

## CHAPTER 7. TRAFFIC AND VEHICLES

### SECTIONS:

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

### SECTION 700 – TRAFFIC REGULATIONS

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

**Sec. 700.02 Designated Speed Limits.** The speed at which any motor vehicle may be operated within the City shall be a maximum of 10 miles per hour, as provided by the State Mobile Home Park Licensing Law. This maximum speed limit applies to all streets within the City and to the Landfall Village beach parking area, in addition, the streets and parking lots of the commercial district as well. This speed limit shall not apply to Hudson Road where the speed limit shall be 40 miles per hour.

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

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

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

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

### SECTION 710 – PARKING AND STORAGE OF VEHICLES

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

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

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

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

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

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

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

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

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

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

**Sec. 710.02 No Parking.**

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

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

**Sec. 710.04 Exempt Vehicles.**

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

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

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

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

The impounding of a vehicle pursuant to this Section shall not prevent or preclude the institution and prosecution of proceedings for violation of any provision of this Code, ordinance of the City, or State law, in the municipal court or elsewhere, against the owner or operator of the impounded vehicle.

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

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

**Sec. 710.09 Repairing of Vehicles.** Minor repairs and tune-ups, such as replacement of spark plugs, spark plug wires, thermostat, radiator or heater hoses, oil changes and brake jobs shall be permitted on City streets, providing they can be accomplished within the same day and completed by 10:00 PM. All other repairs shall be considered major repairs and shall not be permitted on any city street, nor anywhere within a residential district unless the repairs are made within an enclosed structure allowed within the zoning district. Damage to City streets because of repairs or lack of repairs shall be charged to the person responsible for the damage to the City streets.

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 720 – SNOW REMOVAL****Sec. 720.01 Snow Plowing.**

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

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

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

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

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

**SECTION 730 – WEIGHT RESTRICTIONS**

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

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

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

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

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

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

**Sec. 730.04 Special Road Restrictions.** The Council shall be hereby authorized, by published resolution, to prohibit the operation of trucks or other commercial vehicles, or to impose limitations as to weight thereof, on any highway, street or roadway within the City whenever any such highway, street or roadway, by reason of deterioration, rain, frost, snow, or other climatic conditions, shall be seriously damaged or destroyed, unless the use of vehicles thereon shall be prohibited or the permissible weights thereof reduced. Prohibitions or restrictions shall not be effective unless and until signs shall be posted on the designated highways, streets, or roadways.

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

**SECTION 740 – SNOWMOBILES, ATV’S, AND SIMILAR VEHICLES**

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

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

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

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

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**CHAPTER 7 CHANGE RECORD:**

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

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

## CHAPTER 8. STREETS, SIDEWALKS, AND PUBLIC PROPERTY

### SECTIONS:

800 Streets

810 Parks and Lake

### SECTION 800 - STREETS

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

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

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

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

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

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

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

**SECTION 810 – PARK AND LAKE****Sec. 810.01 Destruction, Defacement, or Theft of Park Property.** No person shall:

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

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

**Sec. 810.03 Fires. No person shall:**

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

**Sec. 810.04 Prohibited Activities.** No person shall:

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

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**CHAPTER 8 CHANGE RECORD:**

## CHAPTER 9. UTILITIES

### SECTIONS:

- 900 City Sewer System
- 910 City Water System
- 920 Illicit Discharge and Connection to Storm Sewer System
- 930 Gas Franchise
- 940 Electric Franchise
- 950 Electric Franchise Fees

### SECTION 900 – CITY SEWER SYSTEM

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

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

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

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

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

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

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

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

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

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

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

- A. Steam exhaust or blow off.
- B. Rain or surface water by means of having a rain spout or other drainage device connected with the sanitary sewer.
- C. Waste containing any product not allowed by Metropolitan Waste Control Commission.
- D. Refuse, solid or liquid, of any character, quality, or nature that shall unreasonably interfere with the ordinary treatment



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

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

## SECTION 910 – CITY WATER SYSTEM

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

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

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

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

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

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

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

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

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

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

the meter is removed by the City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SECTION 920 – ILLICIT DISCHARGE AND CONNECTION TO STORM SEWER SYSTEM

**Sec. 920.01 Purpose/Intent.** The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Landfall Village, Washington County, Minnesota through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

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

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

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

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

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

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

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

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

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

**Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 920. 10 of this ordinance.

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

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

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

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

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

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

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

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

**Storm Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

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

**Storm Water Pollution Prevention Plan.** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

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

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

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

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

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

**Sec. 920.07 Discharge Prohibitions.** Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than st01111 water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

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

Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditionu1g condensation, springs, non-

commercial washu1g of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated -typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

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

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

**Prohibition of Illicit Connections.**

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**Sec. 920.08 Suspension of MS4 Access.**

Suspension due to Illicit Discharges in Emergency Situations.

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

Suspension due to the Detection of Illicit Discharge.

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

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

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

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

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

City of Landfall Village  
50 Aspen Way  
Landfall, MN 55128

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

**Sec. 920.10 Monitoring of Discharges.**

**A. Applicability.**

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

**B. Access to Facilities.**

The authorized enforcement agency for the City of Landfall Village shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

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

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

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

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

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

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

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

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

**Sec. 920.12 Watercourse Protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

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

**Sec. 920.14 Enforcement.**

A. Notice of Violation.

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

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

The performance of monitoring, analyses, and reporting;

The elimination of illicit connections or discharges;

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

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

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

The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to

remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

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

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

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

**Sec. 920.16 Enforcement Measures After Appeal.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within five (5) days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

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

**Sec. 920.18 Injunctive Relief.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

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

**Sec. 920.20 Violations Deemed A Public Nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

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

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

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

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

**Sec. 920.24 Adoption of Ordinance.**

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



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

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, D/B/A XCEL ENERGY ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSES OF CONSTRUCTING, OPERATING, REPAIRING AND MAINTAINING IN THE CITY OF LANDFALL VILLAGE, MINNESOTA, THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OR DISTRIBUTION OF GAS TO THE CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH THE CITY AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

**SECTION 930.1 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

**SECTION 930.2 ADOPTION OF FRANCHISE.**

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

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

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

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

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

**SECTION 930.3 LOCATION, OTHER REGULATIONS.**

**Sec. 930.3.1 Location of Facilities.** Gas Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System previously installed therein. Gas Facilities shall be located on Public Grounds as determined by the City. Company's

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

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

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

**Sec. 930.3.4 Restoration.** After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company.

Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

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

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

#### SECTION 930.4 RELOCATIONS.

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

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

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

Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

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

**SECTION 930.5 TREE TRIMMING.**

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

**SECTION 930.6 INDEMNIFICATION.**

**Sec. 930.6.1 Indemnity of City.** Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Gas Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

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

**SECTION 930.7 VACATION OF PUBLIC WAYS**

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

**SECTION 930.8 CHANGE IN FORM OF GOVERNMENT.**

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

**SECTION 930.9 PROVISIONS OF ORDINANCE.**

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

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

**SECTION 930.10 AMENDMENT PROCEDURE.**

Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the

amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

#### **SECTION 930.11 PREVIOUS FRANCHISE SUPERSEDED.**

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

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

**AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, D/B/A XCEL ENERGY, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF LANDFALL VILLAGE, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.**

#### **SECTION 940.1 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

#### **SECTION 940.2 ADOPTION OF FRANCHISE.**

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

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

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

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

**Sec. 940.2.5 Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used, or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

**SECTION 940.3 LOCATION, OTHER REGULATIONS.**

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

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

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

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

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

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

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

**SECTION 940.4 RELOCATIONS.**

**Sec. 940.4.1 Relocation of Electric Facilities in Public Ways.** If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, re-grade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Electric Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, re-grade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience

of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

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

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

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

#### **SECTION 940.5 TREE TRIMMING.**

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

#### **SECTION 940.6 INDEMNIFICATION.**

**Sec. 940.6.1 Indemnity of City.** Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner, of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

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

#### **SECTION 940.7 VACATION OF PUBLIC WAYS.**

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

#### **SECTION 940.8 CHANGE IN FORM OF GOVERNMENT.**

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

**SECTION 940.9 FRANCHISE FEE.**

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

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

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

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

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

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

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

**Sec. 940.9.5 Equivalent Fee Requirement.** The separate ordinance imposing the fee shall not be effective against Company unless it lawfully imposes and the City monthly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The “same or greater equivalent amount” shall be measured, if practicable, by comparing amounts collected as a franchise fee from each similar customer, or by comparing, as to similar customers the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling or lighting, or to run machinery and appliances, but shall

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

**SECTION 940.10 PROVISIONS OF ORDINANCE.**

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

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

**SECTION 940.11 MODIFICATION PROCEDURE.**

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

**SECTION 940.12 PREVIOUS FRANCHISES SUPERSEDED.**

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



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

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

**SECTION 950.1**

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

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

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

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

**THIS FEE IS AN ACCOUNT-BASED FEE ON EACH PREMISE AND NOT A METER-BASED FEE. IN THE EVENT THAT AN ENTITY COVERED BY THIS ORDINANCE HAS MORE THAN ONE METER AT A SINGLE PREMISE, BUT ONLY ONE ACCOUNT, ONLY ONE FEE SHALL BE ASSESSED TO THAT ACCOUNT. IF A PREMISE HAS TWO OR MORE METERS BEING BILLED AT DIFFERENT RATES, THE COMPANY MAY HAVE AN ACCOUNT FOR EACH RATE CLASSIFICATION, WHICH WILL RESULT IN MORE THAN ONE FRANCHISE FEE ASSESSMENT FOR ELECTRIC SERVICE TO THAT PREMISE. IF THE COMPANY COMBINES THE RATE CLASSIFICATIONS INTO A SINGLE ACCOUNT, THE FRANCHISE FEE ASSESSED TO THE ACCOUNT WILL BE THE LARGEST FRANCHISE FEE APPLICABLE TO A SINGLE RATE CLASSIFICATION FOR ENERGY DELIVERED TO THAT PREMISE. IN THE EVENT ANY ENTITIES COVERED BY THIS ORDINANCE HAVE MORE THAN ONE PREMISE, EACH PREMISE (ADDRESS) SHALL BE SUBJECT TO THE APPROPRIATE FEE. IN THE EVENT A QUESTION ARISES AS TO THE PROPER FEE AMOUNT FOR ANY PREMISE, THE COMPANY'S MANNER OF BILLING FOR ENERGY USED AT ALL SIMILAR PREMISES IN THE CITY WILL CONTROL.**

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

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

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

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

**SCHEDULE A**

**Franchise Fee Rates:**

Electric Utility

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

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

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

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

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**CHAPTER 9 CHANGE RECORD:**

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

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

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

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

## CHAPTER 10. BUILDINGS AND HOUSES

### SECTIONS:

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

### SECTION 1000 – STATE BUILDING CODE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SECTION 1010 – BUILDING NUMBERS

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

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

**SECTION 1020 – STATE FIRE CODE AND LIFE SAFETY CODE**

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

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

**Sec. 1020.03 Definitions.**

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

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

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

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

**Sec. 1020.06 Penalties.**

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

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

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

## SECTION 1030 – HOUSING MAINTENANCE CODE

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

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

home. The carport cannot be enclosed on more than one side and all plastic, tarps, vinyl or other covering that is placed on carports, may be put on no earlier than October 1<sup>st</sup> of the calendar year and are required to be removed no later than May 1<sup>st</sup> of the following calendar year. No such coverings shall be allowed between May 1 and September 30.

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

**Sec. 1030.02 Inspections.**

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

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

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

**Sec. 1030.04 Notification to Correct Violations.**

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

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

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

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

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

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

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

**Subd. 1 Action Authorized to Condemn Structures or Units as Unfit for Human Habitation.** Whenever an enforcement officer finds that any dwelling unit or residential structure constitutes a hazard to the health, safety, or welfare of the occupants or to the public for any of the reason enumerated in this section, including those violations defined herein as constituting material endangerment, but which structure does not constitute a dangerous structure, the officer may take action to condemn the unit or structure as being unfit for human habitation.

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

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

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

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

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

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

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

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



feces, refuse or combustibles, or otherwise, is determined by the enforcement officer to be unsanitary, unfit for human habitation, or in such an unsound condition that it is likely to cause or harbor sickness or disease.

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

#### **Sec. 1030.07 Stay of Enforcement/Penalty.**

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

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

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

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

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

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

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

**CHAPTER 10 CHANGE RECORD:**

**Sec. 1030.01-Z regarding Standards and Garages/Carports.** Renamed Standards to Authorized Structures and Standards, repealed and adopted entire code for Garages/Carports. Changes are intended to clarify the City's rules as they relate to garage and carport facilities as well as to authorize the inclusion of sheds on the pad in addition to ports and garages. Ordinance 2013-004 / 2-13-13. / REV 5-8-13

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

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

## CHAPTER 11. ZONING

### SECTIONS:

#### 1100 Zoning

#### 1110 Regulating the Surface Use of Tanners Lake

### SECTION 1100 – ZONING

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

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

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

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

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

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

**Sec. 1100.05 General Zoning Provisions.**

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

- A. **Landscaping in Commercial Zones.** All required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining the Residential District shall be buffered. Plans of the buffering shall be submitted for approval as a part of the site plan. A plan for maintenance shall be submitted along with the building permit.

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

**TABLE 1**

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

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

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

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

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

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

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

**Sec. 1100.06 Classification of Districts.**

**Subd. 1 Districts.** For the purpose of this Ordinance, the City shall be hereby divided into two classes of districts which shall be designated as follows:

**RESIDENTIAL DISTRICT**

**GENERAL BUSINESS DISTRICT**

**Subd 2 Zoning Map.** The location and boundaries of the districts referred to in this Ordinance shall be hereby set forth on the Zoning Map, and the Map shall be hereby made a part of this Ordinance; the Map shall be entitled "Zoning Map of Landfall Village 1991" and subsequent amendments. The map and all notations, references, and data shown thereon shall be hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described in this

Section. It shall be the responsibility of the Planning Commission to maintain the Map, and amendments thereto shall be recorded on the Zoning Map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the City Hall.

**Subd. 3 District Boundaries.** District boundary lines as indicated on the Zoning Map follow lot lines.

**Sec. 1100.07 Residential District.**

**Subd. 1 Purpose.** The Residential District is intended to provide a district which shall allow residential development in those areas where such development fits the Land Use Plan and policies.

**Subd. 2 Permitted Uses.** Within a Residential District, no building or land shall be used except for one or more of the following uses:

A. Single family dwellings, one-story, owner occupied manufactured homes. For purposes of this Section, Owner occupied shall include Owners participating in the City's Lease / Ownership Program. [*Ordinance 2013-005 / 2-13-13*]

B. Parks and recreational areas owned or operated by governmental agencies provided these have been reviewed for conformity to the City Plan.

C. All government buildings and structures deemed necessary by the Council.

**Subd. 3 Use by Special Use Permit.** Within a Residential District, no building or land shall be used for one or more of the following uses except by Special Use Permit:

A. Essential public utility and service structures.

B. Home occupations, defined as any gainful occupation meeting all of the following requirements when engaged in by persons only while residing in their dwelling; when conducted in not more than one room within the principal structure; using only that equipment or machinery which is usually found in a home; and when the occupation does not involve the retail sale of products; and no signs. No accessory building shall be used for the home occupation.

**Subd. 4 Accessory Uses.** Within a Residential District, the following use shall be permitted accessory use:

A. Accessory buildings which shall be clearly incidental to the use of the main building.

**Sec. 1100.08 General Business District.**

**Subd. 1 Purpose.** The General Business District is designed to furnish the City with a retail business district with a wide range of services and goods. This district shall be intended as a business district which shall be located next to Hudson Boulevard and separate from the residential areas.

**Subd. 2 Permitted Uses.** Within the General Business District, the following shall be permitted uses:

A. Government owned buildings.

B. Public Telephone Booths,

C. Automobile and Motorcycle Dealerships selling new, used, or new and used automobiles, motorcycles, or a combination thereof. Such dealerships may also provide a repair service center which may be used for repairing vehicles, motorcycles, or both, and which may also be used for preparing automobiles, motorcycles, or both, for sale.

**Subd. 3 Uses by Special Use Permit.** With the exception of the permitted uses set forth in subdivision one above, within the General Business District no building or land shall be used except by Special Use Permit.

**Subd. 4 Accessory Uses.** Within the General Business District the following uses shall be permitted accessory uses:

A. Off-street parking and loading as regulated by Subsection 1100.05.

B. Signs as regulated by Subsection 1100.11.

C. Any incidental repair or processing necessary to conduct a permitted use; however such accessory use shall not occupy more than fifty percent (50%) of floor area nor require more than fifty percent (50%) of the gross hours required to conduct the permitted use.

**Subd. 5 Additional Requirements.** Within the General Business District all uses shall:

A. Provide parking areas which shall be paved with materials and the arrangement of entrances, exits, and parking stalls shall be subject to the approval of the City.

B. Accomplish exterior illumination in such a way as to direct the light away from a public right-of-way or any of the adjoining properties.

C. Outdoor business uses shall in no case be conducted in the front, rear and side yards set forth in this district except that in the case of rear and side yards this provision may be waived by a special use permit where acceptable fences and/or buffers shall be provided.

D. Provide landscaping as determined by the City.

**Subd. 6 Height, Yard Regulations.**

A. **Height Regulations:** After the adoption of this Code, no building shall be erected or structurally altered to exceed the lesser of two (2) stories or 35 feet in height above ground. The 35 feet shall be an average of all four (4) sides of the building.

**B. Front Yard Regulations:** There shall be a front yard having a depth of not less than fifteen (15) feet.

**C. Side Yard Regulations:**

1. Side yards of at least 12 feet shall be required.
2. A side yard of at least 15 feet shall be required on the street side of a corner lot.
3. A side yard of 12 feet shall be required on the side abutting any residential district.
4. A rear yard of at least 12 feet shall be required.

**Subd. 7 General Regulations.** Additional regulations in the General Business District shall be set forth in Subsection 1100.05.

**Sec. 1100.09 Special Use Permits.**

**Subd. 1 Purposes and Intent.** Certain uses, while generally not suitable, in either zoning districts, may, under some circumstances, be suitable. When such circumstances exist, a special use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit shall be required.

The Council may grant a special use permit after the Council has considered the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of the City and, if necessary, surrounding land, existing and anticipated traffic conditions, including parking facilities on adjacent streets and land, and the effect on values of property in the surrounding area, and the effect of the proposed use on the comprehensive municipal plan.

If special technical studies or investigations, such as traffic, planning or any other are determined necessary by the City Planning Commission or the Council no further action shall be taken by the City until sufficient monies have been deposited with the City to pay the cost of these studies.

If a permit is to be issued, the Council shall determine that the proposed use shall not be detrimental to the health, safety, morals or general welfare of the community, nor shall cause serious traffic congestion or hazards, nor shall seriously depreciate surrounding property values, and that the use shall be in harmony with the general purpose and intent of this Zoning Code and of the Comprehensive Plan.

If an application is denied, the reason or reasons therefore shall be stated in the resolution of denial.

**Subd. 2 Application Procedure.**

A. Application for the issuance of a Special Use Permit shall be made to the Planning Commission except that any proceedings to classify certain uses as conforming uses as provided, in this Chapter, may be initiated either by the application or by the Council or by the Planning Commission. The Planning Commission may hold hearings on the proposal to issue a Special Use Permit as it may consider necessary, but at least one public hearing shall be held on any application for a Special Use Permit. Following the hearing, the Planning Commission shall make a report upon the proposal to the Council and shall recommend to the Council whatever action it deems advisable in conjunction with the purpose and intent of this Ordinance.

B. To defray administrative costs of processing of requests for Special Use Permits, a fee established by Council Resolution shall be paid by the applicant.

C. The application shall be accompanied by development plans of the proposed use showing such information as may be necessary or desirable, including but not limited to those listed below. These plans need not meet engineering or construction detail so long as they contain adequate information upon which the Planning Commission can determine the proposed development shall meet all development standards if the project proceeds in accordance with the plans.

1. Site plan drawn at scale showing parcel and building dimensions.
2. Location of all buildings and their square footages.
3. Driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
4. Landscaping and screening plans including species and size of trees and shrubs proposed.
5. Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated within the area.
6. Type of business or activity and proposed number of employees.
7. Proposed floor plan and elevations of any building with use indicated.

**Sec. 1100.10 Variances**

**Subd. 1 Purpose of Variances.** The Council may grant variances from the strict application of the provisions of this Zoning Code, in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Chapter. The Council may impose conditions and safeguards as to any variances granted.

**Subd. 2 Application for Variance.** An application for a variance shall be filed with the Planning Commission and shall state the exceptional conditions and the peculiar and practical difficulties claimed as a basis for a variance.

**Subd. 3 Referral to Planning Commission.** All applications for variances shall be referred to the Planning Commission, which shall hear the applicant or representative thereof. The Commission shall recommend the conditions relating to the granting of a variance as it shall deem necessary to adjust the hardship or special situation so as to carry out the intent and purpose of this Zoning Code or shall recommend the denial of the request.

**Subd. 4 When Council May Act.** The Council shall act on an application for a variance:

- A. When a recommendation is received from the Planning Commission.
- B. If no recommendation is received from the Planning Commission within 30 days, or such other time limit designated by the Council, and after the refusal to act by the Planning Commission.

**Subd. 5 Granting or Denial of Variance.** The Council shall consider each application for a variance at its next regular meeting. It shall grant or deny the application within 60 days of receipt of the completed application.

In recommending or granting any request the Planning Commission and Council shall make a finding of fact that the proposed action shall not in any way be contrary to the intent of this Zoning Code.

If a variance is denied by motion of the Council, the motion shall constitute a finding and determination by the Council that the conditions required for approval do not exist.

**Sec. 1100.11 Signs.**

**Subd. 1 Purpose and Intent.** The purpose of this Subsection shall be to protect and promote the general welfare, health, safety and order within the City through the establishment of a comprehensive and impartial series of standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as a visual communicative media to persons situated within or upon public right-of-ways or properties.

The provisions of this Section shall be intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication, and sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this Ordinance; while at the same time, assuring that the public health and welfare shall be not endangered.

All signs hereafter erected or maintained shall conform with the provisions of this Subsection and any other Code provision, ordinances or regulations of the City other than official traffic and street signs and signs in locations subject to the laws of higher governing bodies, except in cases where this Subsection shall be more restrictive.

**Subd. 2 Construction.** All signs shall be constructed in such a manner and of such material so as to be considered safe and substantial. Nothing in this Subsection shall be interpreted as authorizing the erection or construction of any sign not now permissible under the Zoning Ordinances of the City.

**Subd. 3 Signs Permitted in All Districts.** Subject to all other conditions of this Chapter, the following signs shall be permitted anywhere within the City.

**A. Real Estate Signs.**

1. One temporary real estate sign not exceeding twenty-four (24) square feet in area and located on any commercial property. If the lot, parcel or tract has multiple frontage, one additional sign not exceeding twenty-four (24) square feet in area shall be allowed on the property to be placed facing the additional frontage. Under no circumstances shall more than a maximum of two (2) such signs be permitted on the property.
2. Window signs. All real estate signs shall be placed in the window of the structure that is for sale. No real estate sign shall be placed in any yard of the home.
3. Temporary real estate signs shall be removed within thirty (30) days following the lease or sale,

**B. Street Banners.** Street banners advertising a public entertainment or event, if specifically approved by the Planning Commission, may be displayed fourteen (14) days prior to and three (3) days after the public entertainment or event.



**C. Directional Signs.** Name, directional and informational signs shall be permitted. Each sign shall not be more than four (4) square feet in area. The top of the sign shall not exceed eight (8) feet above grade. In the event that there is a need for more than one sign at one location, all such signs shall be consolidated and confined within a single frame, subject to the review and recommendation of the Planning Commission.

**D. Bench Signs.** Bench signs shall be permitted in the Commercial District, but only at designated bus stops. Each bench sign may not exceed ten (10) square feet and may only be affixed to either or both sides of the back of the bench.

**Subd. 4 Exemptions.** Size restrictions shall not apply to noncommercial signs from August 1 until ten days following the election in any State election year pursuant to MN Statute § 211B.045, The following types of signs shall be exempted from all the provisions of this Subsection, except for construction and safety regulations and the following standards:

**A. Public Signs.** Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of public duty, such as directional signs, regulatory signs, warning signs, and information signs.

**B. Temporary Signs.** Temporary signs announcing any public, charitable, educational or religious event or function. Such signs shall be allowed no more than twenty-one(21) days prior to the event or function and shall be removed within three (3) days after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six (6) feet above ground level.

**C. Private Traffic Direction.** Signs directing traffic movement onto a premise or within a premise, not exceeding eight (8) square feet in area for each sign. Illumination of these signs shall conform to this Section, except that standard traffic signal light devices may be used if needed. Horizontal direction signs on and flush with paved areas shall be exempt from these standards.

**D. Political Campaign Signs.** Signs announcing candidates seeking public political office and other data pertinent there to shall be permitted up to a total area of nine (9) square feet for each premise in a residential zone and thirty-two (32) square feet in a commercial zone provided that property owner's permission shall have been obtained. These signs may be displayed thirty (30) days prior and three (3) days after the election for which intended. In cases where a final election follows within seventy- five (75) days of a primary election, those candidates who won in the primary election may continue to display their signs during the interim period and up to three (3) days after the final election.

**E. Banners, Pennants, Whirling Devices, Balloons.** Banners, pennants, whirling devices and balloons or any such sign resembling the same shall be prohibited from use within the City except when used as an integral part of the design of the building or when used in conjunction with grand openings (the initial commencement of business), or when allowed by the provisions of this Subsection. In the case of grand openings, banners and pennants shall be allowed for the week (maximum ten (10) days) of the grand opening. In other cases, a special permit shall be issued for ten (10) day periods, but limited to three (3) times a year per business.

**F. National, State, County, or City Flags.** Nothing in this Subsection shall in any way prohibit or limit the display of National, State, County or City flags.

**Subd. 5 Prohibited Signs.** The following signs shall be prohibited and shall be removed immediately:

**A.** Signs containing statements, words, or pictures of an obscene, indecent or immoral character, such as shall offend public morals or decency.

**B.** Signs which imitate an official traffic sign or signal or which contain the words 'stop,' "go slow," "caution," "danger," "warning," or similar words, except as provided in this Code.

**C.** Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.

**D.** Flashing or rotating signs resembling emergency vehicles or equipment.

**E.** Signs which are placed on a municipal, county, or state right-of-way, except that identification signs for a community or as otherwise specified in this Subtitle shall be allowed in rights-of-way providing that the sign shall be approved by the Planning Commission and Council and a sign permit shall be issued conditioned upon removal of the sign at no cost to the City at such time as the City may require.

**F.** Signs which are pasted or attached to utility poles, trees, fences, other signs or their own poles which shall not be specifically allowed by this Subsection.

**G.** Signs which move in any manner or have a major moving part or give an illusion of motion; signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment; and signs which are painted directly on the wall, exterior of window or any other structural part of a building.

**Subd. 6 Billboard Signs.** The number of billboard signs shall be limited to three, the number of such signs constructed as of the date this Code becomes effective. Billboard signs shall be defined as freestanding signs which advertise off premises products or events.

**Subd. 7 Illumination.**

- A. The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.
- B. No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance of illusion of writing or printing. An exception may be granted by the Planning Commission for signs providing public service information such as date, time, temperature and other weather devices. Nothing contained in this Subsection shall, however, be construed as preventing the use of lights or decorations related to religious and patriotic festivities, Beacon lights or search lights shall be permitted as a sign or for advertising purposes by obtaining a permit from the City.
- C. No exposed reflective type bulbs and no strobe lights, incandescent lamps or zip flasher which exceed fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- D. When necessary to prevent a nuisance the City shall specify the hours during which illuminated signs shall be kept lighted.

**Subd. 8 Permits and Fees.**

A. **Permit Requirements.** No sign shall be erected, altered or relocated without a permit issued by the City Council. Any sign involving electrical components shall be wired by a licensed electrician, and the electrical components used shall bear and Underwriters Laboratories, Inc. seal of inspection. Fees for sign permits shall be set by Council resolution.

**B. Applications.**

1. The permit application shall be signed by the applicant. When the applicant is any person other than the owner of the property, it shall also be signed by the owner of the property. The application shall contain the following information:
- a) Name, address and telephone number of the property owners, sign owner and erector.
  - b) Location of the sign or structure.
  - c) Any electrical permit required for any sign.
  - d) Other information as may be required by the Planning Commission.

**Subd. 9 Enforcement, Inspection, Removal, Safety.**

A. **Inspection.** Any sign for which a permit shall be required shall be inspected periodically by the City for compliance with this Subsection and all other applicable laws.

B. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

C. **Removal of Signs.** The City shall order the removal of any sign erected or maintained in violation of this Subsection. Ten (10) days notice in writing shall be given to the owner of the sign, or of the building, structure or premises on which the sign is located, to either bring the sign into compliance with this Section or effect its removal. Upon failure to remove the sign or to comply with this notice, the City forces shall remove the sign. The City forces shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public.

Any costs of removal incurred by the City shall be assessed to the owner of the property on which the sign is located and may be collected in the manner of ordinary debt or in the manner of taxes with all costs assessed against the property.

**Sec. 1100.12 Amendments.** This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by following the procedure specified as follows:

A. Proceedings for amendments of this Ordinance shall be initiated by (1) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; (2) a recommendation of the Planning Commission; (3) by action of the Council or (4) petition of a City resident or property owner when it relates to the text and not to a District.

B. Before any amendment shall be adopted, the Planning Commission or Council shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. Following the hearing the Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Clerk within sixty (60) days after the hearing. If no recommendation is transmitted by the Planning Commission within sixty (60) days after the hearing, the Council may take action without awaiting the

recommendation. If the application is made by a resident, the Council shall issue its decision within sixty (60) days of the completed application being filed.

C. Upon the filing of such report, the Council shall hold such public hearings upon the amendment as it shall deem advisable. After the conclusion of the hearings, if any, the Council may adopt the amendment or any part thereof in such form as it shall deem advisable. The amendment shall be effective only on a two-thirds vote of all the members of the Council concur in its passage.

**SECTION 1110 – REGULATING THE SURFACE USE OF TANNERS LAKE.**

**Sec. 1110.01 Purpose, Intent, and Application.** As authorized by MN Statutes 86B.201, 86B.205, and 459.20 and MN Rules 6110.3000 – 6110.3800 as now in effect and as hereafter amended, this ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of Tanners Lake in Washington County, MN, said bodies of water being located entirely within the boundaries of Washington County, to promote its fullest use and enjoyment by the public in general and citizens of Washington County in particular, to insure safety for person and property in connection with the use of said waters, to harmonize and integrate the varying uses of said waters, and to promote the general health, safety, and welfare of the citizens of Washington County, MN.

**Sec. 1110.02 Definitions.** Terms used in this ordinance related to boating are defined in MN Statute 86B.005.

**Sec. 1110.03 Surface Zoning of Tanners Lake by Restricting Speeds of Operation.**

- A. No watercraft shall be operated in excess of ten (10) miles per hour unless a permit is obtained from the Washington County Sheriff’s Department.
- B. A Slow No-Wake speed shall be in effect when the lake level on Tanners Lake exceeds 964.0 feet above sea level. Such restriction shall become effective when the water level reaches the 964.0 foot level on gauges located at all Public Access points and at other locations on the lake. Each gauge shall have the 964.0 foot level conspicuously marked with the slow no wake restriction posted on the gauge. When high water levels have subsided and have remained below the 964.0 above mean sea level for one (1) day, said restriction shall be removed.

**Sec. 1110.04 Exemptions.** All authorized Resource Management, Emergency, and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.

**Sec. 1110.05 Notification.** It shall be the responsibility of the City of Oakdale to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access outlining essential elements of the ordinance, as well as the placement of necessary buoys and signs.

**Sec. 1110.06 Enforcement and Penalties.**

- A. The primary responsibility for enforcement of this ordinance shall rest with the Washington County Sheriff’s Department. This, however shall not preclude enforcement by other licensed peace officers or DNR personnel.
- B. A violation of this Section shall be a misdemeanor and any person convicted of violating any provision of this Section shall be subject to a fine of not more than \$500.00 or imprisonment for a term not to exceed ninety (90) days, or both.

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**CHAPTER 11 CHANGE RECORD:**

**Sec. 1100.7, Subd. 2 regarding Permitted Uses.** Amended Owner Occupied to include Owners participating in the City’s Lease/Ownership program. Change is intended to reflect the City’s program of Lease-To-Own ownership in the City. Ordinance 2013-005 / 2-13-13.

**Sec. 1110 – Entire section - Regulating Surface Use of Tanners Lake.** The adoption is to replace language previously contained in Chapter 2 of the Landfall Village City Code and moved to Chapter 11-Zoning for clarity. [Ordinance 2013-009] 5-8-13