid erosion, dust, or other infringements upon adjacent property; and

(3) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to streets and adjacent private or public property.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.061 NUISANCE.

The conduct of persons and the operation of pools shall be the responsibility of the owner and any tenant thereof and the conduct of persons and operation of the pool shall be done in a manner so as to avoid any nuisance or breach of the peace, and it shall be unlawful to allow loud noises to go beyond the boundaries of the property upon which the pool is located to adjacent property.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.062 EFFECTIVE DATE.

This subchapter shall take effect and be in force after its passage and official publication.
(Ord. 76, passed 5-23-1989)

PLANNING COMMISSION

§ 150.075 ESTABLISHMENT.

(A) A City Planning Commission for the City of North Oaks is hereby established.

(B) The Commission shall be the city planning agency.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

§ 150.076 COMPOSITION.

(A) (1) The Planning Commission shall consist of 7 members each appointed by the City Council for a term not greater than 3 years and not less than 1 year.

(2) All members shall be residents of the city and at least 1 member shall be a member of the City Council.

(3) Each member shall hold office until the member's successor is appointed and qualified. Any member may be removed during a term by a 4/5 vote of the City Council.

(B) (1) Vacancies which occur during a member's term shall be filled by the City Council for the unexpired portion of the term.

(2) Each member, before entering upon the discharge of the member's duties, shall take an oath to faithfully discharge the duties.

(3) All members shall serve without compensation.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

§ 150.077 ORGANIZATION, MEETINGS, AND THE LIKE.

(A) (1) The City Council shall appoint a Chairperson of the Planning Commission from among the appointed members for a term of 1 year and shall appoint a Secretary of the Commission to serve at the will of the City Council who need not be a member, a city official or a resident of the city.

(2) The City Council may create and fill the other offices as the Council may determine.

(B) (1) Meetings of the Commission shall be called by the Chairperson upon 7-days' written notice thereof, unless the notice is waived by all members of the Commission.

(2) Four members shall constitute a quorum.

(3) The Commission shall adopt the other rules for the transaction of business as it deems necessary and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record.

(4) On or before January 1 of each year, the Commission shall submit to the City Council a report of its work during the preceding year.

(5) Expenditures of the Commission shall be amounts appropriated for that purpose by the City Council.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

§ 150.078 PREPARATION OF COMPREHENSIVE CITY PLAN.

(A) It shall be the function and duty of the Planning Commission to prepare and adopt a comprehensive city plan for the physical, economic, and social development of the city.

(B) The plan may address itself to the subjects as proposed public buildings, public utility services, all forms of recreational facilities, and other matters relating to the development of the city.

(C) The comprehensive plan may go beyond those subjects listed hereto so long as the plan relates to the general statement of policy contained in M.S. § 462.351, as it may be amended from time to time.

(D) The plan may be prepared in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the city.

(E) Adoption of the first section, as provided in § 150.079, shall mean that there is in existence in the City of North Oaks a comprehensive plan.

(F) The Commission may from time to time amend or add to the city plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies by the Commission indicate that the amendment or addition is necessary.

(G) An attested copy of the plan or of any section, amendment, or addition to the city plan adopted by the Planning Commission shall be certified to the City Council.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

§ 150.079 PROCEDURE FOR ADOPTION OF PLAN.

(A) (1) Before adopting the city plan or any section of it or any substantial amendment thereof, the Commission shall hold at least 1 public hearing thereon, notice of the time, place, and purpose of which shall be given by publication in the official city newspaper at least 10 days before the day of the hearing.

(2) The adoption of the city plan or any section or amendment thereof shall be by resolution of the Commission, approved by a majority of all the members of the Commission.

(B) (1) Until the City Council adopts the plan certified to it by the Commission, it shall constitute only the recommendation of the Commission.

(2) Adoption by the City Council shall be by resolution of the Council passed by a vote consisting of a majority of the members of the Council.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

§ 150.080 PROCEDURE FOR PLAN EFFECTUATION.

(A) Upon the adoption of the comprehensive city plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect the plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical, economic, and social development of the city and as a basis for the efficient expenditure of the funds thereof relating to the subjects of the city plan.

(B) The means may include, at the discretion of the Commission, but are not limited to, zoning regulations, regulations for the control of subdivision plats, an official map, coordination of the normal public improvements of the city, a long-term program of capital expenditures, and any other matters as will accomplish the purpose of this section.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

§ 150.081 ZONING ORDINANCE.

(A) No zoning ordinance shall be hereafter be adopted or amended by the Council until a public hearing has been held thereon by the Planning Commission upon notice as provided in M.S. § 462.357, Subdivision 3, as it may be amended from time to time.

(B) (1) The City Council shall act as the Board of Appeals and Adjustments as provided in M.S. § 462.354, Subdivision 2, as it may be amended from time to time.

(2) The Board of Appeals and Adjustments shall function as an appellate forum for any person adversely affected by the Zoning Ordinance of the City of North Oaks.

(3) Decisions of the Board of Appeals and Adjustments on matters within its jurisdiction shall be final subject to the right of judicial review.

(4) Hearings by the Board of Appeals and Adjustments shall be held upon written notice 10 days prior to the hearing date to the interested parties.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

§ 150.082 PLATS.

(A) (1) Every proposed plat of land within the city shall be submitted to the City Council before being filed, and no plat of land shall be filed unless and until the same shall first have been approved by the City Council.

(2) The City Council shall constitute the platting authority for the purposes of M.S. § 462.358 and M.S. Ch. 505, as they may be amended from time to time.

(B) Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before the plat has been approved by the City Council in accordance with the provisions of this section is guilty of a misdemeanor, and is subject to § 10.99.

(C) Before approving a plat, the City Council may submit the same to the Planning Commission for its recommendations. The Planning Commission, within 60 days after any such plat has been referred to it by the City Council, shall act on the same and shall make its recommendations with respect thereto. The recommendations may consist of:

(1) Recommendation that the City Council approve the plat;

(2) Recommendation that the City Council disapprove the plat, in which case the recommendation shall include a statement of the specific reasons for the recommendation; or

(3) Recommendation that the City Council approve the plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing the changes or revisions, be submitted to the Planning Commission, in which case the revised plat shall be so submitted to the Planning Commission for its further consideration and recommendations before action thereon by the City Council.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

§ 150.083 PROCEDURE FOR AMENDMENTS.

(A) No change shall be made in the comprehensive city plan or any portion thereof or regulations governing the platting of land after the plans or regulations have been adopted by the City Council, until the proposed change has been referred to the Planning Commission for report therein and an attested copy of the report has been filed with the Council; and no ordinance or resolution establishing any such plans or regulations shall be adopted by the City Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon an attested copy of the report has been filed with the Council.

(B) Failure of the Planning Commission so to report within 40 days or the longer period as may be designated by the Council after the reference shall be deemed to be approval of the proposed change.
(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)

CHAPTER 151: ZONING CODE

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GENERAL PROVISIONS

§ 151.001 TITLE.

This chapter shall hereafter be known, cited, and referred to as the Zoning Ordinance of the city, except as referred to herein, where it shall be known as this chapter, and is adopted pursuant to the authorization of M.S. § 462.357, as it may be amended from time to time.
(Ord. 94, § 1, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.002 PURPOSE AND INTENT.

(A) The purpose of this chapter is to implement the Comprehensive Plan as adopted by the City Council (hereinafter the Comprehensive Plan) and to effect the purposes set forth in M.S. § 462.351, as it may be amended from time to time, through the establishment of minimum regulations governing land development and use.

(B) (1) This chapter shall divide the city into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration, and use of structures and land.

(2) The regulations are established to protect the use districts; to promote orderly development and redevelopment; to provide adequate light, air, and convenience of access to property; to prevent congestion in streets, roads, and on public rights-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 land use; to provide for administration of this chapter; to provide for amendments; to prescribe penalties for violation of the regulations; and to define powers and duties of the city staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to this chapter.
(Ord. 94, § 2, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.003 APPLICATION AND INTERPRETATION.

(A) (1) This chapter shall apply to the use and development of all land within the city.

(2) It is not intended by the provisions hereof to repeal, abrogate, annul, or in any way impair or interfere with private restrictions placed upon property by deed, covenant, or other private agreements or with restrictive covenants running with the land, except that the most restrictive of this chapter and the private restrictions shall apply.

(B) The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

(C) To the extent any conflict arises between this chapter and the Comprehensive Plan adopted by the city, then this chapter shall control.

(D) Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulations of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
(Ord. 94, § 3, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.004 RULES OF CONSTRUCTION.

(A) In the construction of this chapter, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

(B) Words used in the present tense shall include the past and the future; words used in the future tense shall include the present.

(C) Words used in the singular number shall include the plural number, and the plural the singular.

(D) The words "shall," "should," "must," and "will" are mandatory and not discretionary and the word "may" is permissive.

(E) The masculine gender includes the feminine and neuter.

(F) Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in the definition.
(Ord. 94, § 4, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.005 DEFINITIONS.

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

ACCESSORY BUILDING, STRUCTURE, OR USE. A subordinate building, structure, or use which is located on the same lot on which the main building or principal use is situated and which is reasonably necessary and incidental to the conduct of the primary use of the main building or principal use.

ALTERATIONS. As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from 1 location or position to another.

APPLICANT. A subdivider, agent, or owner submitting an application for land development or subdivision, conditional use permit, amendment, or variance.

BASEMENT. A floor level of a building or structure that has less than an average of 50% of the perimeter walls exposed above the lowest grade.

BOAT. Any contrivance used or designated for navigation on water.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, DETACHED. A building having no party wall in common with another building.

BUILDING ELEVATION. A side view of the building representing the structure as projected geometrically on a vertical plane parallel to its chief dimension.

BUILDING HEIGHT. The vertical distance from grade as defined herein to the average height of the highest roof surface.

BUILDING, MAIN. A building in which the principal use of the lot is conducted.

BUILDING SETBACK. The minimum horizontal distance between the building and lot lines, wetland edge(s), or nearest edge of road easement(s).

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited, rented, or sold, or which occupies time, attention, labor, or materials or which offers services or goods for compensation.

CARPORT. An area serving the same purpose as a garage as defined herein, but not entirely enclosed with walls.

CLUB. A nonprofit organization of persons being associated as bona fide members paying dues and using a premises which is restricted to members and their guests.

COMMON PROPERTY. Parcel or parcels of land, together with the improvements thereon, which may include, but not limited to, recreational areas and facilities, green space, open space, and roads, all of which is for the use, responsibility, and benefit of the owners of specific land as shown on an officially recorded plat or registered land survey.

COMPREHENSIVE PLAN. The official City of North Oaks Comprehensive Plan made and recommended by the City Planning Commission and adopted by the City Council and all subsequent amendments and supplements thereto, indicating the general locations recommended for the principal streets, parks, and playgrounds, recreation areas, public buildings, zoning districts, character and extent of community development, and other physical aspects of urban planning on file in the office of the City Clerk.

CONDITIONAL USE. Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning use district, which for their respective conduct, exercise, or performance in the designated use districts may require reasonable but special, peculiar, unusual, or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications, or regulations in the use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the city and therefore may be permitted in the use district only by a conditional use permit.

CONDITIONAL USE PERMIT. A permit to regulate conditional uses.

CONDOMINIUM. A multi-family dwelling in which portions of the building are designed and designated for separate ownership and the remainder of which is designed and designated for common property.

DEVELOPMENT. A planning or construction project on land which may include the subdivision of land, construction of buildings, structures, site improvements, or grading.

DEVELOPMENT CONTRACT. An agreement between the city and applicant in which the terms and conditions of development are set forth.

DISTRICT. Section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

DWELLING. A building or 1 or more portions thereof occupied or intended to be occupied exclusively for human habitation, but not including rooms in commercial enterprises such as, but not limited to, motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, or trailer coaches. A ***DWELLING*** shall not be interpreted to include lodging rooms.

DWELLING, ATTACHED. A dwelling which is joined to another dwelling at 1 or more sides by a common wall or a party wall.

DWELLING, DETACHED. A dwelling which is entirely surrounded by open area on the same lot.

DWELLING, MULTI-FAMILY. A building used for occupancy by 3 or more families living independently of each other and containing 3 or more dwelling units per building. ***MULTI-FAMILY DWELLINGS*** shall be limited to rowhouses, condominiums, and senior housing.

DWELLING, SINGLE-FAMILY. A dwelling designed for or occupied by 1 family.

DWELLING UNIT. One or more rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitation facilities.

EASEMENT. A limited right to or for the use or restriction of use of land for a specifically stated purpose such as, but not limited to, arboreal, berm, canal, drainage, driveway, maintenance, natural state, green space, open space, planting, ponding, roads, trails, or recreation, trimming, utilities, vista, and water storage.

EGRESS LEVEL. The story of a building which has a portion of the perimeter walls exposed to less than 44 inches above the lowest grade, but which has less than an average of 50% of the total perimeter wall area exposed above the lowest grade.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments or other governmental bodies, of underground or overhead gas, electrical, water, transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, towers, electric substations, and other similar equipment and accessories in conjunction therewith, reasonably necessary for the furnishing of utility services by the private utilities or public departments or commissions for the public health or safety or general welfare.

FAMILY. One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than 5 persons not so related maintaining a common household and using common cooking, kitchen, and sanitation facilities.

FENCE. An artificial barrier erected for the purpose(s) of enclosing or concealing something, whether wholly or partially, including parcels of land, and/or dividing or separating land into distinct portions or areas.

FLOOR AREA RATIO (FAR). The ratio of the TOTAL FLOOR AREA of all buildings to the GROSS LOT AREA, excluding 2/3 of any WETLAND.

FRONT ELEVATION. The side of a building facing the street. In the case of lots with more than 1 side bordering on a street, the front elevation is that street side of the building with the main entrance.

GARAGE, PRIVATE. An accessory building or accessory portion of the main building which shall not exceed 1,500 square feet.

GRADE. The lowest point of the finished surface of the ground, as measured on each building elevation.

GRADING. Changing the natural topography of the land.

GREEN SPACE. Pervious land area not encumbered by any buildings, structures, parking lots, drives, walks, storage, or above-ground utilities.

GROSS DENSITY. The total acres within a planned unit development or a phase of a planned unit development excluding DNR protected waters, DNR protected wetlands, and VLAWM designated wetlands divided by the total number of dwelling units.

GROSS LOT AREA. Total area of a platted lot excluding road easement(s).

HOME OCCUPATION. Any gainful occupation or profession engaged in by the occupant of a dwelling unit.

HOME OWNERS ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner in a planned unit or other described land area is automatically a member and each lot is automatically subject to a charge for a proportionate share of

the expenses for the organization's activities such as maintaining common property.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS). A sewage treatment system, or part thereof, serving a dwelling, building, restaurant, or other structure, or group thereof, which uses subsurface soil treatment and disposal.

LAND. Real property whether improved or unimproved.

LAND OWNERS ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner in a planned unit or other described land area is automatically a member and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities such as maintaining common property.

LANDSCAPE PLAN. A plan or drawing signed by a registered landscape architect identifying the existing natural features and proposed landscaping.

LANDSCAPING. The alteration of the topography of land to make it more visually pleasing to look at by the arrangement of trees, shrubs, stones, retaining walls, groundcover, other vegetation or berms.

LOT. A parcel, piece, or portion of land designated by a legal description, registered land survey, plat, or other means, and separated from other parcels or portions of lots by the description for the purposes of sale, lease, or separation thereof.

LOT AREA. The area of a horizontal plane within the lot lines.

LOT COVERAGE. The ratio of the area of all buildings determined by external dimensions, to the gross lot area.

LOT LINE. A boundary line of any lot in single or separate ownership.

MASTER DEVELOPMENT PLAN. Plans as required in § 151.056(B)(1)(a).

NATURAL DRAINAGEWAY. A watercourse, such as ditch, creek, or canal, through which stormwater runoff will naturally flow as it reaches a pond, lake, stream, wetland, or other body of water or area.

NONCONFORMING BUILDING, STRUCTURE, OR USE. A building, structure, or use existing prior to the effective date of this chapter which does not conform to the regulations in this chapter for the district in which it is situated or used.

OPEN SPACE. Land maintained in its predominant natural and scenic condition, except as permitted in easements or other agreements to which the city is a party or has consented.

OWNER. Any person or group of persons having sufficient proprietary interest in land.

PARKING SPACE OR STALL. An area at least 10 feet by 20 feet in size suitable to park 1 automobile, provided that the area has adequate access which is independent of the access to or from any other parking space or stall.

PARKS AND PLAYGROUNDS. Land suitable for recreational use.

PARTY WALL. A wall common to more than 1 dwelling unit.

PERMITTED USE. A use which may be lawfully established in a particular district or districts, which conforms to all requirements, regulations, and performance standards of those districts.

PERSON. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

PHASE. A defined portion of a plat, planned residential development, or planned unit development to be developed as an independent project.

PLANNED RESIDENTIAL DEVELOPMENT (PRD). A residential development of land that is planned as a whole and developed as a whole or in series of phases.

PLANNED UNIT DEVELOPMENT (PUD). A development of land that is planned as a whole and developed as a whole or in series of phases.

PLANTING STRIP. A row of plantings of sufficient height, width, and density so as to provide effective screening and buffering.

PLAT. A map, plan, or layout of a city, town, section, or subdivision indicating the location and boundaries, streets, roads, and easements of individual properties and includes registered land surveys. The plat shall be in a form of capable of being filed with the Registrar of Titles of Ramsey County as a registered land survey (RLS) showing the subdivided parcel's boundaries and lot or tract boundaries.

PRELIMINARY PLAN. A map or drawing that meets the requirements of § 151.056(B)(2)(b)1. at a scale of 100 feet to an inch delineating and showing correctly the boundaries of the subdivision; boundaries, layout, and size to the nearest tenth of an acre of the lots therein; streets, parks, playgrounds, and other land locations; north point and scale; existing topographical features, including contours and other physical aspects such as drainageways, wetlands and tree areas, and the proposed changes to those features. Also included shall be a separate map of the city showing the location of the proposed subdivision within the city.

PRINCIPAL BUILDING OR USE. The main use of land or buildings as distinguished from subordinate or accessory uses. A ***PRINCIPAL USE*** may be either permitted or conditional.

RECREATIONAL VEHICLE. A vehicle used or designated for temporary residential occupancy including but not limited to campers, motor homes, mobile homes, pickup campers, camper vans, panel trucks, camping trailers, tent trailers and travel trailers; and vehicles such as snowmobiles and all-

terrain vehicles (ATV's).

RESTAURANT.

(1) An establishment providing sit-down food service where food is prepared on premises and served to a customer and consumed on-site and where the carry-out or delivery of prepared food is incidental to the business operation.

(2) The establishment shall not have drive-through facilities for dispensing food to persons in automobiles.

(3) Customer seating of the establishment is at least 15% of the gross square footage.

(4) The establishments may serve intoxicating beverages for on-site consumption incidental to the operation of serving food.

(5) The establishment shall not provide stand-up bar service or stand-up table service and must have a food to liquor ratio of 60 to 40 or dining to bar seat ratio of 4 to 1.

(6) Entertainment and liquor specials shall be strictly limited and controlled through the city liquor license.

ROAD OR STREET. A public or private thoroughfare or easement, constructed according to the specifications of the city, which affords the principal means of access for vehicular traffic to abutting land.

ROWHOUSE. A multi-family dwelling having no more than 6 dwelling units per building in which each dwelling unit is designed for separate ownership.

SCREENING. The installation of something that conceals, encloses, or buffers, which may include fences, planting strips, or landscaping.

SENIOR HOUSING. A multi-family dwelling intended for occupancy by adults age 55 or older and having no more than 24 dwelling units per building, not including nursing homes, convalescent homes, and assisted living facilities.

SETBACK. The minimum horizontal distance between a building or structure, individual sewage treatment system or well and lot lines, nearest edge of road easement(s), wetlands, or ordinary high water level of lakes, rivers, or ponds.

SEWAGE. Any water-carrying domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

SHOPPING CENTER. An integrated grouping of commercial enterprises whose facilities are under single ownership or control

SITE PLAN. An accurately scaled development plan or map that illustrates the existing conditions of the land to be developed as well as the details of the proposed development or subdivision.

SIGN. A display, illustration, structure, or device containing or displaying graphic information visible from the exterior which directs attention to an object, product, place, activity, person, institution, organization, or business.

STAGING PLAN. Within a subdivision, a map or plat which identifies the timing and location of phased development.

STRUCTURE. Anything which is built, constructed, or erected, whether temporary or permanent, in, on, or above the land.

SUBDIVIDER. Any person commencing proceedings under the terms of this chapter to effect a subdivision of land hereunder.

SUBDIVISION. The division of a lot or parcel of land into 2 or more lots or parcels, any of which resultant lots or parcels is less than 10 acres in area or less than 200 feet in width or is a planned residential district or planned unit development district established pursuant to §§ 151.055 or 151.056, for the purpose of transfer of ownership or building or development, or if a new street or the extension of an existing street is involved, any division of a lot or parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBDIVISION, MAJOR. All subdivisions not classified as a minor subdivision, or any size subdivision requiring any new street or extension of city utilities, or the creation of any public improvements.

SUBDIVISION, MINOR. Any subdivision necessary to adjust common boundary for lot lands between multi-family dwellings or townhomes after construction thereof.

SUITABLE FOR RECREATIONAL USE. Land that can be used for construction of baseball, soccer, and football fields, hockey arenas, swimming pools, tennis courts, and other such active sports and recreational activities without extraordinary or unreasonable costs due to the topography and nature of the land, and which is in a location compatible with other recreation land contained in the Comprehensive Plan.

SUITABLE SITE. A useable area site of at least 25,000 contiguous square feet for lots with individual sewage treatment systems, and 15,000 contiguous square feet for lots served by a central sewer system connected to the regional facilities.

TOTAL FLOOR AREA. The total area of all stories, as determined using exterior dimensions, including garages that are not part of the BASEMENT, clerestory area and covered porches and decks.

TOWNHOUSE. A ***TOWNHOUSE***, ***TOWNHOME***, or ***TWINHOME*** is 1 dwelling unit in a building containing no more than 2 dwelling units with 1 or more party walls. A ***TOWNHOUSE*** is designed for 2 families living independent of each other.

USABLE AREA. The area of a lot, excluding all required setbacks, easements, and wetlands, where the topographic and soil conditions and configuration are suitable for each of the following in some section of the area: construction of a dwelling unit, future additions, accessory structures, well site, 2 individual sewage treatment system areas (for an unsewered lot), yard, driveways, and required parking areas. During the subdivision process only, when calculating the usable area of a proposed lot, the subdivider may include any trail easement area of over 2,000 square feet per lot and may be given partial credit for other easements where there is area available for normal residential use as defined for usable area.

USE. The purpose or activity for which the land, structure, or building thereon is designated, arranged, intended, or for which it is occupied, utilized, or maintained.

VARIANCE. A waiver of compliance with the regulations of this chapter or the subdivision ordinance, to alleviate unnecessary hardship and allow a reasonable use of the building, structure, or land which, because of unusual or unique circumstances, is denied by terms of this chapter or the Subdivision Ordinance.

WALK-OUT LEVEL. The story of a building which has a portion of the perimeter walls exposed to the lowest grade but which has less than an average of 50% of the total perimeter wall area exposed above the lowest grade.

WETLAND.

(1) A surface feature of at least 2,000 contiguous square feet, and classified as a wetland in the Minnesota Wetland Conservation Acts, M.S. Ch. 103G, as it may be amended from time to time, which states "Wetlands means 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."

(2) For purposes of this definition, ***WETLANDS*** must have the following 3 attributes:

(a) Have a predominance of hydric soils;

(b) Are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(c) Under normal circumstances support a prevalence of the vegetation.

ZONING DISTRICT. Section or sections of the incorporated area of the city for which regulations and provisions governing the use of structures and lands are uniform for each class of use permitted therein.
(Ord. 94, § 5, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003; Am. Ord. passed 8-14-2015; Am. Ord. passed 9-10-2015)

§ 151.006 EFFECTIVE DATE.

This chapter shall take effect and be in force after its passage and official publication.
(Ord. 94, § 11, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003; Am. Ord. passed 8-14-2015; Am. Ord. passed 9-10-2015)

GENERAL STANDARDS

§ 151.020 PURPOSE.

(A) The purpose of this subchapter is to establish general development performance standards.

(B) These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the city.
(Ord. 94, § 6.1, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.021 CONFORMITY.

No structure shall be erected, converted, enlarged, reconstructed, or altered, nor shall any building, structure, or land be used for any purpose or in any manner which is not in conformance with the provisions of this chapter, except as hereinafter provided.
(Ord. 94, § 6.2, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.022 USE NOT PROVIDED FOR WITHIN ZONING DISTRICTS.

(A) In any zoning district whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited.

(B) The Planning Commission may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate, and determine the conditions and standards relating to development of the use.

(C) If appropriate, a proposed amendment to this chapter shall thereafter be initiated in accordance with § 151.077.
(Ord. 94, § 6.3, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.023 NONCONFORMING BUILDINGS, STRUCTURES, AND USES.

(A) (1) A further purpose of this subchapter is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, and uses shall be operated and maintained.

(2) This chapter establishes districts, each of which is an appropriate area for the location of uses which are permitted in that district.

(3) 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) Any building, structure, or use lawfully existing upon the effective date of this or chapter may be continued at the size and in the manner of operation existing upon that date, except as hereinafter specified.

(C) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, 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) (a) Any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than fifty (50) percent of the required setback from the water is destroyed by fire or other peril to greater than fifty (50) percent of its estimated market value, as indicated in the records of the County assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created visual impacts on the adjacent property or water body.

(b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities

reasonable regulations to prevent and abate nuisances and to protect the public health, welfare or safety. This subdivision does not prevent a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by the ordinance.

(c) Notwithstanding paragraph (a), a municipality shall regulate the repair, replacement, maintenance, improvement or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(D) (1) Except as provided in division (D)(2) below, no nonconforming building, structure, or use shall be expanded within the area of the nonconformity or be moved on its lot or to another lot or land parcel unless the movement shall bring the nonconformance into compliance with the requirements of this chapter.

(2) (a) The prohibition of the expansion of a nonconforming building or structure shall not apply to the expansion described herein of a nonconforming principal or main building, used as a single-family dwelling, in a Residential Single-Family Low Density District (RSL District) or a Residential Single-Family Medium Density District (RSM District), for which a building permit has been issued prior to the effective date of this division (D) (2).

(b) New construction relative to such a nonconforming building shall be allowed only in accordance with this division (D) (2) after issuance of the required building permit, as long as construction is started within sixty (60) days of the effective date of this ordinance, construction is not abandoned for more than one hundred twenty days (120) and construction continues to completion with three (3) years of its starting date.

(c) All construction shall comply with all of the provisions of this chapter, the Shoreland Ordinance, and all other applicable regulations, including, but not limited to, the requirements as to setback, height, and floor area ratio, in the RSL District or RSM District, in which the property is located.

(d) The new construction shall not increase the presently existing nonconformity of the nonconforming building.

(E) When any lawful, nonconforming use of any building, structure, or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

(F) Nothing in this chapter shall prevent the normal maintenance of a building or other structure containing or related to a lawful nonconforming use, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
(Ord. 94, § 6.4, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003; Am. Ord. passed 2-11-2016) Penalty, see § 10.99.

§ 151.024 DWELLING UNIT RESTRICTION.

(A) No building shall be occupied for its intended use until the city has received an as-built certificate of survey prepared by a registered land surveyor and an occupancy permit issued by the City Building Inspector.

(B) The as-built certificate of survey must show all easements, final setback distances, ground elevations, building elevations, and driveway/parking placements.

(C) No basement, cellar, garage, tent, mobile home, trailer, or other recreational home or accessory building shall at any time be used as a dwelling unit, temporarily or permanently, except that a mobile home, trailer, or recreational home may be used for not more than 3 months if associated with a construction project, and its sanitary sewage system is in compliance with city, county, state, and federal laws and regulations.

(D) Basements or cellars may be used as living quarters and rooms as a portion of residential dwellings, provided that all applicable laws, regulations and city ordinances are complied with.
(Ord. 94, § 6.5, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.025 NONCONFORMING PLATTED AND UNPLATTED PROPERTY.

(A) A lot or parcel of land for which a deed or other form of conveyance has been recorded in the office of the County Recorder upon or prior to the effective date of this chapter shall not be deemed a buildable lot unless, at a minimum, it meets the following conditions.

(1) It has frontage on a road, street, or public highway.

(2) The lot area requirements for the district in which it is located are within 80% of the minimum requirements of this chapter.

(3) It can be demonstrated that a proper adequate sewage treatment system can be installed according to city, county, state, and federal laws and regulations, including the requirement for a second septic treatment site.

(4) All buildings or structures, individual sewage treatment systems, or wells thereon located are no less than 60 feet from any main building, individual sewage treatment system, or well located on an adjacent lot.

(5) At no time after the lot or parcel became nonconforming was the lot or parcel under common ownership with contiguous lots or parcels, the combination of which could have been used to reduce or avoid the nonconformity of the lot or parcel.

(B) If, in a group of two (2) or more contiguous lots or parcels of land under the same ownership, any individual lot or parcel does not meet the minimum width and area requirements specified in this chapter, the lot or parcel shall not be considered as a separate lot or parcel of land for purposes of sale or development, but, instead, the separate lots or parcels must merge into one (1).
(Ord. 94, § 6.6, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003; Am. Ord. passed 2-11-2016)

§ 151.026 ACCESSORY BUILDINGS, STRUCTURES, USES, AND EQUIPMENT.

(A) An accessory building is not considered an integral part of the principal building if its only connection to the principal building is by an enclosed passageway.

(B) Detached accessory buildings or structures shall not exceed the height of the principal building nor occupy a ground area equal to more than 50% of the ground area of the principal building.

(Ord. 94, § 6.7, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003; Am. Ord. passed 2-11-2016) Penalty, see § 10.99

§ 151.027 LAND RECLAMATION.

(A) A further purpose of this subchapter is to provide for the moving, removal, and depositing of soil from its natural location to another location in such a manner that it will not be detrimental to the general health, safety, and welfare.

(B) (1) All building permit applications which involve the excavation or filling of more than 10 cubic yards of soil shall include a cut and fill analysis and site plan, prepared by an architect or engineer.

(2) The cut and fill analysis shall show the amount of soils to be excavated, imported and/or removed during the development of the site.

(3) The site plan shall show existing and proposed contours at 2-foot intervals; proposed elevations of the top of roof and garage, first floor, walkout level, and abutting land levels; and all other information pertinent to compliance with the provisions of this chapter.

(C) (1) As used in this subchapter, land reclamation shall be the grading of land or reclaiming of land by the moving or depositing of material so as to change the existing topography of the land, provided that excavations for buildings pursuant to building permits shall not be considered land reclamation unless the disposal of excavated materials is in areas outside of the driveway and parking pads, or at a distance greater than 25 feet from the side of the building.

(2) If excess excavated materials are exported or placed outside of the limits described, the provisions of division (D) below shall apply.

(3) The depositing of not more than 4 inches of top soil shall not be considered land reclamation.

(D) Land reclamation involving 100 cubic yards or more of soil shall require a conditional use permit as provided in § 151.076. The application for the conditional use permit shall include:

(1) A map showing:

(a) The natural topography of the land to be reclaimed and the land adjacent thereto;

(b) The proposed topography after the land reclamation; and

(c) The existing natural drainage of the land and the land adjacent thereto, and the drainage of the land after the proposed land reclamation.

(2) Written information:

(a) Stating the purpose for reclamation;

(b) Setting forth the date of beginning and the date of completing the land reclamation;

(c) Documenting the types of soil on the land and type and amount of soil to be graded or deposited;

(d) Proposing measures for erosion and wind control;

(e) Setting forth the number and type of vehicles to be used and vehicular ingress and egress routes;

(f) Specifying the general maintenance plans of the site; and

(g) Stating the effect on adjacent land, lakes, streams, and/or ground water.

(Ord. 94, § 6.8, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.028 OFF-STREET PARKING, LOADING AREAS, AND SERVICE ENTRANCES.

(A) A further purpose of this subchapter is to alleviate and prevent congestion on roads or streets and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading areas, and service entrances in accordance with the utilization of various parcels of land or structures.

(B) The regulations and requirements set forth herein shall apply to all off-street parking, loading areas, and service entrances in all of the zoning districts of the city.

(C) All applications for a building or occupancy permit in all zoning districts shall be accompanied by a site plan drawn to a scale of 1 inch equals 40 feet and shall include the location of off-street parking, loading areas, and service entrances, surface, and drainage plans.

(D) Except in RMM, RMH, and RCM Districts, all off-street parking and loading requirements shall be met on the same lot as the building serviced and no off-street parking shall be within 10 feet from the nearest edge of any road, or within 30 feet of any other lot line.

(E) (1) All Lots upon which principal buildings are located shall be provided with permanent vehicular access to a road or street.

(2) No access driveway, unless a variance has been granted, shall be situated within 30 feet of any lot line or the intersection of roads or streets, except as provided in § 151.050(D)(6).

(3) Upon the approval of the City Council, these distances may be modified within a PUD or PRD, but only if safe and adequate vehicular access is otherwise provided for.

(4) All parking stalls shall be a minimum of 10 feet wide by 20 feet deep, except handicapped stalls, which shall be 12 feet wide by 18 feet deep.

(F) (1) All new construction intended to be utilized for parking, loading areas, and service entrances shall be surfaced with concrete, bituminous material, or an approved equivalent suitable to control dust and drainage and shall be properly constructed and maintained to be usable under all weather conditions.

(2) Areas shall be so graded and drained to dispose of all surface water using natural drainage patterns and without adverse effect on neighboring land.

(G) Off-street parking facilities and loading areas in RSL, RSM, RMM, and RMH Districts shall be utilized solely for the parking and loading of licensed and operable vehicles which do not exceed 9,000 pounds gross weight, except as provided in division (H) below.

(H) All recreational vehicles, disabled or stored motor vehicles, boats and trailers of all types, must be garaged or completely screened year round from all roads or adjacent dwellings, but may be

parked or exhibited in view for a temporary period not exceeding 30 days in a calendar year.

(I) No single-family detached dwelling shall have less than 4 off-street parking spaces exclusive of garage and carport areas. Parking spaces shall be 10 feet by 20 feet in size.

(J) Any structure designed to accommodate other than a single-family dwelling shall provide adequate off-street parking for the intended use.

(K) (1) Off-street loading, unloading, and service entrances shall be provided for every building or structure used or designed for use other than residential to an extent adequate for the proposed use.

(2) The facilities shall be separated from, and in addition to, off-street parking areas and shall not obstruct or hinder access to a building, road, street, public highway, pedestrians, or vehicular traffic.

(L) Consultants maybe employed, in accordance with § 151.083(B), to assist city personnel and officials in determining whether the proposed facilities for off-street parking, loading, unloading, and service entrances are adequate.
(Ord. 94, § 6.9, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003, Am. Ord passed 9-10-2015) Penalty, see § 10.99

§ 151.029 EXTERIOR STORAGE.

(A) Except clothesline poles and wires, woodpiles, construction equipment, and materials in current use and landscaping equipment or material in current use, all materials and equipment shall be stored within a building or wholly concealed by screening, as provided in § 151.034, so as not to be visible from any road, street, or dwelling.

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

CURRENT USE. A period of time not exceeding 90 days per 12-month period.
(Ord. 94, § 6.10, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.030 REFUSE.

(A) All exterior storage not included as a permitted use, permitted accessory use, or included as part of a conditional use, or otherwise permitted by the provisions of this chapter, except compost piles and woodpiles for use in the principal residential dwelling or for recreational purposes, shall be considered refuse.

(B) In residential districts, refuse and refuse containers not enclosed within a building shall be covered and shall be wholly concealed as provided in § 151.034.

(C) (1) Vehicles in an inoperative condition or unlicensed or unregistered shall be considered refuse and shall not be parked or stored unless wholly concealed from all roads, streets, and adjacent dwellings by screening, as provided in § 151.034.

(2) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

INOPERATIVE. Incapable of movement under its own power or not equipped to meet all requirements for use on public highways.
(Ord. 94, § 6.11, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.031 EXTERIOR LIGHTING.

(A) In all residential districts, exterior lighting shall be arranged so that it does not interfere with the reasonable use and enjoyment of surrounding land or constitute a hazard to vehicular traffic on all roads, streets, and public highways.

(B) Exterior lighting shall be designed and directed so that there is no direct viewing angle of the illumination source from surrounding land.
(Ord. 94, § 6.12, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.032 SMOKE, DUST, ODORS, AND NOISE.

(A) The emission of smoke, dust, fly ash, or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control standards and regulations.

(B) The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control standards and regulations, but in no event shall the emission of odorous matter be in the quantity or level as to be readily detected beyond the boundaries of the land from which it originates.

(C) All noise shall be muffled so as not to be objectionable due to intensity, intermittence, beat frequency, or shrillness and shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minn. Rules Chapter 7030, as amended for Noise Area Classification 1, as it may be amended from time to time.

(D) (1) The City Council may require an owner, operator, or user to have made the investigations and tests as may be required to show adherence to divisions (A), (B), and (C) above.

(2) The investigation and tests as are required to be made shall be carried out by an independent testing organization approved by the City Council after 30-days' written notice to the owner, operator, or user.

(3) The costs incurred in having the investigations or tests conducted shall be shared equally by the owner, operator, or user and the city, unless the investigation and tests disclose noncompliance with this chapter, in which event the entire investigation and testing cost shall be paid by the owner, operator, or user.

(4) Nothing herein shall preclude the city from making any tests or investigations it finds appropriate to determine compliance with this subchapter.
(Ord. 94, § 6.13, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.033 HEIGHT LIMITATION NEAR ROAD.

(A) The area within 5 feet from the blacktopped or finished edge of any road shall be kept clear of temporary or permanent obstacles such as stakes, poles, posts, large rocks, and shrubbery, except temporary boundary stakes issued or approved by the North Oaks Homeowner's Association, Inc., for road maintenance purposes, a mailbox, newspaper receptacles, sod and sprinkler heads may be placed within the area at the risk of the land owner(s) and provided none of the foregoing creates a traffic hazard or interferes with road maintenance.

(B) The area between 5 feet and 10 feet from the blacktopped or other finished edge of any road shall be kept clear of anything with a height of more than 12 inches except a house identification post and 2 lamp posts placed within the area at the risk of the land owner(s), none of which may exceed 10 inches in diameter, and provided none of the foregoing creates a traffic hazard or interferes with road maintenance.

(C) ***Notice of Violation***. If the City Administrator or an enforcement officer appointed by the Administrator finds that a person violated a prohibition or failed to meet a requirement of this section, the city may order compliance by written notice of violation to the responsible person. The notice may require without limitation: The abatement or remediation of hazards; and payment of a fine and remediation costs.
If abatement of a violation is required, the notice must set forth a deadline within which the remediation must be completed. The notice must further advise that, should the violator fail to remediate within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof charged to the violator.

(D) ***Appeal of Notice of Violation.*** Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agent. The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the City Council must take place within 30 days from the date of receipt of the notice of appeal. The decision of the City Council is final.

(E) ***Enforcement Measures after Appeal.*** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the City Council upholding the decision, the authorized enforcement agent, or their representatives, may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the designated contractor to enter upon the premises for the purposes set forth above.

(F) ***Cost of Abatement of the Violation***. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the City Council or by the expiration of the time in which to file an appeal, the charges will become a special assessment against the property and will constitute a lien on the property for the amount of the assessment, and will be certified to the County Auditor for collection with the real estate taxes.

(G) ***Injunctive Relief***. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(H) ***Administrative Fines.*** In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the City may impose Administrative Fines upon a property owner violator in an amount not to exceed $100.00 per day for each and every day the violation continues. Fines unpaid by the 15th of August must be consolidated and Notice of the right to appeal mailed to the property owner at least 10 days before the regular September meeting of the City Council. The Council must offer the owner a Hearing and may waive all or part of the fine upon a showing of good cause. Fines not waived and unpaid 30 days thereafter will constitute a lien upon the property and will be certified for collection with the real estate taxes.

(I) ***Violations deemed a Public Nuisance***. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of the nuisance may be taken.

(J) ***Criminal Prosecution.*** Any person that has violated or continues to violate this ordinance is liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of a misdemeanor. The City may recover all attorneys' fees court costs and other expenses associated with

enforcement of this ordinance.

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

(Ord. 94, § 6.14, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003, Am. Ord. passed 01-14-2016) Penalty, see § 10.99

§ 151.034 FENCES, SCREENING, PLANTING STRIPS, AND LANDSCAPING.

(A) Further purposes of this subchapter are to establish requirements, standards, and guidelines relative to the construction and use of fences, screening, planting strips, and landscaping within 30 feet of lot lines.

(B) Subject to the limitations in § 151.033, fences, screening, planting strips, and landscaping are permitted within 30 feet of a lot line, but subject to the following restrictions.

(1) Solid walls in excess of 48 inches above adjacent ground grades shall be prohibited.

(2) Fences in excess of 48 inches high above adjacent ground grades shall be at least 30% open through the structure to allow for passage of light, air, and wind.

(3) The side of the fence considered to be the finished side as opposed to structural supports shall face abutting property.

(4) Fences in side or rear yards, i.e., subject to division (B)(6) below, the area between the front building foundation line of the principal structure and rear lot line shall not exceed a height of 6 feet above finished grade.

(5) Fences in front yards, i.e., the area between the blacktopped or other finished edge of any road and the front building foundation line of the principal structure may, after being setback a minimum of 10 feet from the blacktopped or other finished edge of any road pursuant to § 151.033(B), be a maximum of 48 inches in height, except in the case of corner lots where, in addition to complying with the 10-foot setback in § 151.033(B), a maximum 30-inch height above road height shall be permitted within a triangular area defined as follows: beginning at the intersection of the blacktopped or other finished edge of any roads within the front yard; thence 40 feet along 1 the road edge; thence diagonally to a point 40 feet from the point of beginning on the other road edge; thence to the point of beginning.

(6) In the case of a corner lot, both yards abutting the blacktopped or other finished edge of a road shall be considered a front yard.

(7) All fences, screening, planting strips, and landscaping shall be located entirely on the lot

of the person(s) installing or causing installing of the same.

(8) Nothing in this section is intended to supersede any stricter requirements set forth in any private covenant or agreement affecting any lot owners) nor any stricter requirements set forth in any statute, law, or regulation relating to setbacks from wetlands or public waters.

(9) Barbed wire or similar fences shall be prohibited.

(10) Fences surrounding swimming pools shall comply with §§ 150.055 *et seq.*, and to the extent not inconsistent herewith, the requirements in this chapter.

(11) No fence, screening, planting strip, or landscaping shall be permitted which creates a traffic hazard.

(C) The provisions of M.S. Ch. 344, as it may be amended from time to time, shall not apply within the city.

(D) Fences, screening, planting strips, and landscaping must be maintained so as to not endanger life or property and any fence, screening, planting strip, or landscaping which endangers life or property shall be deemed a nuisance.

(E) Any deviation from the provisions of this section shall require a variance.
(Ord. 94, § 6.15, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

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DISTRICTS

§ 151.045 ESTABLISHMENT OF DISTRICTS.

The following zoning district classifications are hereby established within the City of North Oaks:

(A) RSL - Residential Single-Family Low Density;

(B) RSM - Residential Single-Family Medium Density;

(C) RMM - Residential Multi-Family Medium Density;

(D) RMH - Residential Multi-Family High Density;

(E) RCM - Residential Commercial Mixed;

(F) PRD - Planned Residential Development;

(G) PUD - Planned Unit Development;

(H) C - Commercial;

(I) CS - Commercial/Service;

(J) LI - Limited Industrial;

(K) R - Recreation;

(L) OS - Open Space;

(M) HP - Historic Preservation; and

(N) Shoreland.
(Ord. 94, § 7.1, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.046 ZONING DISTRICT APPLICATION.

(A) The boundary lines of the zoning districts shown in § 151.045 are hereby established as follows.

(B) (1) The document referred to as the Zoning District Map of North Oaks, the map being dated 2-11-1999, and as may be amended from time to time (hereinafter referred to as the Zoning District Map), is hereby adopted as the official zoning ma of the city and has been filed with the City Clerk.

(2) The Zoning District Map and all notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and is hereby made part of this chapter by reference and incorporated herein as fully as if set forth herein length.

(C) The Zoning District Map may be amended from time to time by action of the City Council taken in accordance with § 151.077.
(Ord. 94, § 7.2, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.047 ANNEXED LAND.

All lands which may hereafter become part of the city through annexation shall be automatically classified as Residential Single-Family Low Density, until otherwise changed by amendment procedures as set forth in § 151.077.

(Ord. 94, § 7.3, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.048 LOT DIVIDED BY ZONING DISTRICT LINE.

Where a developed lot at the time of the effective date of this chapter is divided by a district boundary line as established in this section and as shown on the Zoning District Map, the uses authorized thereon and the other requirements applying to the most restricted portion of the lot under this chapter shall be considered as extending to the entire lot.
(Ord. 94, § 7.4, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.049 ZONING DISTRICT BOUNDARIES.

(A) Zoning district boundary lines as indicated on the Zoning District Map follow lot lines, center of watercourses, or the corporate limit lines, all as they exist upon the effective date of this chapter.

(B) If district boundary lines do not follow any of the above described lines, the district boundary lines are established as indicated on the Zoning District Map.
(Ord. 94, § 7.5, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.050 RSL - RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT.

(A) *Purpose.* This District is established to provide for low density single-family detached residential dwellings and directly related complimentary uses compatible with the environment and conforming to the level of services available and to provide the community facilities as will enhance the quality of the area.

(B) *Permitted uses.* The following uses shall be permitted:

(1) Single-family detached dwellings;

(2) Essential services;

(3) Single-family detached dwelling planned unit development or phases of a planned unit development which meet all requirements of this section; and

(4) A business conducted in the dwelling or a home occupation, provided that:

(a) The business or home occupation is conducted by a resident occupant of the dwelling;

(b) The business or home occupation is incidental and secondary to the residential use of the dwelling;

(c) There is no external activity or external alteration of the dwelling, including any observable business activity such as deliveries or visitation or use of the lot upon which the dwelling is located by customers, clients, agents, independent contractors, or employees;

(d) There is no business related exterior storage, display, or signage and no interior signage which may be viewed from the exterior of the dwelling;

(e) The business or home occupation conducted in the dwelling generates no external noise; and

(f) The business or home occupation generates no light glare, odor, vibration, smoke, electrical or other interference that in any way adversely affects adjacent or nearby uses.

(C) *Permitted accessory uses*. The following accessory uses shall be permitted:

(1) Attached or detached private garage and private carport facilities, provided the structures are constructed in the same architectural style as the principal building or structure and provided that the combined facilities shall not exceed 1,500 square feet;

(2) Private tennis courts and swimming pools, which are maintained for the enjoyment and convenience of the resident of the principal use and their guests;

(3) Buildings and uses accessory to the principal use, small tool houses, sheds for storage of domestic supplies, and noncommercial recreation equipment, provided the structures are constructed in the same architectural style as the principal building or structure, but accessory dwelling units shall not be permitted;

(4) Noncommercial greenhouses; and

(5) Signs showing residents' name and/or address identification not to exceed 2 square feet and 1 real estate sale sign not to exceed 8 square feet.

(D) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076:

(1) Municipal and public utility buildings and structures necessary for the health, safety, and general welfare of the community, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage; and

(e) Section 151.083 is complied with.

(2) Neighborhood or community centers, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage;

(e) The site of the principal use and related parking is served by a road or street of sufficient capacity to accommodate the traffic which will be generated; and

(f) Section 151.083 is complied with.

(3) Private nonprofit golf clubs, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage;

(e) Use of the premises is restricted to members and their guests; and

(f) Section 151.083 is complied with.

(4) Non-neon signs and non-neon informational visual communication devices, except as prohibited in division (D)(1)(d) above, provided that:

(a) The height of the sign or device does not exceed the height of the principal structure or the structure to which it is affixed;

(b) The architectural style and design shall not be so dissimilar to the surrounding buildings or area so as to adversely impact other land;

(c) There are no moving or flashing parts and any illumination shall be in compliance with § 151.031;

(d) The sign or device is permanently fixed to the land or to a building or structure;

(e) The sign or device is not a billboard and is associated with the principal use of the land; and

(f) Section 151.083 is complied with.

(5) Access driveways with a setback of not less than 15 feet, provided that:

(a) Topographical conditions prevent reasonable access elsewhere on the lot or a large tree or major group of trees would be preserved; and

(b) Section 151.083 is complied with.

(6) Sales and management office for a planned unit development (PUD) or planned residential development (PRD) or a home owners association management office, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the surrounding area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage; and

(e) Section 151.083 is complied with.

(7) Buildings with a height greater than 35 feet, provided that:

(a) The front elevation of the building does not exceed 35 feet in height at any point;

(b) The building height at any other elevation does not exceed 45 feet;

(c) The environmental and topographical conditions of the lot prior to building development are naturally suited to the design of a building with an egress or walkout level;

(d) Buildings shall be limited to a basement and 2 full stories. Finished areas within the roof structure will be considered a full story;

(e) Any time the side or rear elevations of a building exceeds 35 feet in height within 50 feet of adjacent lot lines, the building line shall be setback an additional 2 feet from the adjacent setback line for each foot in height above 35 feet; and

(f) Section 151.083 is complied with.

(8) The Lots in Registered Land Survey 527 and 528, also known as Southpointe and South Wildflower Subdivisions, which were approved by the City Council for buildings with walkout levels, are hereby granted the right to seek conditional use permits for the construction of buildings with a height greater than 35 feet, but not exceeding 45 feet, subject to each lot meeting the conditions in Sections 7.6.4(h)(i) through 7.6.4 (h)(vi) and all other provisions of this chapter, except that the procedure as outlined in § 151.079 shall be revised as follows:

(a) The Zoning Administrator shall review and analyze the request, submit a report to the Planning Commission, and schedule a public hearing for the next regular Planning Commission meeting in accordance with § 151.079(D);

(b) At the next regular meeting, the Planning Commission will hold the public hearing, make findings of fact, and recommend denial or approval; and

(c) At the following City Council meeting, the City Council will act on the conditional use permit with the approval needing a 4/5 vote of the City Council when at least 4 members are present.

(9) Garage which exceeds 1,500 square feet, provided that:

(a) The garage shall not exceed 3,000 square feet;

(b) The garage shall be constructed in the same architectural style as the principal building or structure;

(c) The floor area ratio shall not exceed 0.12;

(d) No use of the garage shall be permitted other than for private residential noncommercial use; and

(e) The factors set forth in § 151.076(C) shall be considered.

(E) *Lot area requirements.* No lot, tract, or parcel of land wholly or partly within an RSL District shall hereafter be divided in any manner, unless:

(1) The average size of each and every lot, tract, or parcel of land created by the subdivision shall have a minimum area of 1.45 acres, and in no event shall any lot, tract, or parcel of land so created have a minimum area of less than 1.25 acres;

(2) In determining and calculating average sizes:

(a) Only those lots, tracts, or parcels of land on which a single-family detached residential dwelling can be constructed may be considered and used; and

(b) Those areas within the waters known as Black Lake, Charley Lake, Deep Lake, Gilfillan Lake, Pleasant Lake, and Wilkinson Lake, DNR protected wetlands and VLAWMO designated wetlands shall be excluded in calculating average sizes.

(3) The lot meets the definitions of a suitable site and a usable area as defined in this chapter.

(F) *Setbacks.*

(1) No building or structure (except fences, screening, planting strips, and landscaping in compliance with §§ 151.033 and 151.034), individual sewage treatment system, or well shall be located within 30 feet of the lot lines, the nearest edge of any road or street easements, or any wetland, except that additions which do not exceed 25% of the existing building footprint area, on buildings or structures lawfully existing upon the effective date of this chapter shall be excluded from wetland setback requirements.

(2) No grading or filling shall be allowed within 30 feet of adjacent lot lines without prior notification to the adjacent lot owners and approval of the Planning Commission, except that grading and filling will be allowed if it is within 10 feet of a building.

(G) *Building heights.* The height of any building shall not exceed 35 feet. Buildings shall be limited to a basement (a floor level that has less than 50% of the perimeter walls exposed above the lowest grade) and 2 full stories. Finished areas within the roof structure will be considered a full story.

(H) *Floor area ratios.* For lots where the combined square footage of all buildings thereon exceed 4,000 square feet, then the combined total floor are ratio (FAR) of all buildings on such lots shall not exceed 0.12.
(Ord. 94, § 7.6, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003; Am. Ord. 94-G, passed 12-8-2005) Penalty, see § 10.99

§ 151.051 RSM - RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT.

(A) *Purpose.* This District is established to provide for medium density single-family detached residential dwellings and directly related complimentary uses compatible with the natural environment and conforming to the level of services available and to provide the community facilities as will enhance the quality of the area.

(B) *Permitted uses.*

(1) All uses that are permitted uses in the Residential Single-Family Low Density District in § 151.050(B); and

(2) A single-family detached dwelling, planned unit development (PUD), or a phase of a PUD which has a maximum gross density of 1 unit per 1.1 acres and which is served by a central sanitary sewer collection system.

(C) *Permitted accessory uses*. All uses that are permitted accessory uses in the Residential Single-Family Low Density District in § 151.050(C).

(D) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076:

(1) All uses that are permitted conditional uses in the Residential Single-Family Low Density District in § 151.050(D); and

(2) Public and private educational institutions limited to preschool, nursery, elementary, junior and senior high schools; religious institutions such as churches, chapels, temples, and synagogues, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage;

(e) The site of the principal use and related parking is served by a road or street of sufficient capacity to accommodate the traffic which will be generated; and

(f) Section 151.083 is complied with.

(E) *Lot area requirements.* No lot, tract, or parcel of land wholly or partly within a RSM District shall hereafter be divided in any manner, unless:

(1) The average size of each and every lot, tract, or parcel of land so created will have a minimum area of 1.10 acres, provided that in no event shall any lot, tract, or parcel of land so created have a minimum area of less than 1 acre;

(2) In determining and calculating average sizes:

(a) No more than 3 acres of any lot, tract, or parcel of land so created shall be considered and figured; and

(b) Those bodies of water known as Black Lake, Charley Lake, Deep Lake, Gilfillan Lake, Pleasant Lake, and Wilkinson Lake, DNR protected wetlands and VLAWMO designated wetlands shall be excluded.

(3) The lot meets the definitions of a suitable site and a usable area as defined in this chapter.

(F) *Setbacks.* The setback requirements of the Residential Single-Family Low Density District in § 151.050(F) shall apply and govern.

(G) *Building heights.* The building height requirements of the Residential Single-Family Low Density District in § 151.050(G) shall apply and govern.

(H) *Floor area ratio.* For lots where the combined square footage of all buildings thereon exceed 4,000 square feet, then the combined total floor area ratio (FAR) of all buildings on such lots shall not exceed 0.12.
(Ord. 94, § 7.7, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003; Am. Ord. 94-G, passed 12-8-2005) Penalty, see § 10.99

§ 151.052 RMM - RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT.

(A) *Purpose.* This District is established to provide for medium density attached residential dwellings and directly related complimentary uses compatible with the natural environment and conforming to the level of services available and to provide the community facilities as will enhance the quality of the area.

(B) *Permitted uses.* The following uses shall be permitted:

(1) All uses that are permitted uses in the Residential Single-Family Medium Density District in § 151.051(B);

(2) A planned residential development with townhouse dwellings; and

(3) A planned unit development (PUD) with single-family detached dwellings and townhouse dwellings.

(C) *Permitted accessory uses*. All uses that are permitted accessory uses in the Residential Single-Family Medium Density District in § 151.051(C).

(D) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076: all uses that are permitted conditional uses in the Residential Single-Family Medium Density District in § 151.051(D).

(E) *Lot area requirements.* No lot, tract, or parcel of land wholly or partly within a RMM District shall hereafter be divided in any manner, unless:

(1) The average size of each and every lot created as a single-family detached residential dwelling conforms with the requirements of § 151.051(E);

(2) If developed as a PRD or PUD, the lots shall conform to the requirements of §§ 151.055 or 151.056 and the current Comprehensive Plan; and

(3) In determining and calculating areas, those bodies of water know as Black Lake, Charley Lake, Deep Lake, Gilfillan Lake, Pleasant Lake, and Wilkinson Lake and DNR designated wetlands and VLAWMO designated wetlands shall be excluded.

(F) *Setbacks.* The setback requirement of the Residential Single-Family Medium Density District in § 151.051(F) or the Planned Residential District in § 151.055 or the Planned Unit Development District (PUD) in § 151.056 shall apply and govern.

(G) *Building heights.* The building height requirements of the Residential Single-Family Medium Density District in § 151.051(G) shall apply and govern.

(H) *Floor area ratio.* The floor area ratio (FAR) of any building on any single-family detached dwelling lot or the aggregate of all buildings in a PRD or PUD shall not exceed 0.12.

(I) *Sewage systems.* A central sanitary sewer system is required for all townhouse dwelling units in this District. Single-family detached dwellings which are not served by a central sanitary sewer shall meet minimum lot area requirements of § 151.051(E).
(Ord. 94, § 7.8, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.053 RMH - RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT.

(A) *Purpose.* This District is established to provide for medium and high density multi-family attached residential dwellings and directly related complimentary uses compatible with the natural environment and conforming to the level of services available and to provide the community facilities as will enhance the quality of the area.

(B) *Permitted uses.* The following uses shall be permitted:

(1) All uses that are permitted uses in the Residential Multi-Family Medium Density District in § 151.052(B);

(2) A planned residential development with townhouse dwellings; and

(3) A planned unit development (PUD) with single-family detached, townhome, and other multi-family dwellings pursuant to a planned development agreement (PDA).

(C) *Permitted accessory uses.* All uses that are permitted accessory uses in the Residential Multi-Family Medium Density District in § 151.052(C).

(D) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076: all uses that are permitted conditional uses in the Residential Multi-Family Medium Density District in § 151.052(D).

(E) *Lot area requirements.* No lot, tract, or parcel of land wholly or partly within a RMH District shall hereafter be divided in any manner, unless:

(1) The average size of each and every lot created as a single-family detached residential dwelling conforms with the requirements of § 151.051(E);

(2) If developed as a planned residential development (PRD) townhouse site, the lots shall conform to the requirements of § 151.055 and the current Comprehensive Plan;

(3) If developed as a planned unit development (PUD) site, the lots shall conform to requirements of § 151.056 or as defined in a planned development agreement (PDA); and

(4) In determining and calculating areas, those bodies of water know as Black Lake, Charley Lake, Deep Lake, Gilfillan Lake, Pleasant Lake, and Wilkinson lake, DNR designated wetlands and VLAWMO designated wetlands shall be excluded.

(F) *Setbacks.* The setback requirement of the Residential Multi-Family Medium Density District in § 151.052(F) shall apply and govern, except as follows:

(1) If developed as a PRD, setbacks shall conform with the requirements of § 151.055; and

(2) If developed as a PUD, setbacks shall conform with the requirements set forth in the Master Development Plan and planned development agreement in § 151.056.

(G) *Building heights.* The building height requirements of the Residential Multi-Family Medium Density District in § 151.052(G) shall apply and govern.

(H) *Floor area ratio.*

(1) The floor area ratio (FAR) of any building on any single-family detached residential lot shall not exceed 0.12.

(2) If developed as a planned residential development, the aggregate floor area ratio of all buildings shall not exceed 0.375.

(3) If developed as a planned unit development, the aggregate floor area ratio of all buildings shall not exceed 0.375.

(I) *Sewage systems.*

(1) A central sanitary sewer system is required for all townhouse and multi-family dwelling units in this District.

(2) Single-family detached dwellings which are not served by central sanitary sewer shall meet the lot area requirements of § 151.051(E).
(Ord. 94, § 7.9, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.054 RCM - RESIDENTIAL COMMERCIAL MIXED DISTRICT.

(A) *Purpose.*

(1) (a) The purpose of the RCM District is to provide a mixture of medium and high density detached, attached, and multi-family dwellings and commercial uses on 1 site.

(b) The District is intended to create neighborhoods which provide housing, jobs, and daily goods and services to city residents and adjacent communities.

(2) (a) The District will not depend on any existing city roads or streets for access.

(b) The District will need to provide for extra screening from adjacent city residential land.

(c) The architectural design of development in the District is required to compliment the predominantly residential character of the city.

(B) *Permitted uses.*

(1) The following uses in division (B)(2) below shall be permitted.

(2) (a) All residential uses permitted in § 151.053(B); and

(b) A planned unit development (PUD) with the residential uses as permitted in § 151.053(B) and the following commercial and services uses:

1. Grocery store;

2. Liquor store;

3. Drugstore;

4. Beauty and barber shop;

5. General offices, including professional, real estate, financial, medical, and dental offices;

6. Art and school supply store;

7. Art galleries;

8. Antique or gift shop;

9. Bakery goods sales and baking of goods for retail;

10. Bank;

11. Barber shop;

12. Bookstore;

13. Camera and photo supplies;

14. Candy store;

15. Delicatessen;

16. Dry cleaning and laundry pick-up stations, including incidental pressing and repairs (no on-site cleaning operations);

17. Florist;

18. Furniture boutique;

19. Greeting cards and gifts;

20. Grocery store, fruit or vegetable store;

21. Hardware store;

22. Hobby store;

23. Home remodeling showroom;

24. Insurance agency;

25. Jewelry sales and jewelry repair store;

26. Locksmith;

27. Meat and fish market, but not including processing for a locker;

28. Medical and dental clinic or offices;

29. Music store;

30. Office supply and stationery store;

31. Paint, wallpaper, tile, and floor covering store;

32. Pet foods and supplies;

33. Photographic studio;

34. Postal service (not post office);

35. Shoe sales and repair;

36. Sporting goods;

37. Travel agency;

38. Toy store; and

39. Wearing apparel (new clothes shop).

(C) *Permitted accessory uses*. The following accessory uses shall be permitted:

(1) For residential uses, all uses that are permitted accessory uses in the RMH District in § 151.053(C); and

(2) For commercial and services uses, buildings and other structures for any incidental repair, processing, or storage necessary to conduct a principal use, provided that the buildings or structures are constructed in the same architectural style as the principle building or structure.

(D) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076:

(1) For residential uses, all uses that are permitted conditional uses in the RMH District in § 151.053(D);

(2) Within a shopping center, any single permitted use over 15,000 square feet;

(3) Non-neon signs and non-neon informational visual communication devices, provided that the requirements established in § 151.050(D)(5) shall apply and govern;

(4) Day-care and/or child-care center;

(5) Business conducted in the dwelling or a home occupation, provided requirements of § 151.050(D)(1) are met; and

(6) Senior residential attached dwellings.

(E) *Lot area, lot width, and setback requirements.*

(1) For residential uses, lot area requirements shall be in accordance with the RMH District in § 151.053(E), (F), and (H); and

(2) For commercial uses, lot area, lot width, and yard requirements shall be in accordance with § 151.058(G).

(F) *Building height and lot coverage.*

(1) No building shall exceed a basement and 2 full stories nor 35 feet in height at the front elevation.

(2) For commercial and services uses, no building or aggregate of buildings shall exceed more than a 30% lot coverage.

(G) *Parking.*

(1) For residential uses, the parking requirements of § 151.028 shall apply.

(2) For commercial and service uses, the parking requirements of § 151.058(H), (L)(5), and (L)(6) shall apply and govern.

(H) *Sewer system.* All lots within this District shall be served by a central sanitary sewer system which discharges into regional facilities.

(I) *Additional requirements.*

(1) For residential uses, the general standards in §§ 151.020 *et seq.* shall apply.

(2) For commercial uses, the general standards in §§ 151.020 *et seq.* and the Commercial/Service District special minimum requirements in § 151.058(L) shall apply.

(J) *Signage standards.* In addition to the conditional use permit requirements for signs in § 151.050(D)(5), additional sign standards shall be in conformance with § 151.058(M).

(K) *Land Owners Association.* A Land Owners Association and/or a Home Owners Association shall be formed to include all common use land within the RCM District for the purposes of managing the affairs of the individual lot owners, common land, and to fulfill the obligations of regulatory authorities and agencies.

(L) *Site and building plan review.*

(1) (a) For all development within the RCM District, excluding unsewered single-family detached developments, a site plan is required to be submitted to the city for review by the Planning Commission and approval by the City Council.

(b) The site plan shall be prepared, signed, and dated by licensed architects, engineers, surveyors, and/or landscape architects and address all the standards and requirements of this chapter and § 151.056(B)(2)(b)2.

(c) No building permit can be issued without site plan approval.

(2) (a) A landscape plan is required to be submitted to the City Engineer and City Forester who will prepare a written report assessing the plan.

(b) The plan shall be submitted for review by the Planning Commission and approval by the City Council.

(3) (a) For all commercial and multi-family development, a site and building plan is required to be submitted to the city for review by the Planning Commission and approval by the City Council.

(b) No building permit can be issued without building plan approval.
(Ord. 94, § 7.10, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.055 PRD - PLANNED RESIDENTIAL DEVELOPMENT DISTRICT.

(A) *Purpose.*

(1) This District, which is coextensive with only the Residential Multi-Family Medium Density District (RMM) and Residential Multi-Family High Density District (RMH), is established to provide for and encourage flexibility in layout and site planning, a more efficient use of land and green space, and the development of residential areas in keeping with ecological and environmental considerations, including wetlands, shorelands, ground and surface water quality, and drainage factors.

(2) It is acknowledged that in the planning and development of land within this District, variations may occur which are not in strict accord with other sections of this chapter and, in those cases, if it can be demonstrated by the applicant that the variations are not detrimental to public health, safety, morals, and general welfare, then the variations may be allowed provided the requirements stated elsewhere in this section are complied with.

(B) *Permitted uses.* All uses that are permitted uses in the Residential Multi-Family Medium and High Density Districts in §§ 151.052(B) and 151.053(B).

(C) *Permitted accessory uses.* All uses that are permitted accessory uses in the Residential Multi-Family Medium and High Density Districts in §§ 151.052(C) and 151.053(C).

(D) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076.

(1) All uses that are permitted conditional uses in the Residential Multi-Family Medium and High Density Districts in §§ 151.052(D) and 151.053(D); and

(2) Attached townhouse dwellings with setbacks from adjacent lot lines less than otherwise established by this chapter, provided that:

(a) The overall density established in division (E)(2) below is complied with;

(b) There shall be adequate visual privacy between each dwelling unit and between the dwelling units and the common areas;

(c) The acoustical privacy between each dwelling unit shall be maintained by airborne sound insulation materials in party walls to meet a Ground Transmission Class (GTC) of 50 as defined in the Uniform Building Code and by proper placing of the buildings;

(d) In the event that construction of any attached dwelling is not completed within 2 years after the issuance of the conditional use permit or upon the expiration of any extension thereof granted pursuant to § 151.080, all uses encompassed by the conditional use permit shall become null, void, and otherwise revoked insofar as the permit applies to the undeveloped land; and

(e) Section 151.083 is complied with.

(E) *Area requirements.* The following area requirements shall be the minimum permitted.

(1) The minimum area required for application for qualification as a PRD shall be 20 acres.

(2) Within the overall PRD, the combined area of individual lots, common recreation, green space, roads, and streets shall have a density not to exceed 1 dwelling unit per 0.83 acres in the Residential Multi-Family Medium Density District and 1 dwelling unit per 0.25 acres in the Residential Multi-Family High Density District.

(3) A PRD may be permitted in an area which is partly within a Commercial District, provided that all of the applicable provisions of this and all other city ordinances are complied with.

(F) *Setbacks.* No building or structure, individual sewage treatment system, or well shall be located within 30 feet of the perimeter lot line of the PRD or the edge of any road or street, nor within 30 feet of any wetland.

(G) *Building heights.* The building height requirements of the Residential Single-Family Low Density District in § 151.050(G) shall apply and govern.

(H) *Application and processing.* It is intended by this section that:

(1) The subdivision review as provided in §§ 152.020 *et seq.* be carried out simultaneously with the review of the PRD as provided in this chapter;

(2) (a) The development of any PRD shall be subject to, and comply with, §§ 152.050 *et seq.* and 152.065 *et seq.*, except § 52.052 shall not apply, however each PRD shall provide a sufficient amount of land which is suitable for recreational use to serve the needs of the residents of the PRD.

(b) Land suitable for recreational use may include, but is not limited to, play-fields, tennis courts, swimming pools, skating and/or hockey rinks;

(3) Section 152.021(F)(3) shall not apply to or govern any PRD. However, in order to protect the individual owner's rights and land values, and to insure the Home Owners Associations responsibility for maintenance and upkeep of common recreational areas, green space, and roads, the proposed geographical and chronological staging plans for the PRD shall be presented with the preliminary plan approval request as provided in the subdivision regulations, Chapter 152. Consideration shall be given to the following matters in evaluating staging plans:

(a) The total area devoted to common recreation, green space, and roads and streets in relationship to the dwelling units. At a minimum, in any stage of development, the relationship between the total of the common recreational area, green space, roads, and streets, and the total of the dwelling units must bear the same relationship as when the PRD is fully completed; and

(b) The timing and phasing of the PRD. In order to provide that, at any point in time, the developed portion of the PRD can function for the benefit of the residents and without undue economic hardship should some unforeseen circumstances prevent the completion of the total PRD, the PRD shall be timed and phased so that development will progress in stages from the nearest accessible road, street, or highway to the farthest.

(4) In order that the purpose of the PRD may be achieved, land shall be in single ownership or under the management or supervision of a central authority or otherwise subject to the supervisory lease or ownership control as maybe necessary to carry out the provision of the PRD requirements. (Ord. 94, § 7.11, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.056 PUD - PLANNED UNIT DEVELOPMENT DISTRICT.

(A) *Purpose.*

(1) (a) This District, which may be coextensive with the RSL, RSM, RMM, RMH, RCM, R, and OS Districts, is established to provide for and encourage flexibility in layout and site planning, a more efficient use of land and open space, and the development of residential and residential-commercial mixed use areas in keeping with ecological and environmental considerations, including wetlands, shorelands, ground and surface water quality, and drainage factors.

(b) All uses within a PUD District shall be in conformance with the underlying zoning district and consistent with the current Comprehensive Plan.

(c) It is acknowledged that in the planning and development of land within this District, modifications may occur which are not in strict accord with other sections of this chapter and, in those cases, if it can be demonstrated by the applicant that the modifications are not detrimental to public health, safety, morals, and general welfare, then the modifications may be allowed provided the requirements stated elsewhere in this section are complied with.

(2) (a) The use of more flexible regulations in development of land within the PUD District may be approved if all conditions of this section are found to exist and it is determined it is in the community interest to do so.

(b) It is intended that the approval of a PUD District will not change the existing underlying zoning unless the procedures for a rezoning are followed, either simultaneously or separately, and a rezoning is approved by the City Council.

(3) All applicants for PUD District rezoning approval must submit a master development plan and planned development agreement (PDA) for approval by the City Council.

(B) *Application and processing.*

(1) *PUD master development plan.* Approval of a master development plan shall be subject to the procedures outlined in § 151.077. The procedures and notification of a public hearing on the master development plan shall be pursuant to § 151.077.

(a) 1. The Master Development Plan shall contain, at a minimum, the following:

a. A generalized master site plan which illustrates the interrelationship of streets, residential uses, commercial uses, recreation and green spaces, open spaces, trails, and access to local and county roads, streets, and highways within the project area;

b. Location, type, and number of dwelling units;

c. Location, type, and acreages of commercial uses;

d. Staging plan for the phasing, timing, and location of the development; and

e. A planned development agreement per division (B)(1)(b) below.

2. Approval of the PUD District master development plan shall occur in conjunction with rezoning of land to PUD District.

(b) 1. a. The terms and conditions, including duration of the planned unit development master development plan, shall be set forth in a planned development agreement (PDA) and plans approved by the City Council signed between the owner/applicant and the city, as authorized by the City Council and M.S. § 462.358, Subd. 3c, as it may be amended from time to time.

b. Variations, other than use, to the provisions of this chapter, the Subdivision Ordinance, the Shoreland Ordinance, and other city ordinances may be embodied in the planned development agreement or the plans submitted by the owner/applicant which are approved by the City Council.

2. a. The planned development agreement may address any and all matters which the city and the owner/applicant consider necessary or appropriate.

b. The rights and responsibilities set forth in the planned development agreement shall be binding on the city and the owner/applicant and their successors and assigns to the extent and for the duration provided in the planned development agreement.

c. The planned development agreement shall be approved as part of the rezoning of the land to PUD District.

(2) *Procedure for application; final development plans for phases.* Approval of the final development plans for phases shall be subject to procedures in the Subdivision Ordinance, and as agreed to in the PDA. Approval of a development contract for each phase by the city and applicant shall also be a condition to approval of final development plans for phases. An applicant shall demonstrate that the final development plans for each phase are consistent with the approved master development plan and the agreed upon PDA.

(a) *Concept plan for phases.*

1. In order to receive guidance on the design of a PUD phase prior to submission of an application for final development plan approval for a phase, 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 for a phase. In order for the concept plan review for a phase to be most helpful to the applicant, the following general information, in schematic form, should be included:

a. General traffic circulation patterns, road locations, access points, and projected traffic;

b. Approximate building locations;

c. Height, bulk, and square footage of buildings;

d. Types and square footage of uses;

e. Types and numbers of dwelling units;

f. General grading plan;

g. Existing site conditions, topography, and character of the land;

h. Staging plan for development; and

i. Trail, parkland, green space, and open space size and locations.

2. Comments by the Planning Commission and City Council shall be for guidance only and, shall not be considered binding upon the Planning Commission, City Council, or applicant regarding the approval of the final development plans for a phase.

(b) *Preliminary plan review for phases of a PUD.* For all development within a PUD or phase of a PUD, a preliminary plan must be submitted to the city for review by the Planning Commission and approval by the City Council. For each phase, excluding unsewered single-family development, a site plan must also be submitted to the city for review by the Planning Commission and approval by the City Council. The preliminary plan and site plan shall be prepared, signed, and dated by licensed architects, engineers, surveyors, or landscape architects and address all of the standards and requirements of this chapter, the Subdivision Ordinance, and as described in the PDA. The applicant shall provide proof that the preliminary plan and site plan (if required) are consistent with the approved master development plan and agreed upon PDA. No Building permit shall be issued until after final preliminary plan and site plan approval.

1. The Preliminary Plan shall include:

a. A map at a scale of 100 feet to an inch delineating the overall boundaries and showing correctly the boundaries of the subdivision;

b. Subdivision lot boundaries;

c. Layout and lot sizes to nearest tenth of an acre;

d. Streets, roads, easements, and access plans;

e. Park, recreation, green space, and open space;

f. Topographical map, at a scale of 100 feet to an inch, showing the following features before subdivision and a clear indication of what happens to each feature after subdivision: contours at minimum 2 feet intervals; water courses; ponds; wetlands; tree areas; and other physical features;

g. North point and scale;

h. Name of project/development; and

i. All easements: utilities; road; drainage; trail; park; recreation; open space; restricted use; and relationship of lots and easements to adjoining lands.

2. For all development, excluding unsewered single-family development, the preliminary plans shall also include the following site plan information:

a. Location of buildings and structures;

b. Parking facilities, dimensions, and calculations;

c. Sidewalks, driveways, loading areas, and bikeways;

d. Fences and retaining walls;

e. Exterior sign elevations;

f. Exterior garbage collection areas;

g. Exterior lighting;

h. Landscaping and entry monuments;

i. Site access;

j. Site statistics including site and building size, percent lot coverage, floor area ratio, types and amounts of dwelling units, commercial and service uses, gross density, percentage of green space;

k. Construction staging plan for each phase of the PUD involving more than 1 construction season;

l. Elevations and exterior materials of all proposed structures and buildings with dimensions except for single-family detached structures; and

m. A landscaping plan is required to be submitted to the City Engineer and City Forester who will prepare a written report assessing the plan. The plan shall be submitted with the preliminary plan for review by the Planning Commission and approval by the City Council.

3. In considering the preliminary plan and site plan for approval, the Planning Commission and City Council shall consider the following:

a. Consistency with the approved master development plan and agreed upon PDA;

b. Impacts on existing and anticipated traffic;

c. Parking;

d. Pedestrian and vehicular movements;

e. Ingress and egress;

f. Building locations, height, and size;

g. Architectural and engineering features;

h. Landscaping;

i. Lighting;

j. Provisions for utilities;

k. Site grading and drainage;

l. Green space;

m. Loading and unloading areas;

n. Signage;

o. Monuments;

p. Screening;

q. Lot coverage; and

r. Other related matters.

(c) *Preliminary plat and final plat for phases of a PUD.* A preliminary plat shall be submitted for review in conjunction with the preliminary plan and site plan. A preliminary plat and final plat review shall be subject to the procedures and requirements of the Subdivision Ordinance.

(d) *Amendments.* Procedures for amendments to the PUD master development plan or final development plans for phases shall be set forth in the PDA.

(C) *Permitted uses.* Within a PUD District, all permitted, accessory, and conditional uses shall be in conformance with the underlying zoning district, the Shoreland Ordinance, and the Comprehensive Plan.

(D) *General standards.* Within a PUD District, the following additional standards shall apply.

(1) The minimum area required for application for qualification as a PUD is 20 acres.

(2) Each master development plan and final development plans for phases shall have an overall density consistent with the Comprehensive Plan and the approved PDA, subject to approved density transfer provisions, if any, in the PDA.

(3) Performance standards which vary from the underlying zoning district requirements and §§ 151.020 *et seq.* shall be described in the PDA.

(E) *Area requirements.* Within each PUD District or PUD phase proposed for platting the area requirements shall be limited as follows:

District	***Gross Density***	***FAR***	***Lot Coverage***
RSL	1.45	0.12	-
RSM	1.1	0.12	-
RMM	0.50	0.12	-
RMH	0.25	0.375	-

District	*Gross Density*	*FAR*	*Lot Coverage*
RCM - Residential Use	0.25	0.375	-
RCM - Commercial Use	-	-	0.30

(F) *Setbacks.* Structures, individual sewage treatment systems and wells shall not be located within 30 feet of the perimeter lot line of the PUD District or phase of a PUD, nor within 30 feet of any wetland, except fences, screening, planting strips and landscaping which shall be installed pursuant to §§ 151.033 and 151.034.
(Ord. 94, § 7.12, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.057 C - COMMERCIAL DISTRICT.

(A) *Purpose.*

(1) This District is established to provide for certain retail or service outlets which deal directly with the customer for whom the goods or services are furnished.

(2) The uses allowed in this District are to provide goods and services to the local community and are to be located in areas which are served by public highway facilities.

(B) *Permitted uses.* The following uses shall be permitted:

(1) Grocery stores;

(2) Liquor stores;

(3) Drugstores;

(4) Beauty and barber shops; and

(5) General, professional, real estate, medical, and dental offices.

(C) *Permitted accessory uses*. The following accessory uses shall be permitted: buildings and other structures accessory to the principal use, provided that the building or structures are constructed in the same architectural style as the principal building or structure.

(D) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076:

(1) Municipal and public utility buildings and structures necessary for the health, safety, and general welfare of the community, provided that the requirements established in § 151.050(D)(2) shall apply and govern;

(2) Non-neon signs and non-neon informational visual communication devices, provided that the requirements established in § 151.050(D)(5) shall apply and govern;

(3) Townhouse dwellings, as permitted and provided for in § 151.055(D)(2), provided further that any and all applicable provisions of this and other ordinances are complied with; and

(4) Day nursery and/or child-care center.

(E) *Lot area requirements.* The minimum size of the lot, tract, parcel or other division of land shall be of sufficient size to accommodate the use intended thereon so that all of the requirements imposed by this chapter shall be complied with.

(F) *Setbacks.* No well, building, or structure, except fences, screening, planting strips, and landscaping in compliance with §§ 151.033 and 151.034, shall be located within 30 feet of the lot lines, 100 feet of a residential district, 100 feet of a highway right-of-way, or 30 feet of any wetland.

(G) *Building heights and lot coverage.* The building height and lot coverage requirements of the Commercial/Service District in § 151.058(L)(2) shall apply and govern.

(H) *Parking.* The parking requirements of the Commercial/Service District in § 151.058(H), (L)(5), and (L)(6) shall apply and govern.

(I) *Special minimum requirements.* The following requirements of the Commercial/Service District shall apply and govern:

(1) Architectural design - § 151.058(L)(1);

(2) Landscaping and irrigation - § 151.058(L)(3);

(3) Preservation of wooded areas - § 151.058(L)(4);

(4) Utilities - § 151.058(L)(7);

(5) Outdoor storage - § 151.058(L)(8);

(6) Loading and service areas - 151.058(L)(9);

(7) Screening from residential district - 151.058(L)(10);

(8) Compatibility - § 151.058(L)(11);

(9) Lighting - § 151.058(L)(12); and

(10) Signing - § 151.058(M).

(J) *Special provisions.*

(1) The following special provisions shall apply.

(2) All buildings and structures must be served by a central sewer system.
(Ord. 94, § 7.13, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.058 CS - COMMERCIAL/SERVICE DISTRICT.

(A) *Purpose.*

(1) The purpose of the CS - Commercial/Service District is to provide community-based goods and services to the city and adjacent communities in a high-quality development where a unique opportunity exists.

(2) The District will be located at the intersection of State Highways 96 and 49, and will not depend on any city road system for access.

(3) The District will be screened from all adjacent city properties and will have a minimum area of twenty acres and a maximum of 30 acres to accomplish appropriate aesthetic treatments, circulation, utilities, and buffering.

(4) The architectural design of development in the District is intended to compliment the predominantly residential character of the city.

(B) *Permitted uses.* Within the CS - Commercial/Service District, no structure or land shall be used except for 1 or more of the following retail sales and service businesses supplying commodities or performing a service primarily for residents of the surrounding neighborhood:

(1) Grocery store;

(2) Off-sale liquor store;

(3) Drugstore;

(4) General, professional, real estate, financial, medical, and dental office; and

(5) Shopping center.

(C) *List of permitted uses within a shopping center.*

(1) Any single permitted use shall not exceed 15,000 square feet;

(2) Any use permitted in the C - Commercial District;

(3) Art and school supply store;

(4) Art gallery;

(5) Antique or gift shop;

(6) Bakery goods sales and baking of goods for retail sales on the premises;

(7) Bank;

(8) Barber shop;

(9) Beauty shop;

(10) Bookstore;

(11) Camera and photographic supply;

(12) Candy store;

(13) Delicatessen;

(14) Drugstore;

(15) Dry cleaning and laundry pickup stations, including incidental pressing and repair (no on-site cleaning operations);

(16) Florist;

(17) Furniture boutique;

(18) Greeting cards and gifts;

(19) Grocery store, fruit or vegetable store;

(20) Hardware store;

(21) Hobby store;

(22) Home remodeling showroom;

(23) Insurance agency;

(24) Jewelry sales and jewelry repair store;

(25) Locksmith;

(26) Meat and fish market, but not including processing for a locker;

(27) Medical and dental clinic or offices;

(28) Music store;

(29) Office supply and stationery store;

(30) Paint, wallpaper, tile, and floor covering sales;

(31) Pet foods and supplies;

(32) Photographic studio;

(33) Postal service (not post office);

(34) Shoe sales and repair;

(35) Sporting goods;

(36) Travel agency;

(37) Toy store; and

(38) Wearing apparel (new) shop.

(D) *Conditional uses within a shopping center.*

(1) Any single user over 15,000 square feet;

(2) Day care (drop-in center only);

(3) Health club;

(4) Aerobics/dance studio;

(5) Ice cream, popcorn, frozen dessert, soft drink, and/or coffee shop;

(6) Outdoor live plant display incidental to a floral shop limited to the lesser of 2,000 square feet or 5% of the building;

(7) Restaurants with accumulated square footage limited to less than 15% of the shopping square footage; and

(8) Video stores.

(E) *Permitted accessory uses*.

(1) Within the CS - Commercial/Service District, the following uses shall be permitted accessory uses.

(2) Buildings and other structures for any incidental repair, processing, or storage necessary to conduct a principal use, provided that the building or structures are constructed in the same architectural style as the main building or structure.

(F) *Conditional uses.* Within the CS - Commercial/Service District, the following conditional uses maybe permitted, but only after securing a conditional use permit in accordance with § 151.076:

(1) Drive-through facilities for banks attached to principal structure, with or without an automatic teller machine;

(2) Restaurant with/without on-sale liquor, without drive-through, sit-down service for a minimum of 80 seats, a minimum of 6,000 square feet of total floor area, and with/without outdoor seating; and

(3) Assisted living facility serving persons over 70 years of age who have medically diagnosed dementia.

(G) *Lot area, lot width, and yard requirements.* The following minimum requirements shall be observed subject to additional requirements, exceptions, and modifications as set forth in this chapter.

(1) Lot area - 2 acres (or 1-acre minimum with a 2-acre average in a multi-lot subdivision).

(2) Lot width - 200 feet of road frontage.

(3) Setbacks:

Location	***Basic Setback***	***From Res. District***	***From Hwy. ROW***	***Private Road***
Principal Structure:				
Front Yard	30 feet	100 feet	100 feet	30 feet
Side Yard	30 feet	100 feet	100 feet	30 feet
Rear Yard	30 feet	100 feet	100 feet	30 feet
Attached Canopy	30 feet	100 feet	50 feet	30 feet
Interior Lot Line	Setback may be reduced in half when accompanied by a maintenance easement and maintained by a land owner's association.			
Accessory Structure:				
Front Yard	30 feet	100 feet	75 feet	30 feet
Side Yard	30 feet	100 feet	75 feet	30 feet
Rear Yard	10 feet	100 feet	75 feet	30 feet

(H) *Parking.*

(1) Table:

Location	***Basic Setback***	***From Res. District***	***From Hwy. ROW***	***Private Road***
Front	30 feet	50 feet	30 feet	30 feet
Side Interior	10 feet	40 feet	30 feet	30 feet
Street Side	30 feet	40 feet	30 feet	30 feet
Rear Yard	15 feet	40 feet	30 feet	30 feet
Shared parking with cross-easements and owner's association	0 feet (from adj. parking)	-	-	-
Utility Structures	5 feet	10 feet	30 feet	30 feet

(2) (a) Perimeter development setbacks may be adjusted by obtaining a permanent scenic easement on adjacent property.

(b) The deviation from the normal required setbacks must then be added to the setback requirements of the adjacent property and documented with a permanent scenic easement on both properties.

(I) *Sewer.* All lots in this District shall be served by a central sanitary sewer collection system which ultimately discharges into the regional sewer system.

(J) *Site and building plan review.*

(1) For all development within the Commercial/Service District, a site plan and building plan must be submitted to the city for review by the Planning Commission and approval by the City Council.

(2) (a) The site plan shall be prepared by licensed architects, engineers, surveyors, or landscape architects and address all of the standards and requirements of this chapter.

(b) No building permit can be given without site plan approval.

(3) (a) A landscape plan will be submitted on a timely basis to the City Forester who will prepare a written report assessing the plan.

(b) The plan shall be submitted for review by the Planning Commission and approval by the City Council.

(K) *Land owners association.* A land owners association shall be formed to include all property within the contiguous CS-zoned District for the purpose of managing the affairs of the individual lot owners, common land, and property, and to fulfill the obligations of the Metropolitan Council Environmental Service, the Minnesota Department of Transportation, and other governmental agencies.

(L) *Special minimum requirements in the CS - Commercial/Service District.*

(1) *Architectural design.*

(a) 1. Buildings shall be finished on all sides with permanent finished materials of a quality consistent with the standards in the District.

2. Exterior wall surfaces shall be face brick or stone.

3. The minimal use of wood trim, architecturally treated concrete, architectural steel trim and decorative features, or decorative block may also be used if incorporated in a building design which is compatible with other development throughout the District.

4. No building exterior shall be constructed of sheet aluminum, iron, steel, or corrugated aluminum.

(b) Garages, accessory structures, screen walls, and exposed areas of retaining walls shall be of a similar type, quality, and appearance as the principal structure.

(c) 1. All buildings shall have sloping roofs with a residential-type pitch and an eave overhang on all sides.

2. Based on architectural uniqueness, the City Council may grant a variance to architectural treatment and materials.

(d) All buildings within 300 feet of an existing residential neighborhood shall submit site and building plans to the Home Owners' Association Architectural Review Committee for review of compatible architectural design prior to review by the City of North Oaks Planning Commission.

(2) *Building height and lot coverage.*

(a) No building in the CS-Commercial/Service District may exceed 2 stories nor 35 feet in height.

(b) No building shall cover more than 30% of the lot.

(3) *Landscaping and irrigation.*

(a) At least 30% of the land area (the combined total of all lots in the subdivision) shall be landscaped with grass, approved groundcover, shrubbery, trees, and may include amenity ponds, landscape features, and public plazas.

(b) 1. At least 5% of the land area within a parking lot shall be landscaped.

2. All landscaped areas shall be irrigated, except low maintenance areas of native plantings which are not to exceed 25% of the total landscape area.

(c) The following minimum standards for landscaping shall be required at the time of planting:

Type of Planting	***Minimum Quantity per 1,000 Sq. Ft. of Building***	***Minimum Size***
Overstory Deciduous Trees	2 (6)*	3 inches diameter
Ornamental Trees	2 (6)	2 inches diameter
Coniferous Trees	2 (6)	10 feet tall
Major Shrub Plantings	10 (30)	5 gallons
NOTES TO TABLE: * Figures in parentheses apply to freestanding restaurants.		

(d) 1. Plantings adjacent to building and parking lots may combine tree quantity requirements into larger plants on a caliper inch basis.

2. Plantings may consist of mixed sizes equaling the same average caliper inch requirement with no more than 50% being under the required size.

3. The reduction in sizes must be approved by the City Forester.

(e) 1. A landscape credit to a maximum limit of 25% may be given when site amenities (fountains, gazebos, plazas, and the like) are added to the development for public enjoyment.

2. The credit shall be based on the dollar value of the amenity substituting for an equal value of landscape plantings.

3. The credit cannot reduce screening requirements or green space requirements.

(f) Perimeter berms are required separating commercial from residential uses. The berm must be designed and built to successfully screen commercial activity. The berm must be a minimum of 40 feet in width, 4 to 7 feet in height, 4 to 1 side slopes, and fully landscaped as follows:

1. Native grasses and flowers should be used where possible and established on the berm within 3 months of finishing grading. In addition to turf establishment, the following plants on average will be installed per 100 linear feet of berm.

Quantity	***Size***	***Type***
2	3½-inch Caliper	Shade Tree
2	2½-inch Caliper	Ornamental Tree
3	10-foot Height	Evergreen Tree
20	3-foot Height	Native Shrub

2. a. In bermed areas without irrigation, the size may be reduced in half if the quantity is doubled.

b. Plant species and size may be approved by the City Forester.

c. Plantings must be placed on both sides of the berm in a fashion to maximize their screening effect.

(4) *Preservation of wooded areas.*

(a) Every effort shall be made to preserve existing wooded areas.

(b) A minimum of 20% of the existing quality trees as defined by the City Forester shall be saved.

(c) A landscape credit will be given of up to 8 caliper inches per deciduous tree and 30 feet of height per coniferous tree for those trees preserved above the required 20%.

(d) Confirmation of a successful tree preservation program will be given by the City Forester.

(e) Any existing preserved tree that dies within the first 5 years shall be replaced.

(f) Any newly planted tree that dies at any time will be replaced.

(g) Any preserved tree that dies and was used for landscape credit must be replaced with trees equal to the credit given.

(5) *Design of parking areas.* Design and maintenance of off-street parking areas shall be in accordance with the following minimum standards.

(a) 1. All parking stalls shall be a minimum of 9 feet wide by 18 feet deep, except handicapped stalls, which shall be 12 feet wide by 18 feet deep.

2. Parking stalls for uses that generate parking turnover of 4 times a day or more shall be 10 feet wide.

(b) All parking stalls shall be served adequately by access drives, shall not be located directly off of public or private streets, and shall be clearly marked on the pavement.

(c) 1. All 2-way driving lanes between parking stalls shall be a minimum of 24 feet wide.

2. All 1-way driving lanes a minimum of 15 feet wide.

(d) Parking bay dimensions shall conform to the following minimum standards:

Aisle	***90 Degree***	***60 Degree***	***45 Degree***
Double-loaded Aisle	60 feet	50 feet	45 feet
Single-loaded Aisle	42 feet	34 feet	30 feet

(e) 1. All area for parking and driveways shall be surfaced with concrete, bituminous material, or approved equivalent.

2. A non-surmountable concrete curb of approved design shall be provided around the perimeter of all parking areas and driveways.

(f) 1. All parking shall be on the same lot as the use it serves, except in the case of a joint parking agreement between two abutting lots, as provided for below.

2. The agreement shall be described in a properly drawn legal instrument approved by the City Attorney and filed with the City Clerk.

(6) *Number of parking spaces.*

(a) Parking stalls shall be provided according to the following minimum standards:

Use	***Required Parking***
General Commercial	6.7 spaces per 1,000 square feet of gross floor area of customer sales and service, for the first 10,000 square feet, plus 5.5 spaces/1,000 square feet thereafter
General Commercial	5 spaces per 1,000 square feet of storage or office net floor area; restaurant use must be calculated separately if it exceeds 15% of the building
Bank	5 spaces per 1,000 square feet, plus 5 stacking spaces per drive through lane
Beauty and Barber Shop	3 spaces per operator or 10 spaces per 1,000 square feet, whichever is greater, plus 1 space per employee on the largest work shift
Convenience Grocery	8 spaces per 1,000 square feet, for 6,000 square feet or less of gross floor area
Grocery Store	6 spaces per 1,000 square feet of net floor area of customer sales and service, plus 5 spaces per 1,000 square feet of storage or office net floor area
Restaurant (without liquor)	1 space per 2.5 seats, or 16.7 spaces per 1,000 square feet of net floor area, whichever is greater
Restaurant (with liquor)	1 space per 2 seats, or 1 space per 2.5 seats, plus 50 spaces per 1,000 square feet of the combined bar, lounge, and public space, excluding the first 250 square feet, plus 20 spaces per 1,000 square feet of banquet dining area, plus 1
General Office Building (less than 6,000 square feet)	6.7 spaces per 1,000 square feet

General Office Building (more than 6,000 square feet)	5 spaces per 1,000 square feet
Medical or Dental Office	6.7 spaces per 1,000 square feet
Video Store	6 spaces per 1,000 square feet, plus 1 space per employee on the largest work shift

(b) 1. Required parking facilities serving 2 or more uses may be located on the same lot, provided that the total number of parking spaces shall not be less than the sum of the separate requirements for each use during any peak parking period.

2. All joint parking provided in this manner shall be within 400 feet of the use it serves.

3. The applicant shall show that there is not a substantial conflict in the principal operating hours of the uses involved.

(c) A reduction in the required parking may be granted if the City Council finds that the unique characteristics of the proposed use are such that it will generate a need for less parking than the ordinance standard.

(7) *Utilities.* The ground level view of all mechanical utilities shall be screened from contiguous properties and adjacent roads and streets, or designed to be compatible with the architectural treatment of the principal structure.

(8) *Outdoor storage.* There shall be no outdoor storage of either materials or products.

(9) *Loading and service areas.*

(a) External loading and service areas must be screened from the ground level view from contiguous residential or commercial land and adjacent roads and streets, except at access points.

(b) Trash enclosures will be built to match the principal structure and provide full enclosure of all trash and recyclable items.

(c) All restaurants must have interior trash storage.

(10) *Screening from residential district.*

(a) Wherever a CS - Commercial/Service District abuts, or is across the street from a residential district, a landscaped berm not less than an average of 5 feet in height, shall be erected and maintained.

(b) Where traffic visibility must be provided, it shall be not less than 3 feet nor more than 4 feet in height.

(c) Buffer plantings and berm may be placed on adjacent land when combined with a scenic easement and maintenance agreement.

(11) *Compatibility.* The Planning Commission may review and require changes prior to Council approval of any aspect of development pertinent to community concerns as addressed in the Comprehensive Plan or city ordinances.

(12) *Lighting.*

(a) All exterior lighting shall be designed and arranged in a manner compatible with the architectural design of the buildings.

(b) 1. All exterior lighting shall be designed and arranged so as to not direct any illumination upon or into contiguous residential districts.

2. The light from automobile headlights shall be screened whenever it may be directed onto adjacent residential windows.

(c) Exterior lighting shall be arranged and designed so that there is no direct viewing angle of the illumination source by pedestrian or vehicular traffic in roads and streets.

(d) Reflected glare or spill light from exterior lighting sources may not exceed 0.3-foot candle as measured on the property line of an abutting residential district or 1-foot candle measured on the land line abutting any other district.

(M) *Commercial/Service District signage standards.* In addition to the conditional use permit requirements for signs in § 151.050(D)(4), within the Commercial/Service District these additional standards will be applied to all signage when reviewing each individual sign through the conditional use permit process.

(1) *Freestanding signs.* One freestanding ground sign is permitted for each street frontage on the lot with a maximum of 2 signs. The sign is restricted by these conditions and others as may be set forth by the city.

(a) The sign shall not be larger than 80 square feet. The second sign for the second street frontage shall not be larger than 40 square feet.

(b) No pylon signs are allowed. All freestanding signs must be ground monuments with a height no greater than 8 feet.

(c) The monument signs cannot be placed on an earthen mound or berm which would raise the bottom of the sign more than 4 feet above the normal ground level. The base for monument signs shall be built out of matching masonry work for the building it serves.

(d) Landscaping is required around the base of each sign consisting of shrubs, flowers, ornamental trees, and evergreens in an area no less than 6 times the area of each sign face.

(e) All freestanding signs must be set back 15 feet from the land line.

(f) No 2 signs shall be closer than 300 feet from one another.

(g) No sign or its illumination shall be visible from any residential land.

(2) *Building signs.*

(a) Signs attached to buildings shall be limited to 1 sign per face of the building which has a road or street frontage.

(b) The size of the sign will be limited to 5% of the wall surface where the sign is to be located, not including gables, mansard, or parapet extensions of the wall.

(c) Maximum sign size for any wall is 80 square feet.

(3) *Multiple-tenant retail building signage.*

(a) With the approval of the building and its site plan, a signage plan is also required depicting signage standards for the entire building.

(b) Signage will be limited to tenant marquees on the road and street side of the building, depicting only the name of the tenant. Building signs advertising products are prohibited.

(c) Lettering size will be limited to individual letters, 2 feet in height for all upper case and lower case letter combinations, with a 2.5 foot maximum for upper case text including ascenders and descenders.

(d) Tenant signage is limited to only the store front area occupied by the tenant.

(e) All tenant signs will correspond to the sign plan submitted by the builder/owner, which will contain consistent materials and illumination for all signage.

(4) *Window signs.*

(a) Any window sign containing letters, words, symbols, devices, posters, pictures, statuary, reading material, or representation in the nature of an advertisement, announcement, message, or visual communication, posted or attached in the window area, shall not need a conditional use permit if the signage does not exceed 50% of the total window area along any side of a tenant unit.

(b) The signage may be either temporary or permanent, but must be professionally designed and use nonprohibited materials.

(c) Public safety information, addresses, and hours of business information is excluded from window area computations.

(5) *Promotional signs.*

(a) A maximum of 2 temporary promotional signs not exceeding 24 square feet in area shall be permitted for special events, subject to notification of adjoining tenants, the building owner, and approval of the Planning Commission.

(b) 1. Plans for signs which may include sandwich style boards, banners, and streamers, and their placements shall be submitted to and approved by the Planning Commission.

2. The use of these signs shall be discontinued within 15 days after the first day and shall not be used in that location again until 30 days has lapsed between use. The use shall not be at any location more than 30 days per calendar year.

(6) *Prohibited signs.* The following types of signs or sign components shall be prohibited:

(a) Roof-top signs;

(b) Inflatable signs;

(c) Moving or rotating signs;

(d) Flashing lights, revolving beacons, or sequential flashers;

(e) Exposed raceways, ballast boxes, or transformers;

(f) Noise emitting signs;

(g) Overhanging or sandwich signs in sidewalk, parking, or traffic areas;

(h) Awning signs;

(i) Portable or mobile signs such as trailer signs or semi-trucks; and

(j) Neon signs.

(7) *Conditions to sign approval.*

(a) In addition to the review of sign location, size, content, material, and illumination, the city may require adherence to additional conditions to mitigate the impact of signs on the aesthetics of the city and its residents.

(b) These additional conditions may include requirements in architectural detail and materials used on the building and/or signs; additional landscaping to mitigate the impact of signage; additional setbacks for signs to provide a more aesthetic placement; and other requirements as may be deemed appropriate for sign approval by the city.
(Ord. 94, § 7.14, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.059 LI - LIMITED INDUSTRIAL DISTRICT.

(A) *Purpose.* This District is established to provide Home Owners Association and recreational maintenance center uses compatible with the natural environment and conforming to the level of service available and to provide the community facilities as will enhance the quality of the area.

(B) *Permitted uses.* The following uses shall be permitted:

(1) All uses that are permitted in the Residential Single-Family Medium Density District in § 151.051(B);

(2) Utility buildings and structures necessary for the housing of equipment, materials, and operations involved with the maintenance activities of a Home Owners Association within the city;

(3) Essential services; and

(4) Wireless telecommunications service antenna structure and accessory structures, pursuant to §§ 150.001 *et seq.*

(C) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076: private business involved in maintenance operations provided that, the entire scope of operations of the business is exclusively dealing with a Home Owners Association within the city.

(D) *Lot area requirements.* No lot, parcel, or tract of land wholly or partly within an LI District shall be hereafter divided in any manner, unless:

(1) The minimum area of any lot, tract, or parcel shall be 3.5 acres; and

(2) The lot area meets the definitions of a suitable site and usable area, as defined in this chapter.

(E) *Setbacks.* The setback requirements of the Residential Single-Family Low Density District in § 151.050(F) and, if applicable, §§ 150.001 *et seq.* shall apply and govern.

(F) *Building heights.* The building height requirements of the Residential Single-Family Low Density District in § 151.050(G) and, if applicable, the §§ 150.001 *et seq.* shall apply and govern.

(G) *Floor area ratio.* The floor area ratio (FAR) of all buildings on any lot shall not exceed 0.12.

(H) *Special provisions.* The following special provisions shall apply.

(1) Screening is provided in compliance with § 151.034.

(2) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028.

(3) All accessory equipment is completely enclosed in a permanent structure with no outside storage.

(4) Section 151.083 is complied with.
(Ord. 94, § 7.15, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.060 R - RECREATION DISTRICT.

(A) *Purpose.* This District is established so that the area therein shall be preserved in its natural state for the benefit of the residents or developed for the recreational use of the residents.

(B) *Permitted Uses.* The following uses shall be permitted:

(1) Passive recreation which may include trails designated for walking, skiing, snowshoeing, provided that no motorized vehicles of any kind, except those used for the maintenance of the land and property, shall be permitted within the District;

(2) Botanical and other ornamental uses; and

(3) Historical sites.

(C) *Permitted accessory uses.* The following accessory uses shall be permitted:

(1) Small buildings or structures, not to exceed 500 square feet, directly related to a permitted use or its maintenance; and

(2) Nonilluminated signs or informational visual communication devices not to exceed 2 square feet.

(D) *Conditional uses.* The following conditional uses maybe permitted, but only after securing a conditional use permit in accordance with § 151.076:

(1) Active recreation areas, not including buildings or structures, but which may include playgrounds, beaches with or without nonmotorized boat launches, skiing, skating, team and individual sports areas, provided that:

(a) Conformity with the surrounding neighborhood is maintained;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking and loading are provided in compliance with § 151.028;

(d) Signs and informational visual communication devices comply with the provisions of § 151.050(D)(5); and

(e) Section 151.083 is complied with.

(2) Buildings or structures in excess of 500 square feet directly related to the performance or maintenance of active and passive recreation uses, provided that:

(a) Conformity with the surrounding neighborhood is maintained;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) Signs and information visual communication devices comply with the provisions of § 151.050(D)(5); and

(e) Section 151.083 is complied with.

(E) *Lot area requirements.* The minimum size of the lot, tract, parcel, or other division of land shall be of sufficient size to accommodate the use intended thereon so that all of the requirements of this chapter can be complied with.

(F) *Setbacks.* The setback requirements of the Residential Single-Family Low Density District in § 151.050(F) shall apply and govern.

(G) *Building heights.* The height of any building shall not be in excess of 20 feet.
(Ord. 94, § 7.16, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.061 OS - OPEN SPACE DISTRICT.

(A) *Purpose.* This District is established to provide for the preservation and maintenance of land in its predominate natural and scenic condition, except as permitted in easements or other agreements to which the city is a party or has consented.

(B) *Permitted uses.* The following uses should be permitted: those uses listed and regulated as permitted uses in a PDA, easement, and/or other agreements to which the city is a party or has consented.

(C) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076: those uses listed and regulated as conditional uses in a planned development agreement, easement, and/or other agreements to which the city is a party or has consented.
(Ord. 94, § 7.17, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.062 HP - HISTORIC PRESERVATION DISTRICT.

(A) *Purpose.* This District is established to provide for the preservation and restoration of sites of historical value.

(B) *Permitted uses.* The following uses shall be permitted:

(1) Preserved, rehabilitated, or reconstructed buildings and structures necessary for the development and preservation of the historical features of the site; and

(2) Essential services.

(C) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076:

(1) Accessory buildings or structures necessary for maintenance, security, or administration of the facility;

(2) Non-neon signs and non-neon informational visual communication devices, except as prohibited in § 151.050(D)(1)(d), provided that:

(a) The height of the sign or device does not exceed the height of the principal structure or the structure to which it is affixed;

(b) The architectural style and design shall not be so dissimilar to the surrounding buildings or area so as to adversely impact adjoining land;

(c) There are no moving or flashing parts and any illumination shall be in compliance with § 151.031;

(d) The sign or device is permanently fixed to the land or to a building or structure;

(e) The sign or device is not a billboard and is associated with the principal use of the land; and

(f) Section 151.083 is complied with.

(3) Access driveways with a setback of not less than 15 feet, provided that:

(a) Topographical conditions prevent reasonable access elsewhere on the lot or a large tree or major group of trees would be preserved; and

(b) Section 151.083 is complied with.

(D) *Lot area requirements.* The lot area requirements of the Residential Single-Family Low Density District in § 151.050(E) shall apply and govern.

(E) *Setbacks.* The setback requirements of the Residential Single-Family Low Density District in § 151.050(F) shall apply and govern.

(F) *Building height.* Building heights are limited to the height of the original building or structure being preserved. The building height requirements of the Residential Single-Family Low Density District in § 151.050(G) shall in other cases apply and govern.

(G) *Floor area ratio.* The floor area ratio (FAR) of all buildings on any lot shall not exceed 0.12.

(H) *Special provisions.* The following special provisions shall apply:

(1) Screening is provided in compliance with § 151.034;

(2) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028; and

(3) Section 151.083 is complied with.

(Ord. 94, § 7.18, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.063 SHORELAND DISTRICT.

The Shoreland Zoning Districts shall be administered in accordance with the Shoreland Ordinance, an Ordinance for the Management of Shoreland Areas within the city.

(Ord. 94, § 7.19, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT PROCEDURES

§ 151.075 ZONING ADMINISTRATOR.

(A) The Zoning Administrator shall enforce this chapter and accordingly is authorized, but not limited to:

(1) Maintain or cause to be maintained permanent and current records provided for and/or related to this chapter;

(2) Review, analyze, and develop written reports on all applications for appeals, variances, amendments, conditional use permits, or other developmental matters;

(3) Issue notice of noncompliance and cease and desist orders for projects not in full compliance with the conditions of any permit;

(4) Issue citations and notice of revocations or take other actions as necessary to revoke or terminate a permit; and

(5) Request the City Council to institute any appropriate actions or proceedings against any violator.

(B) Whenever any work, development, or other project shall have been stopped for any reason whatsoever, it shall not again be resumed until the reason for the stoppage has been completely removed and written approval to proceed has been received from the Zoning Administrator.
(Ord. 94, § 8.1, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.076 CONDITIONAL USE PERMITS.

(A) The purpose of this section is to provide the city with a reasonable degree of discretion in determining the effect of certain designated uses upon the general welfare, public health, and safety.

(B) A request for a conditional use permit shall follow the applicable procedures as set forth in § 151.079.

(C) The Planning Commission shall consider the effect of the proposed conditional use and whether additional requirements may be necessary to reduce any adverse effects. Consideration shall be given to, among other things, the following factors:

(1) Relationship of the proposed conditional use to the Comprehensive Plan;

(2) The nature of the land and adjacent land or building where the use is to be located;

(3) Whether the use will in any way depreciate the area in which it is proposed;

(4) The effect upon traffic into and from the land and on adjoining roads, streets, and highways;

(5) Whether the use would disrupt the reasonable use and enjoyment of other land in the neighborhood;

(6) Whether adequate utilities, roads, streets, and other facilities exist or will be available in the near future;

(7) Whether the proposed conditional use conforms to all of the provisions of this chapter;

(8) The effect upon natural drainage patterns onto and from the site;

(9) Whether the proposed use will be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city;

(10) Whether the proposed use would create additional requirements at public cost for public facilities and services and whether or not the use will be detrimental to the economic welfare of the neighborhood or city; and

(11) Whether the proposed use is environmentally sound and will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, land, or the general welfare because of excessive production of traffic, noise, smoke, fumes, wastes, toxins, glare, or odors.

(D) Whenever an application for a conditional use permit has been considered and denied by the City Council, subsequent applications for a similar conditional use permit affecting substantially the same land or use shall not be considered again by the Planning Commission and City Council until 6-months' time has elapsed unless, by a majority vote of the full City Council, this time period is waived.

(E) If all of the work entailed by the conditional use permit is not completed within the time period specified in the permit, the permit shall become null and void and otherwise revoked unless an extension of time to complete the work has been granted by the City Council in accordance with the provisions of § 151.080.

(F) Upon approval of a conditional use permit, the city shall be provided with a performance bond in compliance with § 151.081.
(Ord. 94, § 8.2, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.077 AMENDMENTS.

(A) The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text and/or the district boundaries of this chapter. Any owner, or expressed agent thereof, of real estate within the city may initiate a request to amend the district boundaries and/or text of this chapter.

(B) A request for an amendment shall follow the applicable procedures as set forth in § 151.079.

(C) The Planning Commission, in determining the effects of the proposed amendment, shall consider, among other things, the following factors:

(1) Consistency with the Comprehensive Plan;

(2) The public need for additional land space for the requested use in the location requested;

(3) The compatibility of adjacent land uses;

(4) The possible presence and effects of noise, odors, or other nuisances; and

(5) Availability in the present or near future of necessary utilities and public services.
(Ord. 94, § 8.3, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.078 VARIANCES AND APPEALS.

(A) The City Council shall act as the Board of Appeals and Adjustments and as such have all the powers set forth in M.S. § 462.357, Subd. 6, and M.S. § 462.359, Subd. 4, as they may be amended from time to time, subject to the right of judicial review.

(B) The City Council, serving as the Board of Appeals and Adjustments by majority vote of the entire Council, shall:

(1) Hear and decide timely appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this chapter. To be timely, an appeal shall be filed, in accordance with § 151.079(A) not later than 30 days after the appellant has received a written notice from the Building Inspector; and

(2) Hear and decide requests for variances from the literal provisions of this chapter in instances where the strict enforcement would cause undue hardship because of circumstances unique to the specific land under consideration.

(C) A request for a variance or an appeal shall follow the applicable procedures of § 151.079.

(D) If more than 1 variance is necessary for a particular project, the applicant shall apply for all the variances contemporaneously unless otherwise permitted by the City Clerk or Zoning Administrator.

(E) A variance from the literal provisions of this chapter may be granted by the City Council, serving as the Board of Appeals and Adjustments, only when it is demonstrated that:

(1) (a) Their strict enforcement would cause undue hardship because of circumstances unique to the individual land under consideration, and the variances shall be granted only when it is demonstrated that the actions will be in keeping with the spirit and intent of this chapter.

(b) ***UNDUE HARDSHIP*** means the land in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the land owner is due to circumstances unique to the land in question which were not created by the land owner, and the variance, if granted, will not alter the essential character of the locality.

(c) Economic considerations alone shall not constitute an undue hardship if reasonable use for the land exists under the terms of this chapter.

(d) A variance may not be granted for any use that is not permitted under this chapter for land in the zone where the affected person's land is located.

(2) Subject to the above, a variance may be granted only in the event that all of the following circumstances exist:

(a) Exceptional or extraordinary circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the land have no control;

(b) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this chapter;

(c) That the special conditions or circumstances do not result from the actions of the applicant;

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district;

(e) That the Variance requested is the minimum variance which would alleviate the hardship;

(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

(F) The City Council, serving as the Board of Appeals and Adjustments, shall also have the power to impose conditions related to the appeal or variance regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable to assure compliance with the intent and purpose of this chapter.

(G) If all of the work as permitted by the variance shall not have been completed within the time period specified when the variance is granted, then the variance shall become null and void and otherwise revoked unless an extension of time to complete the work has been granted by the City Council in accordance with the provisions of § 151.080.

(H) Upon approval of a variance or appeal, the city shall be provided with a performance bond in compliance with § 151.081.
(Ord. 94, § 8.4, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.079 PROCEDURES FOR REQUESTING CONDITIONAL USE PERMITS, AMENDMENTS, VARIANCES, AND APPEALS.

(A) (1) A request for a conditional use permit, and amendment, a variance or appeal as provided for in this chapter shall be filed with the City Clerk on an official application form.

(2) The application shall be accompanied by a nonrefundable fee as established in § 151.083.

(3) The application shall also be accompanied by as many copies as may be required by the city of detailed written and graphic materials fully explaining the proposed request.

(4) The City Clerk shall refer the application along with all related information to the Zoning Administrator, Building Inspector, and to the Planning Commission.

(B) (1) The Zoning Administrator shall review and analyze the request and submit a written report and recommendation to the Planning Commission within 14 days after receiving the application, which report shall be entered in and made part of the permanent record of the Planning Commission meeting.

(2) (a) Notwithstanding anything contained in this chapter or any other ordinance of the city to the contrary, the Zoning Administrator following the review and recommendation by a MPCA-certified inspector has the authority to grant a variance not to exceed 15 feet into the setback for the repair or replacement of an Individual sewage treatment system without referral of the application to the Planning Commission or approval by the City Council.

(b) This action shall only be taken when an MPCA-licensed inspector determines that a delay in processing the variance request through normal channels will endanger the health and safety of the city's residents.

(c) Prior to granting the variance, the Zoning Administrator shall secure the written approval of the Mayor or 1 member of the City Council.

(3) The Mayor and Council shall be informed of the granting of any variance at the next regular Council meeting.

(C) The Planning Commission shall consider the request at its next regular meeting unless the request is referred to it less than 15 days prior to the meeting, in which case the request shall be considered at the next subsequent regular meeting following thereafter.

(D) If the request is for a conditional use permit or an amendment, the Planning Commission shall hold a public hearing, which hearing shall be scheduled and conducted as follows.

(1) Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the city at least 10 days prior to the date of the hearing.

(2) Similar notice shall be mailed at least 10 days but not more than 30 days prior to the day of hearing, to each owner of other land situated wholly or partly within 350 feet of the land to which the request relates if the request is for a conditional use permit or an amendment which involves changes in district boundaries affecting an area of 5 acres or less.

(3) A copy of the notice, and, when applicable, a list of the names and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings.

(4) Failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply herewith has been made.

(5) The Planning Commission shall set reasonable rules for the conduct of the hearing and shall follow Robert's Rules of Order.

(E) When the application concerns conditional uses and/or amendments, the Planning Commission shall make findings of fact and recommend approval or denial 60 days after a complete application has been received, which findings and recommendation shall be presented in writing to the City Council.

(F) The City Council shall not consider a conditional use permit or an amendment until it has received the findings and recommendation from the Planning Commission unless more than 60 days have expired after the Planning Commission first considered the request, in which event the City Council may take action on the request upon its own initiative.

(G) (1) The City Council shall make findings of fact and render a decision within 60 days after it receives any recommendation from the Planning Commission or takes its own initiative.

(2) All reports, recommendations, and findings documenting the reasons for the decision shall be made part of the permanent record of the City Council meeting.

(H) Approval of a request for a conditional use or an amendment shall be by affirmative vote of 4/5 of the City Council, when at least 4 members are present.

(I) When the application concerns variance and/or appeals, the Planning Commission shall make findings of fact and recommend approval or denial within 60 days after the application was first considered, which findings and recommendation shall be presented in writing to the City Council.

(J) The City Clerk shall notify the applicant, in writing, of decisions of both the Board of Adjustments and Appeals and the City Council.
(Ord. 94, § 8.5, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.080 PETITION FOR EXTENSION OF TIME.

(A) An extension of time as provided for in this chapter shall be made in writing and filed, without charge, with the City Clerk at least 30 days before the expiration of the granted application or extension thereof.

(B) This petition shall state facts showing a good faith attempt to complete the work permitted in the original application.

(C) The petition shall be referred to the Planning Commission for its recommendation to the City Council who shall approve or deny the petition by majority vote of a quorum of the Council.
(Ord. 94, § 8.6, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.081 PERFORMANCE BOND AND SECURITY DEPOSITS.

(A) Upon approval of a request for a conditional use permit, a variance, or whenever the granting of an appeal involves conditions imposed therewith, the applicant, shall provide the city with a surety bond or performance bond or a cash deposit or other valuable and collectible security deposit which shall guarantee that the applicant shall comply with all of the imposed conditions as well as all of the city ordinances and which shall be subject to forfeiture as provided in division (D) below.

(B) The amount of the bond or deposit shall be determined by the Zoning Administrator's estimate of the cost of completing the use as proposed and shall be provided to the city prior to the issuance of a building permit or any initiation of work on the proposed use.

(C) The city shall hold the bond or deposit until a certificate of occupancy has been issued by the Building Inspector.

(D) Failure to comply with any condition imposed in granting the approval or with any other city ordinance provision within 6 months after written notice shall cause the bond or deposit to become forfeited to the city.
(Ord. 94, § 8.7, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.082 CERTIFICATE OF OCCUPANCY.

(A) (1) Except construction performed pursuant to the provisions of this chapter establishing and regulating building in the city, no building, structure or use hereafter erected, moved, altered, or improved, nor any portion of an existing structure or building that is erected, moved, or altered, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Inspector.

(2) The certificate shall state that the building, structure, or use complies with all of the provisions of this chapter and other city ordinances.

(B) The certificate shall be applied for and the fee specified in § 151.083(C) paid simultaneously with the application for a building permit, conditional use permit, variance, and, when applicable, an appeal, and shall be issued within 10 days after the Building Inspector makes his or her final inspection and finds the building, structure, or use satisfactorily completed in accordance with all the applicable provisions of this and all other city ordinances.

(C) (1) A certificate of occupancy shall be issued for, and a record maintained of, each existing nonconforming building, structure, or use, including nonconforming home occupations, but excluding non-income producing residential property upon the effective date of this chapter.

(2) The certificate shall indicate the type of nonconformance, square footage in use, number of employees, and other information as considered necessary to establish the size and scale of the use.
(Ord. 94, § 8.8, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.083 FEES.

(A) To defray the administrative costs of processing applications for conditional uses, amendments, variances, or appeals, a nonrefundable base fee, as established by the city from time-to-time, per application shall be paid by all applicants when the application is filed.

(B) (1) In order to defray any additional cost over and above the normal processing of an application for a conditional use, an amendment, a variance, an appeal, or in determining the adequacy of off-street parking, loading, unloading, and service entrances, or when an amended plan must be reviewed by the city, the applicant shall reimburse the city for the costs the city may incur in employing the services of engineers, attorneys, and/or other professional consultants in connection with the application.

(2) An initial deposit, as established by the city from time to time, may be requested by the Zoning Administrator for these services.

(3) If this amount does not cover all the costs, the applicant will be so advised and full reimbursement hereunder shall be made whether the application is approved or denied.

(C) A nonrefundable fee, as established by the city from time to time, for each certificate of occupancy shall be paid when the application is filed.
(Ord. 94, § 8.9, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

CHAPTER 152: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 152.001 TITLE.

This chapter shall hereafter be known, cited, and referred to as the Subdivision Ordinance of the city, and is adopted pursuant to the authorization of M.S. § 462.358, as it may be amended from time to time.
(Ord. 93, § 1, passed 2-11-1999)

§ 152.002 PURPOSE.

The purpose of this chapter is to implement the Comprehensive Plan as adopted by the City Council and to effect the purposes set forth in M.S. § 462.351, as it may be amended from time to time.
(Ord. 93, § 2, passed 2-11-1999)

§ 152.003 APPLICATION OF REGULATIONS AND SCOPE.

(A) The rules and regulations governing plats and subdivisions of land contained in this chapter shall apply within the City of North Oaks.

(B) It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with private restrictions placed upon property by deed, covenant, or other private agreements or with restrictive covenants running with the land, except that the most restrictive shall apply.

(C) M.S. § 462.358, as it may be amended from time to time, is hereby incorporated by this reference and shall control any conflict between the provisions thereof and the this chapter.
(Ord. 93, § 3, passed 2-11-1999)

§ 152.004 RULES OF CONSTRUCTION.

(A) *Generally.* In the construction of this chapter, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

(B) *Rules.*

(1) The present tense shall include the future, the words used in the singular number shall include the plural number, and the plural the singular.

(2) The word "shall" is mandatory and not discretionary.

(3) The word "may" is permissive.

(4) The masculine gender includes the feminine and neuter.

(5) County Recorder includes Registrar of Titles where appropriate.
(Ord. 93, § 4, passed 2-11-1999)

§ 152.005 DEFINITIONS.

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

APPLICANT. A subdivider or owner submitting an application for land development or subdivision, conditional use permit, amendment, and/or variance.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

COMMON PROPERTY. A parcel or parcels of land, together with the improvements thereon, which may include, but is not limited to, recreational areas and facilities, green space, open space, and roads, all of which is for the use, responsibility, and benefit of the owners of specific land as shown on an officially recorded plat or Registered Land Survey.

COMPREHENSIVE PLAN. The official North Oaks Comprehensive Plan made and recommended by the City Planning Commission and adopted by the City Council and all subsequent amendments and supplements thereto, indicating the general locations recommended for the principal streets, parks, and playgrounds, recreation areas, public buildings, zoning districts, character and extent of community development, and other physical aspects of urban planning on file in the office of the City Clerk.

DEVELOPMENT. A planning or construction project on land, which may include the subdivision of land, buildings, structures, site improvements, or grading.

DEVELOPMENT CONTRACT. An agreement between the city and land owner or applicant in which the terms and conditions of development are set forth.

DWELLING. A building, or 1 or more portions thereof, occupied or intended to be occupied exclusively for human habitation, but not including rooms in commercial enterprises such as, but not limited to, motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, or trailer coaches. A ***DWELLING*** shall not be interpreted to include lodging rooms.

DWELLING, MULTI-FAMILY. A building used for occupancy by 3 or more families living independent of each other and containing 3 or more dwelling units per building. ***MULTI-FAMILY DWELLINGS*** shall be limited to rowhouses, condominiums, and senior housing.

DWELLING UNIT. One or more rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping, and sanitation facilities.

EASEMENT. A limited right to or for the use or restriction of use of land for a specifically stated purpose such as, but not limited to, arboreal, berm, canal, drainage, driveway, maintenance, natural state, green space, open space, planting, ponding, roads, trails or recreation, trimming, utilities, vista, and water storage.

GREEN SPACE. Pervious land not encumbered by any buildings, structures, parking lots, drives, walks, storage, or above-ground utilities.

HOME OWNERS ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner in a subdivision or other described land area is automatically a member, and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities such as maintaining common property.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS). A sewage treatment system, or part thereof, serving a dwelling, building, restaurant, or other structure, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal.

LAND. Real property, whether improved or unimproved.

LOT. A parcel, piece, or portion of land designated by a legal description, registered land survey, plat, or other means, and separated from other parcels or portions of lots by the description for the purposes of sale, lease, or separation thereof.

OPEN SPACE. Land maintained in its predominant natural and scenic condition, except as permitted in easements or other agreements to which the city is a party or has consented.

OWNER. Any person or group of persons having sufficient proprietary interest in land.

PARKS AND PLAYGROUNDS. Land suitable for recreational use.

PERSON. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

PLAT. A document or map in form capable of being filed with the Ramsey County Recorder or a Registered Land Survey (RLS) capable of being filed with the Ramsey County Registrar of Titles showing the subdivided parcel's boundaries and lot or tract boundaries.

PRELIMINARY PLAN. A map or drawing at a scale of 100 feet to an inch delineating and showing correctly the boundaries of the subdivision; boundaries, layout, and size to the nearest to tenth of an acre of the lots therein; streets, parks, playgrounds, and other such land locations; north point and scale; existing topographical features, including contours and other physical aspects such as drainageways, wetlands, and tree areas, and the proposed changes to the features. Also included shall be a separate map of the city showing the location of the proposed subdivision within the city.

ROAD or ***STREET.*** A public or private thoroughfare, constructed according to the specifications of the city, which affords the principal means of access for vehicular traffic to abutting land.

SENIOR HOUSING. A multi-family dwelling intended for occupancy by adults age 55 or older and having no more than 24 dwelling units per building, not including nursing homes, convalescent homes, and assisted-living facilities.

SETBACK. A minimum horizontal distance between a building or structure, individual sewage treatment system or well and lot lines, nearest edge of road easement(s), wetlands, or ordinary high water marks of lakes, rivers, or ponds.

SHOPPING CENTER. An integrated grouping of commercial enterprises whose facilities are under single ownership or control.

SIGN. A display, illustration, structure, or device containing or displaying graphic information visible from the exterior which directs attention to an object, product, place, activity, person, institution, or organization or business.

STRUCTURE. Anything which is built, constructed, or erected, whether temporary or permanent, in, on, or above the land.

SUBDIVIDER. Any person commencing proceedings under the terms of this chapter to effect a subdivision of land hereunder for the person or for another.

SUBDIVISION. The division of a parcel of land into 2 or more lots or parcels, any of which resultant lots or parcels is less than 10 acres in area or less than 200 feet in width or is a planned residential district or planned unit development district established pursuant to §§ 151.055 or 151.056, for the purpose of transfer of ownership or building or development, or if a new street or the extension of an existing street is involved, any division of a parcel of land. The term includes ***RESUBDIVISION*** and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBDIVISION, MAJOR. All subdivisions not classified as a minor subdivision.

SUBDIVISION, MINOR. Any subdivision necessary to adjust common boundary or lot lines between multi-family dwellings or townhomes after construction thereof.

SUITABLE FOR RECREATIONAL USE. Land that can be used for construction of baseball, soccer, and football fields, hockey arenas, swimming pools, tennis courts, and other active sports and recreational activities without extraordinary or unreasonable costs due to the topography and nature of the land, and which is in a location compatible with other recreation land contained in the Comprehensive Plan.

SUITABLE SITE. A useable area of at least 25,000 contiguous square feet for those lots with individual sewage treatment systems and 15,000 contiguous square feet for those lots served by a central sewer system connected to the regional facilities.

TOWNHOUSE. A townhouse, or townhome or townhomes, is 1 dwelling unit in a building obtaining no more than 2 dwelling units with 1 or more party walls. A ***TOWNHOUSE*** is designed for 2 families living independent of each other.

USABLE AREA. The area of a lot, excluding all required setbacks, easements, and wetlands, where the topographic and soil conditions and configuration are suitable for each of the following in some section of the area: construction of a dwelling, future additions, accessory structures, well site, 2 individual sewage treatment system areas (for an unsewered lot), yard, driveways, and required parking areas. During the subdivision process only, when calculating the ***USABLE AREA*** of a proposed lot, the subdivider may include any trail easement area of over 2,000 square feet per lot and may be given partial credit for other easements where there is area available for normal residential use as defined for ***USABLE AREA***.

USE. The purpose or activity for which the land, structure, or building thereon is designated, arranged, intended, or for which it is occupied, utilized, or maintained.

VARIANCE. A waiver of compliance with the regulations of this chapter to alleviate unnecessary hardship and allow a reasonable use of the building, structure, or land which, because of unusual or unique circumstances, is denied by terms of the Zoning or Subdivision Ordinances.

WETLAND.

(1) A surface feature of at least 2,000 contiguous square feet, and classified as a wetland in the Minnesota Wetland Conservation Act, M.S. Ch. 103G, as it may be amended from time to time, which states "Wetlands means land 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."

(2) For purposes of this definition, ***WETLANDS*** must have the following 3 attributes:

(a) Have a predominance of hydric soils;

(b) Are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated oil conditions; and

(c) Under normal circumstances, support a prevalence of the vegetation.

ZONING DISTRICT. Section or sections of the incorporated area of the city for which regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted herein.
(Ord. 93, § 5, passed 2-11-1999)

§ 152.006 EFFECTIVE DATE.

This chapter shall take effect and be in force after its passage and official publication.
(Ord. 93, § 14, passed 2-11-1999)

MAJOR SUBDIVISION PROCEDURE

§ 152.020 GENERALLY.

(A) There are 2 stages in obtaining approval of a plat of a major subdivision.

(B) The first is submission to the City Planning Commission of a preliminary plan.

(C) The preliminary plan shall be reviewed by the Planning Commission and sent to the City Council with a recommendation either for approval or disapproval.

(D) Action on the preliminary plan by the City Council must be preceded by a public hearing.

(E) Approval of the preliminary plan by the City Council may state and contain conditions, changes, additional terms and other modifications that the City Council would require before granting approval of the plat.

(F) The subdivider shall have 12 months following approval of the preliminary plan to file the plat with the City Clerk and the City Council shall make a final determination thereon.

(G) The approval procedure is set out in detail in this subchapter, the provisions of which prevail over anything contained in this introductory summary.
(Ord. 93, § 6, passed 2-11-1999) Penalty, see § 10.99

§ 152.021 PRELIMINARY PLAN.

(A) *Filing of preliminary plan.*

(1) (a) Before dividing any tract of land into 2 or more lots or parcels, a subdivider shall file with the City Clerk a preliminary plan for a proposed major subdivision.

(b) With the preliminary plan shall be a written application by the owner, or his or her agent, for approval, on forms approved by the Planning Commission.

(c) The preliminary plan shall consist of a map or drawing at a scale of 100 feet to an inch delineating and showing correctly the boundaries of the major subdivision; boundaries, layout, and size to the nearest tenth of an acre of the lots therein; streets, parks, playgrounds, and other land locations; and shall have the north point and scale indicated; and a topographic map to the same scale showing contours, physical features such as water courses, ponds, wetlands, and tree areas before the major subdivision has taken place, together with a clear indication of what happens to the features after the major subdivision.

(d) The preliminary plan shall also include the other documents and information as required by the Planning Commission for the purpose of ensuring that the provisions, purposes, and objectives of this chapter and of the Comprehensive Plan are met and that the public interest is well served.

(e) The requirements for additional information and documents shall be contained in the application form which will be prescribed by the Planning Commission and supplied to each subdivider or applicant by the City Clerk.

(2) (a) The preliminary plan is not intended to be a plat and must be marked in such a manner that it will not be confused with a plat.

(b) Its purpose is to show graphically all facts needed to enable the Planning Commission and the City Council to determine whether the proposed layout of the land is satisfactory from the standpoint of this chapter, the Comprehensive Plan, other applicable city ordinances, and the public interest.

(c) The preliminary plan shall be prepared by a qualified professional, trained and experienced in the layout of subdivisions and registered in the State of Minnesota.

(3) (a) Included on the submitted preliminary plan shall be the calculation of usable area for each lot that has been determined to be a suitable site.

(b) For each unsewered lot, the preliminary plan shall also include the location of two 5,000-square-foot individual sewage treatment system sites with general soils documentation prepared by a registered soils engineer indicating the suitability for on-site individual sewage treatment systems.

(4) Accompanying the preliminary plan shall be preliminary plat with easements and other special provisions showing, as an overlay to the proposed lots, all proposed special provisions, such as areas restricted for certain uses, and all proposed easements, including road easements, and also including, where applicable, the relationship of proposed easements to existing easements in adjoining subdivisions.

(B) *Fees.*

(1) At the time of the filing of the preliminary plan, the subdivider shall pay to the city the fees as may be established by the city from time to time.

(2) The foregoing fees shall be used to defray the administration expense of the city in connection with the review of the plan.

(3) In addition, expenses incurred by the city to employ the services of the City Engineer, City Attorney, and other professional consultants in connection with the review of the preliminary plan and plat and, if required, in the preparation of an Environmental Assessment Worksheet (EAW) and an Environmental Impact Statement (EIS) shall be reimbursed to the city by the subdivider.

(C) *Review of preliminary plan by Planning Commission.*

(1) After filing, the Clerk shall deliver the preliminary plan to the Planning Commission at or prior to its next scheduled meeting.

(2) At that meeting, the Planning Commission shall determine whether the information required by division (A) above is complete and whether additional information or investigation and study by professional consultants such as engineers, soil testing laboratories or the like should be obtained.

(3) If it is determined that additional information or consultant investigation should be obtained, the Commission shall set a reasonable time period for the information to be submitted to the Commission.

(4) Once the information has been submitted to the Commission, it shall review the preliminary plan, conduct a public hearing, and to submit it to the City Council with its recommendations for approval or disapproval.

(5) The Planning Commission may recommend conditions or changes of the preliminary plan that are precedent to its recommendation for approval.

(D) *Public hearing.*

(1) After the Planning Commission has determined that the preliminary plan and all information and investigation it may require under division (C) above are complete, it shall set a date and place for a public hearing on the preliminary plan and shall publish notice of the time and place thereof in the official newspaper at least 10 days before the date of the hearing.

(2) The Planning Commission shall conduct the public hearing.

(3) At the hearing, all persons interested in the preliminary plan shall be heard, and afterward the Planning Commission shall submit the preliminary plan to the City Council with its findings and recommendations.

(E) *Approval by City Council.*

(1) The City Council shall approve or disapprove the preliminary plan at its next scheduled meeting following the submission of the preliminary plan to it by the Planning Commission, provided, however, that the City Council may, by the vote of a majority of those Council persons present, carry over decision on the preliminary plan until the next meeting of the Council.

(2) Provided further, however, that final action of the Council must take place within 60 days of the public hearing.

(3) The Council may condition approval of the preliminary plan on specific changes or conditions, including compliance with § 152.022(B)(6), being made or met by the subdivider.

(4) If the preliminary plan is disapproved, the grounds therefore shall be stated in writing and given to the subdivider.

(F) *Effect of approval of the preliminary plan.* Approval of the preliminary plan by the City Council shall give the subdivider, or his or her agents, the following rights for a 12-month period from the date of approval or the longer period as may be permitted pursuant to the authority granted in M.S. § 462.358, Subd. 3c, as it may be amended from time to time.

(1) The general terms and conditions under which the approval was granted will not be changed by the city.

(2) The subdivider may grade, alter, or change the terrain of the parcel, including the construction of streets and easements, so as to effect the subdivision as contained in the preliminary plan.

(3) The subdivider may submit on or before the expiration date, the whole, or any appropriate part of the approved preliminary plan for final approval.

(4) Approval of the preliminary plan does not constitute automatic approval of a plat.
(Ord. 93, § 6.1, passed 2-11-1999) Penalty, see § 10.99

§ 152.022 APPROVAL OF PLAT.

(A) *Generally.*

(1) After approval of the preliminary plan, the subdivider may, within 12 months, file with the City Clerk the plat of the major subdivision.

(2) The plat may constitute the entire land area covered by the preliminary plan or only that portion which the subdivider proposes to record and develop within the succeeding year, provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety, and convenience of the proposed residents therein and for adequate access to contiguous areas.

(B) *Filing of plat.* An original and 20 copies of the final drawing shall accompany the plat approval application. The plat shall not be accepted for filing or approved without being accompanied by the following:

(1) *Certificate of surveyor.* A certificate from a registered Minnesota land surveyor, attesting to the fact that the plat represents a survey made by the surveyor and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct, and that the surveyor has complied with all the rules contained herein governing plats, and noting exceptions, if any;

(2) *Legal description.* A correct description of the land or parcel of land to be subdivided;

(3) *Owner's statement.* If the subdivider is other than the owner of the parcel proposed to be subdivided, a notarized statement to the effect that the major subdivision as it appears on the plat is with the free consent and in accordance with the desire of the owner, signed and acknowledged by the owner and the owner's spouse, if any;

(4) *Mortgage.* A notarized certificate by all mortgage holders, if any, acknowledging the adoption of the plat;

(5) *Proof of ownership.* A complete abstract of title accompanied by an opinion from an attorney at law showing that the fee title is in the owner. As to registered land, this provision shall be deemed met if the subdivider makes available to the City Clerk a registered property certificate certified as required by the city and showing the fee title is in the owner;

(6) *Performance bond.* Unless the City Council determines that the subdivider has, by past performances within the city, demonstrated that the subdivider is responsible and financially sound, the City Council may require a performance bond, cash escrow agreement, or a letter of credit, in an amount equal to 1½ times the City Engineer's estimated cost of the required improvements which shall guarantee the performance of the duties and obligations imposed on the subdivider and owner by this chapter. The performance bond, cash escrow, or letter of credit, among other things, will guarantee and assure the following:

(a) The subdivider shall pay for the cost of all improvements required in the major subdivision and the major subdivision's share of costs of trunk facilities to be extended to the major subdivision;

(b) Guaranteed completion of the required improvements within a 2-year period or the longer period as may be authorized by the City Council;

(c) Payment by the subdivider to the city for administrative costs, including preparation or review of plans and specifications and for inspection by the City Engineer relating to the major subdivision;

(d) If the required improvements are not completed within the 2-year period or the longer period as may be authorized by the City Council, all amounts held under the escrow agreement, performance bond, or letter of credit shall by turned over and delivered to the city and applied to the cost of required improvements. If the funds available are not sufficient to complete the required improvements, the necessary additional costs shall be assessed against the major subdivision. Any balance remaining after the improvements have been made shall be returned to the owner or subdivider; and

(e) Payment by the subdivider to the city for city attorney fees relating to the major subdivision.

(7) *Final plat with easements and other special provisions.*

(a) Two copies of the final plat showing the location, width, and type of each easement and any other special provisions.

(b) Attached to this final plat shall be detailed descriptions, similar to those contained in the individual warranty deeds, of each easement and special provision, including legal description of location, restrictions as to use of land where easement is located or provision applies, and right of use of and access to easement.

(c) If easements are moved slightly during road construction process, a final record or as-built plat is to be submitted showing final easement locations.

(C) *Presentation.*

(1) After the City Clerk has determined division (B) above has been complied with, the Clerk shall present the plat and the accompanying information to the City Council at its next following meeting.

(2) At that meeting the Council may, in its discretion, decide to submit the plat information to the Planning Commission for review.

(3) If so, the Planning Commission shall have 30 days from that Council meeting to submit to the Council its recommendation for approval or disapproval of the plat.

(D) *Disposition of the final plat.*

(1) If the plat was submitted to the Planning Commission, the City Council shall approve or disapprove the plat after receipt of the Planning Commission's report.

(2) If not submitted to the Planning Commission, the Council shall proceed to approve or disapprove the plat.

(3) No plat shall be approved by the City Council which does not conform to the approved preliminary plan, including modifications required by the City Council in its preliminary plan approval or which does not meet the requirements of this chapter.

(4) If the City Council does not approve the plat, it shall notify the applicant in writing of the action, and reasons therefor.

(5) After the plat has been approved by the Council, the City Clerk shall cause a certified copy of the resolution approving the plat to be attached to the plat and returned to the subdivider, who shall submit for recording within 90 days of approval 2 copies of the plat with the County Recorder for Ramsey County and shall return a fully recorded city reproducible copy to the City Clerk.

(6) To entitle a plat to be entered in the proper record books in the office of the County Recorder of Ramsey County, the certificates required in division (B) above, together with the certificate of approval of the City Council and the seal of the city shall accompany it.
(Ord. 93, § 6.2, passed 2-11-1999)

MINOR SUBDIVISION PROCEDURE

§ 152.035 QUALIFICATION.

This subchapter shall apply to the following application: subdivision necessary to adjust common boundary or lot lines between multi-family dwellings or townhomes after construction thereof.
(Ord. 93, § 7.1, passed 2-11-1999)

§ 152.036 CONTENT AND DATA REQUIREMENTS.

The following information shall be submitted along with the application for minor subdivision:

(A) Survey prepared by a registered land surveyor, which includes:

(1) Original and proposed lot boundaries;

(2) Location of existing structures on the site;

(3) Existing easement locations;

(4) Easements to be vacated;

(5) New easements; and

(6) Environmental constraints of the site.

(B) The city may require additional information as outlined in §§ 152.020 *et seq.* if deemed necessary.
(Ord. 93, § 7.2, passed 2-11-1999)

§ 152.037 DESIGN STANDARDS.

(A) The minor subdivision shall conform to all design standards as specified in this chapter, §§ 152.050 *et seq.* and 152.065 *et seq.*

(B) Any proposed deviation from the standards shall require the processing of a variance request.
(Ord. 93, § 7.3, passed 2-11-1999) Penalty, see § 10.99

§ 152.038 PROCESSING.

Upon receipt of the completed application and required informational submissions, and after review thereof as deemed necessary by the city, the City Clerk shall either approve or deny the application for minor subdivision.
(Ord. 93, § 7.4, passed 2-11-1999)

GENERAL STANDARDS AND REQUIREMENTS

§ 152.050 CITY PLANNING COMMISSION AND CITY COUNCIL.

(A) The City Planning Commission, in forming recommendations to the City Council concerning preliminary plans and plats, and the City Council, in determining whether to grant approval thereof, shall take into consideration the requirements of the community and the use of the land being subdivided.

(B) The Planning Commission and the City Council shall especially require that all subdivisions conform to the provisions and conditions of the Comprehensive Plan for future development of the City of North Oaks. Preliminary plan or plat approval may be withheld if a subdivision does not conform with the provisions of the Comprehensive Plan.

(C) In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, water courses, historical and similar features.
(Ord. 93, § 8.1, passed 2-11-1999)

§ 152.051 UNSUITABLE LAND.

(A) No land shall be subdivided for residential use which is found by the City Council to be unsuitable for that use by reason of flooding or bad drainage, adverse earth or rock formation or topography, or earth conditions adverse to the operation of septic systems and water supply, unless public utilities are available, or any other feature likely to be harmful to the health, safety, or welfare of the future residents in the proposed subdivision or of the community.

(B) In a residential zoning district, each lot in each subdivision shall have a suitable site for construction of a residence or dwelling and shall be of sufficient size to provide for compliance with the 30-foot access driveway requirement of the Zoning Ordinance unless a variance for access driveway location is granted pursuant to § 152.080(A).
(Ord. 93, § 8.2, passed 2-11-1999) Penalty, see § 10.99

§ 152.052 RECREATIONAL FACILITIES IN RESIDENTIAL SUBDIVISIONS.

(A) (1) Each subdivision to be developed for residential uses shall have a reasonable amount of land dedicated, set aside, conveyed, or preserved to or for the benefit of present or future residents of the City of North Oaks or present or future residents of the areas to be subdivided for open space purposes, parks and playgrounds, trails, or conservation purposes.

(2) In determining what is a reasonable amount of land to be dedicated, set aside, conveyed, or preserved, consideration may be given to the open space, parks and playgrounds, trails and conservation land which the subdivider has provided in other plats in addition to the land which the subdivider is providing in the areas to be subdivided and other such land available to the residents of the areas to be subdivided that is within a reasonably accessible distance.

(3) The maximum area required to be dedicated, set aside, conveyed, or preserved for the purposes specified above shall be 10% of the area being subdivided.

(4) Whenever the City Council finds that land for the purposes specified above is not required or is not suitable for such purposes, or where the Council finds that the area to be subdivided is too small to warrant the dedication set aside, conveyance or preservation of land, the City Council may reject all the dedications, set asides, conveyances, or preservation of land and require cash payments based on undeveloped land value as defined herein in lieu thereof.

(5) The cash shall be placed in a special fund by the city to be used only for purposes for which the money was obtained.

(B) (1) In determining undeveloped land value, the word ***UNDEVELOPED*** shall mean land having no structures, such as houses or buildings, streets, utilities, or other improvements shall not be deemed as creating developed land.

(2) In determining undeveloped land value, the Council may rely upon sales within the preceding 12 months of subdivided lots within the city, provided the other sales are of residential lands similar to the land in the subdivision being considered.

(3) If the subdivider making application for approval of a preliminary plan has made the sales of other land in the city within 1 year of the filing date, the subdivider shall provide the Council with information on the gross and net sales proceeds received from each sale.

(C) (1) Where a proposed park, playground, community center, or other recreational site or facility included in the Comprehensive Plan of the city is located in whole or in part in the area being subdivided, the subdivider shall set aside the land for the use of the city residents as part of the final subdivision plat, provided, however, that in no case shall the amount of land required to be set aside for the recreational purposes exceed 10% of the total gross acreage developable for residential uses.

(2) The additional land needed for parks, playgrounds, community centers, or other recreational facilities, may be acquired by the city at the cost of undeveloped land, as defined herein.

(3) This land in excess of 10% of the total gross land area developable for residential uses shall be saved for a period not to exceed 2 years from the date of approval of the final subdivision plat and shall not be used for any purpose other than recreational purposes during this 2-year period.
(Ord. 93, § 8.3, passed 2-11-1999) Penalty, see § 10.99

§ 152.053 COMMON USES IN SUBDIVISIONS.

(A) Whenever a tract of land to be subdivided includes a proposed street, highway, or parkway, or proposed site for police, fire station, city hall, or other use as indicated in the Comprehensive Plan of the city, that space shall be suitably incorporated by the subdivider into the plat.

(B) The land may be acquired by the city at the cost of undeveloped land as defined herein for a period not to exceed 2 years from the date of approval of the plat.
(Ord. 93, § 8.4, passed 2-11-1999) Penalty, see § 10.99

§ 152.054 HOME OWNERS ASSOCIATION.

(A) *Generally.* To assure the continued operation and maintenance of private recreational open space, green space, and roads within reasonable standards for the use and benefit of land owners, the following special provisions shall apply.

(B) *Special provisions.*

(1) Prior to the use, occupancy, sale, or the execution of contracts for sale of 1 or more individual parcels, tracts, or common areas of land, a declaration of covenants, conditions, and restrictions, or an equivalent document, shall be filed with the city, which filing with the city shall be made prior to the filing or recording of the declaration or document with the proper recording officers of Ramsey County, Minnesota.

(2) The declaration of covenants, conditions, and restrictions or equivalent document shall:

(a) Specify that deeds, leases, or documents, or conveyances affecting parcels or tracts, shall subject the properties to the terms of the declaration and shall run with and bind the land and inure to the benefit of and be enforceable by a home owners association, or the owner of any land subject to the declaration;

(b) State the number of years the declaration shall be in effect;

(c) Provide for a method of renewal or continuance of the declaration;

(d) Provide procedures for other properties to be added to the area covered by the declaration;

(e) Provide procedures to merge or consolidate home owners associations;

(f) Provide for the voting rights of members and of the developer in a home owners association; and

(g) Provide procedures for dissolution of the home owners association, including provisions for the continued use and the maintenance and financing therefor of all recreational areas and facilities, open space, green space, and roads which are hereinafter called the common property for purposes as nearly as practicable the same as those to which they were devoted by the home owners association.

(3) The declaration of covenants, conditions, and restrictions or equivalent document shall provide that a home owners association shall be formed or otherwise provided for by the developer with membership mandatory for each and every purchaser whether the purchaser be the initial or subsequent purchaser of land within a defined area, and it shall be the responsibility of the home owners association to:

(a) Assume ownership of and maintain all common property;

(b) Provide liability insurance for and to pay all taxes and assessments against the common property; and

(c) Assess each land owner an equitable share of all common costs by means of not less than an annual assessment with the assessment levied in such a way as to become a charge on the land and a continuing lien upon the land of which each assessment is made, and, in addition, that each assessment shall also be the personal obligation of the person who was owner of the land at the time the assessment fell due. A provision shall also be included for an adjustment in assessment to meet changed needs and economic conditions.

(4) (a) The declaration of covenants, conditions, and restrictions or equivalent document shall also provide that in the event any home owners association fails to maintain the common properties in good repair or fails to pay taxes or assessments on the lands as they become due, the city may issue a notice to the association setting forth the nature of the association's deficiencies and shall set a hearing to discuss the deficiencies.

(b) This hearing shall be conducted by the City Council no sooner than 10 days nor later than 30 days after a notice, setting forth the date, time, and place of the hearing, is published in the official newspaper of the city.

(c) Within 10 days after the hearing, the City Council shall, by majority vote, define the procedures to be undertaken by the association to correct the deficiencies.

(d) In the event the association does not correct the deficiencies as defined, within 30 days, the City Council shall arrange to have the deficiencies corrected and shall bill the association for all expenses including the city's administrative expenses.

(e) If the association does not reimburse the city within 30 days of receipt of the bill, the city shall have the right to assess each land owner of the association for each land owner's pro rata share of the expenses.

(f) The assessments, together with interest thereon and costs of collection, shall be a lien on the land against which the assessment is made and, in addition, each assessment shall also be the personal obligation of the person who was the owner of the land at the time the assessment fell due.

(5) The common property shall be granted, conveyed, and assigned to the respective home owners association and also shall be placed on the official Zoning District Map of the city.

(6) (a) All covenants, conditions, and restrictions or equivalent documents to be recorded and the articles of incorporation and bylaws of each home owners association shall be approved by the Planning Commission prior to the preliminary plan approval as provided for in this chapter.

(b) None of the covenants, conditions, restrictions, or equivalent documents or articles of incorporation or bylaws as approved by the Planning Commission may be changed in any manner without first submitting the proposed change to the Planning Commission for approval.

(7) Consideration by the Planning Commission for approval of the proposed documents covering covenants, conditions, restrictions, articles of incorporation, and bylaws shall be based on, but not limited to, the following:

(a) Coordination with and lack of conflict with the Comprehensive Plan;

(b) The nature of the area and effect on the adjacent land use;

(c) That a workable home owners association is created to be responsible for the common property with the rights of responsibility of both the land owners and developer clearly defined; and

(d) The requirements as set forth in this section are fulfilled.

(8) All covenants, conditions, restrictions, or equivalent documents, and the articles of incorporation and bylaws shall be recorded with the proper authorities of Ramsey County and the State of Minnesota before any individual lot, parcel, tract, or other land interest is sold or otherwise transferred, and, in addition, a reference shall be made on the face of each and every subdivision plat noting the granting, conveyance, and assigning of the common property, as provided in the declaration, to the respective home owners association.
(Ord. 93, § 8.5, passed 2-11-1999) Penalty, see § 10.99

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

§ 152.065 GENERAL PROVISIONS.

(A) *Generally.* In addition to the design standards established herein, all subdivisions shall comply with the following laws, ordinances, rules, and regulations.

(B) *Laws, ordinances, rules, and regulations.*

(1) The Comprehensive Plan of the City of North Oaks;

(2) The City of North Oaks ordinances;

(3) All private restrictions placed upon the land by deed, covenant, or other private agreements or with restrictive covenants running with the land;

(4) Minnesota laws;

(5) Minnesota Department of Health regulations relating to individual sewage treatment systems and wells, unless the subdivision is served by public facilities; and

(6) Minnesota Department of Natural Resources State-wide Standards and Criteria for Shoreland Management.

(Ord. 93, § 9.1, passed 2-11-1999) Penalty, see § 10.99

§ 152.066 SPECIFIC REQUIRED IMPROVEMENTS.

(A) *Water facilities.*

(1) Where a public water main is readily accessible, the subdivider shall install adequate water facilities, including fire hydrants subject to the specifications and inspections of the City Engineer.

(2) If a public water system is not readily accessible, individual wells may be constructed in accordance with applicable city ordinances and state and county laws and regulations.

(B) *Sewer facilities.*

(1) Where a public sanitary sewer is accessible, the subdivider shall install adequate sanitary sewer facilities, including the installation of laterals to the right-of-way, subject to the specifications and inspection of the City Engineer.

(2) If public sewer is not accessible, individual sewage treatment systems may be installed in accordance with the Minnesota Department of Health (or other applicable agency or regulator) and recommendations for individual sewage treatment systems.

(3) For unsewered subdivisions, the subdivider shall identify 2 sites, each 5,000 square feet in size, for the location of individual sewage treatment system, with general soils documentation prepared by a registered soils engineer indicating the suitability for individual sewage treatment systems.

(4) (a) 1. For Subdivisions with a central sewer system, the subdivider shall submit plans and specifications that have been prepared by a registered professional civil engineer to the city for approval by the City Engineer.

2. The subdivider, with consent of the city, shall obtain all necessary permits from the Metropolitan Council Environmental Services, Minnesota Pollution Control Agency, and all applicable agencies before proceeding with construction.

3. The subdivider's civil engineer shall provide adequate field inspection personnel to ensure an acceptable level of quality control to the extent that the subdivider's engineer will be able to certify that the construction work meets the approved city standards as a condition of city acceptance.

4. In addition, the city may, at its discretion and at the subdivider's expense, have 1 or more city inspectors and soil engineers inspect the work on a full- or part-time basis.

5. The subdivider, and the subdivider's contractors and subcontractors, shall follow all instructions received from the City Inspector.

6. The subdivider shall enter into a development contract if so required by the city.

(b) Within 30 days after the completion of the improvements and before the security is released, the subdivider shall supply the city with a complete set of reproducible record or as-built plans, and 2 complete sets of blueline record or as-built plans.

(5) (a) The subdivider shall provide 30-foot graded access easements to all pumping facilities.

(b) All utility easements shall be dedicated to the city and any parties identified at the time the subdivision is approved as being responsible for maintenance and operation of the system.

(C) *Storm water.*

(1) The subdivider shall demonstrate that any changes in topography shall not be adverse to water flowage or water control and shall be responsible for any change in topography that causes the adverse consequences.

(2) For the purpose of this division (C), the following definition shall apply unless the context clearly indicates or requires a different meaning.

ADVERSE. Impairment or interruption of natural drainage paths or pools, or the causing of unnatural drainage paths or pools.

(3) The subdivider shall install storm sewer facilities subject to the specifications and inspection of the City Engineer if adequate provision is not made or does not naturally exist for disposal of storm waters.

(D) *Roads or streets and alleys.*

(1) (a) Roads or streets shall be designed and located in relation to existing and planned roads or streets, to topographical conditions and natural terrain features, to public convenience and safety and in appropriate relation to the proposed uses of land to be served by the streets.

(b) Standards and specification for the construction of roads or streets, as well as paving and grading, shall be those on public file in the city office.

(2) Alleys shall not be permitted in residential subdivisions.

(E) *Road or street names and signs.*

(1) Road or street name signs are to be placed at all intersections within or abutting the subdivision by the subdivider at the subdivider's expense.

(2) Road or street names shall coincide with the names of the existing road or street pattern.

(3) Names shall be subject to the approval of the City Council.

(F) *Pedestrianways/trails.*

(1) Pedestrianways/trails may be required by the City Council where deemed essential to provide safe circulation or access to schools, playgrounds and other recreation areas, shopping centers, transportation or other community facilities and where deemed appropriate to meet the needs of the community and/or the members of a given home owners association as part of an integrated trailway system.

(2) The subdivider shall be responsible for grading and preparing, subject to the approval of the City Engineer, all approved pedestrianways/trails prior to approval of the plat.

(G) *Utility easement.*

(1) Easements at least 12 feet wide adjacent to each lot shall be provided for utilities.

(2) All electric and telephone distribution service lines shall be installed underground.

(H) *Monuments.* The subdivider shall place permanent reference monuments in the subdivision at all land corners as approved by the City Engineer.
(Ord. 93, § 9.2, passed 2-11-1999) Penalty, see § 10.99

VARIANCES

§ 152.080 GENERALLY.

(A) (1) The Council may grant a variance, including approval of residential lots having insufficient frontage for access driveway location conforming to the 30-foot setback requirement of Chapter 151, provided that the lots have sufficient frontage to provide for access driveway locations having at least a 15-foot setback, upon receiving a report from the Planning Commission in any particular case where the subdivider can show that, by reason of exceptional topography or other physical conditions, the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right, provided the relief may be granted without detriment to the public welfare and without impairing the intent and purpose of this chapter.

(2) Any variance pertaining to driveway location shall be limited to that portion of the lot where the lot configuration and its topography prevent adherence to the 30-foot setback requirement of the Zoning Ordinance.

(B) (1) Application for any variance shall be made in writing by the subdivider when the preliminary plan or the final plat is filed with the City Clerk, stating fully all facts relied upon by the petitioner and supplemented with maps, plans, or other additional data which may aid the Planning Commission and Council in the analysis of the proposed project.

(2) The Council may take action on an application filed with the plat for final approval without referring the application to the Planning Commission for its analysis and recommendation.

(3) The plans for the development shall include the covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

(4) Any variance or modification thus granted shall be recorded in resolution form and entered in the minutes of the Council, setting forth the reasons which justified the action taken.
(Ord. 93, § 10, passed 2-11-1999) Penalty, see § 10.99

VIOLATIONS

§ 152.095 GENERALLY.

(A) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall:

(1) Transfer or sell the parcel before a plat of the subdivision has been approved by the City Council and filed with the County Recorder of Ramsey County, in accordance with the provisions of this chapter; and/or

(2) Grade, clear, alter, or change the terrain of the parcel prior to obtaining the approval of the preliminary plan by the City Council as set forth in §§ 152.020 *et seq.*

(B) (1) No owner, or agent of the owner, of any parcel of land shall divide any lot or parcel of land by the use of metes and bounds or other description for the purpose of sale, transfer, or lease with the intent of evading this chapter.

(2) All the described divisions shall be subject to all the requirements and regulations contained in this chapter.

(C) No building permit shall be issued for the construction or repair of any building or structure located on a lot or parcel subdivided or sold in violation of the regulations of this chapter.

(D) No preliminary plan or plat shall be approved which does not comply with all the provisions of this chapter, and no plat shall be filed with the County Recorder which does not bear the signatures of the Mayor and City Clerk of the city as authorized by City Council resolution.

(E) Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this chapter shall forfeit and pay to the city a penalty of not less than $300 for each lot or parcel so conveyed. The city may enjoin the conveyance and may recover the penalty by a civil action in any court of competent jurisdiction.

(F) The platting, re-platting, subdividing, or conveyance of land not in accordance with the requirements of this chapter may be enforced by mandamus, injunction, and/or by seeking any other appropriate remedy in any court of competent jurisdiction.
(Ord. 93, § 11, passed 2-11-1999) Penalty, see § 10.99

CHAPTER 153: SHORELAND MANAGEMENT AREA

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GENERAL PROVISIONS

§ 153.001 PURPOSE.

This Shoreland Management Area is established to guide development and utilization of shorelands of surface waters for the preservation of water quality, natural characteristics, economic values, and general health, safety, and welfare.
(Ord. 84, § 1.1, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.002 STATUTORY AUTHORIZATION.

This chapter is adopted pursuant to the authorization and policies contained in M.S. Ch. 103G, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Laws of Minnesota 1973, Chapter 379, and in furtherance of the policies declared in M.S. Ch. 105, 115, 116, and 462, as they may all be amended from time to time.
(Ord. 84, § 1.2, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.003 JURISDICTION.

(A) The provisions of this chapter shall apply to the shorelands of the public water bodies in the City of North Oaks, Minnesota.

(B) To the extent that the terms and conditions of this chapter are inconsistent with the provisions of this code, the provisions of this chapter shall govern, provided, however, that in all other respects the provisions of this code shall remain in full force and effect.
(Ord. 84, § 2.1, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.004 COMPLIANCE.

The use of any shoreland of public waters; the size and shape of lots; the use, size, and type and location of structures on lots; the installation and maintenance of water supply, wells, and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this chapter and other applicable regulations.
(Ord. 84, § 2.2, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.005 ENFORCEMENT.

(A) The City Council of North Oaks is responsible for the administration and enforcement of this chapter.

(B) Any violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

(C) Violations of this chapter can occur regardless of whether or not a permit is required for a regulated activity pursuant to § 153.020.
(Ord. 84, § 2.3, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.006 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
(Ord. 84, § 2.4, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.007 ABROGATION AND GREATER RESTRICTIONS.

(A) It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

(B) However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
(Ord. 84, § 2.6, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.008 DEFINITIONS.

(A) For the purpose of this chapter, the words “must” and “shall” are mandatory and not permissive.

(B) All distances, unless otherwise specified, shall be measured horizontally.

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

ACCESSORY FACILITY, STRUCTURE, OR USE. A subordinate building, structure, or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of the building or main use.

BLUFF. A topographic feature such as a hill, cliff, or embankment having all of the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

(a) Part or all of the feature is located in a Shoreland Area;

(b) The slope rises at least 25 feet above the ordinary high water level of the waterbody;

(c) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and

(d) The slope must drain toward the water body.

BLUFF IMPACT ZONE. A bluff and land located within 20 feet from the top of a bluff.

BOARDWALK. A horizontal, unattached walkway made of board materials and functionally related to a principal use or site.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, DETACHED. A building having no party wall in common with another building.

BUILDING HEIGHT. The vertical distance from grade as defined herein to the highest point on the roof surface.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING, MAIN. A building in which the principal use of the lot is conducted.

BUILDING SETBACK. The minimum horizontal distance between the building and lot lines or nearest edge of road easement(s).

COMMERCIAL USE. The principal use or land or buildings for the sale, lease, rental, or trade of products, goods, and services.

COMMISSIONER. The Commissioner of the Department of Natural Resources.

CONDITIONAL USE. Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning use district, which for their respective conduct, exercise, or performance in such designated use districts may require reasonable but special, peculiar, unusual, or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications, or regulations in the use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the city and therefore may be permitted in the use district only by a conditional use permit.

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than 3 feet above ground.

DOCK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, located in whole or in part, on or within the boundaries of a public water.

DWELLING. A building or 1 or more portions thereof occupied or intended to be occupied exclusively for human habitation, but not including rooms in commercial enterprises such as, but not limited to, motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins or trailer coaches. A ***DWELLING*** shall not be interpreted to include lodging rooms.

DWELLING, ATTACHED. A dwelling which is joined to another dwelling at 1 or more sides by a common wall or party wall.

DWELLING, DETACHED. A dwelling which is entirely surrounded by open area on the same lot.

DWELLING, SINGLE-FAMILY. A dwelling designed for or occupied by 1 family.

DWELLING SITE. A designated location for residential use by 1 or more persons.

DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping, and sanitation facilities.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.

GRADE. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and a line 5 feet from the building.

HARDSHIP. The same as that term is defined in M.S. Ch. 462, as it may be amended from time to time, (for municipalities) which as of 1994 provides that ***HARDSHIP*** means the property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his or her property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a ***HARDSHIP*** if a reasonable use for the property exists under terms of the official controls.

IMPERVIOUS SURFACE. A surface of sufficient materials and density to be resistant to penetration by fluids or roots.

INDUSTRIAL USE. The use of land or buildings for the purpose of providing maintenance services to home owners associations within the City of North Oaks.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

LOT. A parcel or portion of land designated by plat, legal description, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by the description for the purpose of sale, lease, or separation thereof.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

NONCONFORMING BUILDING, STRUCTURE, or ***USE.*** Any building, structure, or use which does not conform to the district regulations in which it is situated.

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

PERMITTED USE. A use which may be lawfully established in a particular district or districts, which conforms to all requirements, regulations, and performance standards of the districts.

PLANNED RESIDENTIAL DEVELOPMENT. As defined in the North Oaks Land Use Ordinance.

PUBLIC WATERS. Any waters as defined in M.S. § 103G.005, as it may be amended from time to time.

(a) ***NATURAL ENVIRONMENT WATERS.*** Set lakes and streams where heavy development would result in overuse of the water's resource potential and post construction or sewage treatment problems. Generally, small lakes (under 150 acres) or shallow lakes with low swampy shorelines.

(b) ***RECREATIONAL DEVELOPMENT WATERS.*** Usually moderately developed at present and have physical characteristics more suited to development than natural environment lakes and streams.

RIPARIAN. Abutting the bank of a natural watercourse or public water.

SEMIPUBLIC USE. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENSITIVE RESOURCE MANAGEMENT. The preservation and management of area unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK. The minimum horizontal distance between a building or structure, individual sewage treatment system, or well and an ordinary high water level, top of a bluff, edge of road easement(s) or lot lines.

SEWAGE TREATMENT SYSTEM, INDIVIDUAL. A sewage treatment system, or part thereof, serving a dwelling, or other establishment or group thereof, which uses subsurface soil treatment and disposal.

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

SHORELAND or ***SHORELAND MANAGEMENT AREA.*** Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or has made a major contribution to the history of the City of North Oaks, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, ***STEEP SLOPES*** are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

STRUCTURE. Anything which is built, constructed, or erected, whether temporary or permanent, in or on or above the ground.

SUBDIVISION. The division of a parcel of land into 2 or more lots or parcels, any of which resultant parcels is less than 10 acres in area or less than 200 feet in width or is a Planned Residential District established pursuant to § 151.055, for the purpose of transfer of ownership or building or development, or if a new street or the extension of an existing street is involved, any division of a parcel of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SURFACE WATER. A body of water such as a lake, pond, river, canal, stream, or wetland which is capable of substantial beneficial use. For the purposes of this chapter, a beneficial use shall be interpreted to include, but not limited to, any body of water which has the potential to support any type of recreational pursuit, water supply purpose, wildlife habitat, or which because of its natural drainage or overflow in times of regional floods can endanger the property, health, or safety of the citizens of North Oaks.

TOE OF THE BLUFF. The lower point of a 50-foot segment with an average slope exceeding 18%.

TOP OF THE BLUFF. The higher point of a 50-foot segment with an average slope exceeding 18%.

VARIANCE. The same as that term is defined described in M.S. Ch. 462, as it may be amended from time to time, (for municipalities) which presently provides that ***VARIANCE*** means any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of the structures and facilities include gazebos, screen houses, fish houses, pump houses, and detached decks.

WETLAND. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition) which states ***WETLANDS*** means 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 3 attributes:

(a) Have a predominance of hydric soils;

(b) Are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(c) Under normal circumstances support a prevalence of the vegetation.

(Ord. 84, § 2.7, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.009 EFFECTIVE DATE.

This chapter shall take effect and be in force after its passage and official publication.
(Ord. 84, § 10, passed 3-9-1995; Am. Ord. passed 7-21-1999)

ADMINISTRATION

§ 153.020 PERMITS REQUIRED.

(A) A permit is required for the construction of buildings or building additions (and including the related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by § 153.052.

(B) Application for a permit shall be in conformance with all requirements of this code.
(Ord. 84, § 3.1, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.021 CERTIFICATE OF ZONING COMPLIANCE.

(A) The City Clerk shall issue a certificate of zoning compliance for each activity requiring a permit as specified in § 153.020.

(B) This certificate will specify that the use of land conforms to the requirements of this chapter.

(C) Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this chapter.
(Ord. 84, § 3.2, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.022 VARIANCES.

(A) (1) Variances may only be granted in accordance with M.S. Ch. 462, as it may be amended from time to time, as applicable.

(2) A variance may not circumvent the general purposes and intent of this chapter.

(3) No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

(4) Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.

(5) In considering a variance request, the City Council must also consider whether the property owner has reasonable use of the land without the variance, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

(B) (1) The City Council shall hear and decide requests for variances in accordance with the provisions of § 153.(B)(5).

(2) When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in § 153.023(B) shall also include the Council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

(C) (1) For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property.

(2) The variance, if issued, must require reconstruction of a nonconforming sewage treatment system or follow the provisions of § 153.073.
(Ord. 84, § 3.3, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.023 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES.

(A) (1) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least 10 days before the hearings.

(2) Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

(B) A copy of approved amendments and subdivisions/plats and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within 10 days of final action.
(Ord. 84, § 3.4, passed 3-9-1995; Am. Ord. passed 7-21-1999)

SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

§ 153.035 SHORELAND CLASSIFICATION SYSTEM.

(A) *Generally.* The public waters of North Oaks have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.30300, as it may be amended from time to time, and

the Protected Waters Inventory Map for Ramsey County, Minnesota.

(B) *Definitions.* The Shoreland Area for the waterbodies listed in divisions (C) and (D) below shall be as defined in § 153.008.

(C) *Lakes.*

(1) *Natural environment lakes.*

Natural Environment Lakes	***Protected Waters Inventory I.D. #***	***Acres***
Black Lake	62-19	84
Wilkinson Lake	62-43	250

(2) *Recreational development lakes.*

Recreational Development Lakes	***Protected Waters Inventory I.D. #***	***Acres***
Deep Lake	62-18	101
North and South Mallard Pond	62-20	29
Teal Pond	62-26	15
Gilfillan Lake	62-27	112
Pleasant Lake	62-46	701
Charley Lake	62-62	46

(D) *Rivers and streams; tributary streams.* All protected watercourses in North Oaks shown on the Protected Waters Inventory Map for Ramsey County, a copy of which is hereby adopted by reference, not given a classification, shall be considered Tributary.
(Ord. 84, § 4.1, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.036 LAND USE DISTRICT DESCRIPTIONS.

(A) *Criteria for designation.* The land use districts and the delineation of a land use district's boundaries on the Official Zoning Map must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives.

(1) *General considerations and criteria for all land uses.*

(a) Preservation of natural areas;

(b) Present ownership and development of Shoreland Areas;

(c) Shoreland soil types and their engineering capabilities;

(d) Topographic characteristics;

(e) Vegetative cover;

(f) In-water physical characteristics, values, and constraints;

(g) Recreational use of the surface water;

(h) Road and service center accessibility;

(i) Socioeconomic development needs and plans as they involve water and related land resources; and

(j) The necessity to preserve and restore certain areas having significant historical or ecological value.

(2) *Factors and criteria for planned residential developments.*

(a) Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;

(b) Physical and aesthetic impacts of increased density;

(c) Suitability of lands for the planned residential development approach;

(d) Level of current development in the area; and

(e) Amounts and types of ownership of undeveloped lands.

(B) *Land use district descriptions.* The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Subp. 3, as it may be amended from time to time.

(1) *Land use districts for lakes.*

(a) *Historic Preservation, Recreation, or Scenic District uses.*

Uses	***Recreational Development Lakes***	***Natural Environment Lakes***
Forest management	C	C
Sensitive resource management	C	C
Agricultural; crop land and pasture	P	P

Uses	***Recreational Development Lakes***	***Natural Environment Lakes***
Passive parks and historic sites	P	P
Active parks	P	P
NOTES TO TABLE: P=Permitted C=Conditional N=Not Permitted		

(b) *RSM and RSL Residential District uses.*

Uses	***Recreational Development Lakes***	***Natural Environment Lakes***
Single residential	P	P
Parks and historic sites	C	C
Forest management	C	C
NOTES TO TABLE: P=Permitted C=Conditional N=Not Permitted		

(c) *PRD Residential District uses.*

Uses	***Recreational Development Lakes***	***Natural Environment Lakes***
Planned residential developments	C	C
Single residential	P	P
Parks and historic sites	C	C

Uses	***Recreational Development Lakes***	***Natural Environment Lakes***
Attached Dwellings	C	C
Forest management	C	C
NOTES TO TABLE: P=Permitted C=Conditional N=Not Permitted		

(d) *Commercial, Commercial Service, and Industrial District uses.*

Uses	***Recreational Development Lakes***	***Natural Environment Lakes***
Commercial	P	P
Commercial planned development	C	C
Industrial	P	N
Public, semipublic	P	C
Parks and historic sites	C	C
Forest management	C	C
Residential	C	C

Uses	*Recreational Development Lakes*	*Natural Environment Lakes*
NOTES TO TABLE: P=Permitted C=Conditional N=Not Permitted		

(2) *Land use districts for rivers and streams.*

(a) *Historic Preservation, Recreation, or Scenic District uses.*

Uses	*Remote*	*Forested*	*Transition*	*Agricultural*	*Urban*	*Tributary*
Forest management	C	C	C	C	C	C
Sensitive resource management	C	C	C	C	C	C
Agricultural; crop land and pasture	P	P	P	P	P	P
Passive parks and historic sites	P	P	P	P	P	P
Active parks	C	C	C	C	C	C
NOTES TO TABLE: P=Permitted C=Conditional N=Not Permitted						

(b) *RSM or RSL Residential District uses.*

Uses	*Remote*	*Forested*	*Transition*	*Agricultural*	*Urban*	*Tributary*
Single residential	P	P	P	P	P	P
Parks and historic sites	C	C	C	C	C	P
Forest management	C	C	C	C	C	C

NOTES TO TABLE: P=Permitted C=Conditional N=Not Permitted

(c) *PRD High Density Residential uses.*

Uses	***Remote***	***Forested***	***Transition***	***Agricultural***	***Urban***	***Tributary***
Planned residential developments	C	C	C	C	C	C
Single residential	P	P	P	P	P	P
Parks and historic sites	C	C	C	C	C	C
Attached dwelling	C	C	C	C	C	C
Forest management	C	C	C	C	C	C
NOTES TO TABLE: P=Permitted C=Conditional N=Not Permitted						

(d) *Industrial, Commercial, and Commercial Service District uses.*

Uses	***Remote***	***Forested***	***Transition***	***Agricultural***	***Urban***	***Tributary***
Commercial	C	C	C	C	P	C
Commercial planned development	C	C	C	C	C	C
Industrial	N	C	N	N	C	C

Uses	***Remote***	***Forested***	***Transition***	***Agricultural***	***Urban***	***Tributary***
Public, semipublic	C	C	C	C	P	C
Parks and historic sites	C	C	C	C	C	C

Uses	***Remote***	***Forested***	***Transition***	***Agricultural***	***Urban***	***Tributary***
Forest management	C	C	C	C	C	C
Residential	C	C	C	C	C	C
NOTES TO TABLE: P=Permitted C=Conditional N=Not Permitted						

(C) *Use and upgrading of inconsistent land use districts.*

(1) (a) The land use districts adopted in this code, as they apply to Shoreland Areas, and their delineated boundaries on the Official Zoning Map, are not consistent with the land use district designation criteria specified in division (B) above.

(b) These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.

(2) When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply.

(a) *For lakes*. When a revision to a land use district designation on a lake is considered, the land use district boundaries, and use provisions therein for all the Shoreland Areas within the jurisdiction of this chapter on the lake must be revised to make them substantially compatible with the framework in divisions (A) and (B) above.

(b) *For rivers and streams.*

1. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this chapter must be revised to make them substantially compatible with the framework in divisions (A) and (B) above.

2. If the same river classification is contiguous for more than a 5-mile segment, only the shoreland for a distance of 2.5 miles upstream and downstream, or to the class boundary if closer, need be evaluated and revised.

(3) (a) When an interpretation question arises about whether a specific land use fits within a given use category, the interpretation shall be made by the City Council.

(b) When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City Council.

(4) (a) When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question.

(b) The City Council will direct the City Clerk to provide the additional information for this water body as is necessary to satisfy divisions (C)(1) and (C)(2) above.

(5) The City Council must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on the water body, are consistent with the enumerated criteria and use provisions of division (B) above. (Ord. 84, § 4.2, passed 3-9-1995; Am. Ord. passed 7-21-1999)

ZONING AND WATER SUPPLY/SANITARY PROVISIONS

§ 153.050 LOT AREA AND WIDTH STANDARDS.

(A) *Generally.* The lot area (in square feet) and lot width standards at the water frontage and the building line (in feet) for single-family detached dwelling lots and Planned Residential Development (PRD) single-family detached and attached dwelling lots created after the date of enactment of this chapter for the lake and river/stream classifications are the following.

(B) *Unsewered lakes.*

(1) *Natural environment.*

Use	***Riparian Lots***		***Nonriparian Lots***	
	Area	***Width***	***Area***	***Width***
Single	80,000	200	80,000	200
PRD Duplex	120,000	300	160,000	400
PRD Single	80,000	200	80,000	200

(2) *Recreational development.*

Use	***Riparian Lots***		***Nonriparian Lots***	
	Area	***Width***	***Area***	***Width***
Single	43,560	150	43,560	150
PRD Duplex	80,000	225	80,000	265
PRD Single	40,000	150	40,000	150

(C) *Sewered lakes.*

(1) *Natural environment.*

Use	***Riparian Lots***		***Nonriparian Lots***	
	Area	***Width***	***Area***	***Width***
Single	43,560	150	43,560	150
PRD Duplex	70,000	225	35,000	220
PRD Single	40,000	150	20,000	150

(2) *Recreational development.*

Use	***Riparian Lots***		***Nonriparian Lots***	
	Area	***Width***	***Area***	***Width***
Single	43,560	150	43,560	150
PRD Duplex	35,000	135	26,000	135
PRD Single	20,000	150	15,000	150

(D) *River/stream lot width standards.* The lot width standards for single, detached single-family dwelling lots and attached PRD developments for the 6 river/stream classifications are:

Use	***Remote***	***Forested***	***Transition***	***Agricultural***	***Urban***	***Tributary***
Single	300	200	250	150	150	150
PRD Duplex	450	300	375	225	150	150
PRD Single	300	200	250	150	150	150

(E) *Additional special provisions.*

(1) (a) Residential subdivisions with dwelling unit densities exceeding those in the tables in divisions (C) and (D) above can only be allowed if designed and approved as planned residential developments under §§ 153.105 *et seq.*

(b) Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

(c) The sewer lot area dimensions in division (C) above can only be used if publicly-owned sewer system service is available to the property.

(2) PRDs of duplexes or single-family lots on natural environment lakes must also meet the following standards.

(a) Each building must be set back at least 200 feet from the ordinary high water level;

(b) Each building must have common sewage treatment and water systems in 1 location and serve all dwelling units in the building;

(c) Watercraft docking facilities for each lot must be centralized in 1 location and serve all dwelling units in the building; and

(d) No more than 25% of a lake's shoreline can be in attached dwelling developments.

(3) PRDs of duplexes or single-family lots on recreational development lakes must also meet the following standards:

(a) Each building must be set back at least 125 feet from the ordinary high water level;

(b) Each building must have common sewage treatment and water systems in 1 location and serve all dwelling units in the building;

(c) Watercraft docking facilities for each lot must be centralized in 1 location and serve all dwelling units in the building; and

(d) No more than 25% of a lake's shoreline can be in attached dwelling developments.

(4) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards.

(a) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

(b) If docking, mooring, or over-water storage of more than 6 watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond 6, consistent with the following table:

Controlled Access Lot Frontage Requirements		
Ratio of Lake Size to Shore Length (Acres/Mile)	***Required Increase in Frontage (Percent)***	
	Natural Environment	***Recreational Development***
Less than 100	25	15
100-200	20	10
201-300	15	5
301-400	10	5
Greater than 400	5	5

(c) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.

(d) 1. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed.

2. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking.

3. They must also include other outdoor recreational activities that do not significantly conflict with the enjoyment of normal property rights by adjacent property owners.

(e) 1. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking.

2. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations.

3. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
(Ord. 84, § 5.1, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.051 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES.

(A) *Placement of structures on lots.* When more than 1 setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

(1) *Structure and on-site sewage system setbacks (in feet) from ordinary high water level.*

Classes of Public Waters	***Structures***		***Setbacks Sewage Treatment System***
	Unsewered	***Sewered***	
Natural Environment Lakes	150	150	150
Recreational Development Lakes	75	75	75
Tributary Rivers	75	75	75

(2) *Additional structure setbacks.* The following additional structure setbacks apply, regardless
of the classification of the water body:

Setback From:	***Setback (In Feet)***
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, street, or other roads or streets not classified	30

(3) *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(4) *Impervious surface; roads and parking areas.*

(a) No impervious surface shall be placed within 50 feet of the ordinary high water mark.

(b) The placement of roads and parking areas shall be controlled in order to retard run-off of surface waters and excess nutrients.

(c) The placement of all roads, driveways, and parking areas shall conform to § 153.053.

(5) *Uses without water-oriented needs.* Commercial and industrial, without water-oriented needs, must be located on lots or parcels without water frontage, or, if located on lots or parcels with water frontage, must either be set back double the normal ordinary high water level setback be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(B) *Design criteria for structures.*

(1) *High water elevations.* Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

(a) For lakes, by placing the lowest floor at a level at least 3 feet above the highest known water level, or 3 feet above the ordinary high water level, whichever is higher; and

(b) For rivers and streams, by placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least 3 feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed

construction upon flood stages and flood flows and to establish a flood protection elevation. Under all 3 approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with regulations governing the management of flood plain areas. If more than 1 approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

(2) *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.

(a) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, open-space recreational properties, and planned unit developments.

(b) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, open-space recreational properties, and planned unit developments.

(c) Canopies or roofs are not allowed on stairways, lifts, or landings.

(d) Stairways, lifts, and landings may be either constructed the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

(e) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the water assuming summer, leaf-on conditions, whenever practical.

(f) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of divisions (B)(2)(a) to (B)(2)(e) above are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340, as it may be amended from time to time.

(3) *Steep slopes.*

(a) The City Engineer must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes.

(b) When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of waters, assuming summer, leaf-on vegetation.

(C) *Height of structures.* All structures in city residential districts, except churches and nonresidential agricultural structures, must not exceed the height restriction of the City Zoning Ordinance.
(Ord. 84, § 5.2, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.052 SHORELAND ALTERATIONS.

(A) *Generally.* Alterations of vegetation and topography will be regulated to prevent erosion into waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

(B) *Vegetation alterations.*

(1) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by § 153.053 are exempt from the vegetation alteration standards that follow.

(2) Removal or alteration of vegetation, except for agricultural uses as regulated in § 153.055(B) is allowed subject to the following standards.

(a) No vegetation may be altered, trimmed, or removed within 20 feet of the Ordinary High Water Level of any public water, except pursuant to the provisions of division (B)(3) below.

(b) No vegetation may be altered, trimmed, or removed between 20 feet and 100 feet from the Ordinary High Water Level of any public water, without first obtaining the approval of the City Forester. Application for Forester approval shall contain the information required in the City's application form and shall require payment of the administration fee. Forester approval shall be subject to satisfaction of the following criteria:

1. Intensive vegetation clearing or clearcutting is prohibited except as necessary for placing public roads, utilities, structures, parking areas, and trails;

2. Large openings in the overhead forest canopy are not created; the area of post-cutting canopy coverage must be 80% or more of the pre-cutting canopy coverage;

3. Topping of trees is prohibited;

4. The screening of structures, vehicles, or other facilities, as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced; and

5. Clearing is limited to providing a view to the water from certain portions of the principal dwelling site and to accommodate the placement of stairways, landings, and access paths.

(c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

(d) 1. The above provisions shall not prohibit or limit maintenance of trails.

2. The above provisions shall not prohibit or limit maintenance of existing yards, provided that no additional vegetation is removed or altered, except that fertilizers containing phosphorous shall not be used.

(3) Vegetation may not be altered, trimmed, or removed within 20 feet of the Ordinary High Water Level of any public water without first obtaining the approval of the City Forester. Application for Forester's approval must contain the information required in the City's Application Form. The administrative fee must be submitted with the Application. The following additional evaluation criteria and conditions shall apply:

(a) Only the removal of non-native plant materials is permitted, except for when the removal of native plants is absolutely essential for under-story and forest regeneration, subject to maintaining adequate screening of structures and other facilities from the water assuming a summer leaf-on condition.

(b) Planting of native plant materials is permitted, especially to prevent soil erosion and to trap sediments before they reach surface water.

(c) Trimming of branches is permitted to allow sufficient sunlight for growth of understory vegetation and reforestation.

(C) *Topographic alterations/grading and filling.*

(1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this division (C) and those standards given in Chapter 154 must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

(2) Roads and parking areas are regulated by § 153.053.

(3) Notwithstanding divisions (C)(1) and (C)(2) above, a grading and filling permit will be required for:

(a) The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and

(b) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals:

(a) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland (This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The permit is subject to the acquisition of approvals from these agencies.):

1. Sediment and pollutant trapping and retention;

2. Storage of surface runoff to prevent or reduce flood damage;

3. Fish and wildlife habitat;

4. Recreational use;

5. Shoreline or bank stabilization; and

6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

(b) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

(c) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

(d) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

(e) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

(f) Fill or excavated material must not be placed in a manner that creates an unstable slope;

(g) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30% or greater;

(h) Fill or excavated material must not be placed in bluff impact zones;

(i) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under M.S. § 103G.245, as it may be amended from time to time;

(j) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

(k) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed 3 feet.

(5) Excavations where the intended purpose is connection to a water, such as canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to waters.

(6) Permits for topographic alterations/grading and filling will expire 1 year from date of issuance.

(Ord. 84, § 5.3, passed 3-9-1995; Am. Ord. passed 7-21-1999; Am. Ord. passed 8-11-2011) Penalty, see § 10.99

§ 153.053 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS.

(A) (1) Private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters.

(2) Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

(B) (1) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist.

(2) If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

(C) (1) Private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this section are met.

(2) For private facilities, the grading and filling provisions of § 153.052(C) must be met. (Ord. 84, § 5.4, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.055 SPECIAL PROVISIONS FOR COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND FORESTRY USES.

(A) *Standards for commercial and industrial uses.*

(1) (a) Surface water-oriented commercial uses and industrial uses with similar needs to have access to and use of waters may be located on parcels or lots with frontage on waters.

(b) Those uses with water-oriented needs must meet the following standards: in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this chapter, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

(2) Uses without water-oriented needs must be located on lots or parcels without water frontage, or, if located on lots or parcels with water frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(B) *Agriculture use standards.*

(1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are

maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency.

(2) The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
(Ord. 84, § 5.6, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.056 CONDITIONAL USES.

(A) Conditional uses allowable within Shoreland Areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established in division (B)(8) below.

(B) The following additional evaluation criteria and conditions apply within Shoreland Areas.

(1) *Evaluation.* A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:

(a) The prevention of soil erosion or other possible pollution of waters, both during and after construction;

(b) The visibility of structures and other facilities as viewed from waters is limited;

(c) The site is adequate for water supply and on-site sewage treatment; and

(d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of waters to safely accommodate these watercraft.

(2) *Conditional use permits; conditions attached to conditional use permits.*

(a) 1. The City Council, upon consideration of the purposes of this chapter, shall attach the conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter.

2. A request for a conditional use permit shall follow the applicable procedures as set forth in this chapter.

(b) The Planning Commission shall consider the effect of the proposed conditional use and whether additional requirements may be necessary to reduce any adverse effects. Consideration shall be given to, among other things, the following factors:

1. Relationship of the proposed conditional use to the Comprehensive Plan;

2. The nature of the land and adjacent land or building where the use is to be located;

3. Whether the use will in any way depreciate the area in which it is proposed;

4. The effect upon traffic into and from the premises and on adjoining roads or highways;

5. Whether the use would disrupt the reasonable use and enjoyment of other property in the neighborhood;

6. Whether adequate utilities, roads, and other facilities exist or will be available in the near future;

7. Whether the proposed conditional use conforms to all of the provisions of this chapter;

8. Increased setbacks from the ordinary high water level;

9. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

10. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(c) Whenever an application for a conditional use permit has been considered and denied by the City Council, subsequent applications for a similar conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission and City Council until 6-months' time has elapsed unless, by a majority vote of the full City Council, this time period is waived.

(d) If all of the work entailed by the conditional use permit is not completed within the time period specified in the permit, the permit shall become null and void and otherwise revoked unless an extension of time to complete the work has been granted by the City Council in accordance with the provisions of this chapter.

(e) Upon approval of a conditional use permit, the city shall be provided with a performance bond in compliance with this chapter.

(3) *Amendments.*

(a) The City Council or Planning Commission may, upon their own motion, initiate a request to amend this text and/or the district boundaries of this chapter.

(b) Any owner, or expressed agent thereof, of real estate within the city may initiate a request to amend the district boundaries and/or text of this chapter.

(c) A request for an amendment shall follow the applicable procedures as set forth in division (B)(8).

(4) *Factors to be considered.* The Planning Commission, in determining the effects of the proposed amendment, shall consider, among other things, the following factors:

(a) Consistency with the Comprehensive Plan;

(b) The public need for additional land space for the requested use in the location requested;

(c) The compatibility of adjacent land uses;

(d) The possible presence and effects of noise, odors, or other nuisances; and

(e) Availability in the present or near future of necessary utilities and public services.

(5) *Variances and appeals.*

(a) The City Council shall act as the Board of Appeals and Adjustments as such have all the powers set forth in M.S. § 462.357, Subd. 6, and M.S. § 462.359, Subd. 4, as they may be amended from time to time, subject to the right of judicial review.

(b) The City Council, serving as the Board of Appeals and Adjustments by majority vote of the entire Council, shall:

1. Hear and decide timely appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this chapter. To be timely, an appeal shall be filed, in accordance with this chapter, no later than 30 days after the appellant has received a written notice from the Building Inspector; and

2. Hear and decide requests for variances from the literal provisions of this chapter in instances where the strict enforcement would cause undue hardship because of circumstances unique to the specific property under consideration.

(6) *Request for variance.*

(a) A request for a variance or an appeal shall follow the applicable procedures of division (B)(8).

(b) A variance may be granted only when it is demonstrated that:

1. Development and utilization of the specific property under consideration in accordance with this chapter would create undue hardship upon the applicant that an owner of other property within the same district would not have if he or she were to develop and utilize his or her property in the manner proposed by the applicant and/or which would result in exceptional difficulties

because of the narrowness or shallowness or shape or topographical conditions or water conditions of the specific property;

2. The proposed action will not:

a. Impair an adequate supply of light and air to adjacent property;

b. Increase the danger of fire or endanger public safety;

c. Unreasonably increase the congestion in the street, road, or highway;

d. Unreasonably alter the character of, or impair established property values within, the neighborhood; and

e. Affect the natural drainage patters of adjacent property.

3. The action shall be in keeping with the spirit and intent of this chapter.

(c) A variance may not be granted for any use that is not permitted under this chapter for property in the district where the affected person's land is located.

(7) *Conditions; revocation.*

(a) The City Council, serving as the Board of Appeals and Adjustments, shall also have the power to impose conditions related to the appeal or variance regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable to assure compliance with the intent and purpose of this chapter.

(b) If all of the work as permitted by the variance shall not have been completed within the time period specified when the variance is granted, then the variance shall become null and void and otherwise revoked unless an extension of time to complete the work has been granted by the City Council in accordance with the provisions of this chapter.

(c) Upon approval of a variance or appeal, the city shall be provided with a performance bond in compliance with division (B)(13) below.

(8) *Filing request.*

(a) 1. A request for a conditional use permit, and amendment, a variance or appeal as provided for in this chapter shall be filed with the City Clerk on an official application form.

2. The application shall be accompanied by a nonrefundable fee as established by the City Council.

3. The application shall also be accompanied by at least 20 copies of detailed written and graphic materials fully explaining the proposed request.

4. The City Clerk shall refer the application along with all related information to the Building Inspector and to the Planning Commission.

(b) The Building Inspector shall review and analyze the request and submit a written report and recommendation to the Planning Commission within 14 days after receiving the application, which report shall be entered in and made part of the permanent record of the Planning Commission meeting.

(c) The Planning Commission shall consider the request at its next regular meeting unless the request is referred to it less than 15 days prior to the meeting, in which case the request shall be considered at the next subsequent regular meeting following thereafter.

(9) *Public hearing.*

(a) If the request is for a conditional use permit or an amendment, the Planning Commission shall hold a public hearing which hearing shall be scheduled and conducted as follows:

1. Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the city at least 10 days prior to the date of the hearing;

2. Similar notice shall be mailed at least 10 days but not more than 30 days prior to the day of hearing, to each owner of other property situated wholly or partly within 350 feet of the property to which the request relates if the request is for a conditional use permit or an amendment which involves changes in district boundaries affecting an area of 5 acres or less;

3. A copy of the notice, and, when applicable, a list of the names and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings;

4. Failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply herewith has been made; and

5. The Planning Commission shall set reasonable rules for the conduct of the hearing and shall follow *Robert's Rules of Order*.

(b) When the application concerns conditional uses and/or amendments, the Planning Commission shall make findings of fact and recommend approval or denial within 60 days after the application was first considered, which findings and recommendation shall be presented in writing to the City Council.

(10) *Findings of fact.*

(a) The City Council shall not consider a conditional use permit or an amendment until it

has received the findings and recommendation from the Planning Commission unless more than 60 days have expired after the Planning Commission first considered the request, in which event the City Council may take action on the request upon its own initiative.

(b) The City Council shall make findings of fact and render a decision within 60 days after it receives any recommendation from the Planning Commission or takes its own initiative. All reports, recommendations, and findings documenting the reasons for the decision shall be made part of the permanent record of the City Council meeting.

(c) Approval of a request for a conditional use or an amendment to this chapter shall be by affirmative vote of 4/5 of the full City Council.

(11) *Applications; approval.* When the application concerns variance and/or appeals, the Planning Commission shall make findings of fact and recommend approval or denial within 60 days after the application was first considered, which findings and recommendation shall be presented in writing to the City Council. The City Clerk shall notify the applicant, in writing, of decisions of both the Board of Appeals and Adjustments and the City Council.

(12) *Petition for extension of time.*

(a) An extension of time as provided for in this chapter shall be made in writing and filed, without charge, with the City Clerk at least 30 days before the expiration of the granted application or extension thereof.

(b) This petition shall state facts showing a good faith attempt to complete the work permitted in the original application.

(c) The petition shall be referred to the Planning Commission for its recommendation to the City Council who shall approve or deny the petition by majority vote of a quorum of the Council.

(13) *Performance bond and security deposits.*

(a) Upon approval of a request for a conditional use permit, a variance, or whenever the granting of an appeal involves conditions imposed therewith, the applicant shall provide the city with a surety bond or performance bond or a cash deposit or other valuable and collectible security deposit which shall guarantee that the applicant shall comply with all of the imposed conditions as well as all of the city ordinances and which shall be subject to forfeiture as provided in this chapter.

(b) The amount of the bond or deposit shall be determined by the City Clerk's estimate of the cost of completing the use as proposed and shall be provided to the city prior to the issuance of a building permit or any initiation of work on the proposed use.

(c) The city shall hold the bond or deposit until a certificate of occupancy has been issued by the Building Inspector.

(d) Failure to comply with any condition imposed in granting the approval or with any

other city ordinance provision within 6 months after written notice shall cause the bond or deposit to become forfeited to the city.
(Ord. 84, § 5.7, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.057 WATER SUPPLY AND SEWAGE TREATMENT.

(A) *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(B) *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows.

(1) Publicly-owned sewer systems must be used where available.

(2) All new and existing private sewage treatment systems shall meet the requirements in the city's Individual Sewage Treatment System Ordinance, as the same may be amended from time to time.
(Ord. 84, § 5.8, passed 3-9-1995; Am. Ord. passed 7-21-1999)

NONCONFORMITIES

§ 153.070 GENERALLY.

All legally established nonconformities as of the date of this chapter may continue, but they will be managed according to applicable state statutes and other regulations of the City of North Oaks for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in Shoreland Areas:
(Ord. 84, § 6, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.071 CONSTRUCTION ON NONCONFORMING LOTS OF RECORD.

(A) Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of § 153.050 may be allowed as building sites without variances from lot size requirements of § 153.050, provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this chapter are met.

(B) (1) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot.

(2) In evaluating the variance, the City Council shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

(C) (1) If, in a group of 2 or more contiguous lots under the same ownership, any individual lot does not meet the requirements of § 153.050, the lot must not be considered as a separate parcel of land for the purposes of sale or development.

(2) The lot must be combined with the 1 or more contiguous lots that equal 1 or more parcels of land, each meeting the requirements of § 153.050 as much as possible.
(Ord. 84, § 6.1, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.072 ADDITIONS/EXPANSIONS TO NONCONFORMING STRUCTURES.

(A) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of §§ 153.050 *et seq.*

(B) Any deviation from these requirements must be authorized by a variance pursuant to § 153.022.
(Ord. 84, § 6.2, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.073 NONCONFORMING SEWAGE TREATMENT SYSTEMS.

Existing Individual Sewage Treatment Systems not meeting the requirements of § 153.057 for new systems shall be governed by the city's Individual Sewage Treatment System Ordinance, as the same may be amended from time to time.
(Ord. 84, § 6.3, passed 3-9-1995; Am. Ord. passed 7-21-1999)

SUBDIVISION/PLATTING PROVISIONS

§ 153.085 LAND SUITABILITY.

(A) Each lot created through subdivision, including planned residential developments authorized under §§ 153.105 *et seq.*, must be suitable in its natural state for the proposed use with minimal alteration.

(B) Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence

of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
(Ord. 84, § 7.11, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.086 CONSISTENCY WITH OTHER CONTROLS.

(A) Subdivisions must conform to all official controls of this community.

(B) A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.

(C) In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with §§ 153.051 and 153.057 can be provided for every lot.

(D) Each lot shall meet the minimum lot size and dimensional requirements of § 153.050, including at least a minimum contiguous yard area, that is free of limiting factors sufficient for the construction of 2 standard soil treatment systems.

(E) Lots that would require use of holding tanks must not be approved.
(Ord. 84, § 7.12, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.087 INFORMATION REQUIREMENTS.

(A) Sufficient information must be submitted by the applicant for the community to make a determination of land suitability.

(B) The information shall include at least the following:

(1) Topographic contours at 2-foot intervals or less which show limiting site characteristics;

(2) The surface water features required in M.S. § 505.02, Subd. 1, as it may be amended from time to time, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

(3) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods all in accordance with city Ordinances 59 and 83;

(4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

(5) Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

(6) A line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
(Ord. 84, § 7.13, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.088 DEDICATION.

When a land or easement dedication is a condition subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
(Ord. 84, § 7.14, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.089 PLATTING.

(A) All subdivisions that create 5 or more lots or parcels that are 2½ acres or less in size shall be processed as a plat in accordance with M.S. Ch. 505, as it may be amended from time to time.

(B) No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
(Ord. 84, § 7.15, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.090 CONTROLLED ACCESS OR RECREATIONAL LOTS.

Lots intended as controlled accesses to waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in this chapter.
(Ord. 84, § 7.16, passed 3-9-1995; Am. Ord. passed 7-21-1999)

PLANNED RESIDENTIAL DEVELOPMENTS (PRDs)

§ 153.105 TYPES OF PRDS PERMISSIBLE.

(A) Planned Residential Developments (PRD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land.

(B) The land use districts in which they are an allowable use are identified in the land use district

descriptions in § 153.036 and the Official Zoning Map.
(Ord. 84, § 8.1, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.106 PROCESSING OF PRDS.

(A) Planned residential developments must be processed conditional use.

(B) Approval cannot occur until environmental review process (EAW/EIS) is complete.
(Ord. 84, § 8.2, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.107 APPLICATION FOR A PRD.

The applicant for a PRD must submit the following documents prior to final action being taken on the application request:

(A) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two-foot intervals or less. When a PRD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two;

(B) A property owners association agreement (for residential PRD's) with mandatory membership, and all in accordance with the requirements of § 153.110;

(C) Deed restrictions, covenants, permanent easements or other instruments that:

(1) Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PRDs; and

(2) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in § 153.110.

(D) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied; and

(E) Those additional documents as requested by the City Council or Planning Commission that are necessary to explain how the PRD will be designed and will function.
(Ord. 84, § 8.3, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.108 SITE SUITABLE AREA EVALUATION.

(A) Proposed new or expansions to existing planned residential developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in § 153.109.

(B) The project parcel must be divided into tiers by locating 1 or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions		
	Unsewered (Feet)	***Sewered (Feet)***
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

(C) (1) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters.

(2) This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
(Ord. 84, § 8.4, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.109 RESIDENTIAL PRD DENSITY EVALUATION.

(A) *Generally.* The procedures for determining the base density of a PRD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

(B) *Residential PRD base density evaluation.* The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in § 153.110.

(C) *Density increase multipliers.*

(1) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in §§ 153.050 *et seq.* are met or exceeded and the design criteria in § 153.110 are satisfied. The allowable density increases in division (C)(2) below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through

vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25% greater than the minimum setback.

(2) Allowable dwelling unit or dwelling site density increases for residential:

Density Evaluation Tiers	***Maximum Density Increase Within Each Tier (Percent)***
First	50
Second	100
Third	130
Fourth	130
Fifth	130

(Ord. 84, § 8.5, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.110 MAINTENANCE AND DESIGN CRITERIA.

(A) *Maintenance and administration requirements.*

(1) *Generally.* Before final approval of a PRD, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(2) *Open space preservation.* Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

(a) Commercial uses prohibited (for residential PRDs);

(b) Vegetation and topographic alterations other than routine maintenance prohibited;

(c) Construction of additional buildings or storage of vehicles and other materials prohibited; and

(d) Uncontrolled beaching of watercraft prohibited.

(3) *Development organization and functioning.* Unless an equally effective alternative community framework is established, when applicable, all PRDs must use an owners association with the following features:

(a) Membership must be mandatory for each dwelling unit or site purchaser and any

successive purchasers;

(b) Each member must pay a pro rate share of the association's expenses, and unpaid assessments can become liens on units or sites;

(c) Assessments must be adjustable to accommodate changing conditions; and

(d) The association must be responsible for insurance, taxes, and maintenance of all commonly-owned property and facilities.

(B) *Open space requirements.* PRDs must contain open space meeting all of the following criteria:

(1) At least 50% of the total project area must be preserved as open space;

(2) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;

(3) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

(4) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

(5) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

(6) Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;

(7) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

(8) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PRDs, at least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be preserved in its natural or existing state.

(C) *Erosion control and stormwater management.* Erosion control and stormwater management plans must be developed and the PRD must:

(1) Be in full conformance with Chapter 154;

(2) Be designed, and the construction managed, to minimize the likelihood of serious erosion

occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

(3) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25% of the tier area.

(D) *Centralization and design of facilities.* Centralization and design of facilities and structures must be done according to the following standards:

(1) PRDs must be connected to publicly-owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and §§ 153.051 and 153.057. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

(2) Dwelling units or sites must be clustered into 1 or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with division (C) above for developments with density increases;

(3) (a) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed 1 for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

(4) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

(5) Accessory structures and facilities, except water-oriented accessory structures, must meet the required principal structure setback and must be centralized; and

(6) Water-oriented accessory structures and facilities may be allowed if they meet or exceed

design standards contained in § 153.051 and are centralized.
(Ord. 84, § 8.6, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.111 CONVERSIONS.

(A) *Generally.* The city may allow other land uses and facilities to be converted to PRDs if all of the following standards are met:

(B) *Standards.*

(1) Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

(2) Deficiencies involving water supply and sewage treatment, structure color, paved coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

(3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

(a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

(b) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

(c) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

(4) (a) Existing dwelling unit or dwelling site densities that exceed standards in § 153.109 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future.

(b) Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.
(Ord. 84, § 8.7, passed 3-9-1995; Am. Ord. passed 7-21-1999)

FEES

§ 153.125 BASIC FEES.

To defray the normal administrative costs of processing applications for permits, conditional use permits, variances, amendments, or appeals associated with this chapter, a nonrefundable base fee will be established by the City Council and paid by all applicants when the application is filed.
(Ord. 84, § 9.1, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.126 ADDITIONAL COSTS.

In order to defray any additional cost over and above the normal processing of an application for an amendment, a variance, conditional use permit, an appeal, or permit, the applicant shall reimburse the city for the costs the city may incur in employing the services of engineers, foresters, attorneys and/or other professional consultants in connection with the application. Reimbursement hereunder shall be made whether the application is approved or denied.
(Ord. 84, § 9.2, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.127 LATE FEES.

Applications for permits, conditional use permits, or variances received after work has started will be subject to a nonrefundable late fee in an amount to be established by the City Council.
(Ord. 84, § 9.3, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.128 VIOLATIONS.

Any person violating or otherwise refusing to comply with any of the provisions of this chapter shall remediate any violation or noncompliance at the direction of the City Council.
(Ord. 84, § 9.4, passed 3-9-1995; Am. Ord. passed 7-21-1999)

CHAPTER 154: EROSION AND SEDIMENT CONTROL

Section

154.01 Purpose
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§ 154.01 PURPOSE.

In response to the Metropolitan Surface Water Management Act and the Vadnais Lake Area Watershed Management Plan, the purpose of this chapter is to control and, where practical, eliminate erosion and sediment damage within the City of North Oaks. It is designed to safeguard the health, safety, and welfare of the citizens; to preserve the value of land throughout the city; to establish a reasonable design standard and procedure for development which prevents potential sediment damage; to prevent the pollution of streams, lakes, wetlands, and other watercourses by sediment; to minimize the danger of flood loss; and to preserve the natural beauty and aesthetics of the community.
(Ord. 75, passed 5-12-1988)

§ 154.02 SCOPE OF AUTHORITY.

(A) Except as exempted by § 154.04, any person, firm, corporation, or business proposing to develop land within the City of North Oaks shall apply to the city for approval of grading plans as specified in this chapter.

(B) No land shall be developed until the plans are approved by the city and conform to both Chapter 152 and to the standards set forth herein.
(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.03 DEFINITIONS.

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

AGRICULTURE. All farm enterprises, such as crop land forage production, animal husbandry, dairy and poultry, silviculture, floriculture, turf farming, and truck farming.

CITY OF NORTH OAKS. The City Council or its Planning Commission and, where delegated, its City Clerk, City Building Inspector, or City Engineer that may be charged with the administration of this chapter.

DEVELOPER. A person, partnership, or corporation engaged in land development and not excluded by the exemption section of this chapter.

LAND DEVELOPMENT. The process of grading, clearing, filling, excavating, construction, or similar activities when not excluded by § 154.04.

DISTRICT. Ramsey Soil and Water Conservation District.

EROSION. The wearing away of land by action of wind, water, or gravity.

EROSION AND SEDIMENT CONTROL PLAN. The plan that shall be included as part of a preliminary site plan required under any other city ordinance or a separate plan following the requirements set out in this chapter (see Appendix B, USDA - Soil Conservation Service, Fact Sheet Practices and Related Techniques for Urban Areas).

MULCHING. The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing temporary or permanent vegetation.

OTHER MUNICIPAL ORDINANCES. City of North Oaks ordinances, such as, but not limited to zoning and subdivision.

POST-DISTURBANCE CONDITION. The state of a site following crop or development

establishment in which source and/or structural control measures have been implemented resulting in erosion and sedimentation control achieving soil loss limits.

SEDIMENT. Rock, sand, gravel, silt, or other material deposited by action of wind, water, or gravity.

SEDIMENTATION. The erosion of soil and other pollutants by storm runoff, the lack of source and/or structural control, and the resulting introduction of the pollutants into the hydrologic system (wetlands and streams) either directly or conveyed by storm sewers and ditches.

SEDIMENT BASIN. A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt, or other material deposited by action of wind, water, or gravity.

SITE PLAN. The plan submitted by the developer which incorporates information required by § 7.1 of Ordinance No. 59. A preliminary site plan shall be followed by a final site plan.

SOURCE CONTROL. The application of erosion techniques including but not limited to: mulching, seeding, sodding, and greenbelts (see Appendix A of Ordinance 75).

STRUCTURAL CONTROL. The application of construction erosion techniques, including but not limited to: sediment basins, silt fences, debris dams, dikes, terracing, rip-rap, and diversions (see Appendix A of Ordinance 75).

VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION. The joint powers board organized under M.S. §§ 103B.201 to 103B.251, as they may be amended from time to time, to manage the surface waters of the Vadnais Lake drainage area and hereinafter called the VLAWMO.

WORST CASE SOIL LOSS CONDITION. The state of a site which is denuded and the existing or interim rough grade contours are unstabilized and could create the greatest potential soil loss.
(Ord. 75, passed 5-12-1988)

§ 154.04 EXEMPTIONS.

This chapter shall not apply to:

(A) Land under agricultural use unless soil loss as determined by the district is excessive;

(B) Any development involving 1 single-family residence in identified VLAWMO critical erosion areas unless the VLAWMO through the city has made a determination of existing or potential significant impact on the receiving water or wetland. If such a determination is made, the city may require temporary erosion or sediment control practices; and

(C) Any development involving less than 2.5 acres and located in VLAWMO noncritical erosion areas.
(Ord. 75, passed 5-12-1988)

§ 154.05 CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.

In any such situation, where any other law, ordinance, or regulation of the City of North Oaks exists, the most restrictive of the regulations shall apply.
(Ord. 75, passed 5-12-1988)

§ 154.06 STANDARDS.

(A) All non-exempt development, as established by § 154.04, shall comply with standards and specifications established by the City of North Oaks with the assistance of the district.

(B) In determining compliance of the sediment control element of the plan with acceptable practice or agriculture land use, the city shall determine compliance and approval on the following basis.

(1) An average of 2 tons of soil loss per acre per year shall be deemed the maximum allowable soil loss rate in any given year following development.

(2) For agricultural land use, an average of 5 tons of soil loss per acre per year shall be deemed the maximum allowable rate of spill loss in any given year.
(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.07 APPROVAL AND FEES.

A separate application shall be required for each land development. Each plan submission shall contain the information required by § 154.08 and shall be submitted to the city office. A fee may be required for each application which shall be made payable to the City of North Oaks.
(Ord. 75, passed 5-12-1988)

§ 154.08 REQUIRED LAND DEVELOPMENT PLANS.

(A) (1) A developer must submit a preliminary site plan pursuant to § 7.1 of Ordinance No. 59, which shall include a narrative description and plans for erosion and sediment control.

(2) In addition, city expenses incurred in employing the services of the City Engineer, City Attorney, and other professional consultants in connection with the review of plans shall be reimbursed to the city.

(B) Upon receipt of the preliminary site plan, including erosion and sediment control, the city shall refer the plan to the VLAWMO for review in conformance with §§ 154.09 and 154.15.
(Ord. 75, passed 5-12-1988)

§ 154.09 PLAN PREPARATION PROCESS.

(A) The developer shall plan for necessary erosion and sediment control practices to ensure effective control of soil losses within the standards prescribed in § 154.06. It shall be the developer's option to select a specific practice or combination of practices from Appendix B of Ordinance 75 that will provide effective erosion and sediment control within the limits of generally accepted soil and water conservation technology and in concert with the particular development stage.

(B) The developer should be guided by the principles of erosion and sediment control prescribed in divisions (B)(1) and (B)(2) below or by any other acceptable principles and practices devised in cooperation with the city and by recommendation of the VLAWMO.

(1) Control shall be tailored to the topography and soils so as to create the least potential for soil loss, and maximum usage of vegetation should be utilized to minimize the inevitable soil loss through land disturbing activity.

(a) Natural vegetation should be retained wherever possible.

(b) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation, the developer may leave the site in an exposed condition for a period of up to 30 calendar days as long as appropriate structural control measures have been implemented.

(c) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation and the site remains in a rough grade condition for a period of 30 to 90 days, then the developer shall mulch as a source control measure to complement appropriate structural control measures.

(d) Where inadequate natural vegetation exists, or where it becomes necessary to remove natural vegetation and the site remains in a rough grade condition for a period of 90 to 360 calendar days, the developer shall mulch and install temporary (annual) seeding as an erosion source control measure to complement appropriate structural control measures.

(e) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation and the site remains in a rough grade condition for a period longer than 1 calendar year, the developer shall install perennial seed and mulch as an erosion source control measure to complement appropriate structural control measures.

(f) During any of the development stages in which final landscaping and turf establishment is to be implemented, the soil shall not remain in an exposed condition for more than 15 calendar days.

(g) Erosion and sediment control elements should be implemented as soon as practical in the development stage.

(2) Appropriate provision should be made to accommodate increased storm water runoff and consequent soil loss occasioned by changed soil and surface conditions during and after development. The provisions may include, but are not limited to:

(a) The installation by the developer of permanent improvements such as: streets, storm sewers, curb and gutters, detention basins and other features for control of storm runoff, before removing vegetative cover from the areal; and

(b) The developer shall install and maintain sediment basins, debris basins, or silt traps to substantially reduce sediment from runoff water.
(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.10 PLAN APPROVAL PROCESS.

(A) *Comments of the VLAWMO.* When a site plan is submitted by the city to the VLAWMO, the VLAWMO shall make continents and recommendations. All the convents and recommendations shall be made in writing within 15 working days of receipt by the VLAWMO. The comments may pertain but not be limited to:

(1) Erosion and sediment control;

(2) Soil use limitations;

(3) Environmental considerations; and

(4) Water management.

(B) *Preliminary site plan approval.* After allowing for review and comment by the VLAWMO, the city shall approve, disapprove, or recommend modification of the site plan.

(C) *Final site plan approval.* Upon approval of the erosion and sediment control elements of the preliminary site plan or approval of a preliminary erosion and sediment control plan, the developer shall submit final plans which shall incorporate all recommendations and alterations agreed upon by the city and developer.

(D) *Erosion and sediment control approval.*

(1) Upon approval of a final site plan the city shall grant conditional approval.

(2) The approval may be revoked by either the city or VLAWMO or its representative if, upon periodic inspection, a determination is made that the work is not progressing in accordance with specifications of the approved plan.
(Ord. 75, passed 5-12-1988)

§ 154.11 INSPECTION AND COMPLIANCE.

(A) The VLAWMO shall be responsible for monitoring whether the erosion and sediment control elements of the site plan are in conformance with requirements specified in §§ 154.06 and 154.10 and whether development is proceeding according to the approved plan.

(B) Periodic inspection of the development site shall be performed by the city and the VLAWMO. In applying for an approval, the developer shall be deemed to have consented to the inspections.

(C) The city through the periodic inspections shall ensure that erosion and sediment control elements are implemented within time limits specified for a land development stage. In the event weather conditions or other factors beyond the control of the developer dictate that the above conditions cannot be met, the developer shall be allowed sufficient time for compliance.

(D) Any erosion or sediment control structure or vegetative practice rendered ineffective by an Act of God shall not be considered noncompliance with the provisions of this chapter if the structure or practice is restored to effectiveness within a reasonable length of time as determined by the VLAWMO.
(Ord. 75, passed 5-12-1988)

§ 154.12 MODIFICATION OF PLAN.

(A) An approved site plan may be modified upon submission of an application for modification to the city and subsequent approval by the city.

(B) In reviewing the application, the city may require additional reports and data.
(Ord. 75, passed 5-12-1988)

§ 154.13 BOND REQUIREMENT.

Upon approval of a site plan, the city may require the developer to post a performance bond, cash, or certified check to ensure completion of the erosion and sediment control elements.
(Ord. 75, passed 5-12-1988)

§ 154.14 SPECIFICATIONS FOR DOCUMENTS.

The requirements of erosion and sediment control elements of the site plan may be a separate document itself or superimposed on a preliminary plat if such be required under Chapter 152 for the particular development.
(Ord. 75, passed 5-12-1988)

§ 154.15 VIOLATIONS.

The city shall bring to the attention of the VLAWMO any violations or lack of compliance with this chapter.
(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.16 CIVIL ENFORCEMENT.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages and restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises, and these remedies shall be in addition to the penalties described above.
(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.17 EFFECTIVE DATE.

This chapter shall take effect and be in force after its passage and official publication.
(Ord. 75, passed 5-12-1988)

CHAPTER 155: BUILDING CODE

Section

155.01 Title
155.02 Application, administration, and enforcement
155.03 Permits and fees
155.04 Minnesota State Building Code adopted
155.05 Electrical Inspector
155.06 Effective date
Appendix A: Building permits
Appendix B: Electrical permits
Appendix C: Mechanical permits
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§ 155.01 TITLE.

This chapter shall hereafter be known, cited, and referred to as the North Oaks Building Code, except as sometimes referred to herein as the Code or this chapter.
(Ord. 95, passed 5-13-1999)

§ 155.02 APPLICATION, ADMINISTRATION, AND ENFORCEMENT.

The application, administration, and enforcement of the Code shall be in accordance with Minn. Rules, part 1300.0100 to 1300.0250, as it may be amended from time to time, and as modified by Minn. Rules, Chapter 1305, as they may be amended from time to time. The Code shall apply and be enforced within the city. The city shall appoint a Certified Building Official (as defined in Minn. Rules, Chapter 1301, as it may be amended from time to time) to administer the Code.
(Ord. 95, passed 5-13-1999)

§ 155.03 PERMITS AND FEES.

As authorized by M.S. § 16B.62, Subd. 1, as it may be amended from time to time, the issuance of permits and the setting and collection of fees for work governed by the Code shall be set by the city from time to time by resolution.
(Ord. 95, passed 5-13-1999)

§ 155.04 MINNESOTA STATE BUILDING CODE ADOPTED.

The Minnesota State Building Code, as adopted pursuant to M.S. §§ 16B.59 *et seq.*, as they may be amended from time to time, and as established pursuant to Minn. Rules, Chapter 1300, as they may be amended from time to time, is hereby adopted as the North Oaks Building Code. The Minnesota State Building Code is hereby incorporated by this chapter as if fully set forth herein.
(Ord. 95, passed 5-13-1999)

§ 155.05 ELECTRICAL INSPECTOR.

As authorized by M.S. § 326.244, Subd. 4, as it may be amended from time to time, the city shall appoint an Electrical Inspector who shall inspect electrical installations within the city.
(Ord. 95, passed 5-13-1999)

§ 155.06 EFFECTIVE DATE.

This chapter shall take effect and be in force after its passage and official publication.
(Ord. 95, passed 5-13-1999)

APPENDIX A: BUILDING PERMITS

Total Valuation	***Fee***
$1 to $500	$23.50
$501 to $2,000	$23.50 for the first $500 plus $3.05 for each additional $100, or fraction thereof, to and including $2,000
$2,001 to $25,000	$69.25 for the first $2,000 plus $14 for each additional $1,000, or fraction thereof, to and including $25,000
$25,001 to $50,000	$391.25 for the first $25,000 plus $10.10 for each additional $1,000, or fraction thereof, to and including $50,000
$50,001 to $100,000	$643.75 for the first $50,000 plus $7 for each additional $1,000, or fraction thereof, to and including $100,000
$100,001 to $500,000	$993.75 for the first $100,000 plus $5.60 for each additional $1,000, or fraction thereof, to and including $500,000
$500,001 to $1,000,000	$3,233.75 for the first $500,000 plus $4.75 for each additional $1,000, or fraction thereof, to and including $1,000,000
$1,000,001 and up	$5,608.75 for the first $1,000,000 plus $3.65 for each additional $1,000, or fraction thereof
Other Inspections and Fees: 1. Inspections outside of normal business hours (minimum charge: 2 hours) - $47 per hour (1) 2. Reinspection fees assessed under provisions of § 305.8 - $47 per hour (1)	
NOTES TO TABLE: (1) Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved. (2) Actual costs include administrative and overhead costs.	

(Res. 1031, passed 5-13-1999)

APPENDIX B: ELECTRICAL PERMITS

(A) *Minimum fee.* For each separate inspection of an installation, replacement, alteration, or repair limited to 1 inspection only - $22.

(B) *Services, changes of service, temporary services, additions, alterations, or repairs.* Primary or secondary services shall be computed separately:

(1) Zero to 101-ampere capacity - $25;

(2) One hundred and one to and including 200-ampere capacity - $30; and

(3) For each additional 100-ampere capacity or fraction thereof - $14.

(C) *Circuits.* Installations of, additions, alterations, or repairs of each circuit or sub-feeder shall be computed separately, including circuits fed from sub-feeders and including the equipment served, except as provided for in divisions (D) through (K) below:

(1) Zero to and including 30-ampere capacity - $7;

(2) Thirty-one to and including 100-ampere capacity - $10; and

(3) For each additional 100-ampere capacity or fraction thereof - $5.

(D) *Maximum fee on a single-family dwelling.* The maximum fee shall not exceed $110 if not over 200-ampere capacity. This includes service, feeders, circuits, fixtures, and equipment. The maximum fee provides for not more than 2 rough-in inspections and the final inspection per dwelling. Additional inspections are at the reinspection rate.

(E) *Maximum fee on an apartment building.* The maximum fee shall not exceed $50 per dwelling unit for the first 20 units and $45 per dwelling unit for the balance of the units. A 2-unit dwelling, (duplex) maximum fee per unit as per single-family dwelling.

(F) *Athletic field lighting.* The maximum number of 0- to 30-ampere circuits to be paid on any 1 athletic field lighting standard is 10.

(G) Street lighting; traffic signals. In addition to the above fees, a charge of $3 will be made for each street lighting standard. A charge of $4 will be made for each traffic signal standard. Circuits originating within the standard will not be used when computing fees.

(H) *Transformers and generators for light, heat, and power.* The fee shall be computed separately at $8 plus 400 per KVA up to and including 100 KVA and 101 KVA and over at 300 per KVA, in addition to the above fees. The maximum fee for any transformer or generator in this category is $80.

(I) *Transformers for signs and outline lighting.* The fee shall be computed at $7 for the first 500 VA or fraction thereof per unit, plus 700 for each additional 100 VA or fraction thereof, in addition to the above fees.

(J) *Remote control, signal circuits, and circuits less than 50 volts.* Unless included in the maximum fee filed by the initial installer, remote control, signal circuits, and circuits of less than 50 volts shall be computed at $5 per each 10 openings or devices of each system, plus $3 for each additional ten or fraction thereof.

(K) *Swimming pools.* The inspection fee for each separate inspection of a swimming pool shall be computed at $25, in addition to the above fees. Reinforcing steel for swimming pools requires a rough-in inspection.

(L) *Plan review; proposed installations.* There shall be a minimum fee of $150 up to and including $30,000 of electrical estimate, plus 1/10 of 1% on any amount in excess of $30,000 for the review of plans and specifications of proposed installations, to be paid by persons or firms requesting the review.

(M) *Reinspection.* When reinspection is necessary to determine whether unsafe conditions have been corrected and the conditions are not subject of an appeal pending before any court, a reinspection fee of $22 may be assessed in writing by the Inspector.

(N) *Other or special inspections.* For inspections not covered herein, or for requested special inspections or services, the fee shall be $30 per man hour, including travel time, plus $.25 per mile traveled, plus the reasonable cost of equipment or material consumed. This division (N) is also applicable to inspection of empty conduits and the jobs as determined by the city.

(O) *Transient projects.* For inspection of transient projects, including, but not limited to, carnivals and circuses, the inspection fees shall be computed as follows.

(1) *Power supply units according to division (B) above.* A like fee will be required on power supply units at each engagement during the season, except that a fee of $25 per hour will be charged for additional time spent by the Inspector, if the power supply is not ready for inspection as required by law.

(2) *Rides, devices, or concessions.* Shall be inspected at their first appearance of the season and the inspection fee shall be $20 per unit.

(Res. 1031, passed 5-13-1999)

APPENDIX C: MECHANICAL PERMITS

(A) *Residential (1- and 2-family dwellings).*

(1) Base fee for issuing each permit - $23.50; and

(2) Minnesota state surcharge - $.50.

(B) *Unit fee schedule.*

(1) Furnace (includes ductwork), boiler (in-floor heat), and air conditioner - $18;

(2) Garage/unit heater, air exchanger, pool heater, and space heater - $14;

(3) Fireplace (gas) and water heater - $12;

(4) Exhaust fans (bath, laundry) and kitchen exhaust hoods - $8;

(5) Gas piping (each 1 to 5 outlets) - $5;

(6) Additions/alterations to duct systems - $8; and

(7) Miscellaneous appliance venting (dryer, range, oven, cooktop) - $5.

(C) *Commercial fees.*

(1) Base fee - $23.50;

(2) Fee is 1% of total valuation of all work being done and equipment being supplied; and

(3) Minnesota state surcharge is $.50 on permits with fees less than $1,000. Surcharge is .0005 times the permit fee for permit fees over $1,000.

(D) *Other inspections and fees.* Inspections outside of normal business hours, re-inspections, and inspections for which no fee is specifically indicated - per hour $47.

(E) *Notes.* All work must be done by a City of North Oaks licensed contractor (residential work may be done by an owner/occupant).

(Res. 1031, passed 5-13-1999)

APPENDIX D: PLUMBING PERMITS

(A) *Permit issuance.*

(1) Base fee for issuing each permit - $23.50; and

(2) Minnesota state surcharge - $.50.

(B) *Unit fee schedule (in addition to divisions (A)(1) and (A)(2) above).*

(1) Each toilet, bathtub, separate shower, sink, lavatory, laundry tray, dishwasher, washer box, floor drain, lawn faucet, or miscellaneous plumbing fixture - each $8;

(2) Gas piping system (1 to 5 outlets) - $5 (if not included in mechanical permit);

(3) Outside sewer connection - $15; and

(4) Outside water connection - $15.

(C) *Other inspections and fees.* Inspections outside of normal business hours, re-inspections, and inspections for which no fee is specifically indicated - per hour $47.

(D) *Commercial.*

(1) Plans for commercial plumbing installations and alterations must be approved by the Minnesota Department of Health prior to issuing a local plumbing permit.

(2) Unit fee schedule is as listed above.

(E) *Generally.* All work must be done by a Minnesota licensed plumber. Residential work may be done by an owner/occupant.

(Res. 1031, passed 5-13-1999)

CHAPTER 156: STORMWATER MANAGMENT

§ 156.001 TITLE.
§ 156.002 IN GENERAL.
§ 156.003 RUNOFF RATES
§ 156.004 WATER QUALITY TREATMENT
§ 156.005 VOLUME CONTROL/REDUCTION.
§ 156.006 TOTAL PHOSPHOROUS (TP) CONTROL.
§ 156.007 TOTAL SUSPENDED SOLIDS (TSS) CONTROL.
§ 156008 OFF SITE MITIGATION.
§ 156.009 SPECIFIC STANDARDS.

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§ 156.001 TITLE.

This chapter shall hereafter be known, cited, and referred to as the Stormwater Management Ordinance of the City of North Oaks, except as referred to herein, where it shall be known as this chapter, and is adopted pursuant to the authorization of M.S. §115.03, as it may be amended from time to time.

§ 156.002 IN GENERAL.

(A) *Applicability.* No person shall develop land for any purpose without first providing stormwater management measures that control or manage runoff from such developments except as specifically exempted in this Chapter.

(B) *Use of natural topography.* An applicant seeking to develop land shall reduce the need for stormwater management infrastructure by utilizing natural topography and land cover such as swales and depressions that exist before development to the degree they can accommodate the additional flow of water without compromising the integrity or quality of a receiving water body. Development or redevelopment shall minimize impact to significant natural features.

(C) *Best management practices.* Proposed design, suggested location, and phased implementation of effective, practicable stormwater management measures for plans shall be designed, engineered, and implemented to achieve all applicable City stormwater standards. Any combination of best management practices (BMPs) may be used with highest preference being given to Green Infrastructure techniques and practices necessary to meet required conditions to the maximum extent practicable (MEP).

§ 156.003 RUNOFF RATES

Runoff rates resulting from a project shall not exceed the pre-project runoff rates for the one-year, two-year, ten-year and one hundred-year critical duration storm events.

§ 156.004

The basin or basins will be required to comply with all MPCA standards regarding infiltration/filtration and will be subject to approval by the VLAWMO and the City Engineer.

If basins are approved, the owner must provide a maintenance agreement for each basin constructed. The City will not maintain private filtration basins.

§ 156.005 VOLUME CONTROL/REDUCTION.

(A) *New Development.* Stormwater discharge volumes on newly developed property, unless precluded by allowable stormwater management limitations, shall be controlled in a manner that achieves no net increase of the pre-project conditions (on an annual basis).

(B) *Redevelopment.* Stormwater discharge volumes on property being redeveloped, unless precluded by allowable stormwater management limitations, shall be controlled in a manner that achieves a net reduction of the pre-project conditions (on an annual basis).

(C) *All Development.*

(1) Utilization of infiltration techniques to achieve the conditions for post-construction stormwater management shall be prohibited if the proposed infiltration structural stormwater BMP would receive discharges from or be constructed in the following areas:

(a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA;

(b) Where vehicle fueling and maintenance occur;

(c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;

(d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.

(2) Infiltration techniques to achieve the conditions for post-construction stormwater management shall require high level engineering review sufficient to provide a functioning

treatment system and prevent adverse impacts to groundwater whenever an infiltration structural stormwater BMP is proposed to be constructed in the following areas:

(a) In areas with predominately Hydrologic Soil Group D (clay) soils;

(b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features;

(c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minnesota Statutes; or

(d) Where soil infiltration rates are more than 8.3 inches per hour.

§ 156.006 TOTAL PHOSPHOROUS (TP) CONTROL.

TP loading shall be controlled as follows where new development activity results in one-half acre or more of impervious surface, or when redevelopment activity results in any additional impervious surface:

(A) *New Development.* Stormwater runoff on newly developed property shall be treated to the following standard on an annual basis before discharge to natural water bodies:

(1) Achievement of no-net-increase to the predevelopment TP load.

(B) *Redevelopment.* Stormwater runoff on redeveloped property shall be treated to achieve a net reduction from pre-project TP load conditions on an annual basis before discharge to natural water bodies.

(C) *All Development.* Where water quality ponding is exclusively used to meet the TP removal requirement, the pond(s) shall be sized to store, below the normal outlet elevation, the site runoff from a two and one-half-inch rainfall.

§ 156.007 TOTAL SUSPENDED SOLIDS (TSS) CONTROL.

TSS loading shall be controlled as follows where new development activity results in one-half acre or more of impervious surface, or redevelopment activity results in any additional impervious surface:

(A) *New Development.* Stormwater runoff on newly developed property shall be treated to the following standard on an annual basis before discharge to natural water bodies:

(1) Achievement of no-net-increase to the predevelopment TSS load.

(B) *Redevelopment.* Stormwater runoff on redeveloped property shall be treated to achieve a net reduction from the existing-conditions TSS load on an annual basis before discharge to natural water bodies.

(C) *All Development.* Where water quality ponding is exclusively used to meet the TSS removal requirement, the pond(s) shall be sized to store, below the normal outlet elevation, the site runoff from a two and one-half-inch rainfall.

§ 156.008 OFF SITE MITIGATION.

Any stormwater discharges of TSS and/or TP not addressed on the site of the proposed construction activity shall need to be addressed through off-site mitigation meeting the following standards:

(A) *Site Selection;* Off-site mitigation project areas are to be selected using the following order of preference:

(1) Locations that yield benefits to the same receiving water that receives runoff from the proposed construction activity;

(2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the proposed construction activity;

(3) Locations in the next adjacent DNR catchment area up-stream from the proposed construction activity;

(4) Locations anywhere within the City.

(B) Off-site mitigation projects must involve the creation of new structural stormwater BMPs, the retrofit of existing structural stormwater BMPs, or the use of a properly designated regional structural stormwater BMP.

(C) Routine maintenance of structural stormwater BMPs already required cannot be used to meet mitigation requirements of this subsection.

(D) Off-site mitigation projects shall be able to be completed within 24-months following the start of the proposed construction activity.

(E) The party responsible for long-term maintenance of the off-site mitigation project shall be identified.

(F) If off-site mitigation can be demonstrated to be infeasible, the City may accept a payment in-lieu of the mitigation that would have otherwise been required, and such payment shall be applied to a public stormwater project in compliance with all applicable regulations.

§156.009 SPECIFIC STANDARDS

(1) Impervious surface coverage of lots must not exceed 25% of the lot area.

(2) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Ramsey County Soil and Water Conservation District.

(3) New constructed stormwater outfalls to water must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

§ 151.034 FENCES, SCREENING, PLANTING STRIPS, AND LANDSCAPING.

(A) Further purposes of this subchapter are to establish requirements, standards, and guidelines relative to the construction and use of fences, screening, planting strips, and landscaping within 30 feet of lot lines.

(B) Subject to the limitations in § 151.033, fences, screening, planting strips, and landscaping are permitted within 30 feet of a lot line, but subject to the following restrictions.

(1) Solid walls in excess of 48 inches above adjacent ground grades shall be prohibited.

(2) Fences in excess of 48 inches high above adjacent ground grades shall be at least 30% open through the structure to allow for passage of light, air, and wind.

(3) The side of the fence considered to be the finished side as opposed to structural supports shall face abutting property.

(4) Fences in side or rear yards, i.e., subject to division (B)(6) below, the area between the front building foundation line of the principal structure and rear lot line shall not exceed a height of 6 feet above finished grade.

(5) Fences in front yards, i.e., the area between the blacktopped or other finished edge of any road and the front building foundation line of the principal structure may, after being setback a minimum of 10 feet from the blacktopped or other finished edge of any road pursuant to § 151.033(B), be a maximum of 48 inches in height, except in the case of corner lots where, in addition to complying with the 10-foot setback in § 151.033(B), a maximum 30-inch height above road height shall be permitted within a triangular area defined as follows: beginning at the intersection of the blacktopped or other finished edge of any roads within the front yard; thence 40 feet along 1 the road edge; thence diagonally to a point 40 feet from the point of beginning on the other road edge; thence to the point of beginning.

(6) In the case of a corner lot, both yards abutting the blacktopped or other finished edge of a road shall be considered a front yard.

(7) All fences, screening, planting strips, and landscaping shall be located entirely on the lot of the person(s) installing or causing installing of the same.

(8) Nothing in this section is intended to supersede any stricter requirements set forth in any private covenant or agreement affecting any lot owners) nor any stricter requirements set forth in any statute, law, or regulation relating to setbacks from wetlands or public waters.

(9) Barbed wire or similar fences shall be prohibited.

(10) Fences surrounding swimming pools shall comply with §§ 150.055 *et seq.*, and to the extent not inconsistent herewith, the requirements in this chapter.

(11) No fence, screening, planting strip, or landscaping shall be permitted which creates a traffic hazard.

(C) The provisions of M.S. Ch. 344, as it may be amended from time to time, shall not apply within the city.

(D) Fences, screening, planting strips, and landscaping must be maintained so as to not endanger life or property and any fence, screening, planting strip, or landscaping which endangers life or property shall be deemed a nuisance.

(E) Any deviation from the provisions of this section shall require a variance.
(Ord. 94, § 6.15, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

DISTRICTS

§ 151.045 ESTABLISHMENT OF DISTRICTS.

The following zoning district classifications are hereby established within the City of North Oaks:

(A) RSL - Residential Single-Family Low Density;

(B) RSM - Residential Single-Family Medium Density;

(C) RMM - Residential Multi-Family Medium Density;

(D) RMH - Residential Multi-Family High Density;

(E) RCM - Residential Commercial Mixed;

(F) PRD - Planned Residential Development;

(G) PUD - Planned Unit Development;

(H) C - Commercial;

(I) CS - Commercial/Service;

(J) LI - Limited Industrial;

(K) R - Recreation;

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(8) Nothing in this section is intended to supersede any stricter requirements set forth in any private covenant or agreement affecting any lot owners) nor any stricter requirements set forth in any statute, law, or regulation relating to setbacks from wetlands or public waters.

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(10) Fences surrounding swimming pools shall comply with §§ 150.055 *et seq.*, and to the extent not inconsistent herewith, the requirements in this chapter.

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(C) The provisions of M.S. Ch. 344, as it may be amended from time to time, shall not apply within the city.

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(G) PUD - Planned Unit Development;

(H) C - Commercial;

(I) CS - Commercial/Service;

(J) LI - Limited Industrial;

(K) R - Recreation;

ORDINANCE NO.:102

AN ORDINANCE AMENDING
NORTH OAKS CITY CODE, §153.052
SHORELAND REGULATIONS

THE CITY COUNCIL OF THE CITY OF NORTH OAKS DOES ORDAIN:

1. AMENDING. North Oaks City Code §153.052 B (3) is amended and restated to hereafter read as follows:

   (3) Vegetation may not be altered, trimmed, or removed within 20 feet of the Ordinary High Water Level of any public water without first obtaining the approval of the City Forester. Application for Forester's approval must contain the information required in the City's Application Form. The administrative fee must be submitted with the Application. The following additional evaluation criteria and conditions shall apply:

   (a) Only the removal of non-native plant materials is permitted, except for when the removal of native plants is absolutely essential for under-story and forest regeneration, subject to maintaining adequate screening of structures and other facilities from the water assuming a summer leaf-on condition.

   (b) Planting of native plant materials is permitted, especially to prevent soil erosion and to trap sediments before they reach surface water.

   (c) Trimming of branches is permitted to allow sufficient sunlight for growth of understory and reforestation.

   In addition all criteria described in Section 153.052 B, subsections (1),(2)(a),(2)(b) 1,2,3,4,5, (2)(c), and (2)(d)1and 2 must be satisfied and any conditions set forth therein also apply.

2. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage and publication according to law.

   Adopted by the City Council of the City of North Oaks this 11th day of August, 2011.

CITY OF NORTH OAKS

_____
John Schaaf, Its Mayor

ATTEST:

_____
Melinda Coleman, Its City Administrator

Illicit Discharge and Connection Storm Water Ordinance

ORDINANCE NO. 105

THE CITY COUNCIL OF THE CITY OF NORTH OAKS DOES ORDAIN:

§154A.01 PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of North Oaks through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

§154A.02 SCOPE OF AUTHORITY

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

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

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

§154A.03 DEFINITIONS.

For the purposes of this ordinance, the following means:

The City of North Oaks and its employees, agents or designees.

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

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

ILLICIT CONNECTIONS. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or,

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

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

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

NATIONAL POLLUTANT DISCHARGRE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

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

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

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

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

STORM DRAINAGE SYSTEM. Publicly-owned facilities, including the MS4, by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

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

STORMWATER MANAGEMENT PLAN. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

§154A.04 APPLICABILITY.

This ordinance shall apply to all water entering the drainage system generated on any developed and undeveloped lands unless explicitly exempted by the City.

§154A.05 RESPONSIBILITY FOR ADMINISTRATION.

The City must administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City may be delegated in writing by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the agency.

§154A.06 DISCHARGE PROHIBITIONS.

(A) *Prohibition of Illegal Discharges*. No person shall throw, drain, discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water; except as follows:

(1) The water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), sump pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, DE chlorinated swimming pools (typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

(2) Discharges specified in writing by the City as being necessary to protect public health and safety.

(3) Dye testing if verbal notification is given to the City prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA).

(B) *Prohibition of Illicit Connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) Illicit connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.

§154A.07 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit must comply with all provisions of such permit.

§154A.08 MONITORING OF DISCHARGES.

(A) *Applicability.* This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(B) *Access to Facilities.*

(1) The City must be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

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

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

§154A.09 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

City of North Oaks will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system, or waters of the state. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural BMPs.

§154A.10 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§154A.11 NOTIFICATION OF SPILLS.

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

§154A.12 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

Any person violating any provision of this ordinance is guilty of a misdemeanor.

(A) *Emergency cease and desist orders.* When the City finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person’s

past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened illicit discharge to the MS4 or waters of the state, which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City may issue and order to the violator directing it to immediately cease and desist all such violations.

(B) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger.

(C) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided in this ordinance, any condition caused or permitted to exist in violation of any of the provision of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator's expense; and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

(D) *Assessments.* All costs, expenses and attorney fees incurred by the City in abating any public nuisance under this Ordinance may be assessed against the premises at which the violation exists as a special assessment under Minnesota Statutes Chapter 429.

§154A.13 ADOPTION OF ORDINANCE.

This ordinance shall be in full force and effect upon its final passage and publication.

PASSED BY THE CITY COUNCIL this 14th day of June, 2012

APPROVED:

_____
John Schaaf, Mayor, City of North Oaks

ATTEST:

_____
Melinda Coleman, City Administrator

CITY OF NORTH OAKS
COUNTY OF RAMSEY
STATE OF MINNESOTA

ORDINANCE NO. 109

AN ORDINANCE IMPLEMENTING THE CHARLEY LAKE PRESERVE PLANNED UNIT DEVELOPMENT

The City of North Oaks hereby ordains as follows:

SECTION I. <u>Rezoning of Land to Residential Single Family Medium Density District Planned Unit Development (RSM-PUD)</u>.

(A) The property legally described on Exhibit A hereto (the "Property") is hereby rezoned from Residential Single Family Medium Density District (RSM) to Residential Single Family Medium Density District Planned Unit Development (RSM-PUD).

(B) The Property is hereby rezoned for the purpose of:

1) Protecting a significant percentage of the existing wooded areas on the Property;

2) Establishing a significant buffer between home sites and Hodgson Road, thereby preserving privacy for both the City and this neighborhood;

3) Securing trail and park improvements beyond dedication requirements that would otherwise not be built;

4) To allow for lots that are less than the required average size called for in the underlying RSM zoning district;

5) To allow for a reduction in required parking on individual lots; and

6) To provide more efficient and effective use of land, open space and public facilities not possible under RSM zoning.

(C) In rezoning the property to allow for establishment of a PUD, the City of North Oaks City Council has found the following:

1) That the design and overall concept of Charley Lake Preserve is consistent with the City of North Oak's Comprehensive Plan for the Property for development for residential use.

2) That the proposed development has been designed as a complete and unified development within its own boundaries.

3) That the proposed layout, design, and land uses within the proposed development will result in compatible land uses with present and planned uses in the surrounding area.

4) That the overall design for the proposed development of the Property necessitates and justifies flexible application of the City of North Oak's Zoning Code to the Property.

5) That the overall design for the proposed development of the Property will preserve the quality of the natural resources on the Property.

(D) The Official Zoning Map of the City of North Oaks shall be updated accordingly.

SECTION II. <u>Incorporation</u>. The plans for Charley Lake Preserve attached hereto as Exhibit B; dated June 3, 2013; prepared by Westwood Professional Services, Inc., and approved by the City Council on July 11th, 2013; are hereby incorporated by reference as if specifically set forth herein, and shall be hereinafter referred to as the "Final PUD Plans".

SECTION III. <u>Planned Development Agreement Land Use Regulations</u>.

(A) PERMITTED PRIMARY USES: Each parcel within the Charley Lake Preserve PUD shall adhere to the usage regulations for the RSM zoning district.

(B) PERMITTED ACCESSORY USES: Each parcel within the Charley Lake Preserve PUD shall adhere to the permitted accessory use regulations for the RSM zoning district.

(C) CONDITIONALLY PERMITTED USES: The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with city code requirements:

1) Municipal and public utility buildings and structures necessary for the health, safety, and general welfare of the community, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034 of the City of North Oaks Zoning Code;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028 of the City of North Oaks Zoning Code; and

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage.

2) Neighborhood or community centers, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034 of the City of North Oaks Zoning Code;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028 of the City of North Oaks Zoning Code;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage; and

(e) The site of the principal use and related parking is served by a road or street of sufficient capacity to accommodate the traffic which will be generated.

3) Sales and management office for a planned unit development (PUD) or planned residential development (PRD) or a home owners association management office, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034 of the City of North Oaks Zoning Code;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028 of the City of North Oaks Zoning Code; and

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage.

4) Garage which exceeds 1,500 square feet, provided that:

(a) The garage shall not exceed 3,000 square feet;

(b) The garage shall be constructed in the same architectural style as the principal building or structure;

(c) The floor area ratio shall not exceed the maximum allowed for the specific lot as spelled out in the PDA performance standards; and

(d) No use of the garage shall be permitted other than for private residential noncommercial use; and

(D) LOT AREA REQUIREMENTS: All lots shall be arranged and sized in accordance with the Final PUD Plans.

(E) SETBACKS: Structural setbacks for all lots shall be as depicted on the Final PUD Plans.

(F) BUILDING HEIGHT: The height of any building shall not exceed 35 feet. Buildings shall be limited to a basement (a floor level that has less than 50% of the perimeter walls exposed above the lowest grade) and 2 full stories. Finished areas within the roof structure will be considered a full story.

(G) MAXIMUM SQUARE FOOTAGE OF STRUCTURES: The maximum square footage of structures on individual lots are as indicated in the table below:

Lot #	Pad Style	Lot SF	Max Sq ft	Lot #	Pad Style	Lot SF	Max Sq ft
1	R	25484	5000	**33**	R/CUST.	33135	5100
2	R	26277	4800	**34**	R/CUST.	31376	5450
3	R	27912	4500	**35**	R/CUST.	30008	5100
4	LO	28177	5350	**36**	R/CUST.	22848	5450
5	LO	29743	4800	**37**	R/CUST.	25220	5100
6	LO	34031	4800	**38**	R/CUST.	22100	5450
7	R	36116	4450	**39**	R/CUST.	22263	5100
8	LO	44352	5670	**40**	R/CUST.	25645	5450
9	LO	38632	5870	**41**	R	28675	4500
10	LO	48072	5870	**42**	R	28283	5000
11	WO	37728	5800	**43**	R	23661	4557
12	WO	46601	6300	**44**	R	26215	5000
13	WO	67588	5993	**45**	R	41517	4500
14	WO	40065	6300	**46**	R	26845	5000
15	WO	75811	5800	**47**	LO	21479	5000
16	LO	65871	5670	**48**	LO	26445	5250
17	LO	54043	5870	**49**	LO	32849	4800
18	LO	56509	5670	**50**	LO	30747	5250
19	LO	50681	5870	**51**	LO	30873	5250
20	LO	54544	5670	**52**	LO	24463	4800
21	R	46530	5450	**53**	LO	28053	5250
22	R	48802	5450	**54**	LO	35725	4800
23	WO/LO	78861	6300	**55**	LO	47572	5250
24	LO	58149	5670	**56**	LO	28904	4800
25	WO	106097	5800	**57**	WO	28098	5600
26	WO	76778	6300	**58**	WO	27223	5720
27	WO	62807	5800	**59**	LO	31774	5350
28	LO	31804	5670	**60**	R	30802	5000
29	R/CUST.	27715	5000	**61**	R	25949	5000
30	R/CUST.	29988	4450	**62**	R	29169	5000
31	R/CUST.	35903	4750	**63**	R	26021	5350
32	R/CUST.	34246	5450				

(H) MININMUM REQUIRED PARKING: Each residential lot shall be required to provide a minimum of three parking spaces (at least two of which must be enclosed).

(I) DRIVEWAY STANDARDS: Driveways for residential lots shall adhere to the following standards:

1) Driveways shall be located so as to preserve existing trees as much as possible.

2) Only one driveway access per lot shall be allowed.

3) The maximum width of a driveway within the street easement shall be 24 feet.

4) Except as outlined below, driveways shall be a minimum of 10 feet from side lot lines.

(a) Adjacent lots may choose to share a single driveway entrance point in which case the setback requirement from the shared lot line shall be waived.

(b) The driveway location for Lot 5, Block 2A (a flag lot in the development's northeastern most corner), shall be reviewed and approved by the City Engineer. The driveway design must not impact the storm sewers in the area, and shall ensure drainage does not impact Lot 6, Block 2A to the south.

(J) ENTRANCE MONUMENTS: One entry monument per access point onto Hodgson Road shall be allowed subject to the following conditions:

1) The monument shall be a maximum of 8' high as measured from the finished grade.

2) The monument shall not extend into any portion of a roadway easement except within a median as approved by the City Council.

3) The monument shall not obstruct the view of oncoming traffic.

4) The monument shall include landscaping as deemed necessary to mitigate the impact of the signage.

5) The monument shall not include any neon lighting.

6) The monument shall be architecturally designed to be compatible with adjacent building architecture.

7) The monument shall not exceed 80 square feet per side.

8) Designs for entry monuments shall be submitted to the City and be approved by the City Council prior to a building permit being issued to allow for installation.

(K) ALL PERFORMANCE STANDARDS NOT ADDRESSED BY THE CHARLEY LAKE PRESERVE PDA: All issues not specifically addressed by the Charley Lake Preserve PDA shall be governed by RSM zoning district regulations.

SECTION IV. Administration.

(A) AMENDMENTS: Amendments to this Ordinance or the Final PUD Plans shall be processed in the same manner as a zoning code amendment as outlined in the North Oaks Zoning Code. Notwithstanding the foregoing, a minor change deemed insignificant with no chance of impacting adjacent properties may be administratively approved by the City Administrator.

(B) PHASING: Development of Charley Lake Preserve may be completed in one or more phases.

SECTION V. Effective Date.

This ordinance shall be effective upon adoption and publication according to law.

ADOPTED this 11th day of July, 2013 by the North Oaks City Council.

CITY OF NORTH OAKS

_____
John Schaaf, Mayor

ATTEST:

_____
Melinda Coleman, City Administrator

Ordinance No. 109

EXHIBIT "A"

LEGAL DESCRIPTION

EXISTING PROPERTY DESCRIPTION

That part of Government Lot 3, Section 12, Township 30 North, Range 23 West of the Fourth Principal Meridian, described as follows: Commencing at a point on the South line of said Section 12 distant 892 feet Westerly of the Southeast corner of the Southwest quarter of said Section 12 (for descriptive purposes said South line having an assumed bearing of West); thence North 3 degrees 30 minutes east a distance of 241.52 feet to the point of beginning of the land to be described; thence continuing North 3 degrees 30 minutes East a distance of 243.48 feet; thence North 27 degrees 45 minutes East a distance of 682 feet; thence South 12 degrees 23 minutes 15 seconds West a distance of 377.48 feet; thence South 27 degrees 45 minutes West a distance of 540 feet to the point of beginning.

(Torrens Property, Certificate of Title No. 368530)

That part of Government Lot 3, Section 12, Township 30 North, Range 23 West of the Fourth Principal Meridian, lying Westerly of a line described as follows: Commencing at a point on the South line of said Section 12, distant 892 feet westerly of the southeast corner of the Southwest Quarter of said Section 12 (for descriptive purposes said south line has an assumed bearing of East); thence North 3 degrees 30 minutes East a distance of 485 feet; thence North 27 degrees 45 minutes East a distance of 682 feet; thence North 2 degrees 15 minutes East to a point in the North line of said Government Lot 3 and there terminating.

(Torrens Property, Certificate of Title No. 368531)

The South 300 feet of the Southwest quarter of the Southwest quarter of Section 12, Township 30, Range 23 West, which lies East of the West 600 feet thereof.

That part of the Southwest quarter of the Southwest quarter of Section 12, Township 30, Range 23 West, except a strip 50 feet in width conveyed to St. Croix Falls Minnesota Improvement Company by a deed recorded at 469 Deeds, Page 146, being 25 feet on each side of the center line of the right-of-way of transmission line of said company, described as follows: Commencing on the South line of said Section 12 at a point 324 feet east of the southwest corner thereof; thence northeasterly at an angle of 56 degrees 36 minutes 15 seconds with the south line of said Section 12 a distance of 912 feet; thence on a 5 degree curve to the left a distance of 590.6 feet, more or less to the north line of the Southwest quarter of the Southwest quarter of said Section 12, which lies North of the South 300 feet of the Southwest quarter of the Southwest quarter of said Section 12.

(Torrens Property, Certificate of Title No. 504396)

AN that part of Government Lot 2, Section 12, Township 30 North, Range 23 West, Ramsey County, Minnesota, lying westerly of Registered Land Survey Nos. 324 and 506 and westerly of Meader Addition as filed in the office of the Registrar of Titles in and for said Ramsey County, EXCEPT the following parcels:

That part of Government Lot 2, Section 12, Township 30 North, Range 23 West, Ramsey County, Minnesota, described as follows:

Beginning at the southwest corner of Lot 1, Block 1, Meader Addition, according to the recorded plat thereof; thence North 67 degrees 41 minutes 35 seconds West, assumed bearing, along the westerly extension of the south line of said Lot 1 a distance of 63.00 feet; thence North 4 degrees 20 minutes 30 seconds East 188.25 feet; thence North 11 degrees 20 minutes 30 seconds East 45.98 feet to the intersection with the westerly extension of the north line of said Lot 1; thence South 79 degrees 32 minutes 23 seconds East 56.85 feet, along said north line extended, to the northwest corner of said Lot 1; thence southerly, along the west line of said Lot 1, to the point of beginning;

AND That part of Government Lot 2, Section 12, Township 30 North, Range 23 West, Ramsey County, Minnesota, described as follows:

Beginning at the northwest corner of Tract K, Registered Land Survey No. 506, Ramsey County, Minnesota; thence North 67 degrees 41 minutes 35 seconds West, assumed bearing, along the westerly extension of the north line of said Tract K a distance of 63.00 feet; thence South 2 degrees 25 minutes 31 seconds East 165.02 feet to a point on the westerly line and 150.00 feet southwest of the northwest corner of said Tract K; thence northeasterly, along the westerly line of said Tract K to the point of beginning.

(Abstract Property)

Ordinance No. 109

EXHIBIT “B”

PLAN SETS

Grading, Drainage and Erosion Control Plan (6/3/13)

Construction Plans (6/3/13)

PARALLEL REFERENCES

References to Minnesota Statutes
References to Resolutions
References to Ordinances

REFERENCES TO MINNESOTA STATUTES

M.S. Section	*Code Section*
12.25	33.01; 33.04
12.31	33.06
14.57–14.70	111.09
16B.59 *et seq.*	155.04
16B.62, Subd. 1	155.03
18.023	93.32; 93.33
93.44–93.51	153.008
103B.201–103B.251	154.03
103G	151.005; 152.005; 153.002
103G.005	153.008
103G.245	153.052
105	153.002
115	153.002
115.55 *et seq.*	50.02
116	153.002
168.011, Subd. 22	70.01
169	71.02; 71.20
169.06 (1-3)	71.20
169.09 (9)	71.20
169.10	71.20
169.11	71.20
169.66	71.20
169.78	71.20
169.87	71.20
169A	71.10
171	71.20
171.04	71.20
260B	130.99
299J.02, Subd. 11	150.035
307.08	153.008
326.244, Subd. 4	155.05
340A	111.01
340A.101, Subd. 7	111.02

M.S. Section	***Code Section***
340A.404, Subd. 5	111.02
340A.409	111.04; 111.09
340A.801	111.04
344	151.034
429.101	93.37
462	153.002; 153.008; 153.022
462.351	150.078; 151.002; 152.002
462.351–462.365	150.039
462.354, Subd. 2	150.081
462.357	151.001
462.357, Subd. 3	150.081
462.357, Subd. 6	151.078; 153.056
462.358	150.082; 152.001; 152.003
462.358, Subd. 3c	151.056; 152.021
462.359, Subd. 4	151.078; 153.056
505	150.082; 153.089
505.02, Subd. 1	153.087
624.717	130.03
626.862	10.20

Res. No.	*Date Passed*	*Code Section*
1031	5-13-1999	Ch. 155, Appendices A–D

REFERENCES TO RESOLUTIONS

REFERENCES TO ORDINANCES

Ord. No.	*Date Passed*	*Code Section*
–	5-11-1972	71.01–70.20
–	12-29-1976	150.075–150.083
–	8-10-1978	71.01–70.20
–	1-11-1979	112.01–112.10
–	11-12-1981	90.15–90.26
–	12-24-1981	150.075–150.083
–	12-12-1991	71.01–70.20
–	9-10-1992	111.01–111.10
–	12-8-1994	150.075–150.083
–	4-13-1995	70.01–70.07; 71.01–71.20; 90.15–90.26; 112.01–112.10; 130.02; 130.04; 150.075–150.083
–	7-21-1999	153.001–153.009; 153.020–153.023; 153.035; 153.036; 153.050–153.057; 153.070–153.073; 153.085–153.090; 153.105–153.111; 153.125–153.128
–	11-24-1999	151.001–151.006; 151.020–151.034; 151.045–151.063; 151.075–151.083
–	7-24-2001	151.001–151.006; 151.020–151.034; 151.045–151.063; 151.075–151.083
–	10-22-2002	151.001–151.006; 151.020–151.034; 151.045–151.063; 151.075–151.083
–	4-1-2003	151.001–151.006; 151.020–151.034; 151.045–151.063; 151.075–151.083
–	12-23-2003	151.001–151.006; 151.020–151.034; 151.045–151.063; 151.075–151.083
1-A	10-11-1990	31.01–31.08
5	4-11-1957	93.01–93.07; 93.99
7	6-13-1957	TSO II
10	9-20-1957	130.04
17	4-9-1959	93.20; 93.99
32	6-14-1962	30.02
36	11-8-1962	130.02
38	1-10-1963	71.01–70.20
42	10-15-1964	112.01–112.10
42-A	9-8-2005	112.01–112.10; 112.99
49	2-10-1966	32.01–32.03
56	1-4-1971	150.075–150.083

Ord. No.	*Date Passed*	*Code Section*
58	2-8-1973	50.35–50.37
59, § 7.1	- -	154.03; 154.08
61	7-11-1974	30.15
62	3-13-1975	90.15–90.26
63	8-14-1975	TSO II
65-A	10-14-1993	92.01–92.04
67	4-14-1977	93.30–93.39; 93.99
72	11-6-1980	70.01–70.07
74	8-13-1987	30.01
75	5-12-1988	154.01–154.17
76	5-23-1989	150.055–150.062
78	12-14-1989	TSO I
79	12-14-1989	TSO I
80	7-12-1990	91.01–91.11
81	7-22-1991	111.01–111.10
82	8-27-1991	150.035–150.040
84, § 1.1	3-9-1995	153.001
84, § 1.2	3-9-1995	153.002
84, § 2.1	3-9-1995	153.003
84, § 2.2	3-9-1995	153.004
84, § 2.3	3-9-1995	153.005
84, § 2.4	3-9-1995	153.006
84, § 2.6	3-9-1995	153.007
84, § 2.7	3-9-1995	153.008
84, § 3.1	3-9-1995	153.020
84, § 3.2	3-9-1995	153.021
84, § 3.3	3-9-1995	153.022
84, § 3.4	3-9-1995	153.023
84, § 4.1	3-9-1995	153.035
84, § 4.2	3-9-1995	153.036
84, § 5.1	3-9-1995	153.050
84, § 5.2	3-9-1995	153.051
84, § 5.3	3-9-1995	153.052
84, § 5.4	3-9-1995	153.053
84, § 5.5	3-9-1995	153.054
84, § 5.6	3-9-1995	153.055
84, § 5.7	3-9-1995	153.056
84, § 5.8	3-9-1995	153.057
84, § 6	3-9-1995	153.070
84, § 6.1	3-9-1995	153.071
84, § 6.2	3-9-1995	153.072
84, § 6.3	3-9-1995	153.073
84, § 7.11	3-9-1995	153.085
84, § 7.12	3-9-1995	153.086
84, § 7.13	3-9-1995	153.087
84, § 7.14	3-9-1995	153.088
84, § 7.15	3-9-1995	153.089
84, § 7.16	3-9-1995	153.090
84, § 8.1	3-9-1995	153.105
84, § 8.2	3-9-1995	153.106
84, § 8.3	3-9-1995	153.107
84, § 8.4	3-9-1995	153.108
84, § 8.5	3-9-1995	153.109
84, § 8.6	3-9-1995	153.110

Ord. No.	*Date Passed*	*Code Section*
84, § 8.7	3-9-1995	153.111
84, § 9.1	3-9-1995	153.125
84, § 9.2	3-9-1995	153.126
84, § 9.3	3-9-1995	153.127
84, § 9.4	3-9-1995	153.128
84, § 10	3-9-1995	153.009
88	8-14-1997	90.01–90.04
90	5-14-1998	150.001–150.020
91	7-9-1998	TSO I
92	8-13-1998	110.01–110.14; 110.99
93, § 1	2-11-1999	152.001
93, § 2	2-11-1999	152.002
93, § 3	2-11-1999	152.003
93, § 4	2-11-1999	152.004
93, § 5	2-11-1999	152.005
93, § 6	2-11-1999	152.020
93, § 6.1	2-11-1999	152.021
93, § 6.2	2-11-1999	152.022
93, § 7.1	2-11-1999	152.035
93, § 7.2	2-11-1999	152.036
93, § 7.3	2-11-1999	152.037
93, § 7.4	2-11-1999	152.038
93, § 8.1	2-11-1999	152.050
93, § 8.2	2-11-1999	152.051
93, § 8.3	2-11-1999	152.052
93, § 8.4	2-11-1999	152.053
93, § 8.5	2-11-1999	152.054
93, § 9.1	2-11-1999	152.065
93, § 9.2	2-11-1999	152.066
93, § 10	2-11-1999	152.080
93, § 11	2-11-1999	152.095
93, § 14	2-11-1999	152.006
94, § 1	2-11-1999	151.001
94, § 2	2-11-1999	151.002
94, § 3	2-11-1999	151.003
94, § 4	2-11-1999	151.004
94, § 5	2-11-1999	151.005
94, § 6.1	2-11-1999	151.020
94, § 6.2	2-11-1999	151.021
94, § 6.3	2-11-1999	151.022
94, § 6.4	2-11-1999	151.023
94, § 6.5	2-11-1999	151.024
94, § 6.6	2-11-1999	151.025
94, § 6.7	2-11-1999	151.026
94, § 6.8	2-11-1999	151.027
94, § 6.9	2-11-1999	151.028
94, § 6.10	2-11-1999	151.029
94, § 6.11	2-11-1999	151.030
94, § 6.12	2-11-1999	151.031

Ord. No.	*Date Passed*	*Code Section*
94, § 6.13	2-11-1999	151.032
94, § 6.14	2-11-1999	151.033
94, § 6.15	2-11-1999	151.034
94, § 7.1	2-11-1999	151.045
94, § 7.2	2-11-1999	151.046
94, § 7.3	2-11-1999	151.047
94, § 7.4	2-11-1999	151.048
94, § 7.5	2-11-1999	151.049
94, § 7.6	2-11-1999	151.050
94, § 7.7	2-11-1999	151.051
94, § 7.8	2-11-1999	151.052
94, § 7.9	2-11-1999	151.053
94, § 7.10	2-11-1999	151.054
94, § 7.11	2-11-1999	151.055
94, § 7.12	2-11-1999	151.056
94, § 7.13	2-11-1999	151.057
94, § 7.14	2-11-1999	151.058
94, § 7.15	2-11-1999	151.059
94, § 7.16	2-11-1999	151.060
94, § 7.17	2-11-1999	151.061
94, § 7.18	2-11-1999	151.062
94, § 7.19	2-11-1999	151.063
94, § 8.1	2-11-1999	151.075
94, § 8.2	2-11-1999	151.076
94, § 8.3	2-11-1999	151.077
94, § 8.4	2-11-1999	151.078
94, § 8.5	2-11-1999	151.079
94, § 8.6	2-11-1999	151.080
94, § 8.7	2-11-1999	151.081
94, § 8.8	2-11-1999	151.082
94, § 8.9	2-11-1999	151.083
94, § 11	2-11-1999	151.006
94-G	12-8-2005	151.050; 151.051
95	5-13-1999	155.01–155.06
96	7-8-1999	50.01–50.21

SWIMMING POOLS AND SPAS

§ 150.055 DEFINITIONS.

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

PRIVATE SWIMMING POOLS. Are regulated by this subchapter and are defined as any enclosure, designed or intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guests.

SPAS. Are regulated by this subchapter and are defined as a unit primarily designed for therapeutic use which is not drained, cleaned, or refilled for each individual use. It may include, but not be limited to, hydrojet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for a ***SPA*** includes but is not limited to therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tub, and the like.
(Ord. 76, passed 5-23-1989)

§ 150.056 PERMIT REQUIRED.

No swimming pool shall be constructed or established and no pool construction shall be commenced in the City of North Oaks without first obtaining a permit from the Building Official.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.057 APPLICATION FOR PERMIT.

(A) Applications for a swimming pool permit shall be made to the City Clerk. A fee shall be collected commensurate with the estimated value of the construction to cover the costs of inspection.

(B) The application for the permit shall include, without limitation, the following information:

(1) Complete plans and specifications for the construction of the pool;

(2) A site plan showing the location of all structures on the lot, including the house, garage, fences, trees, overhead or underground wiring, utility easements, sewage systems, and other significant improvements or natural features;

(3) The proposed location of pumps, filters, electrical power source (if applicable), flushing and drainage outlets, and other operational features; and

(4) Location and specifications of protective fencing.
(Ord. 76, passed 5-23-1989)

§ 150.058 CONSTRUCTION SETBACK REQUIREMENTS.

(A) *Generally.* Private swimming pools shall be constructed so as to avoid hazard or damage to the occupants of the subject property or the occupants of adjacent property and shall meet the following minimum requirements.

(B) *Minimum requirements.*

(1) Underground or overhead utilities shall be located in conformance with the National Electrical Code.

(2) No pool shall be located within any private easement, public or private utility easement, ingress or egress easement, drainage way, marsh, or other location in which it will represent a threat to the natural environment.

(3) (a) In areas zoned or used for single-family residential purposes, pools are prohibited in the front yard and shall not be located within 30 feet of any lot line, nor within 10 feet of any principal structure or accessory buildings except accessory buildings without frost footings.

(b) No mechanical equipment, ~~fence,~~ or accessory building shall be located closer than 30 feet to any lot line. Fences may be located on the property line in conformance with 150.059 and 151.034.

(4) (a) In areas zoned or used for multiple-family residential purposes, pools are prohibited in the front yard and shall not be located within 30 feet of any lot line, nor within 30 feet of any side lot line, nor within 30 feet of any principal structure or accessory buildings except accessory buildings without frost footings.

(b) No mechanical equipment shall be located closer than 30 feet to any lot line.

(5) No portion of any swimming pool or appurtenances thereto shall be located less than 10 feet to any portion of a sewage disposal line or sewage treatment system, nor shall any water supply line for a swimming pool be less than 15 feet to any portion of the sewage treatment system.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.059 SAFETY FENCE REQUIRED.

(A) (1) A safety fence of at least 5 feet in height shall completely enclose the pool.

(2) All openings or points of entry into the pool area shall be equipped with self-closing and self-latching gates or doors.

(3) All gates and doors shall have a latch which is no less than 4 feet above the ground level and which shall be so constructed and so placed as to be inaccessible to small children.

(4) All gates and doors shall be latched when the pool is not in use or is unattended by an adult with demonstrated swimming ability.

(5) Any opening between the bottom of the fence and the ground level shall not exceed 3 inches.

(B) (1) Safety fences shall be constructed of materials with minimum spaces between the materials and shall be constructed so as to inhibit the climbing thereof by any person.

(2) If a safety fence is located within an area subject to and covered by a homeowners association, and if the homeowners association has an architectural review committee, then the architectural review committee shall approve the location and style of the fence.

(C) (1) Above-ground pools of 4 feet or more in wall height shall be exempt from complete closure by a type of fence resistant to being climbed, however, above ground pools shall be equipped with a fence and gate system at all points of entry to the pool.

(2) The fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications herein contained for underground pools.

(D) No person shall introduce or cause to be introduced any water to a depth of more than 18 inches into the shallowest portion of any swimming pool newly constructed or being constructed until the time as the Building Official authorizes the filling of the pool with water. The authorization shall be withheld until, as a minimum, the permittee has caused the pool to be completely enclosed by a swimming pool construction fence. The construction fence shall:

(1) Be of snow fence like or similar design and be securely anchored in place;

(2) Be constructed with its base flush to the ground;

(3) Be at least 4 feet in height and have supportive posts placed no more than 8 feet apart; and

(4) Remain in place until a permanent fence completely enclosing the swimming pool is installed.

(E) (1) All outdoor spas shall have either a fence as described in this section or a latchable cover.

(2) The cover should be constructed of a material impenetrable by toddlers and subject to inspection by the Building Official.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.060 MISCELLANEOUS REQUIREMENTS.

(A) All back-flushing water or pool drainage water shall be directed on to the property of the owner or on to approved drainage ways. Drainage onto public or private streets or other public or private drainage ways shall require a permit from the Building Official.

(B) Any outdoor lighting of the pool shall not be permitted to spill or shine upon adjacent properties.

(C) All electrical installations shall comply with the State Electrical Code.

(D) Precautions during construction:

(1) Avoid damage, hazards, or inconvenience to adjacent or nearby property;

(2) Assure that proper care shall be taken in stockpiling excavating materials to avoid erosion, dust, or other infringements upon adjacent property; and

(3) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to streets and adjacent private or public property.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.061 NUISANCE.

The conduct of persons and the operation of pools shall be the responsibility of the owner and any tenant thereof and the conduct of persons and operation of the pool shall be done in a manner so as to avoid any nuisance or breach of the peace, and it shall be unlawful to allow loud noises to go beyond the boundaries of the property upon which the pool is located to adjacent property.
(Ord. 76, passed 5-23-1989) Penalty, see § 10.99

§ 150.062 EFFECTIVE DATE.

This subchapter shall take effect and be in force after its passage and official publication.
(Ord. 76, passed 5-23-1989)

Place
City Label Here

POTENTIALLY DANGEROUS DOG DESIGNATION

Name of Owner: _____ **Address:** _____

Brief Description of Dog _____

Name:_____ **Breed:** _____ **Sex:** ____ **Age:** _____ **LBS:** ____ **Color:**_____
Brief Description of the Event:

1. Based on the above observation, it is my determination that the dog is Potentially Dangerous as Defined by MN Statute 347.50-347.56 for one of the following reasons:

A. Potentially Dangerous because (MN Statute 347.50, Subd. 3)

1. When unprovoked, it inflicted bites on a human or domestic animal on public or private property;
2. When unprovoked, it chased or approached a person, including a person on a bicycle, upon the streets or sidewalks or any public or private property, other than the Owner's property in an apparent attitude of attack; or
3. It has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

2. As a result of the Potentially Dangerous Dog Designation, the owner has the following options:

2A. Accept the ACO Designation of a Potentially Dangerous Dog and complete the following:
- ❑ Register the dog as a Potentially Dangerous Dog (See Section 3)
- ❑ Fulfill the Potentially Dangerous Dog Requirements (See Section 4)

2B. Request a hearing on the designation of the dog by completing the attached Request for Hearing form within (14) days of the designation (MN Statute 347.51. Subd. 3-2)

3. The owner must properly register the dog with the City (MN Statute 347.51, Subd. 3-1) by:

3A. Pay an annual fee, providing a photograph of the dog, in addition to any regular dog licensing fees and obtain a certificate of registration for the potentially dangerous dog;
3B. Have a microchip identification placed in the potentially dangerous dog;
3C. Provide a proper enclosure for the dog and posting on the premises a clearly visible warning sign provided by the City that there is a potentially dangerous dog on the property; and
3D. Obtain a surety bond issued by a surety company authorized to conduct business in MN or a policy of liability insurance issued by a company authorized to conduct business in MN in the amount of at least $300,000, insuring the owner for any personal injuries inflicted by the dog.

4. Potentially Dangerous Dog Requirements (MN Statute 347.53)

4A. Provide a proper enclosure for the dog. If the dog is outside the proper enclosure, the dog must be restrained by a substantial leash or chain and by a responsible person.
4B. Owner must renew the registration of the dog annually until it is deceased. If the dog is moved from the jurisdiction, it must be registered as a potentially dangerous dog in the new jurisdiction.
4C. Owner must notify the City in writing of the death or transfer to a new location within 30 days of the death or transfer.
4D. If owner of the potentially dangerous dog rents, the owner of the potentially dangerous dog must disclose this designation to the property owner.
4E. A person who transfers ownership of a dangerous dog must notify the City in writing of the transfer.

By:_____
Animal Control Officer (ACO)
Name:
Contact Information:

CITY OF NORTH OAKS
ORDINANCE 125
AN ORDINANCE CREATING A HOUSING MAINTENANCE CODE

THE CITY OF NORTH OAKS HEREBY ORDAINS AS FOLLOWS;

125.01 PURPOSE
The purpose of the Housing Maintenance Ordinance is to establish an appropriate level of maintenance standards for all property, housing and accessory structures in the City of North Oaks in order to;

(1) Protect the character, value and stability of residential properties and promote the health and safety of all residents within the City of North Oaks.

(2) Provide appropriate standards for the maintenance of properties and buildings, and to thus prevent deterioration and blight.

125.02 APPLICABILITY AND SCOPE
This Housing Maintenance Ordinance shall apply to the exterior portion of all buildings, (whether residential or commercial), accessorial buildings of any sort, and the surrounding properties within the City of North Oaks.

125.03 DEFINITIONS

125.04 EXTERIOR STRUCTURES
The exterior of residential, commercial and accessory structures in the City shall comply with the following standards.

(1) Foundations, Walls and Roofs

a. Shall be maintained in a workmanlike state of maintenance and repair.

b. The foundation elements shall adequately support the building at all points.

c. Exterior walls (surfaces wall-soffit-fascia) shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, substantial amounts of peeling paint and any conditions which might admit moisture, rodents and pests to the interior portions of the walls or to the interior spaces of the structure.

d. The roof structure and all of its components shall be tight and have no defects which admit water. Roof drainage shall be adequate to prevent water from causing dampness or deterioration in the walls or interior portion of the structure.

e. Non-decay resistant wood shall be finished with an approved protective coating.

(2) Stairs, Porches and Decks

a. Stairs, porches, decks and appurtenances attached thereto shall be maintained so as to be safe and capable of supporting a load as determined in the building Code and shall be kept in sound

condition and good repair.

b. Stairs, porches, decks and appurtenances attached thereto shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, substantial amounts of peeling paint and any conditions which might admit moisture to the interior portions of any structure and free of conditions that show a lack of maintenance.

(3) Windows, Doors, Garage Doors and Hatchways

a. Windows, exterior doors and hatchways shall be substantially tight and shall be kept in sound condition, good repair and weather tight.

b. Windows, doors and frames shall be maintained in relation to the adjacent wall constructions, so as to exclude rain and substantially to exclude wind from entering the structure.

c. Windows and Screens

i. Windows shall be supplied with window panes which are without open cracks or holes.

ii. Window screens shall be kept in a good state of repair without holes or tears.

d. Window sashes shall be in good condition and fit reasonably tight within its frame. Windows designed to be opened and closed shall be capable of being opened, closed.

e. Doors and Hatchways

i. Exterior doors, door hinges and door latches shall be in good condition.

ii. Exterior doors, when closed, shall fit reasonably well within their frame.

f. Hatchways shall be so maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

g. Doors available as an exit in a dwelling shall be capable of being easily opened from the inside.

(4)General

The exterior of all buildings and accessory structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All exterior surfaces, including, but not limited to, siding, doors, door and window frames, porches, trim, soffits and fascia, eaves and gutters, balconies, decks and fences shall be maintained in good condition.

(5)Fencing

Fencing on and around property and structures shall be maintained in good repair.

125.05 HOUSING & CODE ENFORCEMENT OFFICER

It shall be the duty of the City Administrator or their designee to enforce the provisions of the Housing Code.

125.06 INSPECTIONS

The City Administrator shall be authorized to make or cause to be made inspections to determine the condition of dwellings in the City under this code in order to safeguard the health, safety and welfare of the public.

125.07 COMPLIANCE ORDERS

Whenever the City Administrator or their designated representative determines that any dwelling, dwelling unit or premises, fails to meet the provisions of this code, they may issue a compliance order

setting forth the violations of the code and ordering the owner of the property to correct such violations. The compliance order shall be in writing, shall describe the location and nature of the violations, establish a time for correction of such violations and be served on the owner of the property. Such a notice shall be deemed proper if a copy is served on the owner personally or sent by USPS mail to the owner's last known address. Upon failure to affect notice by the previously described methods, posting the notice on a conspicuous place in or about the property affected by the notice shall constitute proper notice.

The property owner may appeal a notice of compliance to the City Council by providing a written notice of appeal to the City Administrator. Once a notice of appeal has been received by the City Administrator, a hearing shall be scheduled at the next available City Council meeting.

Once the property owner has been served notice and any appeals have been heard, they have 30 days to bring the house or premises into compliance. If they do not bring the property into compliance in that time, the City is authorized to take action necessary to bring the property into compliance. Actions may include hiring contractors to bring the house or premises into compliance. Any costs that are incurred by the City to bring a property into compliance with this ordinance shall be invoiced to the property owner. Charges that remain unpaid 30 days after notice will be spread as an assessment and certified to the Ramsey County Auditor for collection with the real estate taxes.

125.08 SEVERABILITY
If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions will remain with full force and effect.

125.09 EFFECTIVE DATE.
This ordinance becomes effective on the date of its passage and publications.
(Ord. 125, passed **-**-2017)

CITY OF NORTH OAKS

_____
Michael Egelston, Mayor

ATTEST:

_____
Michael Robertson, City Administrator

CITY OF NORTH OAKS
ORDINANCE 121, AN ORDINANCE
TO REGULATE RESIDENTIAL RENTAL PROPERTIES

Adding Title XI, Section 114 of the North Oaks Code of Ordinances relating to License Regulations for Residential Rental Properties.

The City Council of the City of North Oaks does ordain as follows:
That the North Oaks Code of Ordinances be amended
by adding thereto a new Section 114 to read as follows:

§ 114.10. PURPOSE.

The purpose and intent of this Ordinance is to regulate residential rental properties in the City to ensure that such properties are operated and maintained in accordance with the City's regulations and to ensure that rented homes are maintained as single family residences. The implementation of a rental-licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community.

The operation of rental housing entails certain responsibilities. Owners of rental housing are responsible to take the reasonable necessary steps to ensure that the citizens who occupy rental housing units may pursue the quiet enjoyment in the surrounding area that is safe, secure, private and sanitary; and free from crimes and criminal activity, noise, nuisances or annoyances; free from unreasonable fears about safety of persons and security of property.

§ 114.20. DEFINITIONS.

A. As used in this Ordinance, the following terms mean:
   1. "Applicant" means the Owner of the Dwelling who applies for the license.
   2. "Agent" means a person designated in writing by the Owner as the Owner's representative.
   3. "Certificate of Compliance" means a document issued by the City, stating that the dwelling unit has been inspected and is in compliance with applicable property maintenance codes and regulations.
   4. "City" means the city of North Oaks located in Minnesota.
   5. "City Administrator" means the City Administrator or the City Administrator's designated representative.
   6. "Dwelling" means a building or one or more portions thereof occupied or intended to be occupied for residential purposes; but not including rooms in motels, hotels, tents and recreational vehicles.
   7. "Dwelling Unit" means a residential accommodation located within a dwelling that includes permanently installed cooking and sanitation facilities, designed or intended for use as living quarters for a single family.
   8. "Multi-Family Dwelling" (MFD) means a Dwelling with more than one Dwelling Unit.

9. "Occupant" means a person who lives or sleeps in a Dwelling Unit.
10. "Owner" means a natural person who is the recorded or unrecorded owner of the dwelling unit, an individual, firm, corporation, association, partnership or any other legal entity.
11. "Rental Dwelling" means a Dwelling, Dwelling Unit or any part thereof, that is offered for rental or that the owner plans to offer for rental or permitted occupancy pursuant to an agreement, written or unwritten agreement, whether or not a fee is required by the agreement.
12. "Rental Dwelling License" means a license issued by the City in accordance with this Ordinance that allows occupancy of a Rental Dwelling by an Occupant other than the Owner and permits the Owner to charge, accept or retain compensation for any Rental Dwelling Unit in the City.

§ 114.30. LICENSE REQUIRED.

A. Except as otherwise provided herein, the Owner may not:
   1. Allow any Rental Dwelling, which the Owner has legal rights to, to be occupied, to let or offer to let to another person any Dwelling Unit for occupancy, and,
   2. Charge, accept or retain compensation for any Rental Dwelling Unit, unless the Owner has a valid license or provisional license under the terms of this Ordinance. Owners are not required to obtain a license for family members directly related by blood or marriage, or servants living in the Owner's Dwelling. The application for a Rental Dwelling Unit rental license will be reviewed by the City Administrator in accordance with the provisions of this Ordinance, applicable ordinances, and other applicable rules and regulations.

§ 114.40. APPLICABILITY AND EXEMPTIONS.

A. The provisions of this Ordinance must apply to all Rental Dwellings, including rented single family Dwellings, Multi-Dwelling Units within Dwellings, as well as to rented condominiums, rented townhouses and lease hold cooperative Dwelling Units, as those terms are defined in Minn. Statute Section 273.124, Subd. 6, Minnesota Statutes, Chapter 515A, Minnesota law and the City's municipal code.

B. The following persons or entities are exempt from the requirement of obtaining a license for a Rental Dwelling: facilities subject to licensing under Minn. Stat. 144, such as nursing homes, board and care homes. Also exempt are rental units maintained by a 501c (3) corporation pursuant to a planned unit development agreement in force between the non-profit corporation and the City. However, the aforesaid exempt persons or entities must comply with Section114.120 herein.

§ 114.50. GENERAL LICENSING PROVISIONS.

A. **Scope of Authority.** The City has the authority to exercise its licensing powers under this Ordinance, including the power to issue, renew, deny, revoke, and suspend licenses.

B. **Investigations.** The City is empowered to conduct any and all investigations to verify the information on applications submitted under this Ordinance.

C. **Scope of Rental.** The Owner must rent, let or let occupy the entire Rental Dwelling. Single family homes must be let in their entirety. Rental Dwellings that are townhomes or condominiums must be let in their entirety, to the extent that the Owner has title or right. MFDs, such as apartment buildings, must let each Rental Dwelling.

D. **Provisional Licenses.** Upon application and approval by the City Administrator, the City may grant a provisional license for a Rental Dwelling to an Owner that is already occupied when this Ordinance becomes effective. A provisional license gives the Owner 30 days to comply with this Ordinance and allows the occupants to remain in the Rental Dwelling during the thirty (30) day period.

§ 114.60. APPLICATION FOR A LICENSE.

A. The Owner of a Rental Dwelling must make written application to the City for renting the Dwelling Unit. The application for a license, or renewal of a license, must be made only upon forms furnished by the City and when completed by the Applicant, must be filed with the City, and must contain the following information:

1. **Owner information**. The application must include the name, the business or residence address, for purposes of service of process and telephone number of the Owner.

   a. When a contract for deed is applicable and unrecorded, the Owner of the Dwelling Unit (the seller) must obtain a Rental Dwelling License under this Ordinance for the Occupant (the buyer).

2. **Designation of Agent**. If the Owner is not a natural person and/or resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue, then the Owner must appoint an Agent authorized to accept service of process and to receive and give receipt for notices. The Owner must provide the Agent's information: the name of the Agent, business or residence address, and telephone number of such Agent. The Agent must reside within the sixteen-county area of Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue. The Owner or Agent must immediately notify the City if the Agent moves outside of the sixteen-county metropolitan area.

3. For any address herein required, a post office box or commercial mail receiving service are not acceptable as an address.

4. The phone number herein required must be of a phone number that is normally answerable twenty-four (24) hours a day, seven (7) days a week, not subject to normal business hours.

5. Street address of the Rental Dwelling, and if a Dwelling Unit, the number or designation of the Dwelling Unit.

6. Description of the Rental Dwelling (e.g., townhome, single family home, number of

bedrooms, number of bathrooms, etc.).
7. **Occupants**. Names of all adults at least (18) years of age residing in the Rental Dwelling, including any names they have ever used or been known by.
8. A statement as to whether the Owner has ever had a license for a Rental Dwelling denied, revoked or suspended, and the reason therefor.
9. **Insurance**. Proof of current insurance and policy coverage. The insurance must be based on the value of the Rental Dwelling. A certificate for current insurance must be provided at the time of application for the license.
10. Where applicable, a letter from the sub-association of the North Oaks Homeowners' Association of an area in which the Rental Dwelling is located stating that rental of the Rental Dwelling is allowed under the sub-association's current rules or covenants.
11. **Criminal background check required**. The City is interested in Rental Dwelling Owners being well informed about a prospective Occupant's past, regardless of whether or not the owner decides to enter into a lease with the prospective Occupant. Therefore, the Owner must conduct background checks on all prospective Occupants. Documentation of the background checks must be kept on file by the Owner for the length of the Occupant's lease.
12. In the event that any of the information provided in accordance with this Ordinance substantially changes, the Owner must promptly notify the City in writing of the change. Furthermore, for just cause, the City Administrator may require that an Owner complete and file a new or replacement application for any Rental Dwelling, giving Owner fourteen (14) days to comply.

B. The application may not be granted, or any granted license is subject to revocation or suspension, if one or more of the following is found to be true:
1. The Applicant is under eighteen (18) years of age.
2. The Agent is under eighteen (18) years of age.
3. A criminal background check of any Occupants 18 years of age and older has not been conducted pursuant to this Ordinance.
4. The Owner has failed to remedy prior municipal or statutory violations.
5. Upon inspection, the Rental Dwelling is considered to be substandard. The term substandard means not in compliance with any part of Section 114.100 herein.
6. The Owner and/or Occupants of the Rental Dwelling refuse an inspection.
7. Any due and payable real estate taxes, municipal utility bills, or penalties or assessed fees for the Dwelling Unit have not been paid.
8. Renting of the Dwelling Unit is in violation of any municipal, county, state or federal ordinances, regulations or statutes, or any applicable rules.
9. The Owner or Agent made oral or written misrepresentations of material facts in or accompanying the application.

C. The Applicant must comply with the following:
1. Applicant must make a reasonable inquiry to determine that all provisions of this Ordinance are complied with prior to filing an application for a license.
2. Applicant must promptly inform the City if any part of Section 114.60 is found not

to be true, or becomes not true, or if any changes or corrections are needed to the information provided in the application.

D. **License fees and Investigation Fees.** The annual fee for a license and the investigation fee for the purpose of establishing a licensed Rental Dwelling are established by the City Council. Fees may be changed from time to time by resolution or ordinance of the City Council. If the license is denied by the City, then no part of the application fee or the investigation fee must be returned. No part of the annual license fee must be refunded if the license is suspended, revoked, or discontinued. A licensing fee must be paid for each application and no part of the application fee must be returned if the occupancy changes during the same calendar year.

§ 114.70. LICENSE EXPIRATION AND RENEWAL.

A. Licenses issued under this Ordinance must expire on December 31st of each year.

B. All Owners must apply for renewal of their licenses on a form provided by the City. An individual who is operating a Rental Dwelling after the license has expired is operating an unlicensed Rental Dwelling in violation of this Ordinance.

C. A new license application is required for a change of ownership of a Rental Dwelling.

D. Noncompliance with written orders duly issued pursuant to the inspection required under this Ordinance must constitute cause for the imposition of adverse license action, including but not limited to license denial.

E. If the licensee discontinues rental use and re-occupies the converted Dwelling as an owner occupant, no part of the application fee, inspection fee or license fee will be returned.

§ 114.80. REGULATIONS AND CONDITIONS OF LICENSE.

The Owner of a Rental Dwelling must comply with the following regulations:

A. **Property Maintenance**. No license for a Rental Dwelling may be issued or renewed unless the Rental Dwelling and its premises conform to all applicable ordinances of the City for maintaining at least a minimum level of property maintenance. The City Building Inspector is authorized to conduct inspections of Rental Dwellings to determine the compliance of the applicable provisions of municipal code and applicable law and regulations. The City may revoke any Rental Dwelling License for violations.

B. **Property Conformance to Laws.** The Owner and Occupants of a Rental Dwelling, and any person or contractors in their employ, must comply with all applicable City, county, state or federal ordinances, regulations and laws which are applicable to the premises and to renting a Dwelling.

C. **Individual's Conformance to Laws.** The Owner and Occupants of a Rental Dwelling and renters must permit inspections during regular business hours by the City's law enforcement agency, City Administrator, building inspector, or appropriate fire or health officials to determine compliance with the city regulations or other appropriate state or county regulations. Failure to allow inspection of the Rental Dwelling must result in a revocation of the Rental Dwelling License.

D. All property taxes, city bills, fees, and penalties must be paid when due.

E. The Rental Dwelling must be clean, sanitary and well maintained; all City, county, State or federal ordinances, regulations and laws must be complied with.

F. The Owner must ensure and take all reasonable efforts to maintain the privacy, health, safety, and general welfare of the community.

G. **Building Security**. Dwellings and Dwelling Units must comply with all applicable state law, regulation, municipal code, and International Fire Code, including, but not limited, to having any required locks on all entrances, windows, egresses, etc. to the Dwelling and Dwelling Unit.

H. **Inspections.** No Rental Dwelling License may be issued or renewed unless the Owner agrees in the application to permit inspections of the identified Rental Dwelling. Inspections must be in accordance with Section 114.100 herein.

I. **Access to Premises.** Every Occupant of a Rental Dwelling must, upon reasonable notice, give the Owner or Agent and the City Administrator or authorized representative access to any part of the Rental Dwelling at all reasonable times for the purpose of making inspections, repairs, or alterations as are necessary to effect compliance with the provisions of this code. If any Owner, Occupant, or other person in charge of the building refuses to permit free access and entry to the structure or premises under his control for inspection pursuant to this Ordinance, the City Administrator may refuse or revoke the Rental Dwelling License. The Owner will be charged for any fees or expenses incurred as a result of refusal of entry.

J. **Response Required.** The Owner, Agent, or the person designated as responsible for the maintenance and management of the premises, whether that person is also the Owner or a designee of the Owner, is required to respond to inquiries from the City or the police department within ten (10) days from the date of inquiry. The duty imposed by this subsection to respond to inquiries includes a duty to attend an in-person meeting when reasonably scheduled by an employee of the departments referenced herein. Failure to respond in a reasonable period of time may lead to adverse license action pursuant to Section 114.120 of this Code.

K. **Conduct on License Premises.** Tenant leases for all licensed Rental Dwellings must contain language applicable to Occupants that prohibits the Occupants from engaging in disorderly conduct. For purposes of this Ordinance, an Occupant will be considered disorderly if the Occupant violates:

1. Section 151.032 and Minnesota Administrative Rules Chapter 7030 relating to noise.
2. Minnesota Statute 152.01 et seq. relating to the possession of controlled substances.
3. Minnesota Statutes 609.72 relating to disorderly conduct.
4. Minnesota Statutes 340A.701, 340A.702 and 340A.703 relating to the sale of intoxicating liquor.
5. Minnesota Statutes 609.321, Subdivision 9, relating to prostitution or acts of prostitution.
6. Minnesota Statutes 609.66 et seq. relating to the unlawful use or possession of firearms.
7. Minnesota Statute 609.2242 relating to assault.
8. Minnesota Statute 260C, et seq. relating to contributing to the need for protection or services or delinquency of a minor.
9. Minnesota Statute 609.75 through 609.76 relating to gambling.

L. **Fire Safety.** The Owner must comply with the provisions of the International Fire Code, or the most applicable fire safety code recognized by the City.

M. **Crime Free/Drug Free Lease Addendum.** All tenant leases signed following the enactment of this Section, except for state-licensed residential facilities and subject to all state and federal laws, must contain the following Crime Free Housing language or equivalent thereof in said lease or in the form of an addendum:

1. Occupant, any members of the Occupant's household or a guest or other person under the Occupant's control, may not engage in or facilitate illegal activity, including drug-related illegal activity, on or near the premises. "Drug related illegal activity" means the illegal manufacture, sale, distribution, purchase, use or possession with the intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802) or possession of drug paraphernalia.
2. Occupant, any member of the Occupant's household or guest or other person under the Occupant's control may not engage in acts of violence or threats of violence, including but not limited to the unlawful discharge of firearms, prostitution, criminal street gang activity, or acts which otherwise jeopardize the health, safety and welfare of the landlord, his agents or tenants.

N. Violation of any of the above provisions of Section 114.80 herein is a material violation of the lease and good cause for immediate termination and revocation of the rental license.

§ 114.90. INSPECTIONS.

A. The City is also empowered to conduct inspections and to designate an authorized person or persons to conduct inspections of Rental Dwellings, in accordance with this Ordinance.

B. It is the responsibility of the Owner or Agent to inform Occupants of the scheduled inspections. The license holder and/or designated resident Agent must be present for scheduled inspections. The City reserves the right to perform or require additional inspections if deemed necessary by the City.

1. Inspections must be due to:
   a. **Initial/Routine Inspections.** Upon receipt of a complete application for a Rental Dwelling License, an inspection of the premises must be conducted thereafter by the City Building Inspector to ensure that the Rental Dwelling and premises are in substantial compliance with all applicable City and state laws, ordinances and regulations. Initial inspections must be conducted during the application process for obtaining a Rental Dwelling License. Inspections for renewing a Rental Dwelling License must be conducted every (3) years from the time of initial issuance of the Rental Dwelling License during the period of renewing the Rental Dwelling License.

2. **Notification.** Prior to conducting an inspection, the City Administrator must mail notice to the Owner or its Agent and provide reasonable notice of the scheduled inspection date. If the Owner and/or Agent of the property request a change in proposed date of inspection, request must be made at least (72) hours in advance of proposed inspection date.

C. **Access to Premises.** Every Occupant of a Rental Dwelling must, upon 48 hours' notice, give the Owner or Agent and the City Administrator or authorized representative access to any part of the Rental Dwelling or its associated properties during regular business hours for the purpose of making inspections, repairs, or alterations as are necessary to effect compliance with the provisions of this code. If any Owner, Occupant, or other person in charge of the building refuses to permit free access and entry to the structure or premises under his control for inspection pursuant to this Ordinance, whereupon, the City Administrator may revoke the license, or may seek an administrative search warrant to gain access of the Rental Dwelling for the purposes of inspection in accordance with this Ordinance.

D. **Application Inspection Fees.** Fees for the initial inspection and re-inspection are listed at City Hall and on the City's web site. Initial inspection fees and renewal application fees are due when an Owner applies for a Rental Dwelling License or the Rental Dwelling Renewal. The City Administrator may determine, upon denial of a license that a new application must be filed and the application fee paid. Fees must be established by resolution from time to time by the City Council.

§ 114.100. COMPLIANCE ORDER.

If a violation is found and the Owner is not in compliance with this Ordinance, the City must send a compliance order to the Owner.

A. **Content of Order**. The Compliance Order must:
   1. Be in writing.
   2. Describe the location and nature of the violations of this Ordinance.
   3. Establish a reasonable time period for the correction of violations.
   4. Be served upon the Owner or its Agent and/or the Occupant, as the case may require. Such notice must be deemed to be properly served if a copy thereof is:
      a. Personally served on Owner or its Agent; or
      b. Sent by registered or certified mail to Owner's or its Agent's last known address; or
      c. Upon failure to affect notice through (a) or (b) above, notice may be posted at the main entrance to the Rental Dwelling.

§ 114.110. ADVERSE LICENSE ACTION; GROUNDS.

A. **License Suspension or Revocation.** A Rental Dwelling License is subject to suspension or revocation by the City Administrator for the reasons specified herein. Prior to suspension or revocation, the Owner or its Agent must be notified in writing at least five (5) days prior to the City Administrator's consideration of such action. In the event that a Rental Dwelling License is suspended or revoked by the City Administrator, it must be unlawful for the Owner or its Agent to thereafter permit any new occupancy for vacant or thereafter vacated Rental Dwellings, until the Rental Dwelling License has been reinstated. Upon decision to suspend, revoke, deny or not renew a license, no new application for the same facility will be accepted for a period specified in the Council's written decision, not exceeding one-year. Issuance of a new Rental Dwelling License after suspension or revocation must be made in the manner provided for obtaining an initial license, except that the license fee must be equal to one hundred fifty (150) percent of the original license fee. A Rental Dwelling License may be suspended or revoked for non-compliance or violation of any section of this ordinance.

B. **Penalty and Eviction.** When the Owner or Agent does not comply with this Ordinance, or allows or fails to prevent disorderly use of the premises, then, after proper notice, the City has the right to penalize the Owner and/or Agent under this Ordinance and other Ordinances of the City's code, such as Ordinance 10.99.

   The City Administrator may fine the Owner or revoke the rental license until the violation is remedied. Fines are listed at City Hall and on the City's web site.

   If the Owner allows Occupants to be in the Dwelling Unit without a valid Rental Dwelling License, or if the City deems eviction necessary as a result of violation of municipal code or State law, when the Owner or Agent fails or refuses to evict the Occupants, then the City may take steps necessary to remove the Occupant from the Dwelling Unit.

The City may access penalties against Owner, Agent or Occupant as deemed necessary for violations under this Ordinance, in accordance with Ordinances 10.98 and 10.99 under this code.

C. **Conduct Pending Eviction.** No adverse license action may be imposed where the noncompliance or disorderly use of a Rental Dwelling occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the Owner or its Agent to an Occupant to vacate the premises, where the disorderly use was related to conduct by the Occupant or by other Occupants or guests of the Occupant's Rental Dwelling. Eviction proceedings are not a bar to adverse license action, however, unless they are diligently pursued by the Owner or its Agent. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this Ordinance may be postponed or discontinued at any time it appears that the Owner or its Agent has taken appropriate measures which will prevent further instances of disorderly use.

D. **Reinspection Fee***.* There is no fee for an initial inspection to determine the existence of a housing maintenance code violation. A fee must be charged for all subsequent re-inspections when the violation is not corrected by the time specified in the written notice. The fees are listed at City Hall and on the City's web site and will be established by resolution from time to time by the City Council.

E. **Posted to Prevent Occupancy**. Whenever any Dwelling or Dwelling Unit has not obtained the required license, or has been denied a license or has had its Rental Dwelling License suspended or revoked or is deemed unfit for human habitation, it may be posted with a placard by the City Administrator to prevent further occupancy.

F. **Failure to Obtain a License.** If it is determined that a Rental Dwelling is being operated without a valid license, the City reserves the right to conduct an immediate inspection with proper notice in accordance with Section 114.100. It shall be unlawful for an Owner, after notice, to continue operation of a Rental Dwelling without submitting an application for a license under this Ordinance, along with the necessary license fee. Once an application has been made, it is unlawful for the Owner to permit any new occupancies of vacant, or thereafter vacated, Rental Dwellings, until such time as the Rental Dwelling License is issued.

§ 114.120. EXEMPT PROPERTIES.

Exempt properties under Section 114 must file an exempted property application provided by the City that includes, information required by Section 114.60. Exempted properties must show to the City:

A. Proof that they qualify for exemption status; and,
B. State of Minnesota issued licenses and certifications.

§ 114.130. TRANSFERABILITY.

Rental Dwelling Licenses issued in accordance with this Ordinance are non-transferrable. Subletting of Rental Dwellings is prohibited and a new application must be submitted to the City.

§ 114.140. APPEAL.

If the Rental Dwelling License is suspended or revoked by the City Administrator, the license holder may appeal the decision to the City Council.

§ 114.150. SEVERABILITY.

If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions will remain with full force and effect.

§ 114.160. EFFECTIVE DATE.

This ordinance becomes effective on the date of its passage and publications.
(Ord. 121, passed 6-09-2016; Am. Ord passed 5-11-17)

EXHIBIT A

CITY OF NORTH OAKS – Inspection Compliance Order

License No. _____ _____ _____

Property Address: – _____ Date: _____, _____

Owner/Manager/Agent _____

Interior Housing Condition

Plumbing Systems

_____Hot and cold water

_____Free from obstructions, leaks and defects

_____Caulking; bathtub/shower/tile/faucet/toilet

Mechanical Systems

_____Bathroom exhaust fans in working condition Vented to the outside

_____Laundry: Vented to outside

– _Water heater relief valve drain tube

Electrical System

_____Outlets/fixtures maintained -no exposed Wires

____Missing outlet covers

Stairways

_____Handrails present

Fire Safety

_____Missing Smoke detector(s)

_____Missing Carbon Monoxide detector(s)

Windows and Doors

_____Broken window panes

____ Tears or holes in screens

_____Exit door easily opened from the inside

Septic System

_____Meets city requirements

Building Security

_____Entry doors, windows, hatchways contain a Security device to prevent unauthorized entry

Comments=- _____--'- _____ _____

_____

_____

Re-inspection Date: _____ ____ **Contact Info: Kevin White 763-355.5801**

Inspection Checklist

Smoke and Carbon monoxide detectors are operating and located in accordance with Code:

- A smoke detector in every bedroom and on every level of the house, including the basement.
- A smoke detector in every hall/area outside the bedrooms.
- A carbon monoxide detector located in the hall within 10 feet of all bedrooms.
- Batteries should be replaced annually.

Laundry dryers: vented to the outside.

Stairways and exits are clear of storage and/or furniture. Furnace/Boiler rooms: clear of combustibles.

The interior and exterior of the house and grounds are free from accumulations of refuse, garbage and storage.

Compliance Orders:

This notice is a compliance order. A copy will be left at the premises and a copy will be mailed to the owner/resident agent. The notice identifies the corrections needed, if any. If the property does not pass the inspection, this compliance order will indicate the corrections needed and the time frame in which they are to be completed. A re-inspection date will also be scheduled. A fee will be charged for any subsequent re-inspections that are needed to verify that the corrections have been completed. If the corrections are not made, a citation may be issued for the

violation and the City Council has the authority to suspend or revoke the license.

Re-inspection Fee:

Re-inspection fees will be charged if the City Staff cannot access the property during the initial scheduled inspection and after the second re-inspection if corrections initially identified have not been corrected. The re-inspection fee will be determined from time to time by action of the City Council.

LEASE ADDENDUM FOR CRIME-FREE/DRUG-FREE HOUSING

In consideration of the execution or renewal of a lease of the dwelling u nit identified in the lease, Owner and Resident agree as follows:

1. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in illegal activity, including drug-related illegal activity, on or near the said premises. "Drug-related illegal activity" means the illegal manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]) or possession of drug paraphernalia.
2. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate illegal activity, including drug-related illegal activity, on or near the said premises.
3. Resident or members of the household will not permit the dwelling to be used for or to facilitate illegal activity, including drug-related illegal activity, regardless of whether the individual engaging in such activity is a member of the household.
4. Residents or members of the household will not engage in the manufacture, sale, or distribution of illegal drugs at any locations, whether on or near the dwelling unit premises or otherwise.
5. Resident, any member of the resident's household, or a guest or other person under the resident's control shall not engage in acts of violence or threats of violence, including but not limited to the unlawful discharge of firearms, prostitution, criminal street gang activity, intimidation, or any other breach of the rental agreement that otherwise jeopardizes the health, safety or welfare of the landlord, his agents or tenants.
6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and material non-compliance with the lease.
7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.
8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

_____	_____
Management	Resident(s)
	_____
	Resident(s)
Date Signed _____	Date Signed _____

Resident(s) acknowledge receipt of this addendum by signature of this document.

City of North Oaks Code of Ordinances

CHAPTER 51: SUBSURFACE SEWAGE TREATMENT SYSTEMS

Section:

51.1 Purpose, applicability, and authority

51.2 General provisions

51.3 Standards adopted

51.4 Permits

51.5 Application and Interpretation

51.6 Violations and penalties

§ 51.01 PURPOSE, APPLICABILTY, AND AUTHORITY.

(1) *Purpose.* It is the purpose of this chapter to establish standards for the proper design, installation, location, construction, operation, use and maintenance of subsurface sewage treatment systems (SSTS) and individual sewage treatment systems (ISTS) in order to protect the public health, safety, and general welfare.

(2) *Applicability.* This chapter shall apply to those sites or facilities that are licensed, permitted, or otherwise regulated by the City of North Oaks. The provisions of this chapter shall apply to any premises in the city that are served by a subsurface sewage treatment system permitted by the Minnesota Pollution Control Agency.

(3) *Authority.* This chapter is adopted pursuant to the authorization and requirements contained in M.S. § 145A05, M.S. § 115.55, and Minnesota Rules Chapter 7082.

§ 51.02 GENERAL PROVISIONS.

(1) *Treatment Required.* All sewage generated in unsewered areas shall be treated and disbursed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.

(2) *Administration.* This chapter shall be administered by the City of North Oaks Building Department. The term *DEPARTMENT,* where used in this chapter, shall mean the City of North Oaks Building Department.

(3) *Compliance.* No person shall cause or permit the location, construction, alteration, extension, conversion, operation, or maintenance of a subsurface sewage treatment system, except in full compliance with the provisions of this chapter.

(4) *Conditions.* Violation of any condition imposed by the city on a license, permit, or variance issued under this chapter shall be deemed a violation of this chapter and subject to the penalty provisions set forth herein.

(5) *Site Evaluation, System Design, Construction, Inspection, and Servicing.* Site evaluation, system design, construction, inspection, and system servicing, shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of local governments or persons exempt from licensing in Minn. Rule 7083.0700.

a) At the time of subdivision, development, or redevelopment, the developer of each lot, which will not be serviced by municipal sanitary sewer, shall identify 2 sites, each 5,000 square feet in size, for the purpose of sewage treatment and dispersal. These sites, as identified by the developer, shall be protected from all future encroachment by any improvements, construction, or other activities that may result in compaction or disturbance of soil on the site, other than the installation of a sewage treatment system.

b) At least four (4) soil observations, and two (2) percolation tests, must be conducted to assure that suitable soil exists in each area for long-term treatment. At least one (1) soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.

(1) If two (2) or more different soil textures are present in the proposed treatment area, at least one (1) soil observation and one (1) percolation test shall be performed in each soil texture.

(6) *Inspection.* No part of an individual sewage treatment system shall be covered until it has been inspected and approved by the Department. If any part of the system is covered before being inspected and approved as provided herein, it shall be uncovered upon the direction of the Department. The Department shall cause such inspections as are necessary to determine compliance with this chapter. It shall be the responsibility of the permittee to notify the Department that the system is ready for inspection. If the integrity of the system is threatened by adverse weather if left open and the Department is unable to conduct an inspection, the permittee may, after receiving written permission from the Department, document compliance with this chapter by photographic means that show said compliance and submit that evidence to the Department prior to final approval being sought.

(7) *Sanitary Inspector.* The Sanitary Inspector is any individual licensed by the MPCA as an Inspector, who approves the design, grants permits, and inspects the installation and maintenance of subsurface sewage treatment systems for the City of North Oaks.

(8) *Compliance Inspection and Certificate of Compliance Required.* For all properties served by an SSTS, a compliance inspection and a Certificate of Compliance are required:

a) Prior to the issuance of a building permit when altering an existing structure to add a bedroom.

b) In Shoreland areas, prior to the issuance of a building permit that will result in increased lot coverage.

c) When a parcel having an existing system undergoes development, redevelopment, or subdivision.

(9) *Noncompliant Systems and Imminent Public Health Threat.*

a) The owner of an SSTS that poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the Department and be brought into compliance with this chapter in accordance with a schedule established by the Department, which schedule shall not exceed ten (10) months.

b) A Noncompliant system shall be brought into compliance within twenty four (24) months after receiving notice of noncompliance.

c) An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.

(10) *Septic Tank Maintenance.* The owner of a sewage tank, or tanks, shall regularly, but not less frequently than every two (2) years, engage a licensed Maintenance Business, who shall inspect the tank(s) in order to maintain the system in accordance with the procedures specified in MN Rules 7080.2450. Removal of septage shall include complete removal of scum and sludge. Maintenance reports, on forms approved by the Department, are required to be submitted to the City within thirty (30) days of servicing the system. A filing fee, as set by resolution, shall be required to be paid upon filing of the reports.

(11) *Variances.* Where conditions prevent the construction, alteration, and/or repair of a sewage treatment system in strict compliance with the requirements of this chapter, the property owner may apply for a variance following the procedures outlined in North Oaks City Code Sections 151.078 & 151.079.

(12) *Floodplain.* An SSTS shall not be located in a floodway or floodplain location within the flood fringe is permitted provided that the design complies with this chapter and all of the rules and statutes incorporated herein by reference.

(13) *Class Injection Wells.* All owners of a new or replacement SSTS that are considered to be Class V injection wells, as defined in C.F.R. Title 40, Part 144, are required by federal law to submit SSTS inventory information to the Environmental Protection Agency.

§ 51.03 STANDARDS **ADOPTED.**

(1) *Minnesota Rules Adopted.* Adopted and incorporated herein by reference is current M.S. §§ 115.55 *et seq.* and MN Rules, Chapters 7080 and 7081, as they may be amended from time to time, Subsurface Sewage Treatment Systems Program of the Minnesota Pollution Control Agency, and amendments thereto adopted subsequent to the effective date of this subchapter.

(2) *Rules Amended.* The Rules, adopted in division (1) above, are amended as follows:

a) *Compliance Inspection, 15 Percent Vertical Separation Reduction.* Minn. Rules 7080.1500, Subp. 4D, is amended to allow fifteen (15) percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to accountfor settling and variable interpretation of soil characteristics.

b) *Sewage Tanks.* Capacity sewage tanks shall meet the requirements of MN Rules, Chapter 7080.1930, as it may be amended from time to time, except the liquid capacity of septic tanks serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given below in Table I below.

TABLE I

Number of Bedrooms	Tank Liquid Capacities (Gallons)
4	2,500
5 or 6	3,000
7, 8, 9	4,000
10 or more	The septic tank shall be sized as another establishment; MN Rules, Chapter 7080.1930, as it may be amended from time to time, covers this detail.

c) *Design Flow.* Design flow shall be according to MN Rules Chapter 7080.1860 Table IV, except that all dwellings shall be considered Classification I, and no design shall be for less than 3 bedrooms. For multiple residential units, the estimated daily flow shall consist of the sum of the flows for each of the units.

d) *Setbacks.* Setbacks shall be according to MN Rules Chapter 7080.2150 Table VII, except that the setback distance for all tanks and treatment areas to property lines, wetlands and the nearest edge of any road easement shall be thirty (30) feet.

e) *Dosing of Effluent.* An alarm shall be installed on an electrical circuit separate from the pump to warn of pump failure. The dosing chamber shall be a separate tank.

(3) *Holding Tanks.* Holding tanks may only be allowed for replacement of an existing system where an SSTS cannot feasibly be installed and the Department finds extenuating circumstances.

(4) *System Abandonment.* An SSTS or any component thereof that is no longer intended to be used must be abandoned in accordance with the adopted standards of this chapter.

(5) *Type III and IV (Performance) Systems*. System Types I-IV are pursuant to Minn R. 7080.2200 through 7080.2400. Type III and IV systems may be installed provided that:

a) Type III systems may be installed where a Type I system cannot be feasibly installed.

b) Type IV systems may be installed on lots platted prior to the two 5,000 square foot site requirements referenced in Section 51.02(5)a), as a new or replacement system, where a Type I or III system cannot be installed; and, on all other lots , only as a replacement system where a Type I or III system cannot be installed.

c) Type IV systems are subject to an Operating Permit renewable every two (2) years.

d) In addition to the permit fees for system installations, the applicant shall reimburse the city for all costs incurred for the additional review and inspection services of the required Intermediate or Advanced Designer/Inspector. A minimum deposit of $500.00 towards these costs shall be made at the time of application.

§ 51.04 PERMITS.

(1) *Permit Required.* No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any SSTS without first obtaining a permit for such work from the Department.

a) All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing. Permit applications shall be submitted by the person doing the individual SSTS construction on forms approved by the Department and accompanied by required site and design data, and permit fees.

b) Permits shall only be issued to the person doing the individual sewage treatment system construction.

c) Permit applications for a new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.

d) Except for tank replacement, a permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components, or otherwise change the original system's design, layout, or function.

e) An As-Built Report complying with MN Rules Chapter 7080.2430, must be submitted to the City of North Oaks prior to obtaining a Certificate of Compliance for all new system installations.

(2) *Operating Permit.* An operating permit shall be required of all owners of new holding tanks, Type IV and V systems, MSTS, and other SSTS that the Department has determined require operational oversight.

a) Application for an operating permit shall be made on a form approved by the Department.

b) The owner of holding tanks installed after the effective date of this chapter shall provide the Department with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

§ 51.05 APPLICATION AND INTERPRETATION.

(1) Where the conditions imposed by any provision of this subchapter are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulations of any kind, then the regulations which are more restrictive or imposed higher standards or requirements shall prevail.

§ 51.06 VIOLATIONS AND PENALTIES.

(1) *Authority.* The Sanitary Inspector shall have the authority to conduct inspections of any individual sewage treatment system which may possibly be an imminent health threat or a nuisance and may conduct inspections of any individual sewage treatment system which may possibly be deemed Noncompliant.

a) The owner of any lot upon which the system is found to be an imminent health threat, a nuisance, or otherwise not in compliance with this subchapter, including maintenance/pumping requirements, shall be given written notice thereof.

b) After receipt of a notice thereof, it shall be the responsibility of the owner to correct the defects within the time period(s) provided in the notice.

(2) *Misdemeanor.* Any person who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during on which a violation occurs or continues. Penalty, see § 10.99

(3) *Civil action/injunctive relief.* In the event of a violation or a threat of violation of this chapter, the Department may institute appropriate civil or administration actions or proceedings, including actions seeking damaged, filing of a Notice of Interest, declaratory relief, or injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations, and the City Attorney is authorized to institute such action.

(4) *Effective Date.* This chapter shall take effect and be in force upon publication

(5) *Repealed.* North Oaks Ordinance Chapter 50, Sections 50.01 through 50.21 is hereby repealed.

150.012 SIGNS AND ADVERTISING

The use of any portion of an antenna structure or antenna for signs other than warning or equipment information signs is prohibited.

(Ord. 90, passed 5-14-1998)

CITY OF NORTH OAKS
ORDINANCE 113
TO REGULATE THERAPEUTIC MASSAGE ESTABLISHMENTS AND MASSAGE THERAPISTS

Adding Title XI, Section 113 of the North Oaks Code of Ordinances relating to Licenses and Business Regulations for Therapeutic Massage and Establishments.

The City Council of the City of North Oaks does ordain as follows:

That the North Oaks Code of Ordinances be amended by adding thereto a new Section 113 to read as follows:

§ 113.10. PURPOSE.
The purpose and intent of this Ordinance is to regulate Therapeutic Massage Establishments and Massage Therapists, as defined herein, in order to protect and promote the public health, safety and welfare by:

A. Providing a clean, sanitary, healthy and safe environment in which Massage Therapists can operate.
B. Recognizing Therapeutic Massage as a legitimate business occupation.

§ 113.20. DEFINITIONS.
As used in this Section, the following terms shall mean:

A. “Therapeutic Massage” shall mean, for the purposes of this ordinance, services consisting of or relating to any method of the manipulation of soft body tissue (muscle, connective tissue, tendons and ligaments), including but not limited to applying pressure to, or friction against, or rubbing, stroking, kneading, tapping or rolling of the external parts of the human body.
B. “Massage Therapist” shall mean any person who offers Therapeutic Massage.
C. “Therapeutic Massage Establishment” shall mean any place wherein Therapeutic Massage is conducted by a Massage Therapist.
D. “City” shall mean the city of North Oaks located in Minnesota.
E. “Applicant” shall mean either the owner of the Therapeutic Massage Establishment or the Massage Therapist, who applies for the license.
F. “Responsible Person” shall mean a parent or guardian of a minor.

§ 113.30. EXEMPTIONS.

The following persons are exempt from compliance with the provisions of this Section: Persons licensed or registered to practice medicine, surgery, nursing, osteopathy, chiropractic, dentistry, physical therapy, or podiatry, and individuals performing Therapeutic Massage under the direction of such persons, provided that they are rendering Therapeutic Massage within their scope of employment.

§ 113.40. LICENSE REQUIRED.

Except as otherwise provided herein, no person shall provide Therapeutic Massage or engage in the business of operating a Therapeutic Massage Establishment, without first obtaining a license issued by the City. The license of a Therapeutic Massage Establishment and the license of each Massage Therapist must be displayed prominently on its premises.

§ 113.50. LICENSE REQUIREMENTS.

A. Investigations. The City is empowered to conduct any and all investigations to verify the information on applications submitted under this section, including ordering a criminal history inquiry and/or a driver's license/identification history inquiry on the Applicant or persons listed in the application, and any other inquiry deemed necessary by the City or its agents.

B. Application for a Therapeutic Massage Establishment. The application for a license, or renewal of a license, for a Therapeutic Massage Establishment shall be made only upon forms furnished by the City and when completed by the Applicant, shall be filed with the City, and shall contain the following information:
   1. Names and addresses of the business owner, the manager or operator and, if a corporation, and names and addresses of the officers of such corporation.
   2. Names of all persons performing Therapeutic Massage in the Therapeutic Massage Establishment, including any names they have ever used or been known by.
   3. A statement as to whether the persons named in Section 113.50(B) have had any license denied, revoked or suspended, and the reason therefor.
   4. Applicant shall include information about past applications for a license with the City for operating a Therapeutic Massage Establishment, including if the application was denied or the license was revoked or suspended and the reason therefor.
   5. A description of any crime or other offense, including the time, place, date and disposition for which any of the persons required to be named in Section 113.50(B) have been arrested and convicted.
   6. Proof of Insurance and policy coverage.
   7. The applicant shall report any disciplinary action recorded by the Office of Unlicensed Complementary and Alternative Health Care Practice in the Minnesota Department of Health, Health Occupations Program and/or from other similar state agencies, of any employee of the Therapeutic Massage Establishment.
   8. A description of services to be offered related to Therapeutic Massage.

C. Application for a Massage Therapist. The application for a license, or renewal of a license, for a Massage Therapist shall be made only upon forms furnished by the City and when completed by the Applicant shall be filed with the City, and shall contain the following information:
   1. The name, address and birth date of the Applicant.
   2. A statement as to whether the Applicant has received a Comprehensive Certificate of Massage from a school recognized by the Minnesota Higher Education Board, or certification or licensing from an equivalent accredited out of state institution and be a member in good standing of the Minnesota Therapeutic Massage Network or the American Massage Therapy Association or other organizations possessing the same or similar standards and having an enforceable code of ethics.
   3. A statement whether or not the Applicant has had any license denied, revoked or suspended and the reason therefor.
   4. A description of any crime or other offense, including the time, date and disposition, for which any of the persons named in Section 113.50(B) have been arrested and convicted.

D. The application shall not be granted, or any granted license shall be subject to discipline, if one or more of the following is found to be true:
   1. Except in the case of a corporation, the Applicant is under eighteen (18) years of age.
   2. A Massage Therapist is under eighteen (18) years of age.
   3. A Massage Therapist is not a United States citizen or lawfully authorized to work in the United States.
   4. A Massage Therapist has not received a Comprehensive Certificate of Massage from a school recognized by the Minnesota Higher Education Board, or certification or licensing from an equivalent accredited out of state institution and be a member in good standing of the Minnesota Therapeutic Massage Network or the American Massage Therapy Association or other organizations possessing the same or similar standards and having an enforceable code of ethics.
   5. The Applicant, any employee or any contractor has been convicted of a felony, any sexually oriented crime, ordinance violation or any conducted prohibited by Minnesota statutes 146A.08.
   6. The Applicant, any employee, or any contractor has been required to register as a predatory offender under Minnesota statute Section 243.166 or similar law in Minnesota or elsewhere.

E. Applicant. The Applicant shall comply with the following:
   1. The Applicant shall make an inquiry to determine that all of Section 113.50(D) is complied with prior to filing an application for a license.
   2. Applicant shall inform the City promptly if any part of Section 113.50(D) is found not to be true, or becomes not true.
   3. In the case of an application for a Therapeutic Massage Establishment, employment records, including copies of documents used to determine if the employee, agent, or contractor is eighteen (18) years of age or older, for each employee employed by a licensed Therapeutic Massage Establishment shall be kept at the licensed premises and available for immediate review upon request of

a city officer. Documents that are acceptable forms of identification can be found in Minnesota Rule Part 7410.0100.

4. Applicant shall promptly notify the City of any changes or corrections to the information provided in the application.

F. License fees and Investigation Fees. The annual fee for a license and the investigation fee for the purpose of establishing a licensed Therapeutic Massage Establishment shall be determined from time to time by resolution or ordinance of the City Council. If the license is denied by the City, then no part of the application fee or the investigation fee shall be returned. No part of the annual license fee shall be refunded if the license is suspended, revoked, or discontinued.

§ 113. 60. LICENSE EXPIRATION.

Licenses issued under this Section shall expire on December 31st of each year.

§ 113.70. THERAPEUTIC MASSAGE ESTABLISHMENT REGULATIONS.

A Therapeutic Massage Establishment shall protect the public from the unprofessional, improper, incompetent and unlawful practice of Therapeutic Massage. A Therapeutic Massage Establishment shall comply with the following regulations:

A. The premises shall comply with applicable zoning, fire, health, building codes, and licensing inspection and be open to inspection by licensing inspectors, police officers, city officials, or building managers.
B. The premises and equipment shall be clean, sanitary and well maintained.
C. The Therapeutic Massage Establishment, any person in their employ and any contractors shall comply with all applicable city, county, state or federal ordinances, regulations and laws which are applicable to the premises and the practice of Therapeutic Massage. The Therapeutic Massage Establishment shall obtain and maintain all other licenses or permits which may be applicable.
D. The Therapeutic Massage Establishment and any person in their employ and any contractors shall permit inspections during regular business hours by the City's law enforcement agency, city manager, building inspector, or appropriate fire or health officials to determine compliance with the city regulations or other appropriate state or county regulations.
E. No alcohol may be sold on the premises.
F. The Hours of Operation shall be limited to no earlier than 6:00 a.m. and no later than 9:00 p.m.
G. No minor under the age of eighteen (18) shall be permitted to receive Therapeutic Massage unless consent is given by a parent or guardian. Such consent must be signed in the presence of the Therapeutic Massage Establishment operator.
H. No residential use is allowed on the premises. Furniture used in Therapeutic Massage must not be intended for sleep.
I. Massage Therapists must be fully clothed such that they do not expose his/her breasts, buttocks, or genitals.
J. Sanitation and health requirements must be met in the Therapeutic Massage Establishment premises, including as follows:

1. Employees, agents and contractors must take reasonable steps to prevent the spread of infections and communicable diseases on the licensed premises.
2. Toilet room(s) must be adequately and conveniently located on the premises for the accommodation of its employees and patrons. The toilet room(s) must be kept clean and in good repair and be fully and adequately illuminated and well ventilated and enclosed with a door.
3. Single service disposal paper or clean linens to cover the table, chair, furniture or area on which the patron receives the massage and must be sanitized after each massage.
4. Massage tables, chairs or furniture on which the patron receives the massage must have surfaces that can be readily cleaned and disinfected after each massage.
5. Massage Therapist's must wash their hands and arms with water and soap, antibacterial scrubs, alcohol or other disinfectants prior to and following each massage service performed.

§ 113.80. INSURANCE REQUIRED.

Therapeutic Massage Establishments must have and maintain in full force and effect, a policy of liability and malpractice insurance issued by an insurance company licensed to do business in the state of Minnesota covering death, personal injury and property damage in the minimum amount of Three Hundred Thousand ($300,000) Dollars per person and per occurrence.

§ 113.90. ADVERSE LICENSE ACTION; GROUNDS.

It shall be grounds for denial, revocation, nonrenewal, suspension or any other appropriate adverse license sanction if the licensee, or any of its employees, agents or contractors:

A. Fails to comply with or has a history of violations of this ordinance or the laws and ordinances that apply to public health, safety and morals.
B. Is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premise, of any city ordinance or federal or state statue.
C. Has evidenced in the past willful disregard for health codes and regulations.
D. The applicant gave false or misleading information during the application process or failed to provide all information and certificates required by this Section.
E. The Therapeutic Massage Establishment has been operated without a valid Therapeutic Massage license or has operated when the license was suspended.
F. The Applicant, or the responsible person, is delinquent in payment to the City of property taxes or fees related to the Therapeutic Massage Establishment.
G. The Applicant or its employees, agents or contractors, refuses to permit any authorized police officers, building inspectors or city officials to inspect the premises or the operations.
H. The City Council may base denial, suspension, revocation, or nonrenewal of a license upon any additional grounds which they may, in their sole discretion, determine to be sufficient cause.

§ 113.100. APPEAL.

If the license is suspended or revoked by the City Administrator, the license holder shall have a right to appeal to the City Council.

§ 113.110. SEVERABILITY.

If any provision of this Section is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall remain with full force and effect.

§ 113.120. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication.

Passed by the City Council this 9th day of April, 2015.

Michael Egelston	**Michael Robertson**
Mayor	**City Administrator**
	Attested:

CHAPTER 71: TRAFFIC AND PARKING REGULATIONS

Section

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§ 71.01 DEFINITIONS.

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

CROSSWALK AREA. The portion of a roadway at an intersection, whether marked or unmarked, ordinarily included within the connections of the lateral lines of sidewalks or pedestrian walks or ways where there are no sidewalks on opposite sides of the streets measured from the curbs or in the absence of curbs from the edges of the traversable roadway.

DRIVER. Every person who drives or is in actual physical control of a motor vehicle.

MOTOR VEHICLE. Every vehicle which is self-propelled and includes those vehicles known as "motor bicycles," "motor scooters," and "go-carts."

POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations contained in this chapter and the laws of the State of Minnesota.

STREET or ***HIGHWAY.*** The entire width between the boundary lines of any place or way owned by the North Oaks Company, or any easement reserved from each conveyed tract in the City of North Oaks for use by the property owners and residents of the City of North Oaks or members of the North Oaks Golf Club and their respective assigns, licensees, guests, and invitees or any other way open to the public as a matter of right for the purpose of vehicular travel.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.

(B) Whenever any words and phrases used herein are not defined herein but are defined in the Minnesota laws regulating the operation of vehicles, that definition shall be deemed to apply to the words and phrases herein.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995)

§ 71.02 ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS.

(A) *State law penalty.* Where a specific or minimum fine or imprisonment is specified by the Highway Traffic Regulation Act, M.S. Chapter 169, as it may be amended from time to time, for an offense, that penalty shall apply to a person convicted of the same offense under this chapter.

(B) *Compliance.* No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by this Council with authority to direct, control, or regulate traffic.

(C) *County Sheriff.* The Sheriff of Ramsey County and his or her duly appointed deputies and any other police officer duly appointed as such by this Council are hereby vested with the authority to enforce within the City of North Oaks the traffic regulations set forth in this chapter and in the laws of the State of Minnesota.

(D) *Application of provisions.* The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, the State of Minnesota, and any county or other political subdivision, and it shall be unlawful for any driver to violate any of the provisions of this chapter except as are set forth as exemptions for authorized emergency vehicles.

(E) *Emergency vehicles.*

(1) The driver of an authorized emergency vehicle, when actually responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from a fire alarm, subject to the conditions herein stated, may:

(a) Park or stand, regardless of the provisions of this chapter or any official sign regulating parking;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limit; and

(d) Disregard regulations governing the direction of movement or turning in specified directions.

(2) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall the provisions protect the driver from the consequences of his or her reckless disregard for the safety of others.

(3) The exemptions granted herein shall apply only when the emergency vehicle is equipped with at least 1 lighted red lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the driver is giving audible signal by siren.

(F) *Yield to emergency vehicles.* Upon the immediate approach of an authorized emergency vehicle making use of the specified audible and visual signals, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection, and shall stop and remain in this position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer, but the provisions of the previous subdivisions relative to due regard for the safety of others shall apply to the driver of the emergency vehicle.

(G) *Accidents.* The driver of and vehicle involved in an accident or collision shall comply with the provisions of Minnesota laws relative to the accidents or collisions and, if the occurrence results in injury to or death of any person, shall immediately, by the quickest means of communication, notify the office of the Sheriff of Ramsey County or any police officer duly appointed as such by this Council.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.03 TRAFFIC-CONTROL DEVICES.

(A) *Authority.* The Mayor shall cause to have placed and maintained traffic-control signs, signals, and devices when and as required under the traffic ordinance of this city to make effective the provisions of the ordinance and may have placed and maintained the additional traffic-control devices as he or she may deem necessary to regulate traffic under the traffic ordinance of this city or under Minnesota laws or to guide or warn traffic.

(B) *Specifications for traffic-control devices.*

(1) All traffic-control signs, signals, and devices shall conform to the manual and specifications adopted by the Commissioner of Highways.

(2) All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city.

(3) All traffic-control devices so erected and not inconsistent with the provisions of Minnesota law or this chapter shall be official traffic-control devices.

(C) *Obedience to official traffic-control devices.* The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(D) *Signs required for enforcement purposes.* Whenever a particular provision of this chapter does not state that signs are required, the section shall be effective even though no signs are erected or in place.

(E) *Unauthorized signs.*

(1) No person shall place, maintain, or display upon or in view of any street or highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device.

(2) Every prohibited sign, signal, or marking is hereby declared to be a public nuisance and the Mayor is hereby empowered to remove the same or cause it to be removed without notice.

(F) *Interference with signs.* No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any inscription, shield, or insignia thereon or any other part thereof.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.04 CARELESS OR RECKLESS DRIVING.

(A) No person shall operate or halt any vehicle within the City of North Oaks carelessly or heedlessly in disregard of the rights or safety of others or in a manner so as to endanger or be likely to endanger any person or property.

(B) Any person who drives any vehicle in a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving and that reckless driving is a misdemeanor.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.05 SPEED REGULATIONS.

(A) (1) No person shall drive a vehicle in the City of North Oaks at a speed greater than is reasonable and prudent under existing conditions and having regard to the actual and potential hazards then existing.

(2) In every event, speed shall be so restricted as may be necessary in order to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(B) (1) No person shall drive a vehicle in the City of North Oaks at a speed in excess of 30 mph on any street on which a different speed zone has not been established.

(2) On any street in the City of North Oaks where a speed zone other than 30 mph has been established and signs have been posted calling attention to the zone, no vehicle shall be driven at a speed greater than that indicated on the signs.

(C) (1) The City Council may by resolution determine that the maximum speed of 30 mph permitted herein is less on certain streets than is reasonable for the safe operation of vehicles thereon or is greater on certain streets than reasonable or safe under the conditions found to exist thereon.

(2) Having made such a determination, the Council may establish on those streets a different speed zone, and those streets and the speeds established thereon shall be listed in a schedule thereof to

be kept by the City Clerk.

(3) The speed zones established in this manner shall be effective when signs are posted giving notice thereof.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.06 OPERATION OF VEHICLES.

(A) Upon all streets within the City of North Oaks of sufficient width, except upon 1-way streets, the driver of a vehicle shall drive the vehicle upon the right half of the roadway and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of the street, unless it is impracticable to do so and except when overtaking and passing.

(B) Except on a 1-way street, no vehicle shall be driven to the left side of the center of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the street where the driver's view along the street is obstructed within a distance of 700 feet;

(2) Within 100 feet of or while traversing any intersection; and

(3) Where official traffic-control devices are in place prohibiting passing or where there is a marked distinctive center line or center lines prohibiting passing or crossing to the left half of the roadway as declared in the manual of traffic-control devices adopted by the Commissioner of Highways.

(C) The following right-of-way rules shall apply in the City of North Oaks unless modified as elsewhere provided in this chapter.

(1) When 2 vehicles approach an uncontrolled intersection from different streets at approximately the same time, the driver on the left shall yield the right-of-way to the vehicle on the right.

(2) The driver of a vehicle intending to turn left at an intersection or off the street at any other place shall signal his or her intent and yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard.

(3) The driver of any vehicle entering or crossing any street in the city shall yield the right-of-way to all vehicles approaching on the street so closely as to constitute an immediate hazard.

(4) The driver of any vehicle traveling at an unlawful speed or without required lighting shall forfeit any right-of-way which he or she might otherwise have under the terms of this chapter.

(D) When driving to the left of the center of the roadway in overtaking and passing as heretofore authorized, the following provisions shall apply.

(1) The left side must be clearly visible and free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be made completely without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(2) The overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(3) The overtaking vehicle shall pass at a safe distance to the left of the vehicle overtaken and shall not return to the right-hand side of the roadway until safely clear of the vehicle overtaken.

(4) The driver of the overtaken vehicle shall upon audible warning give way to the right and shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

(E) No person shall drive a vehicle at the slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(F) No person driving a motor vehicle shall follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles and the traffic upon and the conditions of the highway.

(G) (1) No person shall stop or turn a vehicle or change from 1 traffic lane to another unless the movement can be done with safety and without interfering with the normal flow of pedestrian and vehicle traffic.

(2) If any other vehicle may be affected, the intention to make stop, change of position, or turn shall be indicated by the driver in the manner set forth by state law.

(H) (1) The Mayor is hereby authorized to determine and designate which intersections drivers of vehicles may not make right, left, or U-turns and shall have proper signs posted at the intersections.

(2) The making of the turns may be prohibited at some hours and permitted at other hours of the day, in which event the signs shall plainly indicate the prohibited times.

(3) Whenever authorized signs are erected indicating that the above turns are not permitted, no driver of a vehicle shall disobey the directions of the signs. The intersections shall be listed in a schedule thereof to be kept by the City Clerk.

(I) Any school bus driver who has stopped his or her vehicle on a street of the city for the purpose of receiving or discharging any school child or children shall extend the stop signal arm of the bus and activate its flashing red signals and shall not withdraw the stop signal arm and extinguish the flashing red signals until all children have been safely received or discharged.

(J) The driver of any vehicle upon a street or highway of this city, upon meeting or overtaking from front or rear any school bus marked as required by law which has stopped on the street or highway for the purpose of discharging or receiving any school child or children, shall stop the vehicle immediately upon the extension of a stop signal arm and display flashing red signals by the school bus driver, and shall remain stopped until the school bus driver retracts the stop signal arm and extinguishes the flashing red signals.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.07 THROUGH, RESTRICTED, AND ONE-WAY STREETS.

(A) (1) The Mayor may designate any street as a through street and any intersection as a stop intersection where the action is necessary to preserve a free flow of traffic and to prevent accidents.

(2) Having so designated a street or intersection, he or she shall have appropriate signs posted at the entrance to the streets and intersections.

(3) Every driver of a vehicle shall bring his or her vehicle to a full stop before entering any through street or stop intersection properly designated and posted as such.

(4) The driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard.

(5) The streets and intersections shall be listed in a schedule thereof to be kept by the City Clerk.

(B) (1) The Mayor is hereby authorized to determine and designate intersections where vehicles on 1 street shall yield the right-of-way to vehicles on another street at those intersections.

(2) In that event, he or she shall have yield signs posted at the entrance to the intersections.

(3) The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for existing conditions, or shall stop if necessary, and yield the right-of-way to any vehicle approaching on another street so closely as to constitute an immediate hazard and to any pedestrian legally crossing the street on which he or she is driving.

(4) The streets and intersections shall be listed in a schedule thereof to be kept by the City Clerk.

(C) (1) The Mayor may designate any street as a 1-way street, in which event he or she shall have signs giving notice thereof posted and maintained at every intersection.

(2) Upon those streets so designated as 1-way streets, vehicular traffic shall move only in the direction indicated by the signs which have been so posted and maintained at every intersection, and movement in the opposite direction is forbidden.

(3) The streets shall be listed in a schedule thereof to be kept by the City Clerk.

(D) (1) The Mayor may from time to time designate any street or part thereof a play street and place appropriate signs or devices in the roadway indicating and helping to protect the streets.

(2) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a motor vehicle upon any such street or portion thereof, except drivers having business or whose residences are within the closed areas; and those authorized drivers entering the designated play street shall exercise the greatest of care in driving on the play street.

(3) The street or parts thereof shall be listed in a schedule to be kept by the City Clerk.

(4) Notwithstanding any other provision of this chapter, when any street or part thereof has

been designated as a play street, the Mayor may upon application authorize the use of the streets or parts thereof by motor vehicles of a type known as go-carts and when so authorized the use of the play streets shall be lawful.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.08 DRIVER'S LICENSE; VEHICLE REGISTRATION.

(A) No person shall drive or operate a motor vehicle upon any street in the City of North Oaks without having in his or her possession a driver's license or chauffeur's license valid under the provisions of Minnesota law.

(B) No person shall drive or operate a motor vehicle in the City of North Oaks which is not properly registered as required by the laws of this state and does not display in the manner required by law the number plates for the current year only as assigned to it by the Registrar of Motor Vehicles.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.09 EQUIPMENT.

(A) No person shall drive or operate a motor vehicle on any street in the city unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise; and no person shall use a muffler cut-out, by pass, or similar device on a motor vehicle upon any street in the city. The exhaust system shall not emit or produce a sharp popping or crackling sound and shall be kept in the state of repair as to prevent carbon monoxide from entering the interior of vehicle.

(B) No person shall drive or operate upon any streets in the city a motor vehicle which is not equipped with, in good working condition, lighting equipment, windshield wipers, rear vision mirrors, horn, front and rear bumpers, and brakes as required by the Highway Traffic Regulation Act of Minnesota.

(C) Headlamps and rear lamps on motor vehicles shall be lighted at all times when the vehicle is operated upon the streets of the city from 1/2 hour after sunset until 1/2 hour before sunrise and, at any other time when there is not sufficient light to render persons and vehicles clearly discernible, 500 feet ahead upon the street except that when a vehicle is stopped or parked upon the street during those hours parking lights shall be lighted.

(D) Every school bus shall be equipped with a stop signal arm and flashing red signals of a legal type which shall be used only when the school bus is stopped on a street or highway for the purpose of receiving and discharging any school child or children.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.10 ALCOHOLIC BEVERAGES AND NARCOTIC DRUGS.

(A) The provisions of M.S. Ch. 169A, as it may be amended from time to time, are hereby incorporated in and made a part of this chapter as completely as if set out here in full.

(B) No person shall drink or consume intoxicating liquors or 3.2% malt liquors in any motor vehicle when the vehicle is upon the streets of the city. No person shall have in his or her possession or on his or her person in a motor vehicle upon the streets of the city any bottle or receptacle containing liquor which has been opened, the seal broken or the contents of which have been partly removed, unless the bottle or receptacle shall be kept in the trunk of a motor vehicle equipped with a trunk, or in some other area of the vehicle not normally occupied by the driver or passenger if the motor vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.11 PEDESTRIANS.

(A) When traffic at intersections is not controlled, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to yield, to a pedestrian crossing the roadway within a crosswalk area when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger; but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(B) When any vehicle is stopped at an intersection or pedestrian crossing to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(C) At any point other than a crosswalk area at an intersection, pedestrians shall yield the right-of-way to motor vehicles; but this shall not relieve the driver of a vehicle of the duty to exercise due care to avoid colliding with any pedestrian upon any roadway and to give warning by sounding the horn when necessary and to exercise proper precaution upon observing any child or any confused or incapacitated person upon the street.

(D) No person shall stand upon the traveled portion of a street or highway for the purpose of soliciting a ride from the driver of a private vehicle.

(E) Pedestrians walking along or upon a street or highway shall walk near the left side of the street or highway, giving way to oncoming traffic.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.12 PARKING.

(A) Except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or a traffic-control device, no person shall stop, stand, or park a vehicle upon the traveled portion of any street in the city other than as closely as is practical to the right-hand edge or curb of the street, and unless there is left available at least 10 feet of the width of the traveled portion of the street for the free movement of vehicular traffic. In no case shall the stopping, standing, or parking of a vehicle be allowed unless the street opposite the vehicle is clear of any other vehicle stopped, standing, or parked and, in no event, shall the stopping, standing, or parking be permitted for more than 10 hours, whether consecutive or not, on any day of the year or for more than 2 hours

between the hours of 2:00 a.m. and 6:00 a.m.

(B) The Mayor is hereby authorized to post official signs indicating no parking upon either or both side of any street when he or she has determined that the parking would interfere with traffic or create a hazardous situation, and when the official signs are in place no person shall park a vehicle in violation of the signs. The locations shall be listed in a schedule thereof to be kept by the City Clerk.

(C) No person shall stop, stand, or park a vehicle upon the traveled portion of any street in the city during the times and in the manner as to interfere with snow plowing and snow removal operations.

(D) No person shall stop, stand, or park a vehicle 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 following places:

(1) In front of any driveway giving access to and egress from a street;

(2) Within any intersections;

(3) Within 30 feet upon the approach to any official traffic-control device sign or signal located at the side of the street;

(4) On the roadway side of any vehicle stopped or parked at the edge or curb of a street; or

(5) At any place where official signs prohibit stopping, standing, or parking.

(E) The prohibition against parking on the streets of this city contained herein shall not apply to the driver of any vehicle which is disabled while on the street to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position. Any wrecked or damaged vehicle on a street shall be removed therefrom without reasonable delay and pending removal shall be guarded during the period when lights are prescribed with proper lights, equal in intensity to ordinary parking lights or by red flares.

(F) In addition to the penalties provided for violations of this chapter, any vehicle left stopped, standing, or parked unattended in violation of divisions (B), (C), (D), and (E) above, or in violation of division (A) above so as to constitute a definite hazard or obstruction to the normal movement of traffic, may be removed by the police from the street to an area of safety nearby. Any towing fees or storage charges involved in the removal shall be paid by the owner of the vehicle prior to its release to him.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.13 BICYCLES.

(A) *Rights and duties.* Every person riding a bicycle upon a street in the city shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state or by the traffic ordinance of this city, except as to special regulations in this chapter and except as to those provisions which by their nature can have no application.

(B) *Riding.* A person propelling a bicycle, motorcycle, motor bike, or motor scooter shall not ride other than astride a permanent and regular seat attached thereto; and no bicycle, motorcycle, motor

bike, or motor scooter shall be used to carry more persons at 1 time than the number for which it is designed and equipped. No person riding upon any bicycle, motorcycle, motor bike, or motor scooter, coaster, toboggan, sled, toy vehicle, skis, or skates or similar device shall attach himself or herself to or hitch a ride on any vehicle upon a street.

(C) *Other provisions.*

(1) Every person riding a bicycle upon a street shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or when being passed by 1 proceeding in the same direction.

(2) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(3) No person shall operate a bicycle while carrying a package or bundle or article which prevents him or her from keeping at least 1 hand upon the handle bars.

(4) Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles unless otherwise directed by a police officer.

(5) Every bicycle when used at night shall be equipped with lights required by state law for bicycles and with reflectors as follows:

(a) With an essentially colorless front-facing reflector, and essentially colorless or amber pedal reflectors, and a red rear-facing reflector;

(b) With reflective tire sidewalls or, alternatively, reflectors mounted on the spokes of each wheel which shall be visible on each side of each wheel; and

(c) The mounting placement and reflectance values of these required reflectors shall be as prescribed in § 1512.16 of the regulations of the United States Consumer Product Safety Commission.

(D) *Parents and guardians.* The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter relative to bicycles.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.14 INJURIOUS SUBSTANCES; BLOCKING STREETS.

(A) No person shall throw or deposit glass, metal garbage, tin cans, or similar substances upon any street or highway in the city.

(B) Any person removing a damaged or wrecked vehicle from a street shall remove any glass or other injurious substance dropped upon the street from the vehicle.

(C) No person shall deposit or place any matter or thing upon the street which will be a hazard to traffic and will or might cause damage or injury to any vehicle or person encountering or colliding with the matter or thing. This provision shall not apply to any person placing any authorized traffic-control device or barrier in the street to regulate, guide, or warn traffic.

(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.15 WEIGHT RESTRICTIONS.

(A) The Mayor shall determine and establish weight restrictions for vehicles traveling or traversing any of the streets and highways within the city whenever the streets or highways, because of climatic or other conditions, will be seriously damaged unless the permissible weights of vehicles thereon be reduced. Upon the determination and establishment, the Mayor shall have appropriate signs posted and maintained at all entrances to the city indicating maximum permissible weights. Whenever the signs are so posted and maintained, no person shall drive or operate any vehicle or combination of vehicles weighing in excess of the maximum permissible weight upon any of the streets or highways within the city.

(B) Upon application and good cause being shown therefor, the Mayor may issue a special permit which shall be in writing, authorizing the driver or operator of any vehicle or combination of vehicles which weigh in excess of maximum permissible weights to operate the vehicles on the streets and highways of this city. The permit shall be conditioned upon the giving of security in sufficient amount to compensate for any injury or damage to any street or highway caused by the operation of the vehicle or combination of vehicles thereon.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995)

§ 71.16 OFFENSES.

(A) Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be a misdemeanor, whether individually or in conjunction with 1 or more other persons or as principal, agent, or accessory shall be guilty of the offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter is likewise guilty of the offense.

(B) It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.17 NEGLIGENCE AS A MATTER OF LAW.

In all civil actions, a violation of any of the provisions of this chapter by either or any of the parties to the action or actions shall be negligence as a matter of law.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995) Penalty, see § 10.99

§ 71.18 COUNCIL'S RIGHT TO REVIEW ACTS OF MAYOR.

The Council may review and thereafter by resolution amend, modify, or repeal any act or acts done

by the Mayor pursuant to authority delegated to him or her by this chapter. However, any such act or acts of the Mayor shall have full force and effect of law without need for ratification and shall be enforced as such until the time as amended, modified, or repealed by the Council.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995)

§ 71.19 MOTORIZED GOLF CARTS.

In order that motorized golf carts may traverse the golf course maintained in the city by the North Oaks Golf Club, the Mayor, or in his or her absence the Council member acting as Police Commissioner, may designate places where the golf carts may cross private roads within the city or may travel short distances on the roads. The Mayor, or the Police Commissioner, may direct the marking of these areas by stripes or signs. The City Clerk shall keep a written record of the directions given by the Mayor or the Police Commissioner, the record being available at all times during normal business hours of the office of the City Clerk.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995)

§ 71.20 STATE TRAFFIC CODE.

(A) The regulatory provisions of M.S. Ch. 169 and 171, as they may be amended from time to time, are adopted as a traffic ordinance regulating the use of highways, streets, and alleys within the city and are hereby incorporated in and made part of this chapter as completely as if set out herein in full, except as herein provided.

(B) The following sections of M.S. Ch. 169 and 171, as they may be amended from time to time, are not incorporated as a part of this chapter: M.S. §§ 169.06 (1-3), 169.09 (9), 169.10, 169.11, 169.66, 169.78, 169.87, and 171.04.
(Ord. 38, passed 1-10-1963; Am. Ord. passed 5-11-1972; Am. Ord. passed 8-10-1978; Am. Ord. passed 12-12-1991; Am. Ord. passed 4-13-1995)

CHAPTER 151: ZONING CODE

§ 151.005 DEFINITIONS

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

ACCESSORY BUILDING, STRUCTURE, OR USE. A subordinate building, structure, or use which is located on the same lot on which the main building or principal use is situated and which is reasonably necessary and incidental to the conduct of the primary use of the main building or principal use.

ALTERATIONS. As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from 1 location or position to another.

APPLICANT. A subdivider, agent, or owner submitting an application for land development or subdivision, conditional use permit, amendment, or variance.

BASEMENT. A floor level of a building or structure that has less than an average of 50% of the perimeter walls exposed above the lowest grade.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, DETACHED. A building having no party wall in common with another building.

BUILDING ELEVATION. A side view of the building representing the structure as projected geometrically on a vertical plane parallel to its chief dimension.

BUILDING HEIGHT. The vertical distance from grade as defined herein ~~to the highest point on the roof surface as measured on each building elevation~~ to the average height of the highest roof surface.

BUILDING, MAIN. A building in which the principal use of the lot is conducted.

BUILDING SETBACK. The minimum horizontal distance between the building and lot lines, wetland edge(s), or nearest edge of road easement(s).

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited, rented, or sold, or which occupies time, attention, labor, or materials or which offers services or goods for compensation.

CARPORT. An area serving the same purpose as a garage as defined herein, but not entirely enclosed with walls.

CLUB. A nonprofit organization of persons being associated as bona fide members paying dues and using a premises which is restricted to members and their guests.

COMMON PROPERTY. Parcel or parcels of land, together with the improvements thereon, which may include, but not limited to, recreational areas and facilities, green space, open space, and roads, all of which is for the use, responsibility, and benefit of the owners of specific land as shown on an officially recorded plat or registered land survey.

COMPREHENSIVE PLAN. The official City of North Oaks Comprehensive Plan made and recommended by the City Planning Commission and adopted by the City Council and all subsequent amendments and supplements thereto, indicating the general locations recommended for the principal streets, parks, and playgrounds, recreation areas, public buildings, zoning districts, character and extent of community development, and other physical aspects of urban planning on file in the office of the City Clerk.

CONDITIONAL USE. Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning use district, which for their respective conduct, exercise, or performance in the designated use districts may require reasonable but special, peculiar, unusual, or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications, or regulations in the use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the city and therefore may be permitted in the use district only by a conditional use permit.

CONDITIONAL USE PERMIT. A permit to regulate conditional uses.

CONDOMINIUM. A multi-family dwelling in which portions of the building are designed and designated for separate ownership and the remainder of which is designed and designated for common property.

DEVELOPMENT. A planning or construction project on land which may include the subdivision of land, construction of buildings, structures, site improvements, or grading.

DEVELOPMENT CONTRACT. An agreement between the city and applicant in which the terms and conditions of development are set forth.

DISTRICT. Section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

DWELLING. A building or 1 or more portions thereof occupied or intended to be occupied exclusively for human habitation, but not including rooms in commercial enterprises such as, but not limited to, motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, or trailer coaches. A ***DWELLING*** shall not be interpreted to include lodging rooms.

DWELLING, ATTACHED. A dwelling which is joined to another dwelling at 1 or more sides by a common wall or a party wall.

DWELLING, DETACHED. A dwelling which is entirely surrounded by open area on the same lot.

DWELLING, MULTI-FAMILY. A building used for occupancy by 3 or more families living independently of each other and containing 3 or more dwelling units per building. ***MULTI-FAMILY DWELLINGS*** shall be limited to row houses, condominiums, and senior housing.

DWELLING, SINGLE-FAMILY. A dwelling designed for or occupied by 1 family.

DWELLING UNIT. One or more rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitation facilities.

EASEMENT. A limited right to or for the use or restriction of use of land for a specifically stated purpose such as, but not limited to, arboreal, berm, canal, drainage, driveway, maintenance, natural state, green space, open space, planting, ponding, roads, trails, or recreation, trimming, utilities, vista, and water storage.

EGRESS LEVEL. The story of a building which has a portion of the perimeter walls exposed to less than 44 inches above the lowest grade, but which has less than an average of 50% of the total perimeter wall area exposed above the lowest grade.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments or other governmental bodies, of underground or overhead gas, electrical, water, transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, towers, electric substations, and other similar equipment and accessories in conjunction therewith, reasonably necessary for the furnishing of utility services by the private utilities or public departments or commissions for the public health or safety or general welfare.

FAMILY. One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than 5 persons not so related maintaining a common household and using common cooking, kitchen, and sanitation facilities.

FENCE. An artificial barrier erected for the purpose(s) of enclosing or concealing something, whether wholly or partially, including parcels of land, and/or dividing or separating land into distinct portions or areas.

FLOOR AREA RATIO (FAR). The ratio of total floor area to gross lot area, excluding 2/3 of any DNR and/or VLAWMO designated wetland areas, except that the determination of the FAR for lots

lawfully existing on 7-1-1996 shall exclude 2/3 of only DNR designated wetlands.

FRONT ELEVATION. The side of a building facing the street. In the case of lots with more than 1 side bordering on a street, the front elevation is that street side of the building with the main entrance.

GARAGE, PRIVATE. An accessory building or accessory portion of the main building which shall not exceed 1,500 square feet.

GRADE. The lowest point of the finished surface of the ground, ~~within the area between the building and a line 5 feet from the building~~ as measured on each building elevation.

GRADING. Changing the natural topography of the land.

GREEN SPACE. Pervious land area not encumbered by any buildings, structures, parking lots, drives, walks, storage, or above-ground utilities.

GROSS DENSITY. The total acres within a planned unit development or a phase of a planned unit development excluding DNR protected waters, DNR protected wetlands, and VLAWM designated wetlands divided by the total number of dwelling units.

GROSS LOT AREA. Total area of a platted lot excluding road easement(s).

HOME OCCUPATION. Any gainful occupation or profession engaged in by the occupant of a dwelling unit.

HOME OWNERS ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner in a planned unit or other described land area is automatically a member and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities such as maintaining common property.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS). A sewage treatment system, or part thereof, serving a dwelling, building, restaurant, or other structure, or group thereof, which uses subsurface soil treatment and disposal.

LAND. Real property whether improved or unimproved.

LAND OWNERS ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner in a planned unit or other described land area is automatically a member and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities such as maintaining common property.

LANDSCAPE PLAN. A plan or drawing signed by a registered landscape architect identifying the existing natural features and proposed landscaping.

LANDSCAPING. The alteration of the topography of land to make it more visually pleasing to

look at by the arrangement of trees, shrubs, stones, retaining walls, groundcover, other vegetation or berms.

LOT. A parcel, piece, or portion of land designated by a legal description, registered land survey, plat, or other means, and separated from other parcels or portions of lots by the description for the purposes of sale, lease, or separation thereof.

LOT AREA. The area of a horizontal plane within the lot lines.

LOT COVERAGE. The ratio of the area of all buildings determined by external dimensions, to the gross lot area.

LOT LINE. A boundary line of any lot in single or separate ownership.

MASTER DEVELOPMENT PLAN. Plans as required in § 151.056(B)(1)(a).

NATURAL DRAINAGEWAY. A watercourse, such as ditch, creek, or canal, through which stormwater runoff will naturally flow as it reaches a pond, lake, stream, wetland, or other body of water or area.

NONCONFORMING BUILDING, STRUCTURE, OR USE. A building, structure, or use existing prior to the effective date of this chapter which does not conform to the regulations in this chapter for the district in which it is situated or used.

OPEN SPACE. Land maintained in its predominant natural and scenic condition, except as permitted in easements or other agreements to which the city is a party or has consented.

OWNER. Any person or group of persons having sufficient proprietary interest in land.

PARKING SPACE OR STALL. An area at least 10 feet by 20 feet in size suitable to park 1 automobile, provided that the area has adequate access which is independent of the access to or from any other parking space or stall.

PARKS AND PLAYGROUNDS. Land suitable for recreational use.

PARTY WALL. A wall common to more than 1 dwelling unit.

PERMITTED USE. A use which may be lawfully established in a particular district or districts, which conforms to all requirements, regulations, and performance standards of those districts.

PERSON. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

PHASE. A defined portion of a plat, planned residential development, or planned unit development to be developed as an independent project.

PLANNED RESIDENTIAL DEVELOPMENT (PRD). A residential development of land that is planned as a whole and developed as a whole or in series of phases.

PLANNED UNIT DEVELOPMENT (PUD). A development of land that is planned as a whole and developed as a whole or in series of phases.

PLANTING STRIP. A row of plantings of sufficient height, width, and density so as to provide effective screening and buffering.

PLAT. A map, plan, or layout of a city, town, section, or subdivision indicating the location and boundaries, streets, roads, and easements of individual properties and includes registered land surveys. The plat shall be in a form of capable of being filed with the Registrar of Titles of Ramsey County as a registered land survey (RLS) showing the subdivided parcel's boundaries and lot or tract boundaries.

PRELIMINARY PLAN. A map or drawing that meets the requirements of § 151.056(B)(2)(b)1. at a scale of 100 feet to an inch delineating and showing correctly the boundaries of the subdivision; boundaries, layout, and size to the nearest tenth of an acre of the lots therein; streets, parks, playgrounds, and other land locations; north point and scale; existing topographical features, including contours and other physical aspects such as drainage ways, wetlands and tree areas, and the proposed changes to those features. Also included shall be a separate map of the city showing the location of the proposed subdivision within the city.

PRINCIPAL BUILDING OR USE. The main use of land or buildings as distinguished from subordinate or accessory uses. A ***PRINCIPAL USE*** may be either permitted or conditional.

RESTAURANT.

(1) An establishment providing sit-down food service where food is prepared on premises and served to a customer and consumed on-site and where the carry-out or delivery of prepared food is incidental to the business operation.

(2) The establishment shall not have drive-through facilities for dispensing food to persons in automobiles.

(3) Customer seating of the establishment is at least 15% of the gross square footage.

(4) The establishments may serve intoxicating beverages for on-site consumption incidental to the operation of serving food.

(5) The establishment shall not provide stand-up bar service or stand-up table service and must have a food to liquor ratio of 60 to 40 or dining to bar seat ratio of 4 to 1.

(6) Entertainment and liquor specials shall be strictly limited and controlled through the city liquor license.

ROAD OR STREET. A public or private thoroughfare or easement, constructed according to the specifications of the city, which affords the principal means of access for vehicular traffic to abutting land.

ROWHOUSE. A multi-family dwelling having no more than 6 dwelling units per building in which each dwelling unit is designed for separate ownership.

SCREENING. The installation of something that conceals, encloses, or buffers, which may include fences, planting strips, or landscaping.

SENIOR HOUSING. A multi-family dwelling intended for occupancy by adults age 55 or older and having no more than 24 dwelling units per building, not including nursing homes, convalescent homes, and assisted living facilities.

SETBACK. The minimum horizontal distance between a building or structure, individual sewage treatment system or well and lot lines, nearest edge of road easement(s), wetlands, or ordinary high water level of lakes, rivers, or ponds.

SEWAGE. Any water-carrying domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

SHOPPING CENTER. An integrated grouping of commercial enterprises whose facilities are under single ownership or control

SITE PLAN. An accurately scaled development plan or map that illustrates the existing conditions of the land to be developed as well as the details of the proposed development or subdivision.

SIGN. A display, illustration, structure, or device containing or displaying graphic information visible from the exterior which directs attention to an object, product, place, activity, person, institution, organization, or business.

STAGING PLAN. Within a subdivision, a map or plat which identifies the timing and location of phased development.

STRUCTURE. Anything which is built, constructed, or erected, whether temporary or permanent, in, on, or above the land.

SUBDIVIDER. Any person commencing proceedings under the terms of this chapter to effect a subdivision of land hereunder.

SUBDIVISION. The division of a lot or parcel of land into 2 or more lots or parcels, any of which resultant lots or parcels is less than 10 acres in area or less than 200 feet in width or is a planned residential district or planned unit development district established pursuant to §§ 151.055 or 151.056, for the purpose of transfer of ownership or building or development, or if a new street or the extension of an existing street is involved, any division of a lot or parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SUBDIVISION, MAJOR. All subdivisions not classified as a minor subdivision, or any size subdivision requiring any new street or extension of city utilities, or the creation of any public improvements.

SUBDIVISION, MINOR. Any subdivision necessary to adjust common boundary for lot lands between multi-family dwellings or townhomes after construction thereof.

SUITABLE FOR RECREATIONAL USE. Land that can be used for construction of baseball, soccer, and football fields, hockey arenas, swimming pools, tennis courts, and other such active sports and recreational activities without extraordinary or unreasonable costs due to the topography and nature of the land, and which is in a location compatible with other recreation land contained in the Comprehensive Plan.

SUITABLE SITE. A useable area site of at least 25,000 contiguous square feet for lots with individual sewage treatment systems, and 15,000 contiguous square feet for lots served by a central sewer system connected to the regional facilities.

TOTAL FLOOR AREA. All building area above or accessible to grade and that part of the basement area determined by the percentage of the basement walls that are exposed. Garages are included.

TOWNHOUSE. A ***TOWNHOUSE***, ***TOWNHOME***, or ***TWINHOME*** is 1 dwelling unit in a building containing no more than 2 dwelling units with 1 or more party walls. A ***TOWNHOUSE*** is designed for 2 families living independent of each other.

USABLE AREA. The area of a lot, excluding all required setbacks, easements, and wetlands, where the topographic and soil conditions and configuration are suitable for each of the following in some section of the area: construction of a dwelling unit, future additions, accessory structures, well site, 2 individual sewage treatment system areas (for an unsewered lot), yard, driveways, and required parking areas. During the subdivision process only, when calculating the usable area of a proposed lot, the subdivider may include any trail easement area of over 2,000 square feet per lot and may be given partial credit for other easements where there is area available for normal residential use as defined for usable area.

USE. The purpose or activity for which the land, structure, or building thereon is designated, arranged, intended, or for which it is occupied, utilized, or maintained.

VARIANCE. A waiver of compliance with the regulations of this chapter or the subdivision

ordinance, to alleviate unnecessary hardship and allow a reasonable use of the building, structure, or land which, because of unusual or unique circumstances, is denied by terms of this chapter or the Subdivision Ordinance.

WALK-OUT LEVEL. The story of a building which has a portion of the perimeter walls exposed to the lowest grade but which has less than an average of 50% of the total perimeter wall area exposed above the lowest grade.

WETLAND.

(1) A surface feature of at least 2,000 contiguous square feet, and classified as a wetland in the Minnesota Wetland Conservation Acts, M.S. Ch. 103G, as it may be amended from time to time, which states "Wetlands means 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."

(2) For purposes of this definition, ***WETLANDS*** must have the following 3 attributes:

(a) Have a predominance of hydric soils;

(b) Are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(c) Under normal circumstances support a prevalence of the vegetation.

ZONING DISTRICT. Section or sections of the incorporated area of the city for which regulations and provisions governing the use of structures and lands are uniform for each class of use permitted therein.
(Ord. 94, § 5, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.050 RSL-RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT

(A) *Purpose.* This District is established to provide for low density single-family detached residential dwellings and directly related complimentary uses compatible with the environment and conforming to the level of services available and to provide the community facilities as will enhance the quality of the area.

(B) *Permitted uses.* The following uses shall be permitted:

(1) Single-family detached dwellings;

(2) Essential services;

(3) Single-family detached dwelling planned unit development or phases of a planned unit development which meet all requirements of this section; and

(4) A business conducted in the dwelling or a home occupation, provided that:

(a) The business or home occupation is conducted by a resident occupant of the dwelling;

(b) The business or home occupation is incidental and secondary to the residential use of the dwelling;

(c) There is no external activity or external alteration of the dwelling, including any observable business activity such as deliveries or visitation or use of the lot upon which the dwelling is located by customers, clients, agents, independent contractors, or employees;

(d) There is no business related exterior storage, display, or signage and no interior signage which may be viewed from the exterior of the dwelling;

(e) The business or home occupation conducted in the dwelling generates no external noise; and

(f) The business or home occupation generates no light glare, odor, vibration, smoke, electrical or other interference that in any way adversely affects adjacent or nearby uses.

(C) *Permitted accessory uses*. The following accessory uses shall be permitted:

(1) Attached or detached private garage and private carport facilities, provided the structures are constructed in the same architectural style as the principal building or structure and provided that the combined facilities shall not exceed 1,500 square feet;

(2) Private tennis courts and swimming pools, which are maintained for the enjoyment and

convenience of the resident of the principal use and their guests;

(3) Buildings and uses accessory to the principal use, small tool houses, sheds for storage of domestic supplies, and noncommercial recreation equipment, provided the structures are constructed in the same architectural style as the principal building or structure, but accessory dwelling units shall not be permitted;

(4) Noncommercial greenhouses; and

(5) Signs showing residents' name and/or address identification not to exceed 2 square feet and 1 real estate sale sign not to exceed 8 square feet.

(D) *Conditional uses.* The following conditional uses may be permitted, but only after securing a conditional use permit in accordance with § 151.076:

(1) Municipal and public utility buildings and structures necessary for the health, safety, and general welfare of the community, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage; and

(e) Section 151.083 is complied with.

(2) Neighborhood or community centers, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage;

(e) The site of the principal use and related parking is served by a road or street of

sufficient capacity to accommodate the traffic which will be generated; and

(f) Section 151.083 is complied with.

(3) Private nonprofit golf clubs, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the adjacent area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage;

(e) Use of the premises is restricted to members and their guests; and

(f) Section 151.083 is complied with.

(4) Non-neon signs and non-neon informational visual communication devices, except as prohibited in division (D)(1)(d) above, provided that:

(a) The height of the sign or device does not exceed the height of the principal structure or the structure to which it is affixed;

(b) The architectural style and design shall not be so dissimilar to the surrounding buildings or area so as to adversely impact other land;

(c) There are no moving or flashing parts and any illumination shall be in compliance with § 151.031;

(d) The sign or device is permanently fixed to the land or to a building or structure;

(e) The sign or device is not a billboard and is associated with the principal use of the land; and

(f) Section 151.083 is complied with.

(5) Access driveways with a setback of not less than 15 feet, provided that:

(a) Topographical conditions prevent reasonable access elsewhere on the lot or a large tree or major group of trees would be preserved; and

(b) Section 151.083 is complied with.

(6) Sales and management office for a planned unit development (PUD) or planned residential development (PRD) or a home owners association management office, provided that:

(a) The architectural appearance and functional plan of the buildings and site shall be compatible with the surrounding area;

(b) Screening is provided in compliance with § 151.034;

(c) Adequate off-street parking, loading, and service entrances are provided in compliance with § 151.028;

(d) All accessory equipment is completely enclosed in a permanent structure with no outside storage; and

(e) Section 151.083 is complied with.

(7) Buildings with a height greater than 35 feet, provided that:

(a) The front elevation of the building does not exceed 35 feet in height at any point;

(b) The building height at any other elevation does not exceed 45 feet;

(c) The environmental and topographical conditions of the lot prior to building development are naturally suited to the design of a building with an egress or walkout level;

(d) Buildings shall be limited to a basement and 2 full stories. Finished areas within the roof structure will be considered a full story;

(e) Any time the side or rear elevations of a building exceeds 35 feet in height within 50 feet of adjacent lot lines, the building line shall be setback an additional 2 feet from the adjacent setback line for each foot in height above 35 feet; and

(f) Section 151.083 is complied with.

~~(8) The Lots in Registered Land Survey 527 and 528, also known as Southpointe and South Wildflower Subdivisions, which were approved by the City Council for buildings with walkout levels, are hereby granted the right to seek conditional use permits for the construction of buildings with a height greater than 35 feet, but not exceeding 45 feet, subject to each lot meeting the conditions in Sections 7.6.4(h)(i) through 7.6.4 (h)(vi) and all other provisions of this chapter, except that the procedure as outlined in § 151.079 shall be revised as follows:~~

~~(a) The Zoning Administrator shall review and analyze the request, submit a report to the Planning Commission, and schedule a public hearing for the next regular Planning Commission~~

~~meeting in accordance with § 151.079(D);~~

~~(b) At the next regular meeting, the Planning Commission will hold the public hearing, make findings of fact, and recommend denial or approval; and~~

~~(c) At the following City Council meeting, the City Council will act on the conditional use permit with the approval needing a 4/5 vote of the City Council when at least 4 members are present.~~

(9) Garage which exceeds 1,500 square feet, provided that:

(a) The garage shall not exceed 3,000 square feet;

(b) The garage shall be constructed in the same architectural style as the principal building or structure;

(c) The floor area ratio shall not exceed 0.12;

(d) No use of the garage shall be permitted other than for private residential noncommercial use; and

(e) The factors set forth in § 151.076(C) shall be considered.

(E) *Lot area requirements.* No lot, tract, or parcel of land wholly or partly within an RSL District shall hereafter be divided in any manner, unless:

(1) The average size of each and every lot, tract, or parcel of land created by the subdivision shall have a minimum area of 1.45 acres, and in no event shall any lot, tract, or parcel of land so created have a minimum area of less than 1.25 acres

(2) In determining and calculating average sizes:

(a) Only those lots, tracts, or parcels of land on which a single-family detached residential dwelling can be constructed may be considered and used; and

(b) Those areas within the waters known as Black Lake, Charley Lake, Deep Lake, Gilfillan Lake, Pleasant Lake, and Wilkinson Lake, DNR protected wetlands and VLAWMO designated wetlands shall be excluded in calculating average sizes.

(3) The lot meets the definitions of a suitable site and a usable area as defined in this chapter.

(F) *Setbacks.*

(1) No building or structure (except fences, screening, planting strips, and landscaping in compliance with §§ 151.033 and 151.034), individual sewage treatment system, or well shall be located

within 30 feet of the lot lines, the nearest edge of any road or street easements, or any wetland, except that additions which do not exceed 25% of the existing building footprint area, on buildings or structures lawfully existing upon the effective date of this chapter shall be excluded from wetland setback requirements.

(2) No grading or filling shall be allowed within 30 feet of adjacent lot lines without prior notification to the adjacent lot owners and approval of the Planning Commission, except that grading and filling will be allowed if it is within 10 feet of a building.

(G) *Building heights.* The height of any building shall not exceed 35 feet. Buildings shall be limited to a basement (a floor level that has less than 50% of the perimeter walls exposed above the lowest grade) and 2 full stories. Finished areas within the roof structure will be considered a full story.

(H) *Floor area ratios.* For lots where the combined square footage of all buildings thereon exceed 4,000 square feet, then the combined total floor are ratio (FAR) of all buildings on such lots shall not exceed 0.12.
(Ord. 94, § 7.6, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003; Am. Ord. 94-G, passed 12-8-2005) Penalty, see § 10.99

GENERAL STANDARDS

§ 151.020 PURPOSE

(A) The purpose of this subchapter is to establish general development performance standards.

(B) These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the city.
(Ord. 94, § 6.1, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

§ 151.021 CONFORMITY

No structure shall be erected, converted, enlarged, reconstructed, or altered, nor shall any building, structure, or land be used for any purpose or in any manner which is not in conformance with the provisions of this chapter, except as hereinafter provided.
(Ord. 94, § 6.2, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.022 USE NOT PROVIDED FOR WITHIN ZONING DISTRICTS

(A) In any zoning district whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited.

(B) The Planning Commission may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate, and determine the conditions and standards relating to development of the use.

(C) If appropriate, a proposed amendment to this chapter shall thereafter be initiated in accordance with § 151.077.
(Ord. 94, § 6.3, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.023 NONCONFORMING BUILDINGS, STRUCTURES, AND USES

(A) (1) A further purpose of this subchapter is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, and uses shall be operated and maintained.

(2) This chapter establishes districts, each of which is an appropriate area for the location of uses which are permitted in that district.

(3) It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures, and uses not be permitted to continue without restriction.

(4) ~~Furthermore, it is the intent of this subchapter that all nonconforming uses shall be eventually brought into conformity.~~

(B) Any building, structure, or use lawfully existing upon the effective date of this or chapter may be continued at the size and in the manner of operation existing upon that date, except as hereinafter specified.

(C) (1) Nothing in this chapter shall prevent the placing of a building or structure in safe condition when the building or structure is declared unsafe by the City Building Inspector unless the cost of the necessary repairs will exceed more than 50% of the market value, as determined by an independent appraiser retained by the city, in which case any reconstruction shall be for use in accordance with the provisions of this chapter.

(2) All appraisal costs shall be paid by the homeowner at time of building permit application.

(D) (1) Except as provided in division (D)(2) below, no nonconforming building, structure, or use shall be expanded or moved on its lot or to another lot or land parcel unless the movement shall bring the nonconformance into compliance with the requirements of this chapter.

(2) (a) The prohibition of the expansion of a nonconforming building or structure shall not apply to the expansion described herein of a nonconforming principal or main building, used as a single-family dwelling, in a Residential Single-Family Low Density District (RSL District) or a Residential Single-Family Medium Density District (RSM District), for which a building permit has been issued prior to the effective date of this division (D) (2).

(b) New construction relative to such a nonconforming building shall be allowed only in accordance with this division (D) (2) after issuance of the required building permit, as long as construction is started within sixty (60) days of the effective date of this ordinance, construction is not abandoned for more than one hundred twenty days (120) and construction continues to completion with three (3) years of its starting date.

(c) All construction shall comply with all of the provisions of this chapter, the Shoreland Ordinance, and all other applicable regulations, including, but not limited to, the requirements as to setback, height, and floor area ratio, in the RSL District or RSM District, in which the property is located.

(d) The new construction shall not increase the presently existing nonconformity of the nonconforming building.

(E) When any lawful, nonconforming use of any building, structure, or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

(F) ~~Whenever a lawful nonconforming building or structure shall have been damaged, it may be reconstructed and used as before if it be reconstructed within 12 months after the damage, unless the damage to the building or structure is 50% or more of its market value, as determined by an independent appraiser retained by the city, in which case any reconstruction shall be for use in conformity with the provisions of this chapter.~~

(G) Whenever a lawful, nonconforming use of a building, structure, or land is discontinued for a period of 6 months, any future use of the building, structure, or land shall be in conformity with the provisions of this chapter. Efforts to repair or renovate the use are not considered discontinuance provided the effort is continuous and does not increase the number of dwelling units.

(H) Nothing in this chapter shall prevent the normal maintenance of a building or other structure containing or related to a lawful nonconforming use, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
(Ord. 94, § 6.4, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99.

§ 151.024 DWELLING UNIT RESTRICTION

(A) No building shall be occupied for its intended use until the city has received an as-built certificate of survey prepared by a registered land surveyor and an occupancy permit issued by the City Building Inspector.

(B) The as-built certificate of survey must show all easements, final setback distances, ground elevations, building elevations, and driveway/parking placements.

(C) No basement, cellar, garage, tent, mobile home, trailer, or other recreational home or accessory building shall at any time be used as a dwelling unit, temporarily or permanently, except that a mobile home, trailer, or recreational home may be used for not more than 3 months if associated with a construction project, and its sanitary sewage system is in compliance with city, county, state, and federal laws and regulations.

(D) Basements or cellars may be used as living quarters and rooms as a portion of residential dwellings, provided that all applicable laws, regulations and city ordinances are complied with.
(Ord. 94, § 6.5, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003) Penalty, see § 10.99

§ 151.025 NONCONFORMING PLATTED AND UNPLATTED PROPERTY

(A) A lot or parcel of land for which a deed or other form of conveyance has been recorded in the office of the County Recorder upon or prior to the effective date of this chapter shall not be deemed a buildable lot unless, at a minimum, it meets the following conditions.

(1) It has frontage on a road, street, or public highway.

(2) The lot area requirements for the district in which it is located are within 80% of the minimum requirements of this chapter.

(3) It can be demonstrated that a proper adequate sewage treatment system can be installed according to city, county, state, and federal laws and regulations, including the requirement for a second septic treatment site.

(4) All buildings or structures, individual sewage treatment systems, or wells thereon located are no less than 60 feet from any main building, individual sewage treatment system, or well located on an adjacent lot.

(5) At no time after the lot or parcel became nonconforming was the lot or parcel under common ownership with contiguous lots or parcels, the combination of which could have been used to reduce or avoid the nonconformity of the lot or parcel.

(B) If, in a group of two (2) or more contiguous lots or parcels of land under the same ownership, any individual lot or parcel does not meet the minimum width and area requirements specified in this chapter, the lot or parcel shall not be considered as a separate lot or parcel of land for purposes of sale or development, but, instead, the separate lots or parcels must merge into one (1).
(Ord. 94, § 6.6, passed 2-11-1999; Am. Ord. passed 11-24-1999; Am. Ord. passed 7-24-2001; Am. Ord. passed 10-22-2002; Am. Ord. passed 4-1-2003; Am. Ord. passed 12-23-2003)

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