

CITY OF WATERVILLE, MINNESOTA

CODE OF ORDINANCES

AMERICAN LEGAL PUBLISHING CORPORATION

432 Walnut Street Cincinnati, Ohio 45202-3909 (800) 445-5588

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 Title of code
- 10.02 Rules of interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Severability
- 10.07 Reference to other sections
- 10.08 Reference to offices
- 10.09 Errors and omissions
- 10.10 Official time
- 10.11 Reasonable time
- 10.12 Ordinances repealed
- 10.13 Ordinances unaffected
- 10.14 Effective date of ordinances
- 10.15 Repeal or modification of ordinance
- 10.16 Ordinances which amend or supplement code
- 10.17 Preservation of penalties, offenses, rights and liabilities
- 10.18 Copies of code
- 10.19 Adoption of statutes and rules by reference
- 10.20 Enforcement
- 10.21 Hearings

- 10.98 Supplemental administrative penalties
- 10.99 General penalty

§ 10.01 TITLE OF CODE.

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

law as contained in the code.

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

§ 10.02 RULES OF INTERPRETATION.

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

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

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

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

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

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

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

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

§ 10.04 CAPTIONS.

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

§ 10.05 DEFINITIONS.

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

understood according to their technical import.

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

CITY, VILLAGE AND MUNICIPALITY. The area within the corporate boundaries of the City of Waterville, Minnesota, as presently established or as amended by ordinance, annexation or other legal actions at a future time. The term ***CITY*** when used in this code may also be used to refer to the City Council and its authorized representatives.
(1982 Code, § 1200.02)

CLERK. The City Administrator-Clerk.

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

COUNCIL. The City Council.

COUNTY. County of Le Sueur, Minnesota.

MAY. The act referred to is permissive.

MINOR. An individual under the age of 18 years.
(1982 Code, § 1200.07)

MONTH. A calendar month.

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

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

ORDINANCE. Refers to the chapter or section in which it appears and related sections and divisions under the same chapter or section.
(1982 Code, § 1200.03)

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

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

SHALL. The act referred to is mandatory.

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

STATE. The State of Minnesota.

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

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

YEAR. A calendar year, unless otherwise expressed.
(1982 Code, § 100.02)

§ 10.06 SEVERABILITY.

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

§ 10.07 REFERENCE TO OTHER SECTIONS.

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

§ 10.08 REFERENCE TO OFFICES.

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

§ 10.09 ERRORS AND OMISSIONS.

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

§ 10.10 OFFICIAL TIME.

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

§ 10.11 REASONABLE TIME.

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

necessary for a prompt performance of the act or the giving of the notice.

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

§ 10.12 ORDINANCES REPEALED.

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

§ 10.13 ORDINANCES UNAFFECTED.

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

§ 10.14 EFFECTIVE DATE OF ORDINANCES.

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

§ 10.15 REPEAL OR MODIFICATION OF ORDINANCE.

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

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

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

§ 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

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

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In

addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

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

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.18 COPIES OF CODE.

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

§ 10.19 ADOPTION OF STATUTES AND RULES BY REFERENCE.

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

§ 10.20 ENFORCEMENT.

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

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

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

(D) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Administrator-Clerk, peace officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(E) Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Administrator-Clerk or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the City Administrator-Clerk to object to the termination before it occurs, subject to appeal of the Administrator-Clerk's decision to the City Council at a regularly scheduled or special meeting.

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

§ 10.21 HEARINGS.

(A) *General.* Unless otherwise provided in this code, or by law, every public hearing required by law, ordinance or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

(B) *Notice.* Every hearing shall be preceded by ten-days' mailed notice to all persons entitled thereto by law, ordinance or regulation unless only published notice is required, or unless a different notice requirement is specified. The notice shall state the time, place and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings of a good faith effort has been made to comply with this division.

(C) *Conduct of hearing.* At the hearing, each party in interest shall have an opportunity to be heard and to present evidence that is relevant to the proceeding. The Council may adopt rules governing the conduct of hearing, records to be made and other matters as it deems necessary.

(D) *Record.* Upon the disposition of any matter after hearing, the Council shall have prepared a written summary of its findings and decisions and enter the summary in the official Council minutes. (1982 Code, § 100.05)

§ 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.

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

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

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

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

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

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

§ 10.99 GENERAL PENALTY.

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

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota

Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

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

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

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

TITLE III: ADMINISTRATION

Chapter

- 30. COUNCIL**
- 31. ADMINISTRATION DEPARTMENT**
- 32. POLICE DEPARTMENT**
- 33. FIRE DEPARTMENT**
- 34. PLANNING COMMISSION**
- 35. EMERGENCY MANAGEMENT**
- 36. PARKS AND RECREATION ADVISORY
COMMISSION**
- 37. FINANCES AND TAXATION**
- 38. CHARITABLE GAMBLING ADVISORY BOARD**

CHAPTER 30: COUNCIL

Section

- 30.01 Meetings
- 30.02 Presiding officer
- 30.03 Minutes
- 30.04 Order of business
- 30.05 Quorum and voting
- 30.06 Ordinances, resolutions, petitions and communications
- 30.07 Committees
- 30.08 Suspension or amendment of the rules
- 30.09 Salaries of Mayor and Council members
- 30.10 Emergency

§ 30.01 MEETINGS.

(A) *Regular meetings.* Regular meetings of the Council shall be held on the first Tuesday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on a date and time as directed by the Council upon notice as is given for special meetings. All meetings, including special and adjourned meetings, shall be held in the City Hall unless so specified.

(B) *Special meetings.* The Mayor or any two members of the Council may call a special meeting of the Council upon at least 24-hours' written notice to each member of the Council, subject to a three-day notification thereafter. This notice shall be delivered personally to each member or shall be left at his or her usual place of residence with some responsible person. Similar notice shall be given to the Administrator-Clerk and posted at the City Hall and two other public places in the city.

(C) *Initial meeting.* At the first regular Council meeting in January of each year the Council shall:

- (1) Designate the depositories of city funds;
- (2) Designate the official newspaper;

(3) Choose one of the Council members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualified;

(4) Appoint officers and employees and members of boards, commissions, and committees as may be necessary.

(D) *Public meetings.* All Council meetings, including special and adjourned meetings and

meetings of Council committees, shall be open to the public.
(1982 Code, § 201.01) (Ord. 201.01, passed 4-2-1996)

§ 30.02 PRESIDING OFFICER.

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

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

(C) *Appeal procedure.* Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his or her ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.

(D) *Rights of presiding officer.* The presiding officer may make motions, second motions, or speak on any question except that on demand of any Council member, he or she shall vacate the chair and designate a Council member to preside temporarily.
(1982 Code, § 201.02)

§ 30.03 MINUTES.

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

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Administrator-Clerk, and copies thereof shall be delivered to each Council member as soon as practicable after the meeting. At the next regular Council meeting following the delivery, approval of

the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions, or corrections, the minutes shall stand approved.
(1982 Code, § 201.03)

§ 30.04 ORDER OF BUSINESS.

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

- (1) Call to order/roll call
- (2) Approval of minutes;
- (3) Petitions, requests, complaints;
- (4) Unfinished business;
- (5) Citizen time;
- (6) New business;
- (7) Administrator-Clerk's reports;
- (8) Administrator's report;
- (9) General Council discussion;
- (10) Approval of bills;
- (11) Impress cash fund; and
- (12) Adjournment.

(B) *Varying order.* The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in the notice of hearing.

(C) *Agenda.*

(1) An agenda of business for each regular Council meeting shall be prepared and filed in the office of the Administrator-Clerk not later than two days before the meeting.

(2) The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Council member and to the city attorney as far in advance of the meeting as time for preparation will permit.

(3) No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the Council members present.

(1982 Code, § 201.04)

§ 30.05 QUORUM AND VOTING.

(A) *Quorum.* At all Council meetings, a majority of all the Council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

(B) *Voting.* The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. Where a vote is unanimous it shall be so recorded. If any member is present but does not vote, the minutes, as to his or her name, shall be marked "Present-Not Voting" or "Present-Abstaining."

(C) *Votes required.* A majority vote of all members of the Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.
(1982 Code, § 201.05)

§ 30.06 ORDINANCES, RESOLUTIONS, PETITIONS AND COMMUNICATIONS.

(A) *Readings.* Every ordinance and resolution shall be presented in writing. Every ordinance shall receive two readings before the Council prior to final adoption, but shall not be read twice at the same meeting unless the rules are suspended for that purpose. An ordinance or resolution need not be read in full unless a member of the Council requests a reading.

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

(C) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or division thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or division as it will read with the amendment.

(D) *Motions, petitions, communications.* Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition or other communication addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the Administrator-Clerk.
(1982 Code, § 201.06)

§ 30.07 COMMITTEES.

(A) *Committees designated.*

(1) There shall be the following standing committees:

- (a) Auditing Committee;
- (b) Reserved for future use; and
- (c) Reserved for future use.

(2) Committee members shall be appointed by the Mayor at the first regular Council meeting in January of each year.

(B) *Membership.* Each committee shall consist of three members of the Council and the Chairperson of each committee shall be designated by the Mayor. Each committee member shall serve as appointed unless excused by a majority of the members of the Council. If the committee does not provide otherwise, committee meetings shall be held at the call of the Chairperson. The same notice shall be given of committee meetings as for special meetings of the Council except that personal notice need not be given each member if the committee so decides.

(C) *Referral and reports.* Any matter brought before the Council for consideration may be referred by the presiding officer to the appropriate committee onto a special committee appointed by him or her for a written report and recommendation before it is considered by the Council as a whole. Each committee report shall be signed by a majority of the members and shall be filed with the Administrator-Clerk prior to the Council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it. (1982 Code, § 201.07)

§ 30.08 SUSPENSION OR AMENDMENT OF THE RULES.

These rules may be suspended only by a two-thirds' vote of the members present and voting. (1982 Code, § 201.08)

§ 30.09 SALARIES OF MAYOR AND COUNCIL MEMBERS.

Effective January 1982, the salary of the Mayor shall be \$175 per month and the salary of each Council member shall be \$150 per month, and \$20 per special meeting. (1982 Code, § 201.09)

§ 30.10 EMERGENCY.

In the event an emergency arises which requires immediate Council action and a quorum of elected Council members cannot be obtained, those elected Council members present may take necessary action with respect to the emergency. (1982 Code, § 201.12)

Section

Administrator-Clerk
CHAPTER 31: ADMINISTRATION DEPARTMENT

- 31.01 Purpose
- 31.02 Establishment
- 31.03 Duties and responsibilities
- 31.04 Additional duties of the City Administrator-Clerk

Bookkeeper and Treasurer

- 31.15 Bookkeeper
- 31.16 City treasurer
- 31.17 Audit required

ADMINISTRATOR-CLERK

§ 31.01 PURPOSE.

This chapter is to provide for a reorganization of the administration of the City of Waterville so as to provide more clearly the duties and responsibilities of various positions and to make the administration more efficient.
(Ord. 201.14, passed 2-5-1991)

§ 31.02 ESTABLISHMENT.

(A) The position of Administrator-Clerk is hereby established and that person shall be the chief executive officer of the municipality.

(B) The Administrator-Clerk shall be chosen by a majority of the City Council. Terms, conditions and tenure of employment of that person shall be determined by written contract entered into with the City of Waterville and adopted by a majority of the City Council.
(Ord. 201.14, passed 2-5-1991)

§ 31.03 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Administrator-Clerk shall be:

(A) Subject to City Council regulations and applicable laws, the Administrator-Clerk shall control and direct the administration of municipal affairs;

(B) The Administrator-Clerk shall see that all laws, ordinances and resolutions of the city are enforced;

(C) The Administrator-Clerk shall supervise the activities of all municipal department heads and

personnel of the city in the administration of municipal policy. The Administrator-Clerk shall recommend the employment and removal of all city personnel including, but not limited to, the engineer, certified public accountant and attorney;

(D) The Administrator-Clerk shall attend and participate in all meetings of the City Council. The Administrator-Clerk shall be responsible for the preparation of the City Council agenda and recommend to the City Council measures as the Administrator-Clerk may deem necessary for the welfare of the citizens and the efficient administration of the city. The Administrator-Clerk may attend at the Administrator-Clerk's discretion, or at the direction of the City Council, other committee meetings;

(E) The Administrator-Clerk shall be responsible for the preparation of the Planning and Zoning Commission agendas;

(F) The Administrator-Clerk shall prepare an annual fiscal budget and capital improvement plan for the City Council. The Administrator-Clerk shall maintain financial guidelines for the municipality within the scope of the approved budget and capital program. The Administrator-Clerk shall submit reports to the City Council on the financial condition of municipal accounts and make sure the annual financial statement is prepared in accordance with Minnesota Statutes;

(G) The Administrator-Clerk shall handle all personnel matters for the city in conjunction with policy established by the City Council. The Administrator-Clerk shall negotiate or delegate the negotiation of terms and conditions of employee labor contracts for presentation to the City Council;

(H) The Administrator-Clerk shall represent the city at official functions as directed by the City Council and maintain good public relations with the citizens of the community;

(I) The Administrator-Clerk shall act as purchasing agent for the city and be responsible in making all purchases in accordance with the approved municipal budget. The Administrator-Clerk shall have the authority to sign purchase orders for routine services, equipment and supplies for which the cost does not exceed \$1,500. All claims resulting from orders placed by the city shall be audited for payment by the City Council. The Administrator-Clerk shall negotiate contracts for any kind of merchandise, materials, equipment or construction work for presentation to the City Council;

(J) (1) The Administrator-Clerk shall coordinate municipal programs and activities as directed by City Council;

(2) The Administrator-Clerk shall monitor all consultant and contract work performed for the City; and

(3) The Administrator-Clerk shall coordinate the activities of the city attorney;

(K) (1) The Administrator-Clerk shall be informed regarding federal, state and county programs which affect the municipality; and

(2) The Administrator-Clerk shall consult with officials of both public and private agencies as may be required;

(L) The Administrator-Clerk shall inform the City Council on matters dealing with the administration of the city and prepare and submit to the City Council for adoption an administrative code encompassing the details of administrative procedure;

(M) The Administrator-Clerk shall be required to take an oath of office and shall be bonded at city expense through a position bond which will indemnify the municipality; and

(N) The Administrator-Clerk shall perform other duties as may be prescribed by law or required of the Administrator-Clerk by ordinance or resolutions adopted by the City Council.
(Ord. 201.14, passed 2-5-1991)

§ 31.04 ADDITIONAL DUTIES OF THE CITY ADMINISTRATOR-CLERK.

The office of City Administrator-Clerk shall have only those duties required by state statute which have not been delegated to the bookkeeper.
(Ord. 201.14, passed 2-5-1991)

BOOKKEEPER AND TREASURER

§ 31.15 BOOKKEEPER.

(A) The position of bookkeeper is hereby established and that person shall have all of the Administrator-Clerk's bookkeeping and accounting duties as set forth in Minnesota Statutes, city ordinances or resolutions.

(B) Also any duties that may be from time to time assigned to the bookkeeper by the Administrator-Clerk but not any statutory duties of the Administrator-Clerk.

(1) Upon recommendation of the City Administrator-Clerk, the bookkeeper shall be chosen by a majority of the City Council.

(2) The bookkeeper shall be required to take an oath of office and be bonded at city expense, through a fidelity bond conditioned upon faithful exercise of the duties imposed.
(Ord. 201.14, passed 2-5-1991)

§ 31.16 CITY TREASURER.

The office of the city treasurer heretofore established and authorized to act pursuant to law is hereby continued.
(1982 Code, § 201.11)

§ 31.17 AUDIT REQUIRED.

Over every three years from and after January 1, 1982, there shall be a audit of the financial affairs of this municipality by the public examiner or a public accountant in accordance with minimum auditing procedures prescribed by the public examiner.
(1982 Code, § 201.13)

CHAPTER 30: COUNCIL

Section

- 30.01 Meetings
- 30.02 Presiding officer
- 30.03 Minutes
- 30.04 Order of business
- 30.05 Quorum and voting
- 30.06 Ordinances, resolutions, petitions and communications
- 30.07 Committees
- 30.08 Suspension or amendment of the rules
- 30.09 Salaries of Mayor and Council members
- 30.10 Emergency

§ 30.01 MEETINGS.

(A) *Regular meetings.* Regular meetings of the Council shall be held on the first Tuesday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on a date and time as directed by the Council upon notice as is given for special meetings. All meetings, including special and adjourned meetings, shall be held in the City Hall unless so specified.

(B) *Special meetings.* The Mayor or any two members of the Council may call a special meeting of the Council upon at least 24-hours' written notice to each member of the Council, subject to a three-day notification thereafter. This notice shall be delivered personally to each member or shall be left at his or her usual place of residence with some responsible person. Similar notice shall be given to the Administrator-Clerk and posted at the City Hall and two other public places in the city.

(C) *Initial meeting.* At the first regular Council meeting in January of each year the Council shall:

- (1) Designate the depositories of city funds;
- (2) Designate the official newspaper;

(3) Choose one of the Council members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualified;

(4) Appoint officers and employees and members of boards, commissions, and committees as may be necessary.

(D) *Public meetings.* All Council meetings, including special and adjourned meetings and meetings of Council committees, shall be open to the public.
(1982 Code, § 201.01) (Ord. 201.01, passed 4-2-1996)

§ 30.02 PRESIDING OFFICER.

(A) *Who presides.* The Mayor shall preside at all meetings of the Council. In the absence of the

Mayor, the Acting Mayor shall preside. In the absence of both, the Administrator-Clerk shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their number to act temporarily as presiding officer.

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

(C) *Appeal procedure.* Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his or her ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.

(D) *Rights of presiding officer.* The presiding officer may make motions, second motions, or speak on any question except that on demand of any Council member, he or she shall vacate the chair and designate a Council member to preside temporarily.
(1982 Code, § 201.02)

§ 30.03 MINUTES.

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

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Administrator-Clerk, and copies thereof shall be delivered to each Council member as soon as practicable after the meeting. At the next regular Council meeting following the delivery, approval of

the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions, or corrections, the minutes shall stand approved.
(1982 Code, § 201.03)

§ 30.04 ORDER OF BUSINESS.

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

- (1) Call to order/roll call
- (2) Approval of minutes;
- (3) Petitions, requests, complaints;
- (4) Unfinished business;
- (5) Citizen time;
- (6) New business;
- (7) Administrator-Clerk's reports;
- (8) Administrator's report;
- (9) General Council discussion;
- (10) Approval of bills;
- (11) Impress cash fund; and
- (12) Adjournment.

(B) *Varying order.* The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in the notice of hearing.

(C) *Agenda.*

(1) An agenda of business for each regular Council meeting shall be prepared and filed in the office of the Administrator-Clerk not later than two days before the meeting.

(2) The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Council member and to the city attorney as far in advance of the meeting as time for preparation will permit.

(3) No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the Council members present.

(1982 Code, § 201.04)

§ 30.05 QUORUM AND VOTING.

(A) *Quorum.* At all Council meetings, a majority of all the Council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

(B) *Voting.* The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. Where a vote is unanimous it shall be so recorded. If any member is present but does not vote, the minutes, as to his or her name, shall be marked "Present-Not Voting" or "Present-Abstaining."

(C) *Votes required.* A majority vote of all members of the Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.
(1982 Code, § 201.05)

§ 30.06 ORDINANCES, RESOLUTIONS, PETITIONS AND COMMUNICATIONS.

(A) *Readings.* Every ordinance and resolution shall be presented in writing. Every ordinance shall receive two readings before the Council prior to final adoption, but shall not be read twice at the same meeting unless the rules are suspended for that purpose. An ordinance or resolution need not be read in full unless a member of the Council requests a reading.

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

(C) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or division thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or division as it will read with the amendment.

(D) *Motions, petitions, communications.* Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition or other communication addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the Administrator-Clerk.
(1982 Code, § 201.06)

§ 30.07 COMMITTEES.

(A) *Committees designated.*

(1) There shall be the following standing committees:

- (a) Auditing Committee;
- (b) Reserved for future use; and
- (c) Reserved for future use.

(2) Committee members shall be appointed by the Mayor at the first regular Council meeting in January of each year.

(B) *Membership.* Each committee shall consist of three members of the Council and the Chairperson of each committee shall be designated by the Mayor. Each committee member shall serve as appointed unless excused by a majority of the members of the Council. If the committee does not provide otherwise, committee meetings shall be held at the call of the Chairperson. The same notice shall be given of committee meetings as for special meetings of the Council except that personal notice need not be given each member if the committee so decides.

(C) *Referral and reports.* Any matter brought before the Council for consideration may be referred by the presiding officer to the appropriate committee onto a special committee appointed by him or her for a written report and recommendation before it is considered by the Council as a whole. Each committee report shall be signed by a majority of the members and shall be filed with the Administrator-Clerk prior to the Council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it. (1982 Code, § 201.07)

§ 30.08 SUSPENSION OR AMENDMENT OF THE RULES.

These rules may be suspended only by a two-thirds' vote of the members present and voting. (1982 Code, § 201.08)

§ 30.09 SALARIES OF MAYOR AND COUNCIL MEMBERS.

Effective January 1982, the salary of the Mayor shall be \$175 per month and the salary of each Council member shall be \$150 per month, and \$20 per special meeting. (1982 Code, § 201.09)

§ 30.10 EMERGENCY.

In the event an emergency arises which requires immediate Council action and a quorum of elected Council members cannot be obtained, those elected Council members present may take necessary action with respect to the emergency. (1982 Code, § 201.12)

Section

Administrator-Clerk
CHAPTER 31: ADMINISTRATION DEPARTMENT

- 31.01 Purpose
- 31.02 Establishment
- 31.03 Duties and responsibilities
- 31.04 Additional duties of the City Administrator-Clerk

Bookkeeper and Treasurer

- 31.15 Bookkeeper
- 31.16 City treasurer
- 31.17 Audit required

ADMINISTRATOR-CLERK

§ 31.01 PURPOSE.

This chapter is to provide for a reorganization of the administration of the City of Waterville so as to provide more clearly the duties and responsibilities of various positions and to make the administration more efficient.
(Ord. 201.14, passed 2-5-1991)

§ 31.02 ESTABLISHMENT.

(A) The position of Administrator-Clerk is hereby established and that person shall be the chief executive officer of the municipality.

(B) The Administrator-Clerk shall be chosen by a majority of the City Council. Terms, conditions and tenure of employment of that person shall be determined by written contract entered into with the City of Waterville and adopted by a majority of the City Council.
(Ord. 201.14, passed 2-5-1991)

§ 31.03 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Administrator-Clerk shall be:

(A) Subject to City Council regulations and applicable laws, the Administrator-Clerk shall control and direct the administration of municipal affairs;

(B) The Administrator-Clerk shall see that all laws, ordinances and resolutions of the city are enforced;

(C) The Administrator-Clerk shall supervise the activities of all municipal department heads and

personnel of the city in the administration of municipal policy. The Administrator-Clerk shall recommend the employment and removal of all city personnel including, but not limited to, the engineer, certified public accountant and attorney;

(D) The Administrator-Clerk shall attend and participate in all meetings of the City Council. The Administrator-Clerk shall be responsible for the preparation of the City Council agenda and recommend to the City Council measures as the Administrator-Clerk may deem necessary for the welfare of the citizens and the efficient administration of the city. The Administrator-Clerk may attend at the Administrator-Clerk's discretion, or at the direction of the City Council, other committee meetings;

(E) The Administrator-Clerk shall be responsible for the preparation of the Planning and Zoning Commission agendas;

(F) The Administrator-Clerk shall prepare an annual fiscal budget and capital improvement plan for the City Council. The Administrator-Clerk shall maintain financial guidelines for the municipality within the scope of the approved budget and capital program. The Administrator-Clerk shall submit reports to the City Council on the financial condition of municipal accounts and make sure the annual financial statement is prepared in accordance with Minnesota Statutes;

(G) The Administrator-Clerk shall handle all personnel matters for the city in conjunction with policy established by the City Council. The Administrator-Clerk shall negotiate or delegate the negotiation of terms and conditions of employee labor contracts for presentation to the City Council;

(H) The Administrator-Clerk shall represent the city at official functions as directed by the City Council and maintain good public relations with the citizens of the community;

(I) The Administrator-Clerk shall act as purchasing agent for the city and be responsible in making all purchases in accordance with the approved municipal budget. The Administrator-Clerk shall have the authority to sign purchase orders for routine services, equipment and supplies for which the cost does not exceed \$1,500. All claims resulting from orders placed by the city shall be audited for payment by the City Council. The Administrator-Clerk shall negotiate contracts for any kind of merchandise, materials, equipment or construction work for presentation to the City Council;

(J) (1) The Administrator-Clerk shall coordinate municipal programs and activities as directed by City Council;

(2) The Administrator-Clerk shall monitor all consultant and contract work performed for the City; and

(3) The Administrator-Clerk shall coordinate the activities of the city attorney;

(K) (1) The Administrator-Clerk shall be informed regarding federal, state and county programs which affect the municipality; and

(2) The Administrator-Clerk shall consult with officials of both public and private agencies as may be required;

(L) The Administrator-Clerk shall inform the City Council on matters dealing with the administration of the city and prepare and submit to the City Council for adoption an administrative code encompassing the details of administrative procedure;

(M) The Administrator-Clerk shall be required to take an oath of office and shall be bonded at city expense through a position bond which will indemnify the municipality; and

(N) The Administrator-Clerk shall perform other duties as may be prescribed by law or required of the Administrator-Clerk by ordinance or resolutions adopted by the City Council.
(Ord. 201.14, passed 2-5-1991)

§ 31.04 ADDITIONAL DUTIES OF THE CITY ADMINISTRATOR-CLERK.

The office of City Administrator-Clerk shall have only those duties required by state statute which have not been delegated to the bookkeeper.
(Ord. 201.14, passed 2-5-1991)

BOOKKEEPER AND TREASURER

§ 31.15 BOOKKEEPER.

(A) The position of bookkeeper is hereby established and that person shall have all of the Administrator-Clerk's bookkeeping and accounting duties as set forth in Minnesota Statutes, city ordinances or resolutions.

(B) Also any duties that may be from time to time assigned to the bookkeeper by the Administrator-Clerk but not any statutory duties of the Administrator-Clerk.

(1) Upon recommendation of the City Administrator-Clerk, the bookkeeper shall be chosen by a majority of the City Council.

(2) The bookkeeper shall be required to take an oath of office and be bonded at city expense, through a fidelity bond conditioned upon faithful exercise of the duties imposed.
(Ord. 201.14, passed 2-5-1991)

§ 31.16 CITY TREASURER.

The office of the city treasurer heretofore established and authorized to act pursuant to law is hereby continued.
(1982 Code, § 201.11)

§ 31.17 AUDIT REQUIRED.

Over every three years from and after January 1, 1982, there shall be a audit of the financial affairs of this municipality by the public examiner or a public accountant in accordance with minimum auditing procedures prescribed by the public examiner.
(1982 Code, § 201.13)

CHAPTER 32: POLICE DEPARTMENT

Section

- 32.01 Establishment
- 32.02 Chief of Police
- 32.03 Duties of police
- 32.04 Uniform and badge
- 32.05 Extra police
- 32.06 Police Department rules and regulations

§ 32.01 ESTABLISHMENT.

A Police Department is hereby continued. The head of the department shall be known as the Chief of Police and the number of additional members of the department, together with their ranks and titles, shall be determined by the Council by resolution. The compensation to be paid members of the Police Department shall be fixed by the Council. Members of the department shall be appointed by the Council.

(1982 Code, § 202.01)

§ 32.02 CHIEF OF POLICE.

The Chief of Police shall have supervision and control of the Police Department and its members. He or she shall be responsible to the Council for law enforcement and for property of the city used by the department. He or she shall be responsible for the proper training and discipline of the members of the department. He or she shall be responsible for the keeping of adequate records and he or she shall report to the Council on the needs of the department and its work. Every member of the department subordinate to the Chief shall obey the instructions of the Chief and any superior officer. The Council shall designate one of the police officers as Acting Chief, who shall have all the powers and duties of the Chief during his or her absence or disability.

(1982 Code, § 202.02)

§ 32.03 DUTIES OF POLICE.

Members of the Police Department shall enforce the ordinances and laws applicable to the city, bring violators before the county court and make complaints for offenses coming to their knowledge. Members of the Police Department shall serve processes on behalf of the city and shall serve notices as may be required by the Council or other authority. When the city is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law for town constables. All fees shall be paid into the city treasury.

(1982 Code, § 202.03)

§ 32.04 UNIFORM AND BADGE.

Each member of the department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief may authorize the performance of specific duties while not in

uniform. When a member terminates his or her membership in the department, he or she shall immediately deliver to the city his or her badge, uniform and all other property of the city in his or her possession.

(1982 Code, § 202.04)

§ 32.05 EXTRA POLICE.

In case of riot or other law enforcement emergency, the Mayor and the Chief of Police may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During the term of appointment, the special police officers shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police.

(1982 Code, § 202.05)

§ 32.06 POLICE DEPARTMENT RULES AND REGULATIONS.

The rules and regulations of the Police Department as approved by the Council are included in Appendix G for reference. The rules and regulations apply only to regular members of the Police Department.

(1982 Code, § 202.07)

CHAPTER 33: FIRE DEPARTMENT

Section

General Provisions

- 33.01 Fire Department continued
- 33.02 Appointment
- 33.03 Selection
- 33.04 Fire Marshal
- 33.05 Duties of Chief
- 33.06 Records
- 33.07 Practice drills
- 33.08 Assistant Chief
- 33.09 Firefighters
- 33.10 Compensation
- 33.11 Minimum pay
- 33.12 Present members
- 33.13 Relief Association

33.14 Interference with Department

Fire Limits and Regulations

- 33.30 Adoption of Building Code
- 33.31 Definitions
- 33.32 Fire limits established
- 33.33 Fire Prevention Code and regulations

GENERAL PROVISIONS

§ 33.01 FIRE DEPARTMENT CONTINUED.

There is hereby continued in this city a volunteer Fire Department consisting of a Chief, Assistant Chiefs, and firefighters.
(1982 Code, § 203.01)

§ 33.02 APPOINTMENT.

The Chief, the Assistant Chiefs, and firefighters shall be appointed by the Council. In making appointments, the Council shall take into consideration recommendations of the Fire Board. Each officer and every other member of the department, except a probationary firefighter, shall serve during good behavior and may be removed by the Council only for cause after a public hearing.
(1982 Code, § 203.02)

§ 33.03 SELECTION.

The Chief of the Fire Department and the Assistant Chiefs shall be appointed, subject to confirmation by the Council. Each shall hold office for two years and until his or her successor has been duly appointed, except that he or she may be removed by the Council for cause after a public hearing. Firefighters and probationary firefighters shall be appointed by the Council. Firefighters shall continue as members of the department during good behavior and may be removed by the Council only for cause.
(1982 Code, § 203.03)

§ 33.04 FIRE MARSHAL.

The office of Fire Marshal may be held by the Chief or by the Assistant Chief, if the Council by resolution approves. The Fire Marshal shall be charged with the enforcement of all ordinances aimed at fire prevention. He or she shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.
(1982 Code, § 203.04)

§ 33.05 DUTIES OF CHIEF.

The Chief shall have control of all the fire fighting apparatus and shall be solely responsible for its care and condition. He or she shall make a semi-annual report to the Council at its meeting in March and September, on the condition of the equipment and needs of the Fire Department. He or she may submit additional reports and recommendations at any meeting of the Council, and he or she shall report each suspension by him or her of a member of the Fire Department at the first meeting of the Council following the suspension. He or she shall be responsible for the proper training and discipline of the members of the Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the Council on his or her discharge or retention.
(1982 Code, § 203.05)

§ 33.06 RECORDS.

The Chief shall keep in convenient form a complete record of all fires. A record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm and any other information as he or she may deem advisable or as may be required from time to time by the Council or state insurance department.
(1982 Code, § 203.06)

§ 33.07 PRACTICE DRILLS.

The Chief shall, when the weather permits, hold a monthly practice drill of at least one-hour's duration for the Fire Department and shall give or arrange for instruction to the firefighters in approved methods of fire fighting and fire prevention.
(1982 Code, § 203.07)

§ 33.08 ASSISTANT CHIEF.

In the absence or disability of the Chief, the First Assistant Chief shall perform all the functions and exercise all of the authority of the Chief.
(1982 Code, § 203.08)

§ 33.09 FIREFIGHTERS.

The Assistant Chief and firefighters shall be able-bodied and not less than 18 years of age. They shall become members of the Fire Department only after a six-months' probationary period. The Council may require that each candidate, before he or she may become a probationary firefighter, must satisfy certain minimum requirements of height, weight, education and any other qualifications which may be specified by the Council; and that he or she must pass satisfactorily a physical examination.
(1982 Code, § 203.09)

§ 33.10 COMPENSATION.

The members and officers of the Fire Department shall receive compensation as may be set from time to time by the Council.
(1982 Code, § 203.11)

§ 33.11 MINIMUM PAY.

In computing compensation for fires, one hour shall be considered as the minimum to be paid to any firefighter or officer.
(1982 Code, § 203.12)

§ 33.12 PRESENT MEMBERS.

No person who is a member of the Fire Department at the time of the adoption of this chapter shall be required to serve a probationary period before becoming a firefighter.
(1982 Code, § 203.13)

§ 33.13 RELIEF ASSOCIATION.

The members and officers of the Fire Department may organize themselves into a Firemen's Relief Association in accordance with law.
(1982 Code, § 203.14)

§ 33.14 INTERFERENCE WITH DEPARTMENT.

No person shall give or make, or cause to be given or made, a fire alarm without probable cause, or neglect or refuse to obey any reasonable order of the Chief at a fire, or interfere with the Fire Department in the discharge of its duties.
(1982 Code, § 203.15) Penalty, see § 10.99

FIRE LIMITS AND REGULATIONS

§ 33.30 ADOPTION OF BUILDING CODE.

There is hereby adopted by the City of Waterville and the Common Council thereof, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment use and occupancy, location and maintenance of buildings and structures, within the fire limits hereinafter defined, that certain building code known as the National Building Code Abbreviated Edition, recommended by the National Board of Fire Underwriters of New York, being particularly the 1979 edition thereof and the whole thereof save and except the portions as are hereinafter deleted, modified or amended, of which not less than three copies have been and now are filed in the office of the Administrator-Clerk of the City of Waterville and the same are adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures therein contained within the fire limits of the City of Waterville.
(1982 Code, § 203.106)

§ 33.31 DEFINITIONS.

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

(A) Wherever the term **MUNICIPALITY** is used in the code, it shall be held to mean the City of Waterville, in Le Sueur County, Minnesota.

(B) Wherever the term **CORPORATION COUNSEL** is used in this code, it shall be held to mean the city attorney for the City of Waterville.
(1982 Code, § 203.106)

§ 33.32 FIRE LIMITS ESTABLISHED.

The fire limits of the City of Waterville are hereby established as follows:

Beginning at the Southwest corner of Block 15, according to the original plat of the town, now City of Waterville, running thence North on West line of the block to the Northwest corner thereof; thence East on North line of the block to the Northeast corner thereof, thence East to Northeast corner of Block 14; thence North to Southwest corner of Block 7; thence North on West line of Block 7 to the Northwest corner thereof; thence East on North line of Block 7, 8, 9 to the Northeast corner of the Block 9; thence South on East line of Blocks 9, 12, and 18-1/2 to the Southwest corner thereof; thence West to the Southeast Corner of Block 18; thence West on the South line of the Block 18 to the Southwest corner thereof; thence North on the West line of the Block 18 to the Northwest corner thereof; thence North to the Southwest corner of Block 13; thence West to the Southeast corner of Block 14; thence West on the south line of Block 14 and 15 to the Southwest corner of Block 15, the point of beginning, all being in the original plat of the town, now City of Waterville.
(1982 Code, § 203.106)

§ 33.33 FIRE PREVENTION CODE AND REGULATIONS.

(A) *Adoption of Fire Prevention Code.* There is hereby adopted by the City of Waterville and the Common Council thereof, for the purpose of prescribing regulations governing conditions hazardous of life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1979 edition thereof and the whole thereof, of which code not less than three copies have been and now are filed in the office of the Administrator-Clerk of the City of Waterville and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Waterville.

(B) *Enforcement.* The Fire Prevention Code shall be enforced by the Chief of the Fire Department.

(C) *Definition.* Wherever the word **MUNICIPALITY** is used in the Fire Prevention Code, it shall be held to mean the City of Waterville.

(D) *Establishment of limits of district in which storage of flammable liquids in outside aboveground tanks and bulk storage of liquified petroleum gases is to be restricted.* The limits referred to in the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in the Fire Prevention Code, in which bulk storage of liquified petroleum gas is restricted, and are hereby established as follows:

The fire limits of the City of Waterville are the same as established in § 33.32 of this code.
(1982 Code, § 203.107)

CHAPTER 34: PLANNING COMMISSION

Section

- 34.01 Establishment
- 34.02 Compensation
- 34.03 Organization, meetings and the like
- 34.04 Powers and duties of the Commission
- 34.05 Zoning ordinances; public hearings
- 34.06 Plats; approval

§ 34.01 ESTABLISHMENT.

A City Planning Commission for the City of Waterville is hereby continued. The Commission shall be the city planning agency authorized by M.S. § 462.354, Subd. 1, as it may be amended from time to time.
(1982 Code, § 205.01)

§ 34.02 COMPENSATION.

(A) *Membership.* The City Planning Commission shall consist of five members. The City Administrator-Clerk and the city attorney shall be members ex-officio. The other five members shall be appointed and may be removed by the Council. All members shall be compensated \$15 per meeting.

(B) *Terms, vacancies, oath.*

(1) Of the members of the Commission first appointed, one shall be appointed for a term of one year, two for a term of two years and two for a term of three years. Their successors shall be appointed for terms of three years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of ex-officio members shall correspond to their respective official tenures.

(2) Vacancies during the term shall be filled by the Council for the unexpired portion of the term.

(3) Every appointed member shall before entering upon the discharge of his or her duties take an oath that he or she will faithfully discharge the duties of his or her office.
(1982 Code, § 205.02)

§ 34.03 ORGANIZATION, MEETINGS AND THE LIKE.

(A) *Officers.* The Commission shall elect a Chairperson from among its appointed members for a term of one year; and the Commission may create and fill any other offices as it may determine. The City Administrator-Clerk shall act as a secretary of the Planning Commission, but he or she shall not be a member.

(B) *Meetings, records, reports.* The Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record. On or before February 15 of each year the Commission shall submit to the City Council a report of its work during the preceding calendar year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council.
(1982 Code, § 205.03)

§ 34.04 POWERS AND DUTIES OF THE COMMISSION.

The Planning Commission shall have the powers and duties given planning agencies generally by law. The Commission shall also exercise the duties conferred upon it by this chapter and by the Council. After the Commission has prepared and adopted a comprehensive plan, the Commission shall periodically but at least once every two years, review the comprehensive plan, any ordinances and any capital improvement program the Council has adopted to implement the plan. After the review, it shall, to the extent it deems necessary, revise the comprehensive plan, adopt the amendments or the new comprehensive plan, and recommend it to the Council in accordance with law. Similarly, after the review, it shall recommend to the Council any amendments it deems desirable to the capital improvement program and any ordinance implementing the plan.
(1982 Code, § 205.04)

§ 34.05 ZONING ORDINANCES; PUBLIC HEARINGS.

No zoning ordinance or amendment shall be adopted by the Council until a public hearing has been held thereon by the Planning Commission upon notice as provided in M.S. § 462.357, Subd. 3, as it may be amended from time to time.
(1982 Code, § 205.05)

§ 34.06 PLATS; APPROVAL.

Any subdivision plat submitted to the Council for approval shall, prior to final approval, be referred to the Planning Commission for review and recommendation. Any plat so referred shall be returned to the Council by the Commission with its recommendations within 30 days, and failure of the Commission to report within that period is deemed to have satisfied the requirements of this chapter.
(1982 Code, § 205.06)

CHAPTER 35: EMERGENCY MANAGEMENT

Section

- 35.01 Policy and purpose
- 35.02 Definitions
- 35.03 Establishment of emergency management organization
- 35.04 Powers and duties of Director
- 35.05 Local emergencies
- 35.06 Emergency regulations
- 35.07 Emergency management a government function
- 35.08 Participation in labor disputes or politics

- 35.99 Penalty

§ 35.01 POLICY AND PURPOSE.

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

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

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

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

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

§ 35.02 DEFINITIONS.

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

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

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

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as ***CIVIL DEFENSE FUNCTIONS***.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

§ 35.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Council.

§ 35.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

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

economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

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

(E) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

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

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

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

§ 35.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Administrator-Clerk.

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

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see § 35.99

§ 35.06 EMERGENCY REGULATIONS.

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

(B) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator-Clerk. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Administrator-Clerk's office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see § 35.99

§ 35.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

All functions and activities relating to emergency management are hereby declared to be

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

§ 35.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

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

§ 35.99 PENALTY.

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

CHAPTER 36: PARKS AND RECREATION ADVISORY COMMISSION

Section

- 36.01 Purpose
- 36.02 Composition
- 36.03 Powers and duties of Commission

§ 36.01 PURPOSE.

The City of Waterville does now operate and maintain public parks for the benefit and pleasure of its citizens. There is hereby established a Commission to be advisory to the City Council and to be known as the Park and Recreation Advisory Commission. The Commission shall be organized and have the duties as set forth in this chapter.
(Ord. 301.07, passed 4-2-1996)

§ 36.02 COMPOSITION.

(A) *Terms and membership.*

(1) All terms shall commence on June 1 and the position of each member shall be filled immediately upon appointment as provided herein.

(2) One member shall be a member of the City Council, and shall be appointed by the Council yearly.

(3) One member shall be a member of the Board of Education of Independent School District 2143, and shall be appointed by the Board of Education yearly.

(4) One member shall be a member of the student body of Waterville High School, grade eleven, and shall be appointed yearly by the City Council. The Council shall seek a recommendation from the high school principal for a grade eleven student body member to appoint. All appointments shall be made on June 1 of each year.

(5) Four members shall be appointed at large, by the City Council, and shall serve three-year terms, except that of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term, and one shall be appointed for a three-year term, to maintain Commission continuity.

(B) *Succession.* Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of duties, take an oath to faithfully discharge the duties of office.

(C) *Compensation.* Members of the Park and Recreation Advisory Commission shall serve without pay, but may be reimbursed for actual expenses accrued in the discharge of their official duties, with Council approval.

(D) *Officers.* The Commission shall elect a Chairperson, a Vice-Chairperson and a secretary from among its appointed members for a term of one year.

(E) *Meetings.* The Commission shall hold one regular meeting per month at City Hall. Special meetings may be called by the Chairperson or by any two Commission members upon 24-hour written notice. All meetings of the Commission shall be open to the public.

(F) *Quorum, voting.* Four members at a regular or special meeting shall constitute a quorum. All questions presented for a vote shall be decided by a simple majority of those present.

(G) *Records, reports.* The Commission shall keep a record of its transactions, recommendations and resolutions, which record shall be a public record. On or before February 15 of each year, the Commission shall submit to the City Council a report of its work during the preceding calendar year.

(H) *Finances.* The Commission shall submit a proposed plan for each fiscal year to the City Hall by July 1 of each calendar year. Expenditures of the Commission shall be within amounts appropriated by the City Council.

(I) *Bylaws.* The Commission may adopt, and from time to time amend, its own rules of procedure, which rules shall be approved by the City Council.
(Ord. 301.07, passed 4-2-1996)

§ 36.03 POWERS AND DUTIES OF COMMISSION.

The Commission is hereby designated to perform the following responsibilities:

(A) Consider, review, report and advise on all park and recreational matters which the Council may refer to the Commission;

(B) Recommend to the Planning and Zoning Commission and City Council the immediate and long-range plans for acquisition and improvement of recreational areas and facilities and recommend to the Council a feasible means of financing;

(C) Establish written rules and regulations for the use, management and operation of the recreational areas and facilities, which rules and regulations shall be approved by action of the City Council before they are placed in effect;

(D) Responsible for enhancing parks through evaluation, planning and initiating new programs and ideas; and

(E) Coordinate city programs with area-wide programs, including programs of the community education. The use of school facilities through the cooperation of the school district should be provided as a matter of economy and convenience.
(Ord. 301.07, passed 4-2-1996)

CHAPTER 37: FINANCES AND TAXATION

Section

Storm Sewer Improvement Tax District

37.01 Established

Charitable Gambling Fund

37.15 Created

37.16 Tax

Cross-reference:

Charitable Gambling Advisory Board, see Ch. 38

STORM SEWER IMPROVEMENT TAX DISTRICT

§ 37.01 ESTABLISHED.

(A) Pursuant to M.S. § 444.17, as it may be amended from time to time, a storm sewer improvement taxing district is established.

(B) All of the area within the corporate boundaries of the City of Waterville are included within the district.
(Ord. 303.14, passed 9-5-1991)

CHARITABLE GAMBLING FUND

§ 37.15 CREATED.

(A) There is hereby created a city Charitable Gambling Fund, expenditures shall be made from the funds by approval of the City Council, and then, only for lawful purposes as defined by Minnesota statute. All new fulltime gambling organizations submitting an application for licensure, excluding one-time and tax-exempt organizations shall be reviewed by the Gambling Board and a written recommendation to approve/deny will then be forwarded to the City Council.

(B) Each organization (excluding one-time and tax-exempt organizations) within the city, which is licensed by the state to conduct gambling shall contribute 10% of its net profits, as defined by Minnesota statute, to the city Charitable Gambling Fund. The contribution shall be made on or before the last day of the calendar year quarter following the quarter that the net profits have been made.

(C) Each organization within the city, which is required to file a quarterly financial report and tax return with the Charitable Gambling Control Board of the state shall simultaneously file a copy of the report and tax return together with all attached schedules and worksheets with the City Administrator-Clerk, who shall make copies available to the Charitable Advisory Gambling Board and the City Council.

(Ord. 411.01, passed 10-11-2007)

§ 37.16 TAX.

Each organization within the city which is licensed by the state to conduct gambling (excluding one-time and tax-exempt organizations) shall pay a local regulatory gambling tax equal to 3%, as defined by Minnesota statute, to regulate gambling in the city. The funds are to be deposited in the city's Charitable Gambling Fund. The contribution shall be made on or before the last day of the calendar year quarter following the quarter that the net profits have been made.

(Ord. 411.01, passed 10-11-2007)

CHAPTER 38: CHARITABLE GAMBLING ADVISORY BOARD

Section

- 38.01 Charitable Gambling Advisory Board created
- 38.02 Appointment of members and terms
- 38.03 Members: duties, organization

Cross-reference:

Charitable Gambling Fund, see §§ 37.15 and 37.16

§ 38.01 CHARITABLE GAMBLING ADVISORY BOARD CREATED.

There is hereby created a charitable gambling advisory board.
(Ord. 411.01, passed 10-11-2007)

§ 38.02 APPOINTMENT OF MEMBERS AND TERMS.

Members of the charitable gambling advisory board shall consist of one member per licensed organization, one member of the City Council and non-council member.

(A) One member (and an alternate) shall be appointed annually from the members of the City Council.

(B) Each licensed organization shall have a member (and an alternate) who will be appointed for staggered two-year terms from a list of nominees submitted by organizations within the city which are duly licensed by the state to conduct lawful gambling as defined by M.S. Chapter 349, as it may be amended from time to time. Each organization's alternate will have all the same rights and privileges in the event of appointed member's absence.

(C) As nearly as possible, the non-council member (and an alternate) shall be a representative of the various organizations licensed to conduct lawful gambling within the city. If an organization does not submit a nominee for the charitable gambling advisory board the Council may fill the position from members of the general public. Each non-council member (and an alternate) who will be appointed for staggered two-year terms from a list of nominees submitted. Each non-council's alternate will have all the same rights and privileges in the event of appointed member's absence.

(D) A vacancy shall be filled by the council for the unexpired term from a list of nominees submitted by the unrepresented organization.
(Ord. 411.01, passed 10-11-2007)

§ 38.03 MEMBERS: DUTIES, ORGANIZATION.

(A) It shall be the duty of the Charitable Gambling Advisory Board to advise the Council and recommend the lawful purpose as defined by M.S. § 349.213, as it may be amended from time to time, and the amount of any expenditure to be made out of the city Charitable Gambling Fund as hereinafter created by § 37.15.

(B) The Charitable Gambling Advisory Board shall make such rules and regulations and

guidelines governing its conduct of meetings as set forth in Robert's Rules of Order; and make recommendations relative to expenditures from the city Charitable Gambling Fund as it shall deem necessary and advisable under applicable law.

(C) The Charitable Gambling Advisory Board shall elect a chairperson from the non-council membership who shall conduct meetings. A vice-chairperson shall also be elected who shall conduct meetings in the absence of the chairperson. The city shall provide any necessary staff, including secretarial services to record and transcribe minutes of all of the Board's meetings. The chairperson and vice-chairperson shall serve for a period of one year and shall be elected at the annual organizational meeting which shall be held in April of each year on a date set by the rules adopted by the Board.

(D) The Charitable Gambling Advisory Board shall meet at least quarterly and have such other meetings as shall be provided in its rules or as shall be called by the chairman on three-days' written notice.

(E) The Gambling Advisory Board shall file copies of its minutes with the City Administrator; shall audit and make available to the public information concerning the gross receipts of the city Charitable Gambling Fund; monitor all reports and tax returns submitted to the city by licensed organizations; and be available for consultation by licensed organizations and do all other things that it shall deem necessary and proper for the orderly administration of this section.

(F) A quorum shall consist of a majority of the Charitable Gambling Advisory Board.

(G) (1) Applicants making requests for funding shall be required to provide the following: a completed application form (acquired from and in the form as required by the City Administration office); the application will be processed and scheduled for review by the Charitable Gambling Advisory Board.

(2) The Charitable Gambling Advisory Board shall consider and refer to the City Council all petitions and requests for expenditures from the fund for lawful purposes, (as defined by state law) together with its recommendations.

(3) The City Council may accept the Board's recommendation for expenditures.

(4) If the applicant requests an appeal the item will be returned to the Board for further consideration before being returned to the City Council for final action. However, the appeal shall be filed no later than 15 days after applicant has received recommendation from the Board. If requested to do so by the Board or the applicant for expenditures, the Council will take final action on the subject expenditure request within 90 days of its first action on the item.

(H) The Charitable Gambling Advisory Board shall serve without compensation but may be reimbursed for any expenses actually incurred.
(Ord. 411.01, passed 10-11-2007)

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE

51. WATER AND SEWER

CHAPTER 50: GARBAGE AND REFUSE

Section

- 50.01 Rates and charges established
- 50.02 Definitions
- 50.03 Licensing and license fees
- 50.04 Compulsory residential list, unit service fee and billing
- 50.05 Residential waste storage
- 50.06 Residential collection
- 50.07 Non-residential collection
- 50.08 Contractor, site and disposal

§ 50.01 RATES AND CHARGES ESTABLISHED.

(A) Rates and charges are hereby established for the collection of garbage and refuse under the municipal collection system in the amounts set forth in the sections which follow.

(B) It is hereby declared that all garbage and refuse with the City of Waterville shall be collected, transported and disposed of in accordance with this chapter as hereinafter provided.
(1982 Code, § 408.01)

§ 50.02 DEFINITIONS.

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

COMPULSORY DISPOSAL LIST. The list of persons within the City of Waterville, who, by the provisions of this chapter, are required to pay a monthly unit service fee for the collection, transportation and disposal of refuse.

CONTRACTOR. The City of Waterville or any person, firm or corporation with whom the city shall contract for the collections, transportation and disposal of refuse.

FAMILY RESIDENTIAL UNIT. Any residential unit in which two or more persons reside.

PERSON. Includes any natural person, corporation, firm or association.

PLACE or PREMISES. Any dwelling house; dwelling unit; apartment house or mobile dwelling unit; trailer or mobile home; retail store restaurant; rooming house; hotel; motel; office building; department store; manufacturing; processing or assembling shop or plant warehouse; and every other **PLACE** or **PREMISES** where any person resides or any business is carried on or conducted within the City of Waterville.

REFUSE.

(1) Waste, garbage and rubbish of all kinds that accumulate in the ordinary operation of a household or commercial or industrial establishment, including but without limitation thereto, construction materials, demolition materials, grass trimmings, cold ashes, tin cans and tree branches, in easily handled bundles, not longer than six feet in length.

(2) This **REFUSE** shall be that which originates from each particular residential unit only.

SENIOR RESIDENTIAL UNIT. Any residential unit in which the head of the household is 62 years of age or older and a total of not more than three persons reside there.

SITE. An approved sanitary land fill waste disposal site and system, according to standards established by the State of Minnesota, to which refuse shall be transported and disposed of.

UNIT SERVICE FEE. The monthly charge made to owners of residential property.
(1982 Code, § 408.02) (Ord. 408.02A, passed 6-5-2001)

§ 50.03 LICENSING AND LICENSE FEES.

(A) No person shall engage in the business of collection, transportation or disposing of refuse as shall accumulate within the City of Waterville without first consulting the City of Waterville governing body.

(B) The City of Waterville will be the only one allowed to contract for the collection, transportation and disposal of refuse within the City of Waterville.
(1982 Code, § 408.03) Penalty, see § 10.99

§ 50.04 COMPULSORY RESIDENTIAL LIST, UNIT SERVICE FEE AND BILLING.

(A) There is hereby established within the City of Waterville a compulsory residential list which shall include every residential dwelling wherein there would normally accumulate refuse, and defined herein, in the operation of a household.

(B) All persons whose names are included in the compulsory residential list shall be charged a monthly unit service fee for the collection transportation and disposal of refuse in accordance with the fees established from time to time by the Waterville City Council.

(C) (1) The unit service fee is based on the established contract.

(2) The unit service fee shall be established annually and shall not be adjusted or altered

during the year.

(D) (1) Fees as provided herein for collection, transportation and disposal services shall be billed and collected by the City of Waterville as a part of the city water billings.

(2) Service charges shall be charged to the owner of the premises served and shall be payable on or before the last day of every calendar month by mail or on a specified day and hour at the Administrator-Clerk's office.

(E) (1) In case the service charge is not paid by the specified due date, the City Administrator-Clerk shall add 10% to amount of the service charge bill and collect the same.

(2) As soon as possible after September 1 of each year the City of Waterville Administrator-Clerk shall prepare an assessment roll for garbage and refuse collection which shall contain a list showing each lot and parcel of ground with respect to which service charges levied under this chapter remain unpaid.

(3) The Council shall thereupon levy an assessment for the unpaid garbage and refuse collection charges.

(4) The City Administrator-Clerk shall certify the assessment to the county auditor for collection in accordance with the law.
(1982 Code, § 408.04)

§ 50.05 RESIDENTIAL WASTE STORAGE.

(A) It shall be unlawful for any person to store, transport, or dispose of any refuse in the City of Waterville except in compliance with the provisions of this chapter.

(B) All refuse, such as garbage or other wet or damp matter shall be wrapped and stored within a water and air-tight standard type garbage can having a lid.

(C) (1) Owner and occupants of residential property shall keep their premises free from undue accumulation of snow so as not to interfere with collection.

(2) Wherever an undue accumulation exists, collection will not be made.
(1982 Code, § 408.05) Penalty, see § 10.99

§ 50.06 RESIDENTIAL COLLECTION.

(A) Collection of refuse from all residential units shall be made weekly throughout the year.

(B) (1) The City Council of the City of Waterville shall establish a weekly collection schedule which shall specify the day on which collection shall be made from the particular residential unit.

(2) Owner and occupants of residential units shall familiarize themselves with the schedule and keep refuse available for collection as herein provided on the day as is designated.

(3) The City Council may wherever necessary and essential for proper collection, and to maintain the health and safety of the community, alter the schedule.

(1982 Code, § 408.06)

§ 50.07 NON-RESIDENTIAL COLLECTION.

(A) Because of the variation, both as to amount and type of refuse from commercial or industrial establishments, the rate for the collection shall be negotiated on an individual basis by the contractor and the establishment.

(B) Collection from any commercial or industrial establishment shall not be compulsory and any establishment may, at its election, haul its refuse to the site and pay the land fill rates as established by the contractor.

(C) However, where the establishment has contracted for the collection and disposal of its refuse, the establishment may haul its own refuse to the site and dispose of the same in accordance with regulations established and instruction of the attendant on duty.
(1982 Code, § 408.07)

§ 50.08 CONTRACTOR, SITE AND DISPOSAL.

(A) (1) The city shall enter into a contract with a reputable contractor, whose sanitary land fill site meets the specifications of the State of Minnesota.

(2) This site, as the same is defined herein, shall be for the disposal of all refuse as shall accumulate within the City of Waterville.

(B) (1) The contractor shall establish regular hours at which time the site will be open and an attendant on duty to take care of refuse which might be brought to the site by persons on the compulsory disposal list.

(2) The disposal of ordinary household rubbish by persons on the compulsory disposal list may be made without charge but shall be in strict compliance with regulations established for a sanitary land fill operation and instructions of the attendant on duty.

(C) Burning of any waste or other matter at the site, other than by the contractor, shall not be permitted.
(1982 Code, § 408.08) Penalty, see § 10.99

CHAPTER 51: WATER AND SEWER

Section

General Provisions

- 51.001 Water and Sewer Department
- 51.002 Use of water and sewer system restricted
- 51.003 Applications for service
- 51.004 Charges for service connections
- 51.005 Accounting, billing and collecting

Water System

- 51.020 General water regulations
- 51.021 Meters
- 51.022 Plumbing regulations
- 51.023 Water rates

Sanitary Sewer System

- 51.035 Definitions
- 51.036 Control by the City Administrator-Clerk
- 51.037 Regulations
- 51.038 Private wastewater disposal
- 51.039 Building sewers and connections
- 51.040 Use of public sewers
- 51.041 Damage of wastewater facilities
- 51.042 User rate schedule for charges
- 51.043 Powers and authority of inspectors

Individual Sewage Disposal Systems

- 51.055 Definitions
- 51.056 Code adopted
- 51.057 Installers
- 51.058 Permits
- 51.059 Construction requirements
- 51.060 Administration
- 51.061 Inspection
- 51.062 Maintenance
- 51.063 Objectives

Fees, Charges and Rates

- 51.075 Fees, charges and rates authorized and defined
- 51.076 Priority of application
- 51.077 Collection, late payment charge, special assessment

Fees, Licenses and Permits

- 51.090 License and permits

Sewer Rates and Charges

- 51.105 Sewer rates and charges established
- 51.106 Definitions
- 51.107 Establishment of a sewer service charge system
- 51.108 Determination of sewer service charges
- 51.109 Sewer service fund
- 51.110 Administration

Water Fees, Charges and Rates

- 51.125 Water charges and rates established

GENERAL PROVISIONS

§ 51.001 WATER AND SEWER DEPARTMENT.

(A) There is hereby established a Water and Sewer Department, which shall be under the supervision of the superintendent of water and sewer.

(B) The department shall be responsible for the management, maintenance, care and operation of the water works and sanitary sewerage of the city.
(1982 Code, § 401.01)

§ 51.002 USE OF WATER AND SEWER SYSTEM RESTRICTED.

(A) No person shall make or use any water or sewer service installation connected to the city water or sewer system except pursuant to application and permit as provided in this chapter.

(B) No person shall make or use any installation contrary to the regulatory provisions of this chapter.
(1982 Code, § 401.02) Penalty, see § 10.99

§ 51.003 APPLICATIONS FOR SERVICE.

(A) *Procedure.*

(1) Application for a water or sewer service installation and for water service shall be made to the Administrator-Clerk on forms prescribed by the Council and furnished by the city.

(2) By his or her signature, the applicant shall agree to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

(B) *Fees or deposit.*

(1) Application for a service installation shall be made by the owner of the property to be served or by his or her agent.

(2) The applicant shall at the time of making application pay to the city the amount of the

fees or deposit for the installation of the service connection as provided in this chapter.

(3) When a water service connection has been installed, application for water service may be made either by the owner or his or her agent or by the tenant or occupant of the premises. (1982 Code, § 401.03)

§ 51.004 CHARGES FOR SERVICE CONNECTIONS.

(A) Permit and fee.

(1) No connection shall be made to the city water or sanitary sewer system without a permit received from the Administrator-Clerk.

(2) The fee for each residential permit shall be \$1,500 for a water main connection permit and \$1,500 for a residential sewer connection permit.

(3) The fee for each commercial permit shall be \$2,000 for a sewer main connection permit and \$2,000 for a commercial waster connection permit.

(4) These fees shall be in addition to any fees required under divisions (B), (C) and (D).

(B) Connection fees. When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay the entire cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.

(C) Certification. No permit shall be issued to connect with any water or sanitary sewer main unless the applicant certifies to the truth of one of the following or the payment required under division (D) is made:

(1) The lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying the assessment have been or will be commenced in due course;

(2) The cost of construction of the main has been paid by the developer or builder platting the lot or tract; or

(3) That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

(D) Additional connection fee.

(1) If no certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main.

(2) The determination shall be made by the Administrator-Clerk.

(3) If no assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main.

(4) The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage.

(5) Where the assessable cost cannot be determined, the charge shall be fixed by the City Council.

(1982 Code, § 401.04) (Ord. 401.04, passed 5-6-2003)

Cross-reference:

Fee schedule, see § 51.125

§ 51.005 ACCOUNTING, BILLING AND COLLECTING.

(A) *Accounts in name of owner.*

(1) All accounts shall be carried in the name of the owner.

(2) The owner shall be liable for water supplied to his or her property, whether he or she is occupying the property or not, and any charges unpaid shall be a lien upon the property.

(B) *Bills for service.*

(1) Water and sewer service charges shall be billed together.

(2) Bills shall be mailed to the customers monthly and shall specify the water consumed and the sewer and water charges in accordance with the rates determined in this chapter.

(C) *Delinquent accounts.*

(1) All charges for water and sewer service shall be due on the quarterly due date specified by the city for the respective account and shall be delinquent 15 days thereafter.

(2) The city shall endeavor to collect delinquent accounts promptly.

(3) In any case, where satisfactory arrangements for payment have not been made, the Water and Sewer Department may, after the procedural requirements of division (D) have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box.

(4) When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee of \$25. Seasonal reconnect fee is established at \$10 if 24-hour notice is given.

(5) Delinquent accounts shall be certified to the City Administrator-Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served.

(6) The assessment roll, shall be delivered to the Council for adoption on or before September 1 of each year for certification to the county auditor for collection along with taxes.

(7) This action is optional and may be subsequent to taking legal action to collect delinquent accounts.

(D) *Procedure for shutoff of service.*

(1) Water shall not be shut off under division (C) above or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved.

(2) The notice shall be personally served or delivered by U.S. mail and shall state that if payment is not made before a day stated in the notice but not less than ten days after the date on which the notice is given, the water supply to the premises will be shut off.

(3) The notice shall also state that the occupant may, before the date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held.

(4) If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Administrator-Clerk at least one week after the date on which the request is made.

(5) If as a result of the hearing, the Administrator-Clerk finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this chapter, the city may shut off the supply.
(1982 Code, § 401.05)

WATER SYSTEM

§ 51.020 GENERAL WATER REGULATIONS.

(A) *Discontinuance of service.* The city may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in § 51.005(D), for nonpayment of charges, or for violation of rules and regulations affecting utility service.

(B) *Supply from one service.*

(1) No more than one house or building shall be supplied from one service connection except by special permission of the Council.

(2) Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

(C) *Turning on water, tapping mains.* No person except an authorized city employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cock or other appurtenance therein without a city permit.

(D) *Repair of leaks.*

(1) The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served.

(2) If he or she fails to repair any leak in the service pipe within 24 hours after notice by the city, the city may turn the water off, in accordance to high water usage procedures.

(3) The water shall not then be turned on again until inspection is made and the leak has been repaired.

(4) When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

(E) *Use of fire hydrants.* No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the City Council.

(F) *Private water supply.*

(1) No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply.

(2) When any connection is found, the Water and Sewer Department shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith.

(3) Before any new connection to the city system is permitted, the department shall ascertain that no cross connection will exist when the new connection is made.

(G) *Restricted hours.*

(1) Whenever the water superintendent determines that a shortage of water supply threatens the city, it may limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning or other specified uses.

(2) After publication, mailed notice, radio broadcast or other means of notification, no person shall use or permit water to be used in violation of water use restrictions. Any customer who does so shall be charged \$50 for each day of violation and the charge shall be added to his or her next water bill.

(3) If the emergency requires immediate compliance with terms of the resolution, the water superintendent may provide for the delivery of a copy of the restrictions of the premises of each customer, and any customer who has received a notice and thereafter uses or permits water to be used in violation of the water restrictions shall be subject to the charge provided above.

(4) Contained violation shall be cause for discontinuance of water service.

(H) *Permitting use by others.*

(1) No person shall permit city water to be used for any purpose except upon his or her own premises except in an emergency and then only if written permission is first obtained from the water and sewer commissioner.

(2) Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the Administrator-Clerk for these services.

(1982 Code, § 402.01) Penalty, see § 10.99

§ 51.021 METERS.

(A) Meters required.

(1) Except for the extinguishment of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city.

(2) No person not authorized by the Water and Sewer Department shall connect, disconnect, take apart, or in any manner change or interfere with any meter or its use.

(B) Installation.

(1) Residential meters shall be purchased and installed by the owner at its expense.

(2) Meters for commercial users shall be purchased and installed by the commercial users under the direction of the Water and Sewer Department.

(C) Maintenance.

(1) The city shall maintain and repair at its expense any residential meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary.

(2) Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

(3) Commercial user meters shall be maintained by the commercial owner or user.

(D) Complaints; meter testing.

(1) When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request.

(2) If the consumer remains dissatisfied, and he or she may, on written request and the deposit of \$25 have the meter tested.

(3) If the test shows an error in the city's favor exceeding 5% of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly.

(4) The adjustment shall not extend back more than one service period from the date of the written request.

(E) *Meters property of owner.* Water meters, except commercial user meters, shall be the property of the owner and shall be removed or replaced as to size and type when deemed necessary.

(F) *Meter reading and inspection.* Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply

system in order to read meters and make inspections.
(1982 Code, § 402.02) Penalty, see § 10.99

§ 51.022 PLUMBING REGULATIONS.

(A) Service pipes.

(1) Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in a manner as to prevent rupture by settlement.

(2) The service pipe shall be placed not less than five feet below the surface and be so arranged as to prevent rupture by freezing.

(3) A shut-off or other stop cock with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing.

(4) Copper tubing or other approved pipe shall be used for all services of two inches or less.

(5) Each joint shall be left uncovered until inspected by the city.

(6) Every service over two inches shall be cast iron or other approved pipe.

(7) Connections with the mains for domestic supply shall be at least three-quarters inch.

(B) Water meter setting. Every water meter shall be installed in accordance with the following provisions:

(1) (a) The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building.

(b) The stop valve shall be 12 inches above the floor.

(2) (a) The bottom of the meter shall be between six and 12 inches above the finished floor line.

(b) The meter shall be set not more than 12 inches horizontally from the inside of the basement wall unless a different position is approved by the Water and Sewer Department.

(c) A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.

(3) (a) Each meter installation shall have a stop valve on the street side of the meter.

(b) In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop valve.

(c) A stop valve shall also be installed on the house side of the meter.

(4) The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.

(5) Meter setting devices for five-eighths-inch, three-quarter-inch, and one-inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop valve on the building side.

(6) Meters designed for exterior mounting shall be installed according to the direction of the Water and Sewer Department.

(C) *Location of stop boxes.*

(1) Curb stop boxes shall be installed generally where desired by the owners of occupied properties, but they shall be placed as near as possible to the curb if on a street or within one foot of the alley line if the main is located in the alley.

(2) They shall be installed at an approximate depth of five feet below the established grade and shall be left in an accurate vertical position when back-filling is completed.
(1982 Code, § 402.03) Penalty, see § 10.99

§ 51.023 WATER RATES.

Each water user shall pay a service charge each month year during which water service is available as may be fixed from time to time by resolution of the City Council.
(1982 Code, § 402.04)

SANITARY SEWER SYSTEM

§ 51.035 DEFINITIONS.

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

ACT. The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

ASTM. American Society for Testing Materials.

AUTHORITY. The City of Waterville, Minnesota or its representative thereof.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning immediately outside the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

CBOD5 or **BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C in terms of milligrams per liter (mg/l).

CITY. The area within the corporate boundaries of the City of Waterville as presently established or as amended by ordinance or other legal actions at a future time. The term **CITY** when used herein may also be used to refer to the City Council and its authorized representative.

CITY ADMINISTRATOR-CLERK. Duly appointed official of the city which assists the city in the operation of its affairs or a deputy, agent or representative thereof.

CHEMICAL OXYGEN DEMAND (COD). The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designed to treat the pollutants to a degree which complies with effluent concentration limits imposed by the permit.

CONTROL MANHOLE. A structure specially constructed for the purpose of measuring flow and sampling of wastes.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FECAL COLIFORM. Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL. Oil, fat, or grease in a physical state, so that it will separate by gravity from wastewater.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength wastes.

INDUSTRY. Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through means such as defective pipes, pipe joints, connections and manhole walls.

INFILTRATION/INFLOW (I/I). The total quantity of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

INTERFERENCE. The inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES and/or SDS permit. The term includes of sewage sludge use or disposal by the city in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the city.

MPCA. Minnesota Pollution Control Agency.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by treatment facilities or would interfere with the operation of treatment facilities, pursuant to Section 307(b) of the Act.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users with a CBOD5 concentration not greater than 225 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

PRETREATMENT. The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 cm) in any dimension.

SEWAGE. The spent water of a community. The preferred term is wastewater.

SEWER. A pipe or conduit that carries wastewater or drainage water.

(1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

(2) **COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.

(3) **FORCEMAIN.** A pipe in which wastewater is carried under pressure.

(4) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(5) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.

(6) **PUBLIC SEWER.** A sewer owned, maintained and controlled by a public authority.

(7) **SANITARY SEWER.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

(8) **STORM SEWER or STORM DRAIN.** A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage and unpolluted water from any source.

SHALL. Is mandatory; **MAY** is permissive.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater treatment facility which has a discharge flow:

(1) In excess of 25,000 gallons per average work day;

(2) Has exceeded 5% of the total flow received at the treatment facility;

(3) Whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act; or

(4) Whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

STATE DISPOSAL SYSTEM (SDS) PERMIT. Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to M.S. § 115.07, as it may be amended from time to time, for a disposal system as defined by M.S. § 115.01, Subd. 5, as it may be amended from time to time.

SUPERINTENDENT. The utilities superintendent or a deputy, agent or representative thereof.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). The total suspended-matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities. (See **NON-CONTACT COOLING WATER**.)

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

WASTEWATER. The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

WPCF. The Water Pollution Control Federation.
(Ord. 403, passed 2-4-1986)

§ 51.036 CONTROL BY THE CITY ADMINISTRATOR-CLERK.

The City Administrator-Clerk shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering and provisions of this chapter to the end that a proper and efficient public sewer is maintained.
(Ord. 403, passed 2-4-1986)

§ 51.037 REGULATIONS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the city's NPDES/SDS permit.

(C) Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(D) (1) The owner(s) of all houses, buildings, or properties used for human occupancy,

employment, recreation or other purposes from which wastewater is discharged, and which is situated within the city and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the city, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this code, within 90 days of the date the public sewer is operational.

(2) (a) All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer.

(b) If sewer connections are not made pursuant to this section, an official 30-day notice shall be served instructing the affected property owner to make the connection.

(E) (1) In the event an owner shall fail to connect to a public sewer in compliance with a notice given under division (D) above, the city must undertake to have the connection made and shall assess the cost thereof against the benefitted property.

(2) (a) The assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the auditor of the County of Le Sueur, Minnesota and shall be collected and remitted to the city in the same manner as assessments for local improvements.

(b) The rights of the city shall be in addition to any remedial or enforcement provisions of this chapter.

(Ord. 403, passed 2-4-1986) Penalty, see § 10.99

§ 51.038 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sewer is not available under the provisions of § 51.037(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) (1) Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city.

(2) The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary to the city.

(C) (1) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its authorized representative.

(2) The city or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the city when work is ready for final inspection, and before any underground portions are covered.

(3) The inspection shall be made within 72 hours of the receipt of notice.

(D) (1) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled *Individual Sewage Treatment System Standards*.

(2) No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At the time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this chapter, Council has the right to make necessary changes as determined on a case by case basis.

(F) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary and safe manner at all times at no expense to the city.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

(Ord. 403, passed 2-4-1986) Penalty, see § 10.99

§ 51.039 BUILDING SEWERS AND CONNECTIONS.

(A) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, CBOD5 and TSS, as determined by the City Administrator-Clerk.

(B) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(C) (1) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected and how occupied.

(2) No person shall extend any private building beyond the limits of the building or property for which the service connection permit has been given.

(D) (1) There shall be two classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing industrial wastes.

(2) In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgement of the city.

(3) The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(E) (1) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s).

(2) The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(F) (1) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or

can be constructed to the rear building through an adjoining alley, courtyard or driveway.

(2) The building sewer from the front building may be extended to the rear building and the whole considered one building sewer.

(3) The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection aforementioned.

(G) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his or her representative, to meet all requirements of this chapter.

(H) (1) The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the city.

(2) In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(I) (1) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(2) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewer carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(J) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.

(K) (1) The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9.

(2) All connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow.

(3) Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.

(L) (1) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer.

(2) The connection and inspection shall be made under the supervision of the City Administrator-Clerk or authorized representative thereof.

(M) (1) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(2) Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the city.

(N) No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform the work, and no permit shall be granted to any person except a regularly licensed person.

(O) (1) Any person desiring a license to make a service connection with public sewers, shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license.

(2) All applications shall be referred to the City Administrator-Clerk for recommendations to the Council.

(3) If approved by the Council, the license shall be issued by the City Administrator-Clerk upon the filing of a bond as hereinafter provided.

(P) No person shall do work within the city until a \$2,000 bond to the city, approved by the Council, is filed with the City Administrator-Clerk conditioned that the licensee will indemnify and save harmless the city from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over an opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the City Administrator-Clerk and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.

(Ord. 403, passed 2-4-1986) Penalty, see § 10.99

§ 51.040 USE OF PUBLIC SEWERS.

(A) No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

(B) (1) Storm water and all other unpolluted drainage shall be discharged to the sewers as are specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies.

(2) Industrial cooling water of unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the city and upon approval and the issuance of a discharge permit by the MPCA.

(C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) (a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system.

(b) Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(2) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

(4) (a) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system.

(b) A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.

(D) (1) The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property or constitute a nuisance.

(2) The Superintendent may set limitations lower than limitations established in the regulations below if, in his or her opinion, more severe limitations are necessary to meet the above objectives.

(3) In forming his or her opinion as to the acceptability of wastes, the Superintendent will give consideration to factors such as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the city's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(4) The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows.

(a) Any wastewater having a temperature greater than 150°F (65.6°C), or causing, individually, or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104°F (40°C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.

(b) Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.6°C); and any wastewater containing oil and grease

concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

(c) Any quantities of flow, concentrations, or both which constitute a slag as defined in § 51.035.

(d) 1. Any garbage not properly shredded, as defined § 51.035.

2. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

(f) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(g) Non-contact cooling water or unpolluted storm, drainage or ground water.

(h) Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) in quantities that would cause disruption with the wastewater disposal system.

(i) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(j) Any waters or wastes containing the following substances to a degree that any material received in the composite wastewater at the wastewater treatment works in excess of the following limits for these materials:

0.5 mg/l	arsenic
0.5 mg/l	cadmium
1.5 mg/l	copper
0.5 mg/l	cyanide
1.5 mg/l	lead
0.05mg/l	mercury
1.5 mg/l	nickel
0.5 mg/l	silver
0.5 mg/l	total chromium
1.5 mg/l	zinc
phenolic compounds which cannot be removed by city's wastewater treatment system	

(k) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.

(l) Any waters or wastes containing CBOD5 or suspended solids of a character and quantity that unusual attention or expense is required to handle materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of division (P) of this section.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in division (D) above, and/or which in the judgement of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters, and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307 (b) of the Act and all addendums thereof;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added costs of handling, treating and disposing of wastes not covered by existing taxes or sewer service charges.

(2) If the city permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the city pursuant to the requirements of the MPCA.

(F) No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in divisions (C) and (D) above of this section, or contained in the National Categorical Pretreatment Standards or any state requirements.

(G) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

(H) (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Administrator-Clerk they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (D)(4)(b), any flammable wastes as specified in division (C)(1), sand or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units.

(2) All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection.

(3) In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the City Administrator-Clerk.

(4) Any removal and hauling of the collecting materials not performed by the owner's

personnel, must be performed by a currently licensed waste disposal firm.

(I) (1) Where required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes.

(2) The structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the city.

(3) The structure shall be installed by the owner at his or her expense and shall be maintained by the owner to be safe and accessible at all times.

(J) (1) The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the city, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this chapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge.

(2) The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city.

(3) The industry must supply a complete analysis of the constituents with federal, state and local standards are being met.

(4) The owner shall report the results of measurements and laboratory analyses to the city at times and in a manner as prescribed by the city.

(5) The owner shall bear the expense of all measurements, analyses, and reporting required by the city.

(6) At a time as deemed necessary, the city reserves the right to take measurements and samples for analysis by an independent laboratory.

(K) (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

(2) Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the City Administrator-Clerk.

(L) (1) Where required by the city, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this chapter.

(2) Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense.

(3) Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City Administrator-Clerk for review and approval prior to construction of the facility.

(4) Review and approval of the plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

(5) Users shall notify the City Administrator-Clerk immediately upon having a slug or accidental discharge of substances of wastewater in violation of this chapter to enable countermeasures to be taken by the City Administrator-Clerk to minimize damage to the wastewater treatment works.

(6) This notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the city on account thereof under any state and federal law.

(7) Employees shall ensure that all employees who may cause or discover a discharge, are advised of the emergency notification procedure.

(M) (1) No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer.

(2) (a) Within 30 days after receipt of written notice from the city, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform any other work as the City Administrator-Clerk may deem necessary.

(b) Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair or alter the same after the period of 30 days, the City Administrator-Clerk may cause the work to be completed at the expense of the owner or representative thereof.

(N) (1) Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause the work to be done as the City Administrator-Clerk may direct.

(2) Each day after 30 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the City Administrator-Clerk may then cause the work to be done, and recover from the owner or agency the expense thereof by an action in the name of the city.

(O) The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

(P) In addition to any penalties that may be imposed for violation of any provision of this chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge or prohibited wastes by such applicable to the type of service, and in accordance with the provisions set forth in Ordinance No. _____.
(Ord. 403, passed 2-4-1986) Penalty, see § 10.99

§ 51.041 DAMAGE OF WASTEWATER FACILITIES.

(A) No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure appurtenance, or equipment which is part of the wastewater facilities.

(B) Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.
(Ord. 403, passed 2-4-1986) Penalty, see § 10.99

§ 51.042 USER RATE SCHEDULE FOR CHARGES.

Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in Ordinance No _____.
(Ord. 403, passed 2-4-1986) Penalty, see § 10.99

§ 51.043 POWERS AND AUTHORITY OF INSPECTORS.

(A) The City Administrator-Clerk or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to the discharges to the city's sewer system in accordance with the provisions of this chapter.

(B) (1) The City Administrator-Clerk or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system.

(2) An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

(C) While performing necessary work on private properties, the City Administrator-Clerk or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as it may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.040(I) of this chapter.

(D) (1) The City Administrator-Clerk or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the easement.

(2) All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 403, passed 2-4-1986)

INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

§ 51.055 DEFINITIONS.

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

BUILDING DRAIN. The part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

BUILDING SEWER. The part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM.

(1) A sewage disposal system, other than a public or community system, which receives sewage from an individual establishment.

(2) Unless otherwise indicated the word ***SYSTEM*** as it appears in this part means individual sewage disposal system.

SEWAGE.

(1) Any water-carried domestic waste, exclusive of footing and roof drainage, of any residence, industry or commercial establishment, whether treated or untreated, and includes the liquid wastes produced by bathing, laundry and culinary operations, and from toilets and floor drains.

(2) ***RAW SEWAGE*** is sewage which has not been subjected to any treatment process.
(1982 Code, § 404.01)

§ 51.056 CODE ADOPTED.

(A) The Minnesota Individual Sewage Disposal System Code of Minimum Standards recommended by the Minnesota Department of Health is hereby adopted by reference and made a part of this chapter as if fully set forth herein.

(B) Before publication of this code of ordinances the Administrator-Clerk shall mark at least one copy of this Health Department Code as an official copy and file it in his or her office for use and examination.
(1982 Code, § 404.02)

§ 51.057 INSTALLERS.

No person shall engage in the business of installing and constructing sewage disposal systems within the City of Waterville without first obtaining approval to carry on that occupation from the City Council and procuring and posting with the City Administrator-Clerk a bond in the amount of \$3,000 in favor of the city and the public, conditioned upon the faithful performance of contracts and compliance with this chapter.
(1982 Code, § 404.03) Penalty, see § 10.99

§ 51.058 PERMITS.

(A) *Permit required.*

(1) No person shall install, alter, repair, or extend any individual sewage disposal system in the city without first obtaining a permit therefor from the Council or its authorized representative for the specific installation, alteration, repair or extension; and, at the time of applying for the permit, shall pay a fee therefor established by permitting agency (LeSueur County.)

(2) Permits shall be valid for a period of six months from date of issue.

(B) *Applications.* Applications for permits shall be made in writing upon printed blanks or forms furnished by the Administrator-Clerk or authorized representative and shall be signed by the application.

(C) *Contents.*

(1) Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration repair, or extension is to take place, and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this chapter.

(2) A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired or extended.

(3) The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system, and shall provide any further information as may be required by the Council or its authorized representative.
(1982 Code, § 404.04)

§ 51.059 CONSTRUCTION REQUIREMENTS.

(A) Every individual sewage disposal system installed after the effective date of this chapter and every alteration, extension and repair to any system made after that date shall conform to the standards of the code adopted by reference in § 51.056.

(B) Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accordance with items lb and lc of the code shall be so relocated, reconstructed or reinstalled as to comply with the standards of those items.
(1982 Code, § 404.05)

§ 51.060 ADMINISTRATION.

The zoning inspector shall enforce the provisions of this chapter.
(1982 Code, § 404.06)

§ 51.061 INSPECTION.

(A) (1) The wastewater superintendent or his or her agent, shall make inspections or inspections as are necessary to determine compliance with this chapter.

(2) No part of the system shall be covered until it has been inspected and accepted by the inspector.

(3) It shall be the responsibility of the applicant for the permit to notify the inspector that the job is ready for inspection or re-inspection, and it shall be the duty of the inspector to make the indicated inspection within 48 hours after notice has been given. No inspections will be granted on holidays, Saturdays or Sundays.

(4) It shall be the duty of the owner or occupant of the property to give the inspector free access to the property at reasonable times for the purpose of making inspections.

(5) Upon satisfactory completion and final inspection of the system the inspector shall issue to the applicant a certificate of approval.

(B) (1) If upon inspection the inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this chapter, he or she shall give the applicant written notification describing the defects.

(2) The applicant shall pay an additional fee of \$15 for each re-inspection that is necessary.

(3) The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated. (1982 Code, § 404.07)

§ 51.062 MAINTENANCE.

(A) *Sludge measurement and removal.*

(1) At least once a year the owner of any septic tank or his or her agent shall measure or arrange for measurement of the depth of sludge and scum in a septic tank.

(2) When, as a result of the measurement, the top of the sludge layer in the tank or any compartment of the tank is found to be less than 12 inches below the bottom of the outlet baffle or submerged pipe, or if the bottom of the scum layer is less than three inches above the bottom of the septic tank outlet baffle or submerged pipe, the owner or agent shall arrange for the removal and sanitary disposal of sludge and scum from the tank; provided that the requirement for measuring shall be waived for any septic tank which is cleaned as indicated at least once each calendar year.

(B) *Removal of solids from distribution box.*

(1) At least once each year the owner of any system equipped with a distribution box shall arrange for the opening of the distribution box and the removal of any settled solids therein.

(2) This material shall be disposed of to the septic tank or by other means acceptable to the Council.

(C) *Seepage pit liquid.*

(1) At least once between May 1 and June 30 of each year the depth of liquid in each seepage pit shall be measured.

(2) When, as a result of the measurement it is found that the liquid level in the pit is less than one foot below the inlet, a second measurement shall be eight to 12 hours after the first measurement, during which time no liquid shall be discharged to the seepage pit.

(3) If, as a result of the second measurement, it is found that the liquid level in the pit has not lowered at least two feet during the indicated period of time, an additional seepage pit or other acceptable soil absorption system shall be provided.

(1982 Code, § 404.08) Penalty, see § 10.99

§ 51.063 OBJECTIVES.

(A) The objectives of this chapter are to provide adequate and safe methods of sewage disposal and to prevent the contamination of any existing or future water supply by any existing or future sewage disposal system.

(B) Any system of special, unusual or new design which will satisfy the stated objectives may be accepted as complying with this chapter and any permit granted for the construction, installation, alteration or repair of any special system shall be subject to the conditions and guarantees as may be stated in the permit.

(1982 Code, § 404.09)

FEES, CHARGES AND RATES

§ 51.075 FEES, CHARGES AND RATES AUTHORIZED AND DEFINED.

(A) The fees, charges and rates for the purposes set forth in this chapter of this code for licenses, permits, and municipal services shall be in the amounts set forth in this subchapter.

(B) Reference to the amounts set forth herein in other portions of this code or in other ordinances may be made in terms such as “required fee,” “established fee,” “required license fee,” “license fee,” and “license fee in the required amount,” without specific reference to this chapter, in which event the amounts herein set forth shall be applicable.

(1982 Code, § 405.01)

§ 51.076 PRIORITY OF APPLICATION.

(A) If fees, charges, and rates are set forth specifically in parts of this code other than this subchapter or in other ordinances which are now in effect, but have not been set forth in this subchapter, in that event, the fees, charges, and rates thereby specifically set forth shall be effective for all purposes.

(B) In the event that the amounts shall appear in other places in this code or in other ordinances or codes, but shall appear in this subchapter, the amounts appearing in subchapter shall supersede the others.
(1982 Code, § 405.02)

§ 51.077 COLLECTION, LATE PAYMENT CHARGE, SPECIAL ASSESSMENT.

(A) Payment in accordance with billings shall be made not later than the billing date established for the account.

(B) In addition to the charges provided, there may be a discount or there may be a late charge as set by the Council and as may be set from time to time for payments made after the fifteenth day after the billing date.

(C) (1) When a charge is more than 15 days past due it shall be considered delinquent.

(2) It shall be the duty of the Administrator-Clerk to endeavor to promptly collect delinquent accounts.

(3) All delinquent accounts shall be certified to the Administrator-Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served.

(4) This assessment roll shall be delivered to the Council for adoption on or before September 1 of each year.

(5) This action may be optional or subsequent to taking legal action to collect delinquent accounts.
(1982 Code, § 405.03)

FEES, LICENSES AND PERMITS

§ 51.090 LICENSE AND PERMITS.

No person, partnership, corporation or other association shall engage in the following types of activity without first paying the fee listed and being issued a license as provided in the divisions which follow.
(1982 Code, § 406.01)

SEWER RATES AND CHARGES

§ 51.105 SEWER RATES AND CHARGES ESTABLISHED.

(A) (1) Rates and charges for use and service of the municipal sanitary sewer system are hereby established.

(2) These charges and rates to be made against each lot, parcel of land, unit or premises which may have a connection directly or indirectly into the municipal sanitary sewer system and which discharges only normal sewage into the system and shall be based upon the average metered usage of water used quarterly.

(B) Sewer charges made to a residential premise without water services shall be equal to the average residential sewer charge.

(C) In the case of irregular sewer users or special cases as determined by the Council, the Council does reserve the right to set certain charges as deemed necessary by the Council.

(D) The following are sewer fees:

Sewer permit and inspection fee	\$10
Sewer connection fee	\$1,500
Sewage disposal fee	\$1,500

(E) Replacement of sewer to the main. The total cost of this to be borne by the affected property owner.

(F) Replacement of curb, gutter, street, sidewalk or any other disturbed properties will be borne by the adjacent property owner and subject to inspection and approval by the city.

(G) The installation of additional sewer services to accommodate the usage of a particular premise and all necessary restoration costs will be borne by the property owner.

(H) In the case of commercial or multiple dwelling premises, not less than a minimum charge will be made to each individual unit.

(I) (1) All accounts shall be carried in the name of the owner of the premises, who personally, or by his or her authorized agent, shall apply for the service.

(2) The owner shall at all times be liable for sewer rentals furnished whether he or she is occupying the same or not, and any charges not paid within the discount period shall automatically become a lien upon the premises.
(1982 Code, § 409.01)

§ 51.106 DEFINITIONS.

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

ADMINISTRATION. Those fixed costs attributable to administration of the wastewater treatment works (i.e., billing and associated bookkeeping and accounting costs).

CARBONACEOUS OXYGEN DEMAND or **CBOD5.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

CITY.

(1) The area within the corporate boundaries of the City of Waterville, as presently established or as amended by ordinance or other legal actions at a future time.

(2) When used herein the term ***CITY*** may also refer to the City Council or its authorized representative.

DEBT SERVICE CHARGE. A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct facilities.

EXTRA STRENGTH WASTE. Wastewater having a CBOD5 and/or TSS greater than domestic waste as defined in and not otherwise classified as an incompatible waste.

INCOMPATIBLE WASTE. Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

INDUSTRIAL USERS OR INDUSTRIES.

(1) (a) Entitles that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources.

(b) These are identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

Division A	Agriculture, Forestry and Fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, Communications, Electric, Gas, and Sanitary Sewers
Division I	Services

(c) For the purpose of this definition, domestic waste shall be considered to have the following characteristics.

CBOD5	Less than 225mg/l
Suspended solids	Less than 250mg/l

(2) Any nongovernmental user of a publicly owned treatment works which discharge wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any

municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

INDUSTRIAL WASTEWATER. The liquid processing wastes from an industrial manufacturing process, trade, or business including but no limited to all *Standard Industrial Classification Manual* Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

NONRESIDENTIAL USER. Any place of business which discharges sanitary waste as distinct from industrial wastewater.

NONRESIDENTIAL WASTEWATERS. Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater that is primarily produced by residential users, with CBOD5 concentrations not greater than 225mg/l and suspended solids concentrations not greater than 250mg/l.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, which ever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. **OPERATION AND MAINTENANCE** includes replacement.

OPERATION AND MAINTENANCE COSTS. Expenditures for operation and maintenance, including replacement.

PUBLIC WASTEWATER COLLECTION SYSTEM. A system of sanitary sewers owned, maintained, operated and controlled by the city.

REPLACEMENT. Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which these works were designed and constructed.

REPLACEMENT COSTS. Expenditures for replacement.

RESIDENTIAL USER. A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

SANITARY SEWER. A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

SEWER SERVICE CHARGE. The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users to the city's wastewater treatment facilities.

SEWER SERVICE FUND.

(1) A fund into which income from sewer service charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater

treatment.

(2) Expenditure of the **SEWER SERVICE FUND** will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditure for wastewater treatment.

SHALL. Is mandatory; **MAY** is permissive.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD INDUSTRIAL CLASSIFICATION MANUAL. Office of Management and Budget, 1972.

SUSPENDED SOLIDS (SS) OR TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, latest edition, and referred to as non-filterable residue.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307 (a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.

USER CHARGE. A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement.

USERS. Those residential, non-residential, and industrial establishments which are connected to the public sewer collection system.

WASTEWATER.

(1) The spent water of a community, also referred to as sewage.

(2) From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or TREATMENT WORKS. An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from that treatment.
(Ord. 409, passed 2-4-1986)

§ 51.107 ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM.

(A) The City of Waterville hereby establishes a sewer service charge system whereby all revenue collected from users of the wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

(B) Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the users proportionate contribution to the total wastewater loading from all users.

(C) Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

(D) (1) Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a sewer service charge system developed according to the provisions of this chapter.

(2) The sewer service charge system developed shall be adopted by resolution upon enactment of this chapter, shall be published in the local newspaper, and shall be effective upon publication.

(3) Subsequent changes in sewer service rates and charges shall be adopted by Council resolution and shall be published in the local newspaper.

(E) (1) Revenues collected for sewer service shall be deposited in a separate fund know as the sewer service fund.

(2) Income from revenues collected will be expended to offset the cost of operation, maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

(F) Sewer service charges and the sewer service fund will be administrated in accordance with the provision of § 51.110 of this subchapter.
(Ord. 409, passed 2-4-1986)

§ 51.108 DETERMINATION OF SEWER SERVICE CHARGES.

(A) (1) Users of the City of Waterville wastewater treatment works shall be identified as belonging to one of the following user classes:

- (a) Residential;
- (b) Nonresidential; or
- (c) Industrial.

(2) (a) The allocation of users to these categories for the purpose of assessing user charges and debt service charges shall be the responsibility of the City Administrator-Clerk.

(b) Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

(B) (1) Each user shall pay operation, maintenance and replacement costs in proportion to the

user's proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loadings of CBOD and TSS being the rate established for concentrations of 225mg/l CBOD and 250mg/l TSS (i.e. normal domestic strength wastewater).

(2) Those industrial users discharging segregated normal domestic strength wastewater only, can be classified as nonresidential users for the purpose of rate determination.

(C) (1) The charges assessed residential users and those users of other classes discharging normal domestic strength wastewater shall be established proportionately according to billable wastewater volume.

(2) Billable wastewater volume shall be calculated as follows:

(a) *Residential users.*

1. Billable wastewater volume for residential and commercial users shall be calculated on the basis of metered water usage.

2. The monthly billable wastewater volume shall be equal to monthly metered water usage.

3. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

(b) *Non-residential users.* The billable wastewater volume of nonresidential users will be two times residential users.

(D) *Determination of sewer service charges.* The sewer service charge for a particular connection shall be determined as follows:

$$SSC = U_c + D_c$$

Where: SSC = Sewer service charge

$$U_c = \text{User charge} = U_{omr} \times bwv$$

$$D_c = \text{Debt service charge} = U_{ds} \times bwv + U_D \times U$$

(E) (1) The sewer service charges established in this chapter shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than normal domestic strength or wastes of unusual character, or contractual agreements with the users, as long as the following conditions are met.

(a) The user pays operation, maintenance, and replacements costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment plant, and no user is charged at a rate less than that of normal domestic strength wastewater.

(b) The measurements of the wastes are conducted according to the latest edition of *Standard Methods for the Examination of Water and Wastewater* in a manner acceptable to the city as provided for in Ordinance No. _____ "An Ordinance Establishing Sewer Use Regulations."

(2) A study of unit costs of collection and treatment processes attributable to flow, CBOD,

TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flows and loadings for users discharging wastes of greater than normal domestic strength or wastes of unusual character.
(Ord. 409, passed 2-4-1986)

§ 51.109 SEWER SERVICE FUND.

(A) (1) The City of Waterville hereby establishes an enterprise to receive all revenues generated by the sewer service charge system, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt.

(2) The city also establishes the following accounts as income and expenditure accounts within the sewer service fund:

- (a) Operation and Maintenance Account;
- (b) Equipment Replacement Account; and
- (c) Debt Retirement Account.

(B) (1) All revenue generated by the sewer service charge system, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Administrator-Clerk separate and apart from all other funds of the city.

(2) Funds received by the sewer service fund shall be transferred to the Operation and Maintenance Account, the Equipment Replacement Account, and the Debt Retirement Account in accordance with state and federal regulations and the provisions of this chapter.

(C) (1) Revenue generated by the sewer service charge sufficient to ensure adequate replacement throughout the design of useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the Equipment Replacement Account and dedicated to affecting replacement costs.

(2) Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

(D) Revenue generated by the sewer service charge system sufficient for operation and maintenance shall be held separate and apart in the Operation and Maintenance Account.
(Ord. 409, passed 2-4-1986)

§ 51.110 ADMINISTRATION.

The sewer service charge system and sewer service fund shall be administrated according to the following provisions:

(A) (1) The City Administrator-Clerk shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of these costs annually in January.

(2) (a) The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement.

(b) The Council will also determine whether the user charges are distributed proportionately to each user in accordance with § 51.107 of this chapter and Section 204 (b)(2)(A) of the Federal Water Pollution Control Act, being 33 U.S.C. § 1284, as amended.

(3) The city shall thereafter, but not later than the end of the year, reassess, and as necessary revise the sewer service charge system then in use to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

(B) In accordance with federal and state requirements each user will be notified annually in conjunction with a regular billing of that portion of the sewer service charge attributable to operation, maintenance and replacement.

(C) In accordance with federal and state requirements, the City Administrator-Clerk shall be responsible for maintaining all records necessary to document compliance with the sewer service charge system adopted.

(D) (1) Bills for sewer service charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due the last day of the month billed.

(2) Any bill not paid after the due date will be considered delinquent.

(3) At that time the city shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent penalty.

(4) The penalty shall be computed as 5% of the original bill.

(E) The owner of the premises, shall be liable to pay for the service to the premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises is liable therefore to the city.

(F) Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of the wastes, at no expense to the city.
(Ord. 409, passed 2-4-1986)

WATER FEES, CHARGES AND RATES

§ 51.125 WATER CHARGES AND RATES ESTABLISHED.

Rates, fees and charges for water use and service are hereby established for connection into the municipal water system and the use thereof in the amounts set forth.

Water	
First 1,000 Gal.	\$11.50
Next 1,000 Gal. or fraction thereof	\$7
Excess over 100,000 Gal.	\$.18 per M Gal.
Minimum bill	
Deposit to ensure payment of bills	None
Meter deposit	None
Meter accuracy test	\$25

Water Connection Service	
Tapping charge for new installation	\$1,500
Replace water connection to the curb shutoff valve	Total cost
Replace sidewalk	Total cost
Outside reader unit	Total cost
Commercial or multiple dwelling	
In the case of commercial or multiple dwelling premises, not less than a minimum charge will be made to each individual unit.	
New water services	
The installation of new or additional water, services to accommodate the usage of a particular premise and the costs for all necessary restoration will be borne by the property owner.	
After service discontinued	
Turn on, after service discontinued for nonpayment of bill, or disregard of rules and regulations.	\$25
Turn on, after seasonal disconnect and 24-hour notice given	\$5

(1982 Code, § 410.01) (Ord. 410.01, passed 12-6-2005)

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC RULES

71. PARKING RULES

72. TRUCK REGULATIONS

73. SKATEBOARDS, ROLLER BLADES, ROLLER SKATES AND ROLLER SKIS

74. SNOWMOBILES

CHAPTER 70: TRAFFIC RULES

Section

- 70.01 Definitions
- 70.02 Turning
- 70.03 Through streets; one-way streets
- 70.04 Seasonal weight restrictions
- 70.05 Establishment of safety zones, lanes of traffic and the like
- 70.06 Removing keys
- 70.07 Exhibition driving prohibited
- 70.08 Bicycles on sidewalks prohibited
- 70.09 Interference with construction prohibited
- 70.10 Obstructing streets, sidewalks and alleys prohibited
- 70.11 Tracked vehicles prohibited
- 70.12 Wheeled vehicles on sidewalks prohibited
- 70.13 Exhibitions and assemblages of people
- 70.14 Unlicensed building moving prohibited
- 70.15 Police duties
- 70.16 Use of jake brakes

§ 70.01 DEFINITIONS.

Any term used in this chapter and defined in M.S. § 169.01, as it may be amended from time to time, has the meaning given it by that section.
(1982 Code, § 701.01)

§ 70.02 TURNING.

(A) *Restriction on turns.* The Council by resolution may, whenever necessary to preserve a free flow of traffic or to prevent accidents, designate any intersection as one where the turning of vehicles to the left or to the right, or both, is to be restricted at all times or during specified hours. The city shall mark by appropriate signs any intersection so designated. No intersection on a trunk highway shall be so designated until the consent of the Minnesota Department of Transportation to that designation is first obtained. No person shall turn a vehicle at any intersection contrary to the directions on the signs.

(B) *U-turns.* No person shall turn a vehicle so as to reverse its direction on any street in the business district or at any intersection where traffic is regulated by a traffic control signal.
(1982 Code, § 701.02) Penalty, see § 10.99

§ 70.03 THROUGH STREETS; ONE-WAY STREETS.

The Council by resolution may designate any street or portion of street as a through highway or a one-way roadway where necessary to preserve the free flow of traffic or to prevent accidents. The city shall post appropriate signs at the entrance to that street. No trunk highway shall be so designated unless the consent of the Minnesota Department of Transportation to the designation is first secured.
(1982 Code, § 701.03)

§ 70.04 SEASONAL WEIGHT RESTRICTIONS.

The city may prohibit the operation of vehicles upon any street under his or her jurisdiction or impose weight restrictions on vehicles to be operated on the street whenever the street, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. The city shall erect and maintain signs plainly indicating the prohibition or restriction at each end of that portion of the street affected. No person shall operate a vehicle on a posted street in violation of the prohibition or restriction.
(1982 Code, § 701.05) Penalty, see § 10.99

§ 70.05 ESTABLISHMENT OF SAFETY ZONES, LANES OF TRAFFIC AND THE LIKE.

To assist in the direction and control of traffic, to improve safe driving conditions at any intersection or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions or hazards, the City Council may establish safety zones, lanes of traffic and stop intersections, and they may order installation by the city of stop signs, yield signs, warning signs, signals, pavement markings or other devices. No regulation may be established on a trunk highway unless the consent of the Minnesota Department of Transportation is first secured.
(1982 Code, § 701.09)

§ 70.06 REMOVING KEYS.

(A) No person shall leave a motor vehicle, except a truck which is engaged in loading or unloading, unattended on any street, used car lot, or unattended parking lot without first stopping the engine, locking the ignition and removing all ignition keys from the vehicle.

(B) Whenever any police officer finds any motor vehicle standing in violation of this provision, he or she shall remove the keys from the vehicle and deliver them to police headquarters.
(1982 Code, § 701.10) Penalty, see § 10.99

§ 70.07 EXHIBITION DRIVING PROHIBITED.

No person shall turn, accelerate, decelerate or otherwise operate a motor vehicle within the city in a manner which causes unnecessary engine noise or backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, or in a manner simulating a race. Squealing or screeching sounds emitted by tires, or the throwing of sand or gravel by the tires is prima facie evidence of a violation of this section.

(1982 Code, § 701.11) Penalty, see § 10.99

§ 70.08 BICYCLES ON SIDEWALKS PROHIBITED.

No person shall ride a bicycle upon any of the sidewalks within the corporate limits of the City of Waterville.

(1982 Code, § 701.12) Penalty, see § 10.99

§ 70.09 INTERFERENCE WITH CONSTRUCTION PROHIBITED.

No person shall enter upon or in any way interfere with any sidewalk, crossing or gutter while in process of construction and drying when protected by a guard rail, line or notice.

(1982 Code, § 701.13) Penalty, see § 10.99

§ 70.10 OBSTRUCTING STREETS, SIDEWALKS AND ALLEYS PROHIBITED.

No person shall obstruct any part of any sidewalk, crossing, street or gutter or alley with any goods or merchandise except for the temporary purpose of loading or unloading. This section is not to be construed to prohibit merchants from displaying their own wares and goods in front and adjacent to their respective places of business, not to exceed two feet, nor to prevent the use of one-half of the street for building or repairing purposes after obtaining a permit therefor.

(1982 Code, § 701.14) Penalty, see § 10.99

§ 70.11 TRACKED VEHICLES PROHIBITED.

No person shall operate a tracked vehicle or tractor with lugs or irons on any of the streets of the city without laying down two-inch planks lengthwise to protect the crossings or bridges before passing over.

(1982 Code, § 701.15) Penalty, see § 10.99

§ 70.12 WHEELED VEHICLES ON SIDEWALKS PROHIBITED.

No person shall operate any wheel barrow, push cart or other wheeled vehicle on any of the sidewalks of the city, except strollers or wagons drawn by hand.
(1982 Code, § 701.16) Penalty, see § 10.99

§ 70.13 EXHIBITIONS AND ASSEMBLAGES OF PEOPLE.

No person shall give an exhibition or in any way cause an assemblage of people on any of the streets or sidewalks of the city, except upon license from the city, and then only under the authority of the police of the city.
(1982 Code, § 701.17) Penalty, see § 10.99

§ 70.14 UNLICENSED BUILDING MOVING PROHIBITED.

No person shall move any building through any of the streets of the city without first a license from the City Administrator-Clerk.
(1982 Code, § 701.18) Penalty, see § 10.99

§ 70.15 POLICE DUTIES.

(A) The Police Department shall enforce the provisions of this chapter and the state traffic laws. Police officers are authorized to direct all traffic within the city, either in person or by means of visible or audible signal, in conformity with this chapter and the state traffic laws.

(B) During a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police Department may direct traffic as conditions require notwithstanding the provisions of this chapter and the state traffic laws.

(C) Officers of the Fire Department may direct or assist the police in directing traffic at the scene of a fire or in the immediate vicinity.
(1982 Code, § 701.20)

§ 70.16 USE OF JAKE BRAKES.

It shall be unlawful for any truck to intentionally use dynamic brake (jake brake) on any public highway, street, parking lot or alley within the City of Waterville, except in an emergency.
(Ord. 700, passed 9-1-1998) Penalty, see § 10.99

CHAPTER 71: PARKING RULES

Section

Parking Regulations

- 71.01 Parallel parking
- 71.02 No parking, stopping or standing zones
- 71.03 Time limit parking zones
- 71.04 Parking limits
- 71.05 Vehicle left unattended
- 71.06 Impoundment
- 71.07 Prima facie violation
- 71.08 Truck parking on streets prohibited

Snow Emergency Parking

- 71.20 Declaration of emergency
- 71.21 Restrictions on parking during snow emergency
- 71.22 Violation

PARKING REGULATIONS

§ 71.01 PARALLEL PARKING.

On all streets, cars shall be parked parallel to the curb or edge of the roadway in accordance with law.

(1982 Code, § 701.06) Penalty, see § 10.99

§ 71.02 NO PARKING, STOPPING OR STANDING ZONES.

(A) The City Council may, by resolution, designate certain streets or portions of streets as no parking or no stopping or standing zones and may limit the hours in which the restrictions apply. The city shall mark by appropriate signs each zone so designated.

(B) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited.

(C) No vehicle shall be parked in a no-parking zone during hours when parking is prohibited except that a vehicle may be parked temporarily in a zone for the purpose of forming a funeral procession and a truck may be parked temporarily between the hours of 6:00 a.m. and 6:00 p.m. of any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

(1982 Code, § 701.06) Penalty, see § 10.99

§ 71.03 TIME LIMIT PARKING ZONES.

(A) The City Council may, by resolution, designate certain areas where the right to park is limited during hours specified. The city shall mark by appropriate signs each zone so designated. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a longer period than is so specified.

(B) Parking a motor vehicle between the hours of 2:00 a.m. and 5:00 a.m. on Friday of each week is prohibited on all permanent streets.

(1982 Code, § 701.06) Penalty, see § 10.99

§ 71.04 PARKING LIMITS.

No person shall park or permit any vehicle or trailer to stand for more than two consecutive hours between 8:00 a.m. and 5:00 p.m. on Main Street between Reed Street and Third Street or on First, Second or Third Streets between Lake Street East and East Paquin Street in the City of Waterville, Minnesota.

(1982 Code, § 701.06) Penalty, see § 10.99

§ 71.05 VEHICLE LEFT UNATTENDED.

No vehicle shall be parked unattended on any street or alley in the city for more than 48 consecutive hours. No vehicle shall be parked unattended on any public parking lot for more than 24 consecutive hours.

(1982 Code, § 701.06) Penalty, see § 10.99

§ 71.06 IMPOUNDMENT.

(A) Any police officer may remove a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic or hinders snow removal or street improvement or maintenance operations.

(B) The vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this chapter.

(1982 Code, § 701.06)

§ 71.07 PRIMA FACIE VIOLATION.

The presence of any motor vehicle on any street when standing or parked in violation of this chapter is prima facie evidence that the registered owner of the vehicle committed or authorized the

commission of the violation.
(1982 Code, § 701.06)

§ 71.08 TRUCK PARKING ON STREETS PROHIBITED.

No person shall park any truck in excess of 26 feet in length upon any street in the City of Waterville except for purposes of loading or unloading and then that parking shall not exceed two hours.

(1982 Code, § 701.19) Penalty, see § 10.99

SNOW EMERGENCY PARKING

§ 71.20 DECLARATION OF EMERGENCY.

During the event of an accumulation of one and one-half inches or more of snow, a snow emergency shall be deemed to exist in the City of Waterville.

(Ord. 701.08, passed 3-2-1999; Ord. passed - -)

§ 71.21 RESTRICTIONS ON PARKING DURING SNOW EMERGENCY.

During the period of any snow emergency, the following restrictions on parking shall be in effect:

(A) No vehicle shall be parked or left unattended on any portion of the following public streets until the curbs of the same have been plowed:

- (1) First Street from Lake Street to Paquin Street;
- (2) Second Street from Lake Street to Paquin Street;
- (3) Third Street from Lake Street to Hoosac Street;
- (4) Main Street from Reed Street to Highway 13; and
- (5) Paquin Street from Second Street to Fourth Street.

(B) On all other public streets within the City of Waterville, no vehicle shall be parked or left unattended until the street has been fully plowed and cleared, curb to curb.

(Ord. 701.08, passed 3-2-1999; Ord. passed - -) Penalty, see § 10.99

§ 71.22 VIOLATION.

When any police officer finds a vehicle standing upon a street in violation of this snow emergency subchapter, the officer is hereby authorized to require the driver or other person in charge of the vehicle to remove the vehicle to a position in compliance with this subchapter. When any police officer finds the vehicle unattended upon any street in violation of the snow emergency subchapter, the officer is hereby authorized to impound the unlawfully parked vehicle and provide for its removal. The officer

may remove the vehicle to a convenient garage or other facility or place of safety. Any charge placed against the vehicle for cost of removal or storage, or both, by anyone assisting with the removal or storage, shall be of the expense of the owner of the vehicle and shall be paid prior to the vehicle being released from storage.

(Ord. 701.08, passed 3-2-1999; Ord. passed - -) Penalty, see § 10.99

CHAPTER 72: TRUCK REGULATIONS

Section

Truck Routes

- 72.01 Definitions
- 72.02 Classifications
- 72.03 Restriction
- 72.04 Authority of Chief of Police or police officer

Truck Zones, Loading Zones and the like

- 72.15 Establishment
- 72.16 Truck zone prohibitions
- 72.17 Loading zone prohibitions
- 72.18 Property owner initiative
- 72.19 Semi-trailer parking
- 72.20 No truck parking zones

TRUCK ROUTES

§ 72.01 DEFINITIONS.

(A) The meaning of any term herein which is defined in M.S. § 169.01, as it may be amended from time to time, shall have the meaning as so defined in the state statute.

(B) The meaning of any other term used herein not defined by the state statute shall have its common usage and meaning.
(Ord. 701.04, passed 6-7-1988)

§ 72.02 CLASSIFICATIONS.

It is hereby established the following classifications of public roads with the City of Waterville.

(A) *Restricted streets or alleys.* Restricted streets or alleys shall include all of the public streets and alleys within the City of Waterville which are not otherwise designated as truck routes.

(B) *Truck routes.* Truck routes are hereby established as the following public streets in the City of Waterville:

- (1) All state highways;
 - (2) First Street from its intersection with Highway 13 to Hoosac Street;
 - (3) Hoosac Street from its intersection with First Street to Fifth Street;
 - (4) Fifth Street from Common Street to Paquin Street;
 - (5) Second Street from Paquin Street to Main Street;
 - (6) Third Street from its intersection with Highway 60 to Lake Street;
 - (7) Sakatah Boulevard from First Street to Highway 13;
 - (8) Main Street from Highway 13 to County Road 14;
 - (9) Paquin Street from Highway 13 to County Road 14;
 - (10) Reed Street from Highway 60 to Main Street; and
 - (11) Buchannon Street from Main Street to Paquin Street.
- (Ord. 701.04, passed 6-7-1988)

§ 72.03 RESTRICTION.

(A) No person, firm or corporation shall operate, drive, tow or park any vehicle or any combination of vehicles with a gross weight in excess of 10,000 pounds on any restricted public street or alley.

(B) Vehicles in excess of 10,000 pounds which are otherwise lawful under Minnesota Statutes to travel on state highways not in excess of nine tons shall be permitted upon streets designated as truck routes provided they do not violate any other traffic or parking law, statute or ordinance.

(C) (1) Vehicles prohibited upon restricted public streets or alleys may use the same to load, unload, to travel to and from a place of business or to be serviced or repaired, provided there is no reasonable truck route which would lead to the same destination.

(2) Prohibited vehicles making no bona fide stops within the City of Waterville for fuel, service, conduct of business, loading or unloading, however, are restricted to truck routes, notwithstanding the directness of the route to the vehicle's destination.

(3) School buses, fire trucks and garbage collection trucks in excess of 10,000 pounds are exempt from the restrictions of this chapter.
(Ord. 701.04, passed 6-7-1988) Penalty, see § 10.99

§ 72.04 AUTHORITY OF CHIEF OF POLICE OR POLICE OFFICER.

The Chief of Police or any other police officer on duty may from time to time authorize prohibited vehicles to use a restricted public street or alley in emergency situations.

(Ord. 701.04, passed 6-7-1988)

TRUCK ZONES, LOADING ZONES AND THE LIKE

§ 72.15 ESTABLISHMENT.

The City Council may by resolution establish spaces in streets as loading zones or truck zones. The hours of 6:00 a.m. and 7:00 p.m. of any day except Sundays, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving and Christmas Day or any other time as the City Council may specify in the resolution establishing the zones shall be the loading zone or truck zone hours. The city shall mark each zone by appropriate signs.
(1982 Code, § 701.07)

§ 72.16 TRUCK ZONE PROHIBITIONS.

During truck zone hours, no person shall stop, stand, or park any vehicle except a truck in a truck zone. No person shall stop, stand or park a truck in a truck zone during truck zone hours except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose.
(1982 Code, § 701.07) Penalty, see § 10.99

§ 72.17 LOADING ZONE PROHIBITIONS.

(A) During loading zone hours, no person shall stop, stand or park any vehicle in a loading zone except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose.

(B) No person shall occupy a loading zone with a vehicle other than a truck for more than five minutes during these hours.
(1982 Code, § 701.07) Penalty, see § 10.99

§ 72.18 PROPERTY OWNER INITIATIVE.

Any person desiring the establishment of a loading zone or truck zone abutting premises occupied by him or her shall make written application therefor to the City Council. If the Council grants the request, the proper city officer shall bill the applicant for the estimated cost of placing signs and of painting the curb. When the amount is paid to the city treasurer, the city shall install the necessary signs and paint the curb.
(1982 Code, § 701.07)

§ 72.19 SEMI-TRAILER PARKING.

No person shall allow a semi-trailer to stand or be parked unattached from a tractor unit for any length of time on any street in the city except in an emergency in order to change tractors.
(1982 Code, § 701.07) Penalty, see § 10.99

§ 72.20 NO TRUCK PARKING ZONES.

The Council may by resolution establish “No Truck Parking” zones in the business district and the city shall mark by appropriate signs any zones so established. These zones shall be established in the business district where heavy traffic by trucks or other traffic congestion makes parking by trucks a hazard to the safety of vehicles or pedestrians.
(1982 Code, § 701.07)

CHAPTER 73: SKATEBOARDS, ROLLER BLADES, ROLLER SKATES AND ROLLER SKIS

Section

73.01	Purpose
73.02	Definition
73.03	Prohibition
73.04	Permitted
73.05	Observation of rules of the road
73.06	Future description of prohibited areas

§ 73.01 PURPOSE.

The purpose of this chapter is to protect the public health and safety arising out of the use of skateboards, roller blades, roller skates, and roller skis within the City of Waterville. The City Council of the City of Waterville finds that there are certain public streets and public property wherein the operation and use of skateboards, roller blades, roller skates and roller skis create an unnecessary potential danger to either the user of these devices or the general public; and that the use of the devices in an improper manner may cause destruction of property.
(Ord. 701.23, passed 5-3-1994)

§ 73.02 DEFINITION.

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

OPERATE. To ride on or upon or control the operation of a skateboard, roller skates, roller blades or roller skis.

OPERATOR. Every person who operates or is in actual physical control of a skateboard, roller skates, roller blades or roller skis.

ROLLER DEVICE. Any one of the following devices.

(1) **ROLLER SKATES** and **ROLLER BLADES.** A shoe with wheels attached or a device with wheels which is designed to be attached to a shoe.

(2) **ROLLER SKIS.** A pair of skis platformed with wheels attached which is intended to simulate skiing.

(3) **SKATEBOARD.** A wheeled self-propelled and manually propelled device to transport a

rider which device is not otherwise secured to the rider's feet or shoes.
(Ord. 701.23, passed 5-3-1994)

§ 73.03 PROHIBITION.

It shall be unlawful for any person to operate a roller device as defined herein in or on the following area in the City of Waterville:

(A) Upon any public street or upon any public sidewalk within the area designated as Main Street between First Street and State Highway 13;

(B) Upon Independent School District No. 2143 property during school events;

(C) On private property of another without the express permission to do so by the owner or occupant of the property;

(D) In any careless, reckless or negligent manner so as to endanger, or be likely to endanger the safety of any person or property of any other person;

(E) The operator of a skateboard, roller skates, roller blades or roller skis emerging from an alley, driveway or building upon approaching a sidewalk or the sidewalk area extending across any alleyway shall yield the right-of-way to all pedestrians approaching the sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway; or

(F) No person operating a skateboard, roller skates, roller blades or roller skis shall attach the same or the person of the operator to any vehicle upon a roadway.
(Ord. 701.23, passed 5-3-1994) Penalty, see § 10.99

§ 73.04 PERMITTED.

Persons are permitted to operate a skateboard, roller skates, roller blades or roller skis on the sidewalk and if not possible, then upon the roadway and shall ride as close as possible to the right hand curb or edge of the roadway. Except as prohibited in 703.03A.
(Ord. 701.23, passed 5-3-1994) Penalty, see § 10.99

§ 73.05 OBSERVATION OF RULES OF THE ROAD.

Any person who is using any roller device on any of the streets or roadways within the city which are not specified above as prohibited must observe the same rules of the road as required of bicycles pursuant to M.S. § 169.222, as it may be amended from time to time.
(Ord. 701.23, passed 5-3-1994)

§ 73.06 FUTURE DESCRIPTION OF PROHIBITED AREAS.

The City Council may, in the future, by resolution, prohibit the use of devices defined in § 73.02 hereof in areas of the City of Waterville in addition to those prohibited in § 73.03 hereof upon recommendation of the Chief of Police.
(Ord. 701.23, passed 5-3-1994)

CHAPTER 74: SNOWMOBILES

Section

74.01	Scope of application
74.02	Private property
74.03	Sidewalks and boulevards
74.04	Operation on roadways, public lands and water
74.05	Exceptions
74.06	Direct crossings
74.07	Hours of operation
74.08	Prohibited acts
74.09	Equipment
74.10	Unattended snowmobile
74.11	Minimum age of operator

§ 74.01 SCOPE OF APPLICATION.

Notwithstanding provisions of this title to the contrary, this chapter shall apply to control of traffic and regulation of that certain class of vehicles falling within the definition of snowmobiles as to matters set forth herein. All provisions of this title, not relating to matters herein stated, apply as equally to snowmobiles as other vehicles.
(Ord. 805.01, passed 3-7-1989)

§ 74.02 PRIVATE PROPERTY.

It is as misdemeanor to operate a snowmobile on private property without the permission or consent of the owner or occupant.
(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

§ 74.03 SIDEWALKS AND BOULEVARDS.

It is a misdemeanor to operate a snowmobile on a sidewalk or boulevard, except that a direct crossing may be made in the same manner as provided for direct crossing of a city street.
(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

§ 74.04 OPERATION ON ROADWAYS, PUBLIC LANDS AND WATER.

(A) Snowmobiles may be operated on roadways, public lands, state trail or waters only as herein

specified.

(B) It is a misdemeanor to operate a snowmobile upon roadways or public lands or waters, as follows:

(1) At a rate of speed in excess of 15 mph;

(2) Other than single file on a roadway;

(3) Other than at the extreme right-hand side of a roadway;

(4) On publicly-owned land, including school land, park property, playgrounds and recreational areas; or

(5) Within 100 feet of any church property during church service, residence, school building, nursing home, skating rink or sliding area, unless operated on a defined trail, or in any other area where the operation would conflict or interfere with the normal use of the property or would endanger persons or property.

(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

§ 74.05 EXCEPTIONS.

Notwithstanding the prohibition of operating a snowmobile upon a roadway to the contrary, operation is hereby permitted as follows:

(A) From the owner's residence or place of business or place the snowmobile is generally stored, in a direct route to and from a place of destination, provided the place of destination is a place that the snowmobile may be lawfully operated; or

(B) In an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile is impractical.

(Ord. 805.01, passed 3-7-1989)

§ 74.06 DIRECT CROSSINGS.

It is a misdemeanor to operate a snowmobile upon a roadway except to make direct crossing, and only as follows.

(A) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(B) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

(C) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

(D) In crossing a divided highway, the crossing is made only at an intersection of a highway with another public street.

(E) The crossing is made between the hours of one-half hour after sunset to one-half hour before sunset or in conditions of reduced visibility, only if front and rear lights are on.
(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

§ 74.07 HOURS OF OPERATION.

It is a misdemeanor to operate a snowmobile within the city from 10:00 p.m. to 7:00 a.m. for any purpose other than in going to or returning from an evening ride, except in an emergency as defined in § 74.05(B).
(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

§ 74.08 PROHIBITED ACTS.

It is a misdemeanor for any person to operate a snowmobile in the following ways:

(A) At a rate of speed greater than reasonable or proper under all the surrounding circumstances, but in no event in excess of 15 mph;

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

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

(D) To tow any person or object except through use of a rigid tow-bar attached to the rear of the snowmobile;

(E) To intentionally drive, chase, run over or kill any animal with a snowmobile; or

(F) In any tree nursery or planting in a manner which damages or destroys growing stock.
(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

§ 74.09 EQUIPMENT.

It is a misdemeanor for any person to operate a snowmobile unless it is equipped with the following.

(A) (1) Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation.

(2) No person shall use a muffler cut out, bypass, straight pipe or similar device on a snowmobile motor.

(B) Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.

(C) (1) A safety or so-called deadman kill switch in operating condition.

(2) A safety or so-called deadman throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving

track.

(D) (1) When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions.

(2) The head-lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red tail-lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

(E) Reflective materials at least 16 square inches on each side, forward of the handlebars, so as to reflect light at a 90-degree angle.
(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

§ 74.10 UNATTENDED SNOWMOBILE.

Every person leaving a snowmobile unattended shall lock the ignition and remove the key from the ignition and from the snowmobile.
(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

§ 74.11 MINIMUM AGE OF OPERATOR.

(A) No person under the age of 14 years shall operate a snowmobile on any public land or water in the city.

(B) A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets and highways as permitted under this chapter and made a direct crossing of streets and highways only if he or she has in his or her immediate possession a valid snowmobile safety certificate, and then only for purposes of travel between his or her home (or home location of the snowmobile) and a point outside the city, or to an area within the city designated as a snowmobile area.

(C) This travel must be accomplished by the shortest distance, taking the most direct route while complying with applicable laws.
(Ord. 805.01, passed 3-7-1989) Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS

Chapter

90. ABANDONED PROPERTY

91. STREETS, PARKS AND PUBLIC PROPERTY

92. FIRE PREVENTION

93. ANIMALS

94. NUISANCES

95. WEEDS

96. NOISE

97. TREES

CHAPTER 90: ABANDONED PROPERTY

Section

90.01 Abandoned motor vehicles

90.02 Other abandoned property

Cross-reference:

Nuisances, see Ch. 94

§ 90.01 ABANDONED MOTOR VEHICLES.

(A) *Impoundment and sale.*

(1) The City Police Department shall take into custody and impound any abandoned motor vehicle as defined by M.S. § 168B.011, Subd. 2, as it may be amended from time to time.

(2) It shall give notice of the taking as provided by law and if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two-weeks' published notice.

(B) *Summary action in certain cases.* When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under division (A) and shall not be subject to the notification, reclamation, or title provisions of M.S. §§

168B.01 to 168.101, as they may be amended from time to time.

(C) *Disposition of proceeds.*

(1) The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the city.

(2) If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, he or she shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving and storing the vehicle and all administrative, notice and publication costs incurred in its handling.

(1982, Code, § 208.01)

Cross-reference:

Abandoned or disabled or unlicensed vehicles declared public nuisances, see § 94.05

§ 90.02 OTHER ABANDONED PROPERTY.

(A) *Procedure.* All other property lawfully coming into the possession of the city shall be disposed of as provided in this section.

(B) *Storage.*

(1) The department of the city acquiring possession of the property shall arrange for its storage.

(2) If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

(C) *Claim by owner.*

(1) The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it.

(2) A receipt for the property shall be obtained upon release to the owner.

(D) *Sale.* If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the Chief of Police of the city after two weeks published notice setting forth the time and place of the sale and the property to be sold.

(E) *Disposition of proceeds.*

(1) The proceeds of the sale shall be placed in the general fund of the city.

(2) If the former owner makes the application and furnishes satisfactory proof of ownership within six months of the sale, he or she shall be paid the proceeds of the sale of his or her property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

(1982, Code, § 208.02)

CHAPTER 91: STREETS, PARKS AND PUBLIC PROPERTY

Section

Excavations

- 91.01 Permit required
- 91.02 Application and regulations
- 91.03 Bond
- 91.04 General regulations for excavations
- 91.05 Refilling excavations
- 91.06 Map of subsurface installations

Assessable Current Services; Obligation of Property Owners and Occupants

- 91.20 Definition
- 91.21 Snow, ice, dirt and rubbish
- 91.22 Weed elimination
- 91.23 Public health and safety standards
- 91.24 Installation and repair of water service lines
- 91.25 Repair of sidewalks and alleys
- 91.26 Street sprinkling, street flushing, tree care and the like
- 91.27 Personal liability
- 91.28 Assessment

Local Improvement Policy

- 91.40 Initiation of public improvement projects
- 91.41 Classification of projects
- 91.42 Assessment policies applicable to all types of improvements
- 91.43 Surface improvements
- 91.44 Subsurface improvements
- 91.45 Providing for deferral of special assessments
- 91.46 Hardship defined
- 91.47 Application for deferred payment of special assessments
- 91.48 Renewal
- 91.49 Determination of interest rate
- 91.50 Termination of right of deferred payment
- 91.51 Notice

EXCAVATIONS

§ 91.01 PERMIT REQUIRED.

(A) No person, except an authorized city employee or a contractor performing work under a contract with the city, shall make any excavation in a street, alley, sidewalk or public ground without first having secured a permit therefor from the Administrator-Clerk.

(B) The fee for this permit shall be \$25 for each location covered by the permit, but no fee shall be required for an excavation made pursuant to a permit for sewer or water construction.
(1982 Code, § 301.01) Penalty, see § 10.99

§ 91.02 APPLICATION AND REGULATIONS.

(A) The Administrator-Clerk shall prepare the necessary application forms and permits required under § 91.01.

(B) He or she shall also prepare rules and regulations with respect to excavations as he or she finds necessary to protect the public from injury, prevent damage to public or private property and minimize interference with the public use of streets, alleys, sidewalks and public grounds.

(C) Any person making an excavation covered by this subchapter shall comply with these rules and regulations.
(1982 Code, § 301.02)

§ 91.03 BOND.

(A) Any permittee except a public utility corporation or a bonded plumber shall file with the Administrator-Clerk a corporate surety bond in the amount of \$2,000 conditioned that the permittee will:

(1) Perform work in connection with the excavation in accordance with applicable ordinances and regulations;

(2) Indemnify the city and hold it harmless from all damage caused in the execution of the work; and

(3) Pay all costs and damages suffered by the city by reason of the failure of the permittee to observe the terms of applicable ordinances and regulations or because of negligence in the execution of the work.

(B) The bond shall be approved as to form and legality by the city attorney.

(C) Any permittee except a public utility corporation shall furnish proof that the permittee has in existence an insurance policy protecting him or her from liability to the public, including the city, to an amount equal to the maximum claim the city might be required to pay under Minnesota Statutes.
(1982 Code, § 301.03)

§ 91.04 GENERAL REGULATIONS FOR EXCAVATIONS.

(A) Street openings shall be made in a manner that will cause the least inconvenience to the public.

(B) Provision shall be made for the passage of water along the gutters and at least one-half of the traveled portion of the street shall be left open and in good condition for the safe passage of vehicles.

(C) Open excavations shall be guarded with substantial barriers and marked with red flags and at night with red lights or flashing devices.

(D) Pipes or mains exposed to freezing temperatures shall be protected so as to prevent freezing.

(E) Any person responsible for exposing a city main or pipe so that it might be damaged by freezing shall be liable to the city for all damages caused by freezing and all damages sustained by others by freezing for which the city may be liable.

(1982 Code, § 301.04) Penalty, see § 10.99

§ 91.05 REFILLING EXCAVATIONS.

(A) Every street excavation shall be refilled as soon as possible after the work is completed and paving, sidewalks and appurtenances shall be replaced in at least as good condition as before the excavation to the satisfaction of the street superintendent.

(B) All dirt and debris shall be removed immediately.

(C) Any person who fails to comply with these requirements within 24 hours after notice from the city shall be liable to the city for the full cost incurred by the city in remedying the defect and restoring the street, sidewalk, alley or public ground to its proper condition.

(D) The cost shall be an obligation of the surety on the bond of the permittee.

(1982 Code, § 301.05) Penalty, see § 10.99

§ 91.06 MAP OF SUBSURFACE INSTALLATIONS.

(A) The City Administrator-Clerk shall maintain a map showing the location of all utility and other installations made beneath the surface of any public street, grounds or right-of-way.

(B) The information on the map shall be sufficiently complete and accurate to permit anyone making an excavation in a public place having any underground installation to avoid damage to any existing underground installation.

(C) Any new underground facilities shall be recorded on the map as soon as practicable upon the issuance of an excavation permit or the completion of a contract for the installation of city underground installations.

(1982 Code, § 301.06)

ASSESSABLE CURRENT SERVICES; OBLIGATION OF PROPERTY OWNERS AND OCCUPANTS

§ 91.20 DEFINITION.

The term ***CURRENT SERVICE*** as used in this subchapter means one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 to 463.26, as they may be amended from time to time; installation or repair of water service lines; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.
(1982 Code, § 302.01)

§ 91.21 SNOW, ICE, DIRT AND RUBBISH.

(A) Duty of owners and occupants.

(1) The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians.

(2) No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 12 hours after its deposit thereon.

(B) Removal by city.

(1) The street superintendent shall remove from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 12 hours after any matter has been deposited thereon or after the snow has ceased to fall.

(2) He or she shall keep a record showing the cost of removal adjacent to each separate lot and parcel and shall deliver the information to the City Administrator-Clerk.
(1982 Code, § 302.02) Penalty, see § 10.99

§ 91.22 WEED ELIMINATION.

(A) Weeds as a nuisance.

(1) Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City of Waterville to a greater height than 12 inches or which have gone or are about to go to seed are a nuisance.

(2) The owner and the occupant shall abate or prevent the nuisance on property and on land outside the traveled portion of the street or alley abutting on that property.

(B) *Notice.* On or before June 1 of each year and at other times as ordered by resolution of the Council, the City Administrator-Clerk shall publish once in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds declared by division (A) to be a nuisance and stating that if not so destroyed within ten days after publication of the notice, the weeds will be destroyed by the street superintendent, at the expense of the owner and that if not paid, the charge for the work will be made a special assessment against the property concerned.

(C) Removal by city.

(1) If the owner or occupant of any property in the city fails to comply with the notice within

ten days after its publication, the street commissioner shall cut and remove the weeds.

(2) He or she shall keep a record showing the cost of the work attributable to each separate lot and parcel and shall deliver the information to the City Administrator-Clerk.
(1982 Code, § 302.03) Penalty, see § 10.99

§ 91.23 PUBLIC HEALTH AND SAFETY STANDARDS.

(A) When the city removes or eliminates public health or safety hazards from private property under city regulations, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the City Administrator-Clerk.

(B) This section does not apply to hazardous buildings under the hazardous building law, M.S. §§ 463.15 to 463.26, as they may be amended from time to time.
(1982 Code, § 302.04)

§ 91.24 INSTALLATION AND REPAIR OF WATER SERVICE LINES.

Whenever the city installs or repairs water service lines serving private property under Title V of this code, the Water Department shall keep a record of the total cost of the installation or repair against the property and deliver that information to the City Administrator-Clerk annually by August 15 as to each parcel of property on which the cost has not been paid.
(1982 Code, § 302.05)

§ 91.25 REPAIR OF SIDEWALKS AND ALLEYS.

(A) *Duty of owner.*

(1) The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians.

(2) Repairs shall be made in accordance with the standard specifications approved by the Council and on file in the office of the City Administrator-Clerk.

(B) *Inspections; notice.*

(1) The street superintendent shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles.

(2) If he or she finds that any sidewalk or alley abutting on private property is unsafe and in need of repairs, he or she shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property and the occupant, if the owner does not reside within the city or cannot be found therein ordering the owner to have the sidewalk or alley repaired and made safe within 45 days and stating that if the owner fails to do so, the street superintendent will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

(C) *Repair by city.*

(1) If the sidewalk or alley is not repaired within 45 days after receipt of the notice, the street superintendent shall report the facts to the Council and the Council may by resolution order the street superintendent to repair the sidewalk or alley and make it safe or order the work done by contract in accordance with law.

(2) The street superintendent shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report the information to the City Administrator-Clerk.
(1982 Code, § 302.06) Penalty, see § 10.99

§ 91.26 STREET SPRINKLING, STREET FLUSHING, TREE CARE AND THE LIKE.

(A) Proposed projects.

(1) The Council shall each year determine by resolution what streets and alleys shall be sprinkled or flushed, oiled or given other dust treatment during the year and the kind of work to be done on each.

(2) The Council shall also determine by resolution from time to time the streets on which trees shall be trimmed and cared for, the kind of work to be done and what unsound trees shall be removed.

(3) Before any work is done pursuant to either of these resolutions, the Administrator-Clerk shall, under the Council's direction, publish notice that the Council will meet to consider these projects.

(4) The notice shall be published in the official newspaper at least once no less than two weeks prior to the meeting of the Council and shall state the date, time, and place of the meeting, the streets affected and the particular projects proposed, and the estimated cost of each project, either in total or on the basis of the proposed assessment per front foot or otherwise.

(B) Hearing; order.

(1) At the hearing or at any adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed projects.

(2) The Council shall thereupon adopt a resolution confirming the original projects with modifications as it considers desirable and shall provide for the doing of the work by day labor through the street superintendent or by contract.

(3) The street superintendent shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street or alley on which the work is done and shall report that information to the City Administrator-Clerk.
(1982 Code, § 302.07)

§ 91.27 PERSONAL LIABILITY.

(A) The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service.

(B) As soon as the service has been completed and the cost determined, the City Administrator-Clerk, or other designated official, shall prepare a bill and mail it to the owner and thereupon the

amount shall be immediately due and payable at the office of the City Administrator-Clerk.
(1982 Code, § 302.09) Penalty, see § 10.99

§ 91.28 ASSESSMENT.

(A) On or before September 1 of each year, the Administrator-Clerk shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this subchapter.

(B) The Council may then spread the charges against property benefited as a special assessment under Minnesota Statutes, for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.
(1982 Code, § 302.10)

LOCAL IMPROVEMENT POLICY

§ 91.40 INITIATION OF PUBLIC IMPROVEMENT PROJECTS.

(A) (1) Public improvement projects may be initiated by petition of affected property owners.

(2) The petitions will be received by the Council until August 15 of each year.

(3) Petitions for public improvements submitted after that date will be received and acted upon during the ensuing year only by special consent of the Council, or will be received and considered the following year.

(B) Public improvements may also be initiated by the Council when, in its judgment, action is required.
(1982 Code, § 303.01)

§ 91.41 CLASSIFICATION OF PROJECTS.

(A) (1) Public improvements are divided into two classes according to their respective benefit to the whole city and to property specially served. These classes are as follows:

(a) *Class A.*

1. Class A improvements are those which are of general benefit to the city at large, including public buildings, any public park, playground or recreational facility, street lighting systems (except ornamental street lighting), wastewater treatment facilities, and wells, water towers and water treatment facilities.

2. Any improvement shall be financed from general city funds and not from special assessments.

(b) *Class B.* Class B improvements are those which are primarily of benefit to property abutting on or in the area of the improvement, including sidewalks, water distribution, sanitary sewer, storm sewer, abatement of nuisances and draining of swamps, marshes and ponds and filling the same.

(2) (a) One exception to these two classes is that of off-street parking facilities.

(b) This improvement shall be considered to have both general and specific benefit to abutting or nearby property.

(c) Off-street parking improvements and any local improvements that are not placed in Class A or B shall be financed on an apportioned basis as the Council determines to be most feasible and equitable in each case.

(d) Any local improvements that are not placed in Class A or B may be financed all at city cost from general revenues, or, may be financed by a combination of assessment to benefitted property and city cost.

(e) The City Council shall determine on a per project basis the apportionment of project cost between assessment and city cost.

(B) *Service life of improvements.*

(1) Public improvements are judged to have a normal usable life expectancy. For the purpose of this policy statement, this life expectancy shall be as follows:

(a) *Surface improvements.*

1. Grading and base construction - no limit.
2. Sidewalks - 30 years.
3. Concrete curb or curb and gutter - 30 years.
4. Low-type bituminous street pavement (cold mix) - 10 years.
5. Bituminous street overlay (hot mix) - 10 years.
6. High type residential, or collector, street pavement (hot mix) - 15 years.
7. High type arterial pavement: asphaltic concrete - 20 years.
8. Alleys: hot mix bituminous - 15 years.

(b) *Subsurface improvements.*

1. Water mains - 40 years.
2. Sanitary sewers - 40 years.
3. Storm sewers - 40 years.

(2) When any existing improvement is ordered to be renewed or replaced, the assessments to

be levied therefore will be the proportionate share of the costs based on the ratio of the age of the improvement to the adjudged usable life expectancy.
(1982 Code, § 303.02) (Ord. 303.02, passed - -)

§ 91.42 ASSESSMENT POLICIES APPLICABLE TO ALL TYPES OF IMPROVEMENTS.

(A) Where an improvement is constructed which is of special benefit to properties within a definable area, it is the intent of the City Council that apportioned special assessments be levied against the benefitted properties within that area to the extent that the costs of the projects can be deemed to benefit the properties.

(B) The following general principles shall be used as a basis of the city's assessment policy.

(1) The project cost of an improvement shall be deemed to include the costs of all necessary construction work required to accomplish the improvement, plus engineering, legal, administrative, financing and other contingent costs.

(2) (a) Where a current improvement is installed as an extension of an existing improvement in which the city, through the use of sources other than special assessments, has participated in the costs of the existing system, and where the area served by the current improvement can be shown to benefit directly from the city's prior expenditures, the special assessments levied against the properties served by the newly extended improvement may include a system charge equal to that portion of the city's prior expenditures which, in the opinion of the City Council, are chargeable to the area served by the current extension.

(b) Whenever the city intends to include a system charge as a part of the assessable cost for an improvement, the notices of public hearing sent to the property owners prior to the making of the improvement shall specify the total amount of the system charge to be made against the proposed improvement.

(3) (a) Where an improvement is designed for service of an area beyond that of direct benefit, increased project costs due to the provisions for future service extensions shall be funded by the city as a system cost.

(b) This system cost may be funded by the city, to be assessed as a system charge together with direct benefits for lateral utility lines as stated in § 91.41 above, or may be assessed to the area of future benefit immediately.

(4) (a) Where the project of an improvement is not entirely attributable to the need for service to the area served by the improvement, or where unusual conditions beyond the control of the owners of the property in the area served by the improvement would result in an inequitable distribution of special assessments, the city, through the use of other funds, will pay the city cost which, in the opinion of the City Council represents the excess not directly attributable to the area served.

(b) Because frontage roads along highways or other arterial streets are deemed to be of benefit to commercial or industrial properties, the entire costs of any improvement on the frontage roads may be assessed to the benefitted properties, even if only those properties on one side of the frontage are benefitted.

(5) (a) If financial assistance is received from the federal government, from the State of

Minnesota or from any other source to defray a portion of the costs of a given improvement, the aid will be used first to reduce the city cost of the improvement.

(b) If the financial assistance received is greater than the normal city cost, the remainder of the aid will be used to reduce the special assessments against the benefitting properties, the reductions to be applied on a pro-rata basis.

(6) (a) The assessable cost of an improvement shall be defined as being those costs which, in the opinion of the City Council, are attributable to the need for service in the area served by the improvement.

(b) The assessable cost shall be equal to the project cost of the current project as defined above, plus the system charge as defined above, minus the city cost as defined above, minus other financial assistance credited as above described,

(7) City-owned properties, including municipal building sites, parks and playgrounds, but not including public streets and alleys, shall be regarded as being assessable on the same basis as if the property was privately owned.

(8) The term **LOT** as used in this policy statement shall be defined as follows:

(a) A single platted lot, or a fraction of a single platted lot, individually owned and used;

(b) A combination of more than one platted lot which can be shown to provide only one buildable site in accordance with the provisions of the city's zoning regulations; and

(c) Any unplatted parcel of property.

(1982 Code, § 303.03) (Ord. 303.02, passed - -)

§ 91.43 SURFACE IMPROVEMENTS.

Surface improvements shall include grading and base construction, sidewalks, curb and gutter, surfacing and resurfacing.

(A) *Standards for surface improvements.* In all streets, prior to street construction and surfacing, or prior to resurfacing, all utilities and utility service lines (including sanitary sewers, water lines, gas and electric services) shall be installed to serve each known or assumed building location. No surface improvements to less than both sides of a full block street shall be approved except as necessary to complete the improvement of a block which has previously been partially completed. Concrete curbing or curb and gutter shall be installed at the same time as street surfacing, except that where a permanent rural street design is approved by the City Council, curbs will not be required.

(1) *Arterial streets.*

(a) Arterial streets shall be of nine-ton design of adequate width to accommodate projected traffic volumes.

(b) Sidewalks shall be provided on both sides of all arterial streets unless specifically omitted by the City Council, and shall be of the width approved by the City Council.

(c) Arterial streets shall be resurfaced at or near their expected service age, dependant

upon existing conditions.

(2) *Collector streets.*

(a) Collector streets (including commercial and industrial access streets) shall be of seven-ton design or nine-ton design, based on anticipated usage and shall normally be 36 to 44 feet in width, measured between faces of curbs.

(b) Sidewalks shall be provided on both sides of all collector streets and shall be at least five feet in width, unless otherwise approved by the Council.

(c) Wherever feasible, a boulevard at least five feet in width shall be provided, from the street face of curb to the street face of the sidewalk.

(d) Collector streets shall be resurfaced at or near their expected service age or at a time as the Council determines it is necessary to raise the structural value of the streets.

(3) *Residential streets.*

(a) Residential streets shall be of five-ton design, 24 to 36 feet in width, measured between faces of curbs.

(b) Unless specifically omitted by the Council, sidewalks shall be provided on both sides of all residential streets that have one or more midblock building sites.

(c) Where no midblock building sites are located within a block of where other improvements have previously been constructed, the Council may order the construction of sidewalks when the construction is warranted.

(d) Residential streets shall be resurfaced at or near their expected age, depending upon existing conditions.

(4) *Alleys.*

(a) Alleys, in residential areas, shall be of five-ton design.

(b) In commercial or industrial service areas, alleys shall be constructed to a seven-ton or nine-ton design, based on the anticipated usage of the alley in question.

(c) Alleys shall be resurfaced at or near their expected service age, depending upon existing conditions.

(B) *Assessment formula for surface improvements.* The assessments to be levied against properties within the benefitted areas shall be distributed to those properties on the basis of the following provisions:

(1) The assessment rate to be applied against each individual property shall be equal to the assessable cost of the project divided by the total number of assessable units benefitted by the improvement.

(2) The assessable unit to be used for all surface improvements, unless otherwise specified by the City Council, shall be the frontage of the property. For surface improvements, the frontage shall be

determined as follows.

(a) For rectangular interior lots, the frontage shall be equal to the dimensions of the side of the lot abutting the improvement.

(b) For rectangular corner lots, the frontage shall be equal to the dimensions of the smaller of the two sides of the lot abutting the improvement plus one-half of the dimension of the larger of the two sides. Provided, however, that where the long side of a corner lot exceeds 160 feet, the entire excess over 160 feet shall be regarded as frontage. Provided, further, that for ornamental street lighting in a residential area, and for all street resurfacing improvements, the frontage of a rectangular corner lot shall be equal to only the dimension of the smaller of the two sides of the lot.

(c) For irregularly shaped interior lots, the frontage shall be equal to the average width of the lot.

(d) For irregularly shaped corner lots, the frontage shall be equal to the average width of the lot, plus one-half of the average length of the lot. Provided, however, that where the average length of the lot exceeds 160 feet, the entire excess over 160 feet shall be regarded as frontage.

(e) For interior lots less than 160 feet in depth which abut two parallel streets, the frontage for a given surface improvement shall be calculated on only one side of the lot.

(f) For end lots less than 160 feet in depth which abut three streets, the frontage for a given type of surface improvement shall be calculated on the same basis as if the lot was a corner lot abutting the improvement on two sides only.

(g) For lots greater than 160 feet in depth which abut two parallel streets, the frontage for a surface improvement shall be calculated independently for each frontage.

(C) *Cost of surface improvements.* The following general provisions shall be used in the cost of surface improvements:

(1) (a) If the improvement is accomplished as required by the subdivision regulations of the city, the entire cost of the improvement shall be assessable against properties within the subdivision served with the exception that in a residential area, the city cost shall be equal to the increased cost for constructing a street to arterial or collector design standards in lieu of to residential design standards.

(b) Provided, also, that in commercial or industrial subdivisions, the increased costs of constructing a street to arterial design standards in lieu of to the collector design standard required to serve the subdivision will be assumed as city cost.

(c) Notwithstanding anything in this division to the contrary, the City Council may from time to time determine on a per project basis what part, up to the whole thereof, shall be at city cost.

(2) If the improvement is accomplished in a previously platted or previously developed area of multiple ownership, the following provisions shall apply.

(a) The increased cost of constructing a street to a design standard higher than that required to serve the area shall be charged as city cost.

(b) On street resurfacing projects, the entire costs of constructing a new surface or wearing course shall be assessed to properties in the benefitted area. All costs for repair or upgrading of sub-grade or base deficiencies shall be charged as city cost.

(3) (a) On all alley improvement projects, the city will pay one-third of the total costs of the project.

(b) The remaining two-thirds of the total costs shall be charged as special assessments to the benefitting properties in accordance with established special assessment policies and procedures. (1982 Code, § 303.04) (Ord. 303.02, passed - -)

§ 91.44 SUBSURFACE IMPROVEMENTS.

(A) *Generally.* Subsurface improvements shall include water distribution lines, sanitary sewer lines, and all required accessory materials.

(B) *Standards.*

(1) (a) Subsurface improvements shall be made to serve current and projected land use.

(b) All installations shall conform to the minimum standards therefore as established by those state and/or federal agencies having jurisdiction over the proposed installations.

(c) All installations shall also comply, to the maximum extent feasible, to quasi-official, nationally recognized standards as those of the American Insurance Association.

(2) Service lines to each known or assumed building location shall be installed with the construction of the mains.

(C) *Assessment formula for subsurface improvements.* The assessments to be levied against properties within an area benefited by subsurface improvements shall be distributed to those properties on the basis of the following provisions:

(1) The assessment rate to be applied against all properties and against each individual property shall be equal to the assessable cost of the project divided by the total number of assessable units benefited by the improvement.

(2) The assessable unit to be used for all subsurface improvements, unless otherwise specified by the Council, shall be on a unit benefitted basis. This shall be determined as follows:

(a) The assessable cost shall be divided by the total number of units benefitted.

(b) **UNIT BENEFITTED** shall mean Any regular, irregular, interior, or corner lot either built upon or able to be built upon and comply with zoning regulations. Multiple-family dwellings shall be assessed at three times the benefitted unit rate as one- and two-family dwellings.

(3) (a) The following general provisions shall be used in distributing the costs of subsurface improvements.

(b) If the improvement is accomplished as required by the subdivision requirements of the city, the entire costs of the current improvements, plus applicable system charges shall be assessable against properties within the subdivision served, with the following exceptions:

1. On water main or sanitary sewer construction within a subdivision, if the size of mains installed is larger than the size of mains required to provide complete water service (including fire-fighting potential as recommended by nationally recognized standards) or sewer service to the subdivision, the costs for over-sizing these mains shall be regarded as city cost.

2. On water main or sanitary sewer construction where no point of connection to existing mains is available within, or at the outside boundary of the subdivision, the city will levy normal assessments to all intervening properties benefitted by the required extensions and deduct the total of these assessments collected from the total project costs.

3. Where the extension beyond the subdivision boundary is installed and oversize to provide future service to areas other than the subdivision, the costs of the extension shall be equitably distributed between the areas to be served.
(1982 Code, § 303.05)

§ 91.45 PROVIDING FOR DEFERRAL OF SPECIAL ASSESSMENTS.

In accordance with M.S. §§ 435.193 to 435.195, as they may be amended from time to time, the City Council may, in its discretion, defer the payment of a special assessment against any homestead property of not to exceed five acres owned and occupied by a person 65 years of age or older, when the total amount of the assessment exceeds \$500 and the payment there of would create a hardship upon the property owner.
(1982 Code, § 303.07)

§ 91.46 HARDSHIP DEFINED.

(A) (1) A hardship shall be deemed to prima facie exist when the average annual payment for all assessments levied against the subject property exceeds 3% of the adjusted gross income of the applicant as evidenced by the applicant's most recent federal income tax return.

(2) In the event no federal income tax form was prepared, the applicant shall submit the information which would have been used in determining adjusted gross income.

(B) The average annual payment of an assessment shall be the total cost of the assessment divided by the number of years over which it is spread, including applicable interest.
(1982 Code, § 303.08)

§ 91.47 APPLICATION FOR DEFERRED PAYMENT OF SPECIAL ASSESSMENTS.

(A) Applications for deferred payments of special assessments shall be made in duplicate on the form provided by the City Administrator-Clerk, and shall be approved by the City Council and transmitted to the Le Sueur county auditor.

(B) That a certified copy of this chapter shall be transmitted to the Le Sueur county auditor.
(1982 Code, § 303.09)

§ 91.48 RENEWAL.

The application shall be renewed every three years upon filing of a similar application prior to the end of the three-year period.
(1982 Code, § 303.10)

§ 91.49 DETERMINATION OF INTEREST RATE.

(A) The City Council of the City of Waterville shall hereafter, at the time of levying any special assessments, determine in addition to the interest rate to be charged to property owners on installments of the special assessments, the interest rate, if any, which will be charged to senior citizens seeking deferral of the collection of the assessments in accordance with the provisions of this chapter.

(B) If the City Council does not set the interest rate, the interest rate shall be 3% above the rate paid by the city on the bonds issued to finance the project.
(1982 Code, § 303.11)

§ 91.50 TERMINATION OF RIGHT OF DEFERRED PAYMENT.

(A) Deferrals granted hereunder shall terminate and the amount deferred, together with accumulated interest, shall become due upon the occurrence of any of the following events:

(1) The death of the owner, provided that the spouse is otherwise not eligible for the benefits hereunder;

(2) The sale, transfer or subdivision of the property or any part thereof;

(3) If the property should for any reason lose its homestead status; or

(4) If for any reason the taxing authority deferring the payments shall determine that there would be no hardship to require immediate or partial payment.

(B) At the time of the termination of the deferral, the Council may, in its discretion, provide for payment of the deferred sum in installment payments in accordance with the terms of the original assessment.
(1982 Code, § 303.12)

§ 91.51 NOTICE.

That the City Administrator-Clerk shall include in the notice of hearing of all assessments where senior citizen's homesteads may be assessed information on the provisions of this chapter.
(1982 Code, § 303.13)

Section

- 92.01 Open burning of leaves and brush
- 92.02 Declaration of air pollution or fire danger alert
- 92.03 General precautions against fire

CHAPTER 92: FIRE PREVENTION

§ 92.01 OPEN BURNING OF LEAVES AND BRUSH.

The burning of dried leaves and brush is permitted within the corporate limits of the City of Waterville only in accordance with a permit issued by the Fire Chief.
(1982 Code, § 203.108) Penalty, see § 10.99

§ 92.02 DECLARATION OF AIR POLLUTION OR FIRE DANGER ALERT.

(A) *Air pollution alert.* No burning of leaves and brush shall take place during an air pollution alert, warning, or emergency declared by the Minnesota Pollution Control Agency.

(B) *Fire danger alert.* No burning of leaves and brush shall take place during a fire danger alert declared by the Fire Chief for the City of Waterville or by the Commissioner of the Minnesota Department of Natural Resources.

(C) *Public notice.* Notice of any fire danger alert or of any air pollution alert warning of emergency shall be posted and published as practical during the time which open burning of leaves and brush would otherwise be permitted.
(1982 Code, § 203.109) Penalty, see § 10.99

§ 92.03 GENERAL PRECAUTIONS AGAINST FIRE.

(A) *Kindling of fire on land of others restricted.* No person shall ignite or burn any dried leaves and brush upon the land of another without permissions of the owner thereof or his or her agent.

(B) *Burning on public property.* No person shall ignite or burn any dried leaves and brush on any publicly owned or controlled lot or parcel of land, public bridge, street, sidewalk or other public place which has not been set aside by public authorities for that purpose.

(C) *Location restricted.* No person shall ignite or maintain any fire permitted by this chapter or authorized any fire to be ignited or maintained on any private land unless:

(1) The fire is contained in an approved leaf burner located safely not less than 15 feet from any structure; or

(2) (a) The location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure and a permit has been obtained from the Department of Natural Resources.

(b) Burning permitted by the Department of Natural Resources shall also comply with all

applicable regulations adopted by that agency.

(D) *Attendance of fires.*

(1) Any fire authorized by this chapter shall be constantly attended by a competent person until the fire is extinguished.

(2) This person shall have a garden hose connected to the water supply, or other fire-extinguishing equipment readily available for use.

(E) *Dried leaves and brush only.* No person shall kindle or maintain any fire permitted by this chapter or authorize a fire to be ignited or maintained if the material to be burned consists of anything other than dried leaves and brush.

(1982 Code, § 203.110) Penalty, see § 10.99

CHAPTER 93: ANIMALS

Section

93.01	Regulation
93.02	Running at large prohibited
93.03	Nuisances
93.04	Impoundment
93.05	Release from impoundment
93.06	Setting of fees
93.07	Notice
93.08	Exceptions
93.09	Immobilization
93.10	Dangerous animals
93.11	Duty of owner
93.12	Minnesota Statutes

§ 93.01 REGULATION.

The City Council of Waterville, Minnesota, does hereby determine that it is in the best interests of the citizenry and in the interests of the public safety, health, and welfare, that the keeping of dogs and cats within the city limits be regulated and the same shall further be licensed pursuant to certain restrictions.

(Ord. 513.09, passed 6-4-1991)

§ 93.02 RUNNING AT LARGE PROHIBITED.

(A) It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large.

(B) A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor.

(C) Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

§ 93.03 NUISANCES.

The owner or person keeping a dog or cat shall prevent the dog or cat from committing in the city any act which constitutes a nuisance. These acts shall include, but shall not necessarily be limited to, the following:

(A) (1) Running at large, which means that the dog or cat is off the premises of the owner or person keeping it.

(2) This restriction shall not prohibit the appearance of a dog or cat off the premises when on a leash no longer than ten feet in length and while under the control of an accompanying person;

(B) Habitually and frequently barking, howling or crying;

(C) Attacking, molesting, or annoying any person or other animal; and/or

(D) Damaging, defiling or destroying public or private property.

(Ord. 513.09, passed 6-4-1991) Penalty, see § 10.99

§ 93.04 IMPOUNDMENT.

(A) The official dog and cat catcher of the city and every police officer shall impound any dog or cat found unlicensed or running at large, and shall give notice of the impounding to the owner of the dog or cat if known.

(B) In case the owner is unknown, the dog and cat catcher or officer shall post notice at the City Administrator-Clerk's office that if the described dog or cat is not claimed within five days of the posting of the notice, it will be sold or euthanized.

(C) If the dog or cat is not claimed within the time specified and all fees and charges duly paid, the official dog and cat catcher or police officer shall sell or euthanize the dog or cat and dispose of the body immediately.

(D) The official dog and cat catcher shall house and feed in a humane manner any dog or cat held at the pound.

(Ord. 513.09, passed 6-4-1991)

§ 93.05 RELEASE FROM IMPOUNDMENT.

Except as otherwise provided herein, dogs and cats shall be released to their owners or persons previously in possession of them as follows:

(A) The dog or cat shall be released from impoundment upon payment of all impounding fees and payment of the current licensing fee.

(B) (1) The above notwithstanding, the owner of any dog or cat seized and the individual applying for and actually receiving a license for the dog or cat shall be responsible for any and all licensing fees, impoundment fees, vaccination fees, boarding fees, and other similar maintenance fees accrued while the animal is in impoundment.

(2) It shall be the owner's responsibility to pay for the fees for the necessary period of impoundment and in the event that the dog or cat is not redeemed, and until the animal is sold or destroyed, the fees shall be the responsibility of the owner.

(3) However, the owner will receive a credit towards these fees for any amounts actually received upon the sale of the dog or cat.
(Ord. 513.09, passed 6-4-1991)

§ 93.06 SETTING OF FEES.

(A) The City Council may from time to time by resolution designate impoundment fees and boarding rates to reflect the costs of items.

(B) The owner of the dog or cat shall further be required to reimburse the city for any and all expenses incurred while the dog or cat is in impoundment.

(C) The City Council may also charge additional fees for a dog or cat impounded a second time within three months.
(Ord. 513.09, passed 6-4-1991)

§ 93.07 NOTICE.

(A) Any notice to the owner or individual who applied for a license for the dog or cat may be given either by personal notice verified by affidavit of service or by written notice forwarded via the United States mail to the address noted on the application for the license maintained by the licensing official.

(B) Should the address of the owner or applicant for the license change while the license is in effect, it shall be the obligation of that person to keep the licensing official informed of the change.
(Ord. 513.09, passed 6-4-1991)

§ 93.08 EXCEPTIONS.

The licensing fees required by this chapter shall not apply to dogs certified and trained to assist visually or other handicapped individuals.
(Ord. 513.09, passed 6-4-1991)

§ 93.09 IMMOBILIZATION.

(A) For the purpose of enforcement of this chapter, any police officer, animal control officer, or other person assisting a police officer or animal control officer may use a tranquilizer gun or other instrument for the purpose of immobilizing or catching a dog or cat.

(B) The usage of a tranquilizer gun or similar instrument shall be used only after the Chief of Police or a police officer has determined that all other reasonable methods or attempts to control the animal are exhausted or the Chief of Police or a police officer determines that the animal sought to be controlled is deemed dangerous.

(Ord. 513.09, passed 6-4-1991)

§ 93.10 DANGEROUS ANIMALS.

(A) It is unlawful for any person to own or keep a dog or cat which causes an injury to a police officer or other person.

(B) Any dog or cat which causes an injury shall be deemed dangerous and may be impounded for a period of at least 21 days or until the veterinarian monitoring the dog or cat or physician treating the injured person directs its release.

(C) Prior to release, the owner or person previously in possession shall pay the impounding fees.

(D) For the purpose of this section, a dog or cat which cannot be impounded with safety to a police officer or other person shall also be deemed dangerous and may be summarily destroyed.

(Ord. 513.09, passed 6-4-1991) Penalty, see § 10.99

§ 93.11 DUTY OF OWNER.

The owner or person in control of a dog or cat who is not on the premises wherein the animal resides shall be required to maintain the cleanliness of the animal and should the animal deposit feces on either a public right-of-way or any public property or upon the property of a private landowner, the person in control of the animal shall be required to immediately clean up the feces and deposit them in an appropriately maintained trash receptacle on the premises of the owner.

(Ord. 513.09, passed 6-4-1991) Penalty, see § 10.99

§ 93.12 MINNESOTA STATUTES.

(A) The City of Waterville does hereby adopt the provisions of the M.S. Chapters 345 and 347 as they presently exist and as they may be amended from time to time.

(B) To the extent that other provisions of this chapter are more restrictive than the statutes, the more restrictive provisions of this chapter shall apply.

(Ord. 513.09, passed 6-4-1991)

CHAPTER 94: NUISANCES

Section

- 94.01 Public nuisance defined
- 94.02 Public nuisances affecting health
- 94.03 Public nuisances affecting morals and decency
- 94.04 Public nuisances affecting peace and safety
- 94.05 Abandoned or disabled or unlicensed vehicles declared public nuisance
- 94.06 Building maintenance and appearance
- 94.07 Duties of city officers
- 94.08 Abatement
- 94.09 Recovery of cost

§ 94.01 PUBLIC NUISANCE DEFINED.

Whoever by his or her act or failure to perform a legal duty does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

(A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public;

(B) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

(C) Is guilty of any other act or omission declared by law or this chapter to be a public nuisance and for which no sentence is specifically provided.

(Ord. 801.01, passed 5-2-2006) Penalty, see § 10.99

§ 94.02 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

(A) Exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

(D) Carcasses of animals not buried or destroyed within 24 hours after death;

(E) Accumulations of manure, refuse or other debris;

(F) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

(I) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

(J) All public exposure of people having a contagious disease; and

(K) Any offensive trade or business as defined by statute not operating under local license.
(Ord. 801.01, passed 5-2-2006) Penalty, see § 10.99

§ 94.03 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be nuisances affecting public morals and decency:

(A) All gambling devices, slot machines and punch boards;

(B) Betting, bookmaking and all apparatus used in these occupations;

(C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;

(D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining a place; and

(E) Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.
(Ord. 801.01, passed 5-2-2006) Penalty, see § 10.99

§ 94.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

(A) All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;

(B) All trees, hedges, billboards, or other obstructions, which prevent people from having a clear view of all traffic approaching an intersection;

(C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) All unnecessary noises and annoying vibrations;

(E) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under the conditions as are permitted by this code or other applicable law;

(F) Radio aerials or television antennae erected or maintained in a dangerous manner;

(G) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;

(H) All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

(I) The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(J) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;

(K) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(L) Waste water cast upon or permitted to flow upon streets or other public properties;

(M) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, household furnishings, propane tanks, building materials not currently being used on site, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from that accumulation;

(N) Any well, hole, or similar excavation which is left uncovered or in any other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

(O) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;

(P) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles, or other substances which may injure any person or animal or damage any pneumatic tire when passing over the substance;

(Q) The depositing of garbage, leaves, brush, tree limbs, branches, grass clippings or other refuse on a public right-of-way or on adjacent private property; and

(R) All other conditions or things, which are likely to cause injury to the person or property of anyone.

(Ord. 801.01, passed 5-2-2006) Penalty, see § 10.99

§ 94.05 ABANDONED OR DISABLED OR UNLICENSED VEHICLES DECLARED PUBLIC NUISANCE.

(A) *Legislative intent.*

(1) The unsheltered storage of old, unused, stripped or junked automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, equipment, junk or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured is hereby declared to be a nuisance and dangerous to the public health and safety.

(2) The unsheltered storage of these property items throughout the city tend to impede traffic in the streets, interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to children as well as adults, interfere with the comfort and well-being of the public and create, extend and aggravate urban blight.

(3) As such, the City Council determines that, in order to protect the public health, safety and welfare, these conditions must be regulated, abated or prohibited.

(B) *Nuisance on private property.*

(1) The unsheltered storage of old, unused, stripped or junked automobiles not in good and safe operating condition, and of any other vehicles, boats, trailers, snowmobiles, four-wheelers, machinery, implements, equipment, junk or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured is hereby declared to be a nuisance.

(2) (a) Nothing in this section shall restrict the activities of duly established junk or salvage yards.

(b) This section does not apply to vehicles or property in an enclosed building, on the premises of a business enterprise operated in a lawful manner when necessary to the operation of a business enterprise, or in a storage or depository maintained in a lawful location and manner by the city.

(3) For purposes of this section, **JUNK** shall mean worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, tools, discarded building materials, tin cans, broken glass, broken furniture, mattresses, box springs, boxes, crates, cardboard, tires or any other unsightly debris, including wood or brush piles, the accumulation of which has an adverse effect upon neighborhood or city property value, health, safety or general welfare.

(C) *Abandoned motor vehicles.*

(1) No person shall place, park, permit to remain, store or leave upon an open space area of any premises located anywhere in the city any motor vehicle unless it conforms with all of the following requirements:

- (a) The vehicle must have affixed to it a valid current motor vehicle license;
- (b) The vehicle must not lack essential parts rendering it inoperable;
- (c) The vehicle must not be in a wrecked, partially dismantled or junked condition; and
- (d) The vehicle must be parked on a surface consisting of crushed rock, cement or blacktop.

(2) If a motor vehicle fails to meet any of the above requirements, the owner or possessor of the motor vehicle shall be responsible to remove the motor vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten working days of a written demand by the city.

(3) For purposes of this section, **MOTOR VEHICLE** means every vehicle that is self-propelled.

(D) *City authorized to impound.* If notice is given by the city pursuant to division (C)(2) above, and the vehicle or other offending nuisances has not been removed in the required ten-day period, then the city may proceed to impound the vehicle or other nuisances under this chapter, and to dispose of it according to the procedures in divisions (E), (F), (G) and (H) below.

(E) *Impound facility.*

(1) The City Council shall designate a storage facility as the impound facility.

(2) The place shall be reasonably safe from theft and vandalism.

(3) The city may contract with any individual or corporation for the use of a facility as the designated facility.

(4) All costs of removal to and storage at the designated facility shall be the responsibility of the registered owner of the vehicle or other nuisances impounded.

(F) *Notice of taking.*

(1) When a motor vehicle or other offending nuisance is impounded under this chapter, the city shall give notice of the taking within five days. The notice shall:

(a) Set forth the date and place of the taking, a description of the nuisance property taken, the year, make, model and serial number of the vehicle, if easily obtained, and the place where the vehicle is being held; and

(b) Inform the owner and any lien holders of an abandoned, junk or unauthorized vehicle, or other offending nuisance property taken, of their right to reclaim the vehicle or other property. The notice shall also state that failure to exercise that right shall be deemed as a waiver by them of all rights, title and interest in the vehicle or other property and consent to the sale of the vehicle or other property at a public auction pursuant to this section.

(2) The notice for abandoned, junk or unauthorized vehicles or other property shall be sent by mail to the registered owner, if any, and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

(G) *Right to reclaim.*

(1) The owner or any lien holder of an abandoned, junk or unauthorized vehicle or other offending property shall have the right to reclaim the vehicle upon payment of towing and storage charges resulting from taking the vehicle or other property into custody within 20 days after the day of the notice.

(2) (a) Nothing in this section shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of a lien holder to foreclose.

(b) For the purposes of this section, **GARAGE KEEPER** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

(H) *Disposal of unclaimed motor vehicles by public sale.*

(1) *Sale of abandoned vehicle.*

(a) An abandoned, junk or unauthorized motor vehicle or other offending property and contents taken into custody and not reclaimed under this section shall be sold to the highest bidder at public auction or sale, following the expiration of the reclamation period for the vehicle.

(b) The purchaser shall be given a receipt in a form prescribed by the Register of Motor Vehicles, which shall be sufficient title to dispose of the vehicle.

(c) The receipt shall also entitle the purchase to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.

(2) *Proceeds from sale.*

(a) From the proceeds of the sale of an abandoned, junk or unauthorized motor vehicle or other offending property, the city shall reimburse itself for the cost of towing, preserving and storing the vehicle or other property, and all administrative notice and publication costs incurred pursuant to this section.

(b) Any remainder from the sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the general fund of the city.

(3) *Disposal of vehicles not sold.* When no bid has been received for an abandoned, junk or unauthorized vehicle or other property, the city may dispose of it in compliance with Minnesota law.

(4) *Contract on disposal.*

(a) The city may contract with a qualified person for the collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned, junk or unauthorized vehicles, other offending property including other scrap metal for recycling or other methods of disposal.

(b) 1. Where the city enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal.

2. A contract that does so conform may be approved by the Agency.

3. Where the city enters into a contract with a person duly authorized by the Minnesota Pollution Control agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal for the purpose of obtaining reimbursement.

(c) 1. If the city utilizes its own equipment and personnel for disposal of the abandoned, junk or unauthorized vehicles or other offending property, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

2. However, the city may dispose of no more than five vehicles using its own resources without advertising for or receiving bids for the disposal in any 120-day period.

(I) *Persons who may not purchase - exception.*

(1) (a) No employee of the city, who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the city in a professional capacity, may be a purchaser of a vehicle under this section.

(b) Other city employees may be purchasers, if they are not directly involved in the sale, if they are the highest bidder, and if at least one-week's published or posted notice of sale has been given.

(2) It is unlawful for any person to be a purchaser of a vehicle under this section if the purchase is prohibited by the terms of this section.

(Ord. 801.01, passed 5-2-2006) Penalty, see § 10.99

Cross-reference:

Abandoned motor vehicles, see § 90.01

§ 94.06 BUILDING MAINTENANCE AND APPEARANCE.

(A) *Declaration of nuisance.* Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they are:

(1) Unsightly;

(2) Decrease adjoining landowners and occupants' enjoyment of their property and neighborhood; and

(3) Adversely affect property values and neighborhood patterns.

(B) *Standards.* A building, fence or other structure is a public nuisance if it does not comply with the following requirements.

(1) No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers or be left in an unfinished condition for more than 30 days.

(2) Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:

(a) Any one wall or other flat surface; or

(b) All door and window moldings, eaves, gutters and similar projections on any one side or surface.

(3) No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.

(4) Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.

(5) Cornices, moldings, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.

(6) Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung properly.

(7) Chimneys, antennae, air vents, and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof.

(8) Foundations must be structurally sound and in good repair.
(Ord. 801.01, passed 5-2-2006) Penalty, see § 10.99

§ 94.07 DUTIES OF CITY OFFICERS.

(A) The Police Department shall enforce the provisions of this chapter relating to nuisances affecting public safety.

(B) The Police Department shall enforce provisions relating to other nuisances and shall assist the other designated officers in the enforcement of provisions relating to nuisances affecting public safety.

(C) These officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.
(Ord. 801.01, passed 5-2-2006)

§ 94.08 ABATEMENT.

(A) *Notice.* Written notice of violation, notice of the time, date, place and subject to any hearing before the City Council, notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.

(1) *Notice of violation.*

(a) Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail.

(b) If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

(2) *Notice of Council hearing.*

(a) Written notice of any City Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or

registered mail.

(b) If the premises is not occupied, the owner of records is unknown or the owner of record or occupant refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.

(3) *Notice of City Council order.* Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(4) *Notice of motion for summary enforcement.* Written notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(B) *Procedure.*

(1) Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner of record or occupant of the premises or the fact and order that the nuisance be terminated or abated.

(2) The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated.

(3) If the notice of violation is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council.

(4) Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is not abated within the time prescribed by the Council the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

(5) The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) above, and may order that the nuisance be immediately terminated or abated.

(6) If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

(C) *Immediate abatement.* Nothing in this section of this chapter shall prevent the city, without notice or other process, from immediately abating any condition, which poses an imminent and serious hazard to human life or safety.

(Ord. 801.01, passed 5-2-2006) Penalty, see § 10.99

§ 94.09 RECOVERY OF COST.

(A) *Personal liability.*

(1) The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs.

(2) As soon as the work has been completed and the cost determined, the City Administrator-Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner.

(3) Thereupon the amount shall be immediately due and payable at the office of the City Administrator-Clerk.

(B) *Assessment.*

(1) If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Administrator-Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges for current services to be assessed under M.S. § 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable.

(2) The Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case. (Ord. 801.01, passed 5-2-2006)

CHAPTER 95: WEEDS

Section

- 95.01 Cutting and removal of grass, weeds and other rank, poisonous or harmful vegetation
- 95.02 Duty of owner, lessee or occupant
- 95.03 When city to do work
- 95.04 Definition

§ 95.01 CUTTING AND REMOVAL OF GRASS, WEEDS AND OTHER RANK, POISONOUS OR HARMFUL VEGETATION.

(A) It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative or employee of any owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the City of Waterville to permit or maintain on any lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for ten feet outside the property line if there be no curb, any growth of weeds, grass, brush, or other rank vegetation to a greater height than 12 inches on the average, or any accumulation of dead weeds, grass or brush.

(B) It shall also be unlawful for any person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grow on any lot or land in a manner that any part of the ivy, ragweed, or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow to seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.
(Ord. 801.07, passed 7-2-1991) Penalty, see § 10.99

§ 95.02 DUTY OF OWNER, LESSEE OR OCCUPANT.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all weeds, grass, brush or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of § 95.01, provided that cutting and removing the weeds, grass and vegetation at least once in every three weeks, between May 15 and September 15 shall be deemed to be a compliance with this chapter.
(Ord. 801.07, passed 7-2-1991) Penalty, see § 10.99

§ 95.03 WHEN CITY TO DO WORK.

(A) If the provisions of the foregoing sections are not complied with, the City Administrator-Clerk shall serve written notice upon the owner, lessee or occupant or any person having the care or control of any lot or land to comply with the provisions of this chapter.

(B) If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed weeds, grass, brush or other vegetation within five days after receipt of the notice, or if no person can be found in the City of Waterville who either is or claims to be the owner of the lot or land, or who either represents or claims to represent the owner, the City Administrator-Clerk shall cause the weeds, grass, brush and other vegetation on the lot or land to be cut and removed and the actual cost of cutting and removal, plus 5% for inspection and other additional costs in connection therewith, shall be certified by the City Administrator-Clerk to the county auditor and shall thereupon become and be a lien upon the property on which the weeds, grass, brush and other vegetation were located and shall be added to and become and form part of the taxes next to be assessed and levied upon the lot or land and shall bear interest at the rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.
(Ord. 801.07, passed 7-2-1991)

§ 95.04 DEFINITION.

The word **PERSON** as used in this chapter shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.
(Ord. 801.07, passed 7-2-1991)

CHAPTER 96: NOISE

Section

- 96.01 Purpose
- 96.02 Prohibition
- 96.03 Noises prohibited; unnecessary noise standard
- 96.04 Exception
- 96.05 Additional remedy; injunction

§ 96.01 PURPOSE.

It is found and declared that:

(A) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the City of Waterville is a condition which has existed for some time and the extent and volume of those noises is increasing;

(B) The making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Waterville; and

(C) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Waterville and its inhabitants.
(Ord. 801.06, passed 3-1-1988)

§ 96.02 PROHIBITION.

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.
(Ord. 801.06, passed 3-1-1988) Penalty, see § 10.99

§ 96.03 NOISES PROHIBITED; UNNECESSARY NOISE STANDARD.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive, namely:

(A) *Radios, phonographs and the like.*

(1) The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or the reproducing of sound in a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than it necessary for convenient hearing for the person or persons who are in

the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners thereto.

(2) The operation of any set, instrument, phonograph, machine or device in a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

(B) *Loud speakers, amplifiers for advertising.* The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, except when a license is issued therefore pursuant to the Waterville City Code.

(C) *Vehicle noise or defect in vehicle or load.* The use of any automobile, motorcycle, recreational vehicle, ATV vehicle, snowmobile or vehicle so out of repair, so loaded or in a manner as to create loud and unnecessary grating, grinding, rattling or other noise or to use the vehicle off the street on private or public property in a manner as to cause long or continuous or unnecessary noise so as to annoy, disturb the quiet, comfort or repose of persons in the vicinity.

(D) *Pile drivers, hammers and the like.* The operation between the hours of 10:00 p.m. and 5:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
(Ord. 801.06, passed 3-1-1988) Penalty, see § 10.99

§ 96.04 EXCEPTION.

This chapter shall not be construed to prohibit or limit the normal activities incidental to exhibitions or shows conducted by the permission of the City Council, even though these activities exceed time limits and other noise limits set forth in this chapter.
(Ord. 801.06, passed 3-1-1988)

§ 96.05 ADDITIONAL REMEDY; INJUNCTION.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.
(Ord. 801.06, passed 3-1-1988)

CHAPTER 97: TREES

Section

Tree Diseases

- 97.01 Declaration of policy
- 97.02 Forester
- 97.03 Epidemic disease program
- 97.04 Nuisances declared
- 97.05 Inspection and investigation
- 97.06 Abatement of Dutch elm disease nuisance
- 97.07 Procedure for removal of infected trees and wood
- 97.08 Spraying elm trees
- 97.09 Transporting elm wood prohibited
- 97.10 Interference prohibited

Trees

- 97.25 Authority and duties
- 97.26 Definitions
- 97.27 Planting, maintenance and removal of trees
- 97.28 Prohibited acts and appeals

TREE DISEASES

§ 97.01 DECLARATION OF POLICY.

(A) The City Council of Waterville determines that the health of the elm and oak trees within the municipal limits is threatened by fatal diseases known as Dutch elm and oak wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees.

(B) If further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public.

(C) It is declared to be the intention of the Council to control and prevent the spread of those diseases and this subchapter is enacted for that purpose.
(1982 Code, § 802.01)

§ 97.02 FORESTER.

(A) *Position created.* The powers and duties of the city forester as set forth in this subchapter are hereby conferred upon the street superintendent.

(B) *Duties of forester.*

(1) It is the duty of the forester to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch elm disease and oak wilt disease and other epidemic diseases of shade trees.

(2) He or she shall recommend to the Council the details of a program for the control of the disease; and perform the duties incident to a program adopted by the Council.
(1982 Code, § 802.02)

§ 97.03 EPIDEMIC DISEASE PROGRAM.

(A) It is the intention of the Council of Waterville to conduct a program of plant pest control pursuant to all the powers of this city including the authority granted by M.S. § 18G.16, as it may be amended from time to time.

(B) (1) This program is concentrated on, but not limited to, the control and elimination of Dutch elm disease fungus, elm bark beetles and the oak wilt fungus and is undertaken at the recommendation of the Commissioner of Agriculture.

(2) The forester shall act as coordinator between the Commissioner of Agriculture and the Council in the conduct of this program.
(1982 Code, § 802.03)

§ 97.04 NUISANCES DECLARED.

(A) *Trees constituting nuisances.* The following are public nuisances whenever they may be found within the City of Waterville:

(1) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylurgopinus Rufipes* (Marsh);

(2) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(3) Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus *Ceratocystis fagacearum*;

(4) Any dead oak tree or part thereof which in the opinion of the forester constitutes a hazard, including but not limited to, logs, branches, stumps, roots, firewood or other oak material, which as not been stripped of its bark and burned or sprayed with an effective fungicide; and

(5) Any other shade trees with an epidemic disease.

(B) *Abatement.*

(1) It is unlawful for any person to permit any public nuisance as defined in division (A) to remain on any premises owned or controlled by him or her within the city.

(2) These nuisances may be abated in the manner prescribed by this part.
(1982 Code, § 802.04) Penalty, see § 10.99

§ 97.05 INSPECTION AND INVESTIGATION.

(A) *Annual inspection.*

(1) As often as practicable, the forester shall inspect all public and private premises within the city which might harbor any plant pest as defined in M.S. § 18G.02, Subd. 24, as it may be amended from time to time, to determine whether any condition described in § 97.04 of this subchapter exists thereon.

(2) He or she shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles, oak wilt fungus, or any other epidemic disease of shade trees.

(B) *Entry on private premises.* The forester or his or her duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him or her under this subchapter.

(C) *Diagnosis.*

(1) The forester shall, upon finding conditions indicating Dutch elm, oak wilt or other infestation immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take any other steps for diagnosis as may be recommended by the Commissioner.

(2) Except as provided in § 97.07, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.
(1982 Code, § 802.05)

§ 97.06 ABATEMENT OF DUTCH ELM DISEASE NUISANCE.

(A) In abating a nuisance defined in § 97.04, the forester shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of epidemic diseases including Dutch elm disease and oak wilt disease.

(B) He or she shall also take steps as are necessary to prevent root graft transmission of the diseases.

(C) These abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.
(1982 Code, § 802.06)

§ 97.07 PROCEDURE FOR REMOVAL OF INFESTED TREES AND WOOD.

(A) *Action by forester.* Whenever the forester finds with reasonable certainty that the infestation defined in § 97.04 exists in any tree or wood in any public or private place in the city, he or she shall proceed as follows:

(1) If the forester finds that the danger of infestation of other elm, oak or other trees is not imminent because of the dormancy of the infected trees he or she shall make a written report of his or her finding to the Council which shall proceed by:

(a) Abating the nuisance as a public improvement under M.S. Chapter 429, as it may be amended from time to time; or

(b) Abating the nuisance as provided in division (B) of this section.

(2) (a) If the forester finds that danger of infestation of other elm, oak, or other trees is imminent, he or she shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from the date of mailing of the notice.

(b) The forester shall immediately report this action to the Administrator-Clerk, and after the expiration of the time limit in the notice he or she may abate the nuisance.

(B) *Action by Council.*

(1) Upon receipt of the forester's report required by division (A)(2), the Council shall by resolution order the nuisance abated.

(2) Before action is taken on the resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance.

(3) This notice shall be mailed to affected property owners and published once no less than one week prior to the meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs.

(4) At the hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(C) *Record.* The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the City Administrator-Clerk (or other appropriate officer) all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

(D) *Assessment.*

(1) On or before September 1 of each year, the Administrator-Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this subchapter.

(2) The Council may then spread the charges or any portion thereof against the property

involved as a special assessment under M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.
(1982 Code, § 802.07)

§ 97.08 SPRAYING ELM TREES.

(A) *When to spray.*

(1) Whenever the forester determines that any elm tree or elm wood within city is infected with Dutch elm fungus, he or she may spray or treat all nearby high value elm trees with an effective elm bark beetle destroying concentrate or fungicide or both.

(2) Activities authorized by this section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his or her agents whenever possible.

(B) *Notice.* The notice provisions of § 97.07 apply to spraying and treatment operations conducted under this section.
(1982 Code, § 802.08)

§ 97.09 TRANSPORTING ELM WOOD PROHIBITED.

(A) It is unlawful for any person to transport within the city any bark-bearing elm or oak wood without having obtained a permit from the forester.

(B) The forester shall grant permits only when the purpose of this subchapter will be served thereby.
(1982 Code, § 802.09) Penalty, see § 10.99

§ 97.10 INTERFERENCE PROHIBITED.

It is unlawful for any person to prevent, delay or interfere with the forester or his or her agents while they are engaged in the performance of duties imposed by this subchapter.
(1982 Code, § 802.10) Penalty, see § 10.99

TREES

§ 97.25 AUTHORITY AND DUTIES.

(A) *Generally.* This subchapter provides to the City of Waterville authority over the planting, care, maintenance and removal of all trees, woody plants and shrubs located in or on the boulevards, parks and all other public land within the boundaries of the City of Waterville.

(B) *Inspection.*

(1) The city shall regularly inspect all public property within the city for the presence of any hazardous trees or the presence of any epidemic disease or pest infestation.

(2) The city shall investigate all reports of infestations of Dutch elm disease, oak wilt or any other epidemic disease or pest infestation.
(Ord. 802.11, passed 2-10-2000)

§ 97.26 DEFINITIONS.

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

BOARD. Refers to that Board organized and authorized by earlier resolution of the City Council.

BOULEVARD. The space outside the improved street area and within the platted street right-of-way; unpaved street right-of-way property; any area inside a private property subject to an easement in favor of the city.

LARGE TREE. Any tree that has the potential to grow to a height of over 30 feet.

PUBLIC TREE. Trees on publicly owned land, including street trees; those in public parks having individual names, and in all other areas owned by the city, or to which the public has free access as to a park or by easement.

SMALL TREE. Any tree that will stand 30 feet or less at maturity.

STREET TREE. Trees on land lying between property lines on either side of all streets, avenues, or rights-of-way within the city.

TREE. As used in this subchapter includes all species of trees, shrubs, bushes and all other woody plants.

TOPPING. The severe cutting back to stubs of limbs larger than three inches in diameter within the tree's crown, to a degree so as to remove the normal canopy and disfigure the tree.
(Ord. 802.11, passed 2-10-2000)

§ 97.27 PLANTING, MAINTENANCE AND REMOVAL OF TREES.

(A) *Suitable large and small trees and shrubs.*

(1) The Tree Board shall maintain a list of suitable large and small tree and shrub species for planting on public property and on boulevards in the City of Waterville.

(2) No species other than those included in this list may be planted as street trees without written permission of the Tree Board.

(B) *Unsuitable trees and shrubs.* A list of unsuitable trees and shrubs shall also be maintained by the Tree Board and species so listed may not be planted and may be removed where found upon public land within the City of Waterville.

(C) *Spacing of trees.*

(1) The spacing of public trees will be in accordance with the species size classes listed by the City Tree Board pursuant to § 97.26 of this subchapter, and will follow the following minimum spacing requirements.

(2) No small trees may be planted closer than 20 feet apart; no large trees may be planted closer than 40 feet apart.

(3) Except that special plantings may be allowed with lesser minimums where approved by the City Tree Board.

(D) *Distance from curb and sidewalk.*

(1) The distance trees may be planted from curbs, the curb lines of uncurbed streets and sidewalks will be in accordance with the species size classes listed by the City Tree Board pursuant to § 97.26 of this subchapter, and will follow the following minimums.

(2) No small trees may be planted closer than two feet and no large trees may be planted closer than four feet from any curb, curb line or sidewalk.

(3) Any variance would have to be approved by the Tree Advisory Board.

(E) *Distance from street corners, driveways and fire hydrants.*

(1) No tree shall be planted in an area abutting any street corner or curve, the area being defined by measuring to a point 25 feet along the roadway in each direction from the centerpoint of the corner or curve and then drawing a connecting line between those points.

(2) No tree shall be planted within ten feet of an existing road sign or fire hydrant.

(3) No tree shall be planted within ten feet of an existing driveway.

(F) *Utilities.*

(1) No trees other than those species listed as small trees pursuant to § 97.26 of this subchapter may be planted under or within ten feet laterally of any overhead utility wire.

(2) No street trees may be planted within five lateral feet of any underground water, sewer, gas, transmission or other utility line.

(G) *Tree care.* The city shall have the right to plant, prune, maintain and remove trees within the boundaries of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of the public grounds.

(H) *Tree removal.*

(1) The City Tree Board may remove or order to be removed, any public tree or part thereof within the city which is in an unsafe condition or which by reason of its condition is injurious to sewers, electric power lines, gas lines, water lines, public trees and right of ways, or other public improvements; is a danger to the health and safety of the public; or is affected by any injurious fungus, insect or other pest or are in any other way a threat to the health of other trees in the city.

(2) All stumps of public trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(I) *Planting of trees.*

(1) This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of the trees is in accordance with this subchapter and that the adjacent owner agree to the following responsibilities:

(a) Watering and fertilization when necessary to maintain good health and vigor;

(b) Maintain mulch over the roots of newly planted trees in accordance with the planting guidelines of the City Tree Board; and

(c) Protect trees from damage caused by lawn mowing, weed trimmers, snowblowers and similar equipment.

(2) Planting new and replacement street trees by the city shall be conditioned upon adjacent landowners agreeing to undertake those same responsibilities for any proposed plantings.

(J) *Tree topping or mutilation.*

(1) It shall be unlawful for any private person to damage, transplant, top, remove or mutilate any tree upon public property.

(2) It shall be unlawful as a normal practice for any person, firm, or city department to top any public tree except trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions.

(K) *Private tree maintenance and removal.*

(1) Every owner of any tree overhanging any street, boulevard, sidewalk or other public right-of-way within the city shall prune the branches so that the branches do not obstruct the light from any street lamp onto the public right-of-way, or the view of motorists and pedestrians of any street corner or intersection.

(2) The owner shall prune the branches so as not to interfere with the use of any street, path or sidewalk by motorists or pedestrians.

(3) The owner of any tree, the roots of which cause the surface of the public street, curb or sidewalk to heave or be otherwise disturbed shall be responsible for correction of the problem in the way least injurious to the tree.

(4) Owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which are in an unsafe condition or which by reason of their condition are injurious to sewers, electric power lines, gas lines, water lines, public trees and right-of-ways or other public improvements; or are a danger to the health and safety of the public; are affected by any injurious fungus, insect or other pest or are in any other way a threat to the health of other trees in the city.

(L) *Obligation to correct noticed condition.*

(1) The owner of trees as are described in division (K) is obligated to correct any dangerous or unsafe conditions including those set out above as soon as they become known and in no event more than 14 days following notice in writing from the city of the existence of these conditions.

(2) Service of notice shall be made by personal service or certified mail.

(3) An owner may appeal any notice to the City Tree Board within ten days of the receipt of the notice.

(4) The city shall have the right to prune or remove trees or shrubs on private property no less than 14 days following notice to the owner to correct the condition.

(5) The expense of correction shall be borne by the property owner.

(6) These costs if not voluntarily paid may be recovered by the city by way of special assessment upon the subject property.

(M) *Landscaping.*

(1) In any development or residential or commercial property in the city requiring landscaping, these plans shall be submitted to the City Tree Board for approval prior to any planting.

(2) The city may require trees to be planted along any new streets, parking lots, parks or other public places abutting new developments or subdivisions.

(N) *Permitting of certain activities.*

(1) No public tree may be planted, disturbed, removed, or cut above the ground without application to and approval by the City Tree Board.

(2) Anyone working under a permit must abide by the requirements of the permit or be deemed in violation of this subchapter.

(O) *Private requests for discretionary actions.*

(1) Any owner of private property abutting city property may request the pruning or removal of public trees as a convenience to them.

(2) These actions may not be taken by the landowner without approval of the city.

(3) Any unapproved actions are violations of this subchapter.

(4) The requesting landowner will be financially responsible for any actions, whether undertaken by the city or under permit by the landowner.

(5) These discretionary actions include:

(a) The removal of trees, limbs or roots preventing the moving of structures or other construction activities;

(b) The removal of trees, limbs or roots in order to alter the appearance of the tree or the appearance of abutting property, where no hazard or nuisance exists;

(c) Spraying, fertilizing or treatment other than may be regularly conducted by the city in normal maintenance and care of public trees; and

(d) The removal of public trees where no hazard or nuisance exists.

(6) Any of the above actions may be permitted by the city, but only on condition that the applicant follow all requirements of any permit, and in any event, compensate the city for the loss in value of the trees removed or altered. This compensation may be monetary or by replacement at the discretion of the City Tree Board.

(Ord. 802.11, passed 2-10-2000) Penalty, see § 10.99

§ 97.28 PROHIBITED ACTS AND APPEALS.

(A) *Interference with City Tree Board.* It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this subchapter.

(B) *Appeal to City Council.*

(1) Any directly affected person may appeal to the Waterville City Council from the rulings and orders of the City Tree Board.

(2) The Council may hear the matter and make a final decision.

(Ord. 802.11, passed 2-10-2000) Penalty, see § 10.99

TITLE XI: BUSINESS REGULATIONS

Chapter

110.BUSINESS REGULATIONS AND LICENSES

111.ALCOHOLIC BEVERAGES

112.AMUSEMENTS, CIRCUSES AND CARNIVALS, MOVIES AND OTHER SHOWS

113.BILLBOARDS

114.PEDDLERS AND SOLICITORS

115.BINGO

CHAPTER 110: BUSINESS REGULATIONS AND LICENSES

Section

General Provisions

- 110.01 Application of regulations
- 110.02 Application for licenses
- 110.03 Fees, bonds and insurance
- 110.04 Fees
- 110.05 Prorating split fee
- 110.06 Restrictions
- 110.07 License bonds
- 110.08 Issuance of license
- 110.09 Certified copies
- 110.10 Unlawful licenses
- 110.11 Contents of license
- 110.12 License period
- 110.13 Renewal license procedure
- 110.14 Duplicate and replacement license procedure
- 110.15 Rebate of fee
- 110.16 Termination of license
- 110.17 Hearing
- 110.18 Payment of tax on licenses premises

Licensee and Licensed Premises

- 110.30 Duties of licensee
- 110.31 Change of location of licenses premises
- 110.32 Transfer of license
- 110.33 Enforcement

GENERAL PROVISIONS

§ 110.01 APPLICATION OF REGULATIONS.

(A) *Compliance required.* It shall be unlawful for any person either directly or indirectly to engage in any business, or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by any provision of this chapter or any other law or ordinance of this municipality, without a license or permit therefor being first procured and kept in effect at all times as required by any provision of this chapter or any other law or ordinance of this municipality.

(B) *One act constitutes doing business.* For the purpose of this chapter any person shall be deemed to be engaged in any business for which a license or permit is required, and thus subject to the requirements of this chapter when he or she does one act of:

- (1) Selling any goods or service for which a license is required;

(2) Soliciting business or offering goods or services for sale or hire; or

(3) Acquiring or using any vehicle or any premises in this municipality for business purposes.

(C) *Agents responsible for obtaining license.* The agents or other representatives of non-residents who are doing business in this municipality shall be personally responsible for the compliance with the provisions of this chapter by their principals and of the businesses they represent.

(D) *Separate license for branch establishments.* A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each branch establishment or location were a separate business; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under any provision of this chapter shall not be deemed to be a separate place of business or branch establishment.

(E) *No license required for mere delivery.* No license shall be required of any person for any mere delivery in this municipality of any property purchased or acquired in good faith from the person at his or her regular place of business outside the corporate limits where no intent by the person is shown to exist to evade the provisions of this chapter.

(1982 Code, § 501.01) Penalty, see § 10.99

§ 110.02 APPLICATION FOR LICENSES.

(A) Every person required to procure any permit, license or transfer under the provisions of this chapter or any other law or ordinance of this municipality shall submit an application for a license to the Administrator-Clerk in writing.

(B) The application shall conform to the following divisions.

(1) Be a written statement upon forms provided by the Administrator-Clerk, the form to include an affidavit to be sworn to by the applicant before a person authorized to administer an oath.

(2) Contain all information necessary to comply with the division of this chapter under which the license is required and any other information required by the application.

(3) Contain, in addition to all other matters required by ordinance or by law to be shown, set forth the following facts:

(a) Name and address of applicant;

(b) Purpose for which license or permit is asked;

(c) As to license any occupation or permit the doing of any act, the place within the corporate limits where the occupation or act is to be carried on or done; and

(d) The length of time the licenses or permits is to cover.

(4) (a) All questions on the application blank must be answered and all information required must be furnished.

(b) Any application for a license made by an individual owner shall be signed and sworn

to by the owner; if made by a partnership, it shall be signed and sworn to by one of the partners; and if a corporation, by one of the duly elected officials of the corporation.
(1982 Code, § 501.02) Penalty, see § 10.99

§ 110.03 FEES, BONDS AND INSURANCE.

Every applicant for any permit, license or transfer of a license to be issued or granted by this municipality shall pay the full amount of the permit fee, license fee or transfer fee required by this code and other ordinances of this municipality, and shall file the application, any bond, insurance policy, or certificate therefor, and certified copy of a state license, if they are required for the license.
(1982 Code, § 501.03) Penalty, see § 10.99

§ 110.04 FEES.

Except as otherwise specifically stated in the regulations for specific licenses or permits, the fees for the various licenses, permits and transfers shall be as fixed by resolution of the Council from time to time.
(1982 Code, § 501.04)

§ 110.05 PRORATING SPLIT FEE.

The fee for each license issued shall be the full amount provided in this code or other ordinance of this municipality, however, there shall be a prorated reduction in the amount of the fee made because part of the license year has elapsed prior to the date the license is issued, unless otherwise specifically stated in this code.
(1982 Code, § 501.05)

§ 110.06 RESTRICTIONS.

The Council may impose conditions on the granting of the license, including, but not limited to, the requirement of public liability insurance coverage in amounts as the Council deems necessary to protect life and property.
(1982 Code, § 501.06)

§ 110.07 LICENSE BONDS.

(A) If the provisions under which any license is to be issued require the licensee to furnish a bond, the bond shall be duly executed by the licensee and a corporate surety, and shall be furnished to the Administrator-Clerk at the time the application is filed or as soon thereafter as the Administrator-Clerk shall request.

(B) The bond shall be in the amount and with penalty provisions as shall be required by the provision and shall be approved as to form, execution, surety and amount by the Administrator-Clerk.

(C) The bonds may be in form as to terminate with the annual license period or may be in form so as to provide for automatic renewal in the event the license is renewed.
(1982 Code, § 501.07)

§ 110.08 ISSUANCE OF LICENSE.

(A) Applications for a license shall be filed with the Administrator-Clerk on or before March 15 of each year unless a different time is necessary under provisions for specific licenses.

(B) Upon approval by the Council, the Clerk shall issue a license.

(C) The Council may revoke a license at any time, for cause, following a hearing conducted as hereinafter provided.

(1982 Code, § 501.08) Penalty, see § 10.99

§ 110.09 CERTIFIED COPIES.

The record or a certified copy thereof shall be prima facie evidence to the person therein named.

(1982 Code, § 501.09)

§ 110.10 UNLAWFUL LICENSES.

Any license or permit issued in any other manner than that herein prescribed shall be of no effect.

(1982 Code, § 501.10)

§ 110.11 CONTENTS OF LICENSE.

Each license issued under this chapter shall state upon its face the following:

(A) Name of the licensee and any other name under which the business shall be conducted and the activity licensed;

(B) The name and address of each business so licensed;

(C) The amount of license fee;

(D) The dates of issuance and expiration thereof; and

(E) Any other information as the Administrator-Clerk or Council shall determine.

(1982 Code, § 501.11)

§ 110.12 LICENSE PERIOD.

(A) A license shall be valid for one year.

(B) All permits, licenses or transfers issued under any provision of this chapter shall terminate on December 31 next following the date of issuance thereof, unless a different termination date with respect to specific licenses shall be specifically provided with respect to the permit, license or transfer.

(C) If a license is not renewed on or before January 1 of each year, then all rights granted by the license shall cease.

(1982 Code, § 501.12)

§ 110.13 RENEWAL LICENSE PROCEDURE.

Applications for renewal of any license shall be made to the Administrator-Clerk on forms provided by him or her, and shall contain any information required for renewal of the license by the section of this chapter under which the license is to be issued, and any additional information as the Administrator-Clerk or Council shall require.

(1982 Code, § 501.13)

§ 110.14 DUPLICATE AND REPLACEMENT LICENSE PROCEDURE.

A duplicate license certificate or tag shall be issued by the Administrator-Clerk to replace any license certificate or tag previously issued which has been lost, stolen, defaced or destroyed, without any wilful conduct on the part of the licensee, upon the filing by the licensee of an affidavit attesting to the fact and paying to the Administrator-Clerk the required fee.

(1982 Code, § 501.14)

§ 110.15 REBATE OF FEE.

No rebate or refund of any license fee or part thereof shall be made by reason of non-use of the license, or by reason of a change in location or business rendering the use of the license ineffective, provided that the Administrator-Clerk shall have authority to refund a license fee collected through an error, or in cases where the application is denied by the Administrator-Clerk or the Council.

(1982 Code, § 501.15)

§ 110.16 TERMINATION OF LICENSE.

(A) At any time that the Administrator-Clerk or other official responsible for enforcement shall determine that any person licensed under this chapter or other ordinance of this municipality shall have failed to comply with any requirement of law or with any provision of this chapter, the Administrator-Clerk shall notify the licensee in writing of the violation, the notice to be delivered by the U.S. mail or personally as the Administrator-Clerk may determine, and deposit of the notice in the U.S. mail, addressed to the address stated on the license application, shall constitute service of the notice.

(B) If the person cannot be otherwise found the notice may be posted on the premises licensed.

(C) The notice shall require compliance with the provision of law, code, or ordinance specified within a reasonable time to be specified by the Administrator-Clerk.

(D) Upon expiration of time, unless the licensee shall have requested a hearing in writing, the Administrator-Clerk, in the event that the license involved shall have been issued by the Administrator-Clerk, may terminate the license, or in the event that the license has been issued by the

Council, the Administrator-Clerk shall report the matter to the Council and the Council may thereafter terminate the license, subject to compliance with any procedure prescribed by the provisions of the regulation pursuant to which the license or permits was issued.

(1982 Code, § 505.01)

§ 110.17 HEARING.

(A) In the event that a hearing is requested by the licensee, the Administrator-Clerk shall set a time for the hearing not less than ten days and not more than 20 days after request, at which time the Administrator-Clerk shall hear all testimony offered by the licensee, and shall inform the licensee of all information upon which alleged violation of law by the licensee has been determined.

(B) If the license has been issued by the Council, the hearing shall be conducted by the Council.

(C) On completion of the hearing, the Administrator-Clerk or Council, as the case may be, may make a final order suspending or terminating the license in question.

(D) Upon the entry of any order by the Administrator-Clerk, the licensee may appeal the determination of the Administrator-Clerk to the Council by filing request for an appeal with the Administrator-Clerk within ten days after receipt of notification of the order of the Administrator-Clerk, and the Council shall thereupon promptly hear the licensee and review the determination of the Administrator-Clerk and make its final order sustaining or modifying the determination of the Administrator-Clerk.
(1982 Code, § 505.02)

§ 110.18 PAYMENT OF TAX ON LICENSES PREMISES.

(A) It shall be a condition to the issuance of any license by this municipality pursuant to this code or any of the ordinances of this municipality hereinafter referred to and amended, that all real estate taxes and special assessments levied against the premises licensed shall be paid prior to the last date when payable without penalty.

(B) Upon receipt of evidence that taxes or special assessments levied against any premises have become delinquent, the Administrator-Clerk shall notify the licensee of the delinquency and that all licenses issued for the premises under the circumstances hereinafter described shall be terminated and cancelled 30 days after date of the notice, and unless the taxes and special assessments are paid and the county treasurer's receipt for the same delivered to the Administrator-Clerk within the 30-day period, the license described in the notice shall upon termination of the 30-day period be deemed cancelled and terminated; provided, however, that no license shall be cancelled or terminated during the time in which any judicial proceeding is pending challenging the validity of the amount of the tax or special assessment in question.
(1982 Code, § 506.01) Penalty, see § 10.99

LICENSEE AND LICENSED PREMISES

§ 110.30 DUTIES OF LICENSEE.

(A) *Compliance required.* Every licensee and permittee under any provision of this chapter or other ordinances of this municipality shall have the duties set forth in the divisions which follow.

(B) *Permit inspection.* Permit all reasonable inspections of his or her business and examinations of his or her books and records by the authorities so authorized by law.

(C) *Comply with governing law.* Ascertain and at all times comply with all laws, ordinances and regulations applicable to the business.

(D) *Cease business.* Refrain from operating the licensed business after expiration of his or her license and during the period his or her license is revoked or suspended.

(E) *License displayed.* All licenses, tags, plates or other method of identification authorized by this chapter or other ordinances of the municipality shall be kept on display at a conspicuous place on the licensed premises, vehicle or device, or where neither premises, vehicle or device are licensed, on the person of the licensee, or in the case of licenses for billboards or signboards, at the place of business of the licensee.

(F) *Unlawful possession.* Not loan, sell, give or assign, to any other person, or to allow any other person to use or display or to have in his or her possession, any license or insignia which has been issued to the licensee.

(G) *Pay taxes.* Pay prior to date penalty attaches for non-payment, all special assessments and real and personal property taxes levied against real and personal property owned by the licensee and used in the licensed business.

(H) *Inspections.* All persons licensed hereunder are subject to proper periodic inspections, so far as to give the police officers and other duly authorized inspectors the right and power at all times to enter upon their premises for the purpose of ascertaining the manner in which the business is being conducted.

(1982 Code, § 502.01) Penalty, see § 10.99

§ 110.31 CHANGE OF LOCATION OF LICENSES PREMISES.

(A) A licensee or permittee shall not have the right to change the location of the licensed premises, except upon the approval of the Administrator-Clerk if the license shall be issued by him or her, or upon the approval of the Council if the license shall be issued by the Council.

(B) Application for the renewal shall be made in writing in a form as shall be prescribed by the Administrator-Clerk and shall be accompanied by the required renewal fee.

(1982 Code, § 502.02) Penalty, see § 10.99

§ 110.32 TRANSFER OF LICENSE.

No licensee shall have the right to transfer his or her license to any other person, unless specifically authorized by this chapter or other authority pursuant to which the license was issued, without Council approval.

(1982 Code, § 503.01) Penalty, see § 10.99

§ 110.33 ENFORCEMENT.

(A) *Inspections.*

(1) It shall be the duty of the health officer to inspect all premises licensed hereunder for the purpose of determining any violation of law relating to health.

(2) It shall be the duty of the police officers to inspect and examine all premises, businesses and enterprises subject to license, or which have been licensed by this municipality, and the Administrator-Clerk shall have the right to direct the health officer, any police officer, or any other appropriate officer to make inspections at all reasonable times.

(B) *Sealing of unlicensed, defective, or unsafe machines or devices and affixing license insignia.*

(1) Any food vending machine, cigarette vending machine, pinball machine, children's amusement device, mechanical amusement device, or other amusement device which is defective or unsafe, or which is licensed and has no license tag or other license insignia affixed as required by law, or is required to be licensed and the machine or device is not currently licensed, may be sealed by a tape or wire to prevent its continued use.

(2) The tape or tag attached to the seal shall state that the machine or device is not to be used.

(C) *Removing seal, using machine prohibited.*

(1) No person shall remove or deface a seal affixed under these provisions except under the direction of an authorized agent of this municipality.

(2) No person shall use any machine or device on which a seal has been affixed under the provisions hereof.

(1982 Code, § 504.01) Penalty, see § 10.99

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

General Provisions

- 111.001 Open to view establishments
- 111.002 Open containers
- 111.003 Establishing 21 as age allowed in liquor establishments
- 111.004 Prohibiting the consumption or possession of liquor on city property
- 111.005 Issuance of on-sale wine licenses and sale of intoxicating malt liquors under certain conditions

Intoxicating Liquor Licensing

- 111.020 Provisions of state law adopted
- 111.021 License required
- 111.022 Application for license
- 111.023 License fees
- 111.024 Granting of licenses

- 111.025 Persons ineligible for license
- 111.026 Places ineligible for license
- 111.027 Conditions of license
- 111.028 Restrictions on purchase and consumption
- 111.029 Suspension and revocation
- 111.030 2:00 a.m. closing

Beer Licensing

- 111.040 Definition of terms
- 111.041 License required
- 111.042 License applications
- 111.043 License fees
- 111.044 Granting of licenses
- 111.045 Persons ineligible for a license
- 111.046 Places ineligible for a license
- 111.047 Conditions of license
- 111.048 Closing hours
- 111.049 Clubs
- 111.050 Restrictions on purchase and consumption
- 111.051 Revocation

Bottle Clubs

- 111.065 Bottle clubs defined
- 111.066 Regulations
- 111.067 Permit required
- 111.068 Hours of operation
- 111.069 Inspection
- 111.070 Permit restrictions
- 111.071 Application

GENERAL PROVISIONS

§ 111.001 OPEN TO VIEW ESTABLISHMENTS.

No person licensed by the Council of the City of Waterville to sell, vend, deal in and dispose of beer or intoxicating liquors within the city, shall, between the hours of 2:00 p.m. and 5:00 a.m., in any manner blind or obstruct the view through the windows and doors of the saloons, house place where the liquors are sold or disposed of, either by the use of shades, blinds, screens, or by painted or ground glass, or by any means whatsoever obstruct the clear and full view from the street to the inside of the saloon or from the inside of the saloon to the street.
(1982 Code, § 604.01) Penalty, see § 10.99

§ 111.002 OPEN CONTAINERS.

No licensee of on-sale liquor or beer shall knowingly permit any person to leave the licensed premises with an open container, glass or bottle.

(1982 Code, § 604.02) Penalty, see § 10.99

§ 111.003 ESTABLISHING 21 AS AGE ALLOWED IN LIQUOR ESTABLISHMENTS.

(A) *Minors prohibited.* No person under the age of 21 years, unless accompanied by their parent or legal guardian, shall be permitted or allowed upon or within the premises of any establishment licensed to sell intoxicating liquors.

(B) *Licenses and employees; minors prohibited.* No person licensed to sell intoxicating liquors, nor their employees, shall permit any person under the age of 18 years, not accompanied by their parent or legal guardian, to be in or upon the premises of any establishment licensed for the sale of intoxicating liquors.

(C) *Violation.* Any person guilty of violating this section is guilty of a misdemeanor.
(Ord. 604.05, passed 2-5-1991) Penalty, see § 10.99

§ 111.004 PROHIBITING THE CONSUMPTION OR POSSESSION OF LIQUOR ON CITY PROPERTY.

(A) (1) As defined by M.S. Chapter 340A, as it may be amended from time to time, except these items as may be held by the Police Department as evidence and properly identified and stored in the evidence room, no person shall consume or have in their possession an open container on city property:

- (a) Intoxicating liquor;
- (b) Low-alcohol malt liquor; and/or
- (c) 3.2% malt liquor.

(2) Any person violating this division is guilty of a misdemeanor.

(B) (1) No person shall consume or have in their possession an open container of intoxicating liquor on city property, unless authorized by special approval of the City Council, as defined by M.S. Chapter 340A, as it may be amended from time to time, except the items as may be held by the Police Department as evidence and properly identified and stored in the evidence room.

(2) Any person violating this division is guilty of a misdemeanor.
(Ord. 604.06, passed 6-1-1993; Ord. 604.06, passed 3-7-1995) Penalty, see § 10.99

§ 111.005 ISSUANCE OF ON-SALE WINE LICENSES AND SALE OF INTOXICATING MALT LIQUORS UNDER CERTAIN CONDITIONS.

(A) *On-sale wine licenses.*

(1) On-sale wine licenses may be issued to a restaurant having facilities for seating at least 25 guests at one time.

(2) A wine license permits the sale of wine up to 14% alcohol by volume for consumption with the sale of food.

(B) *Sale of intoxicating malt liquors.* The holder of a wine license issued pursuant to division (A) herein who is also licensed to sell 3.2% malt liquors at on-sale and whose gross receipts are at least 60% attributable to the sale of food, may also sell intoxicating malt liquors at on-sale without an additional license.
(Ord. 604.07, passed 10-5-1993)

INTOXICATING LIQUOR LICENSING

§ 111.020 PROVISIONS OF STATE LAW ADOPTED.

No sale of non-intoxicating malt liquor shall be made between the hours of 2:00 a.m. and 8:00 a.m., on any weekday, Monday through Saturday; and after 2:00 a.m. on Sundays inclusive. Neither shall any sale of such liquor be made on any Sunday between the hours of 2:00 a.m. and 10:00 a.m., nor after 8:00 p.m. on December 24.
(1982 Code, § 601.01) (Ord. 601.01, passed 8-5-2003; Ord. 601.01, passed 5-1-2007)

§ 111.021 LICENSE REQUIRED.

(A) *General requirement.*

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

(2) Liquor licenses shall be of five kinds: on-sale; off-sale; Sunday liquor; 2:00 a.m. closing; and club licenses.

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

(C) *Off-sale licenses.* Off-sale licenses shall be issued only to on-sale liquor stores and to exclusively off-sale stores and shall permit off-sales of liquor only.

(D) *Special club licenses.* Special club licenses shall be issued only to incorporated clubs which have been in existence for 15 years or more or to congressionally chartered veterans' organizations which have been in existence for ten years.
(1982 Code, § 601.02) Penalty, see § 10.99

§ 111.022 APPLICATION FOR LICENSE.

(A) *Form.*

(1) Every application for a license to sell liquor shall state the name of the applicant, his or her age, representations as to his or her character, with references as the Council may require, his or her citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he

or she has been in that business at that place, and any other information as the Council may require from time to time.

(2) In addition to containing this information, the application shall be in the form prescribed by the Department of Public Safety and shall be verified and filed with the City Administrator-Clerk.

(3) No person shall make a false statement in an application.

(B) *Bond.*

(1) Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States Government bonds of equivalent market value as provided in M.S. § 340A.409, as it may be amended from time to time.

(2) The surety bond or other security shall be in the sum of \$3,000 for an applicant for an on-sale license and \$3,000 for an applicant for an off-sale license.

(C) *Liability insurance.*

(1) Prior to the issuance of a liquor license, the applicant shall file with the City Administrator-Clerk a liability insurance policy in the amount of \$50,000 coverage for one person and \$100,000 coverage for more than one person and shall comply with the provisions of M.S. § 340A.409, as it may be amended from time to time, relating to liability insurance policies.

(2) If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the Council in lieu of the bond required under division (B) above.

(D) *Approval of security.*

(1) The security offered under divisions (B) and (C) shall be approved by the City Council and in the case of applicants for off-sale licenses, by the state liquor control director.

(2) Surety bonds and liability insurance policies shall be approved as to form by the city attorney.

(3) Operation of a licensed business without having on file with the city at all times effective security as required in divisions (B) and (C) is a cause for revocation of the license.
(1982 Code, § 601.03) Penalty, see § 10.99

§ 111.023 LICENSE FEES.

(A) *Fees.* The annual fee for a liquor license shall be \$2,100 for an on-sale license, \$100 for an off-sale license, and \$100 for a special club license. The Sunday liquor license fee is \$200; the 2:00 a.m. liquor license fees are as set by the divisions of alcohol and gambling.

(B) *Payment.*

(1) Each application for a license shall be accompanied by a receipt from the City Administrator-Clerk for payment in full of the license fee.

(2) All fees shall be paid into the general fund.

(3) If an application for a license is rejected, the Administrator-Clerk shall refund the amount paid.

(C) *Term, pro rata fee.*

(1) Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month.

(2) Every license shall expire on the last day of April.

(D) *Refunds.* No refund of any fee shall be made except as authorized by statute.
(1982 Code, § 601.04)

§ 111.024 GRANTING OF LICENSES.

(A) *Investigation and issuance.*

(1) The City Council shall investigate all facts set out in the application.

(2) The Council shall give upon request any person the opportunity to be heard for or against the granting of the license.

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

(4) No off-sale license shall become effective until it, together with the security furnished by the applicant, has been approved by the Department of Public Safety.

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

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

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

(3) Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the license.
(1982 Code, § 601.05)

§ 111.025 PERSONS INELIGIBLE FOR LICENSE.

No license shall be granted to any person made ineligible for a license by state law.
(1982 Code, § 601.06)

§ 111.026 PLACES INELIGIBLE FOR LICENSE.

(A) *General prohibition.* No license shall be issued for any place or any business ineligible for a license under state law.

(B) *Delinquent taxes and charges.* No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid. (1982 Code, § 601.07)

§ 111.027 CONDITIONS OF LICENSE.

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

(B) *Licensee's responsibility.*

(1) Every licensee is responsible for the conduct of his or her place of business and the conditions of sobriety and order in it.

(2) The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.

(C) *Inspections.* Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the city to enter, inspect and search the premises of the licensee during business hours without a warrant.

(D) *Display during prohibited hours.* No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

(E) *Federal stamps.* No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp. (1982 Code, § 601.08) Penalty, see § 10.99

§ 111.028 RESTRICTIONS ON PURCHASE AND CONSUMPTION.

(A) *Liquor in unlicensed places.*

(1) No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor on-sale or a permit from the Department of Public Safety under M.S. § 340A.404, as it may be amended from time to time, and no person shall consume liquor in any place.

(2) Violation of this prohibition is a misdemeanor.

(B) *Consumption in public places.* No person shall consume liquor on a public highway, public park or other public place. (1982 Code, § 601.09) Penalty, see § 10.99

§ 111.029 SUSPENSION AND REVOCATION.

(A) The Council may either suspend for not to exceed 60 days or revoke any liquor license upon a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to intoxicating liquor.

(B) No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing.
(1982 Code, § 601.10)

§ 111.030 2:00 A.M. CLOSING.

Any on-sale liquor license holder wanting to extend their hours of operation from 1:00 a.m. to 2:00 a.m. must apply to the city, on forms prescribed by the city, to request an extension of hours of operation from 1:00 a.m. to 2:00 a.m.
(Ord. 601.01, passed 5-1-2007)

BEER LICENSING

§ 111.040 DEFINITION OF TERMS.

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

BEER. As used in this chapter, ***BEER*** or ***3.2% MALT LIQUOR*** means any malt beverage with an alcoholic content of more than one-half of 1% by volume and not more than 3.2% by weight.

BEER STORE. An establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.
(1982 Code, § 602.01)

§ 111.041 LICENSE REQUIRED.

(A) *Licenses.*

(1) No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any beer within the city without first having received a license as hereinafter provided.

(2) Licenses shall be of three kinds:

- (a) Regular on-sale;
- (b) Temporary on-sale; and
- (c) Off-sale.

(B) *Regular on-sale.*

(1) Regular on-sale licenses shall be granted only to bona fide clubs, beer stores, exclusive on-sale liquor stores, restaurants and hotels where food is prepared and served for consumption on the premises.

(2) On-sale licenses shall permit the sale of beer for consumption on the premises only.

(C) *Temporary.* Temporary on-sale licenses shall be granted only to bona fide clubs and charitable, religious, and non-profit organizations for the sale of beer for consumption on the premises only.

(D) *Off-sale.* Off-sale licenses shall permit the sale of beer at retail, in the original package for consumption' off the premises only.
(1982 Code, § 602.02) Penalty, see § 10.99

§ 111.042 LICENSE APPLICATIONS.

(A) Every application for a license to sell beer shall be made to the City Administrator-Clerk on a form supplied by the city and containing information that the Administrator-Clerk or the City Council may require.

(B) It shall be unlawful to make any false statement in an application.
(1982 Code, § 602.03)

§ 111.043 LICENSE FEES.

(A) *Payment required.*

(1) Each application for a license shall be accompanied by a receipt from the City Administrator-Clerk for payment in full of the required fee for the license.

(2) All fees shall be paid into the general fund of the city.

(3) Upon rejection of any application for a license, the Administrator-Clerk shall refund the amount paid.

(B) *Expiration; pro rata fees.*

(1) Every license except a temporary license shall expire on the last day of April in each year.

(2) Each license except a temporary license shall be issued for a period of one year except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee.

(3) In computing this fee, any unexpired fraction of a month shall be counted as one month.

(4) A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and the period shall be stated on the license.

(C) *Fees.*

- (1) The annual fee for a regular on-sale license is \$2,100.
- (2) The annual fee for an off-sale license is \$100.

(D) *Refunds.*

(1) No part of the fee paid for any license issued under this chapter shall be refunded except in the following instances upon application to the Council within 15 days from the happening of the event.

(2) There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license because of:

- (a) Destruction or damage of the licensed premises by fire or other catastrophe;
- (b) The licensee's illness;
- (c) The licensee's death; and/or

(d) A change in the legal status of the municipality making it unlawful for the licensed business to continue.
(1982 Code, § 602.04)

§ 111.044 GRANTING OF LICENSES.

(A) *Investigation and hearing.*

- (1) The City Council shall investigate all facts set out in the application.
- (2) Opportunity shall be given to any person to be heard for or against the granting of the license.
- (3) After the investigation and hearing, the Council shall grant or refuse the application in its discretion.

(B) *Transfers.*

- (1) Each license shall be issued to the applicant only and shall not be transferable to another holder.
- (2) Each license shall be issued only for the premises described in the application.
- (3) No license may be transferred to another place without the approval of the Council.
(1982 Code, § 602.05) Penalty, see § 10.99

§ 111.045 PERSONS INELIGIBLE FOR A LICENSE.

No license shall be granted to or held by any person who:

(A) Is under 21 years of age;

(B) Has, within five years prior to the application for a license, been convicted of a felony, or of violating any law of this state or local ordinance relating to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquors or beer and cannot show competent evidence under M.S. § 364.03, as it may be amended from time to time, of sufficient rehabilitation and present fitness to perform the duties of a beer license;

(C) Is a manufacturer of beer or is interested in the control of any place where beer is manufactured;

(D) Is not of good moral character;

(E) Is or during the period of this license becomes the holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to him or her a local license to sell intoxicating liquor at a place; or

(F) Is not the proprietor of the establishment for which the license is issued.
(1982 Code, § 602.06) Penalty, see § 10.99

§ 111.046 PLACES INELIGIBLE FOR A LICENSE.

No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this chapter, or of the state beer or liquor law, or where any license hereunder has been revoked for cause until one year has elapsed after the conviction or revocation.
(1982 Code, § 602.07) Penalty, see § 10.99

§ 111.047 CONDITIONS OF LICENSE.

(A) *General conditions.* Every license shall be granted subject to the conditions in the following divisions and all other provisions of this chapter and of any other applicable ordinance of the city or state law.

(B) *Sales to minors or intoxicated persons.* No beer shall be sold or served to any intoxicated person or to any person under 21 years of age.

(C) *Employment of minors.* No minor under 18 shall be employed on the premises of a beer store.

(D) *Gambling.* No gambling or any gambling device shall be permitted on any licensed premises, unless authorized by Council approval.

(E) *Interest of manufacturers or wholesalers.*

(1) No manufacturer or wholesaler of beer shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of M.S. § 340A.402, as it may be amended from time to time.

(2) No retail licensee and manufacturer or wholesaler of beer shall be parties to any exclusive

purchase contract.

(3) No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer and no manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

(F) *Liquor dealers' stamp.* No licensee shall sell beer while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless he or she is licensed under the laws of Minnesota to sell intoxicating liquors.

(G) *Sales of intoxicating liquor.*

(1) No licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption or display permit shall sell or permit the consumption and display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor.

(2) The presence of intoxicating liquors on the premises of a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this chapter.

(H) *Searches and seizures.* Any peace officer may enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquors found on the licensed premises in violation of division (H) above.

(I) *Licensee responsibility.* Every licensee shall be responsible for the conduct of his or her place of business and shall maintain conditions of sobriety and order.
(1982 Code, § 602.08) Penalty, see § 10.99

§ 111.048 CLOSING HOURS.

See § 111.020 for closing hours.
(1982 Code, § 602.09) Penalty, see § 10.99

§ 111.049 CLUBS.

No club shall sell beer except to members and to guests in the company of members.
(1982 Code, § 602.10) Penalty, see § 10.99

§ 111.050 RESTRICTIONS ON PURCHASE AND CONSUMPTION.

(A) *Age misrepresentation.* No minor shall misrepresent his or her age for the purpose of obtaining beer.

(B) *Inducing purchase.* No person shall induce a minor to purchase or procure beer.

(C) *Procurement.* No person other than the parent or legal guardian shall procure beer for any minor.

(D) *Possession.* No minor shall have beer in his or her possession with the intent to consume it at a place other than the household of his or her parent or guardian.

(E) *Consumption.* No minor shall consume beer unless in the household of his or her parent or guardian.

(F) *Consumption prohibited - where.* No beer shall be consumed in any theater, recreation hall or center, dance hall, ball park or other place of public gathering used for the purpose of entertainment, amusement or playing of games, without Council approval.

(G) *Liquor consumption and display.* No person shall consume or display any intoxicating liquor on the premises of a licensee who is not also licensed to sell intoxicating liquors or who does not hold a consumption and display permit.

(1982 Code, § 602.11) Penalty, see § 10.99

§ 111.051 REVOCATION.

(A) The violation of any provision or condition of this chapter by a beer licensee or his or her agent is ground for revocation or suspension of the license.

(B) The license of any person who holds a federal retail liquor dealer's special tax stamp without a license to sell intoxicating liquors at the place shall be revoked without notice and without hearing.

(C) In all other cases, a license granted under this chapter may be revoked or suspended by the Council in accordance with § 110.06 of this code.

(1982 Code, § 602.12)

BOTTLE CLUBS

§ 111.065 BOTTLE CLUBS DEFINED.

For the purpose of this subchapter, a bottle club is a club as defined in M.S. § 340A.101, as it may be amended from time to time, or an unincorporated society which, except for its lack of incorporation, otherwise meets the requirements of a club, as defined in that section and subdivision, and which is not licensed for the sale of intoxicating liquor, either on-sale license or off-sale or both.

(1982 Code, § 603.01)

§ 111.066 REGULATIONS.

(A) A bottle club may allow members to bring and keep a personal supply of intoxicating liquor in lockers assigned to the members.

(B) A bottle club or any unincorporated society which shall have more than 50 members and which shall have, for more than a year, owned, hired, or based space in a building of an extent and character as may be suitable and adequate for reasonable and comfortable accommodation for its members, may allow members to bring and keep personal supply of intoxicating liquors in lockers assigned to the members.

(C) Every bottle, container, or other receptacle containing intoxicating liquor stored by members of the club.

(D) All liquor on the premises of the club shall be labeled as herein required, and any not being actually used or consumed by the owner thereof shall be kept in a locker designated to the use of the member.

(E) It shall be unlawful for any club member under 21 years of age to be assigned a locker for the storage of intoxicating liquor or to consume or display or be permitted to consume or display intoxicating liquor on any premises owned or controlled by a private club.
(1982 Code, § 603.02) Penalty, see § 10.99

§ 111.067 PERMIT REQUIRED.

(A) It is unlawful for any bottle club or for any business establishment, directly or indirectly, or upon any pretense or by any device, to allow the consumption or display of intoxicating liquor or the serving of any liquid for the purpose of mixing an intoxicating liquor without having first obtained a permit therefor.

(B) The permit shall be issued by the Department of Public Safety for a period of one year to expire on July 1, next following issuance of the license, upon the payment of \$100 and must be renewed annually on July.

(C) Application for a permit shall be made to the governing body of the City of Waterville.
(1982 Code, § 603.03) Penalty, see § 10.99

§ 111.068 HOURS OF OPERATION.

No person shall consume or display, or allow consumption or display of intoxicating liquor on any premises of a bottle club or a business establishment between the hours of 1:00 a.m. and 8:00 a.m., or between the hours of 1:00 a.m. and 3:00 p.m. on Memorial Day, or between the hours of 1:00 a.m. and 8:00 p.m. on any primary, special or general election day in the district in which bottle club or business establishment is located.
(1982 Code, § 603.04) Penalty, see § 10.99

§ 111.069 INSPECTION.

(A) Any bottle club or business establishment allowing the consumption or display of intoxicating liquor shall be open for inspection at all times by the Department of Public Safety or to the duly authorized peace officers or police officers of the City of Waterville.

(B) Refusal to permit the Department of Public Safety or other duly authorized peace officers or police officers of the City of Waterville to enter and inspect the premises shall be a violation.

(1982 Code, § 603.05) Penalty, see § 10.99

§ 111.070 PERMIT RESTRICTIONS.

No permit required by this subchapter shall be issued to any bottle club when a member of the board, management, executive committee, or other similar body chosen by its members or when the business establishment or the owner thereof holds a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquors.

(1982 Code, § 603.06)

§ 111.071 APPLICATION.

This subchapter has no application to any person or any premises licensed for the sale of intoxicating liquor under the intoxicating liquor act, but any person or premises, being a business establishment, is eligible for a permit authorized by this subchapter.

(1982 Code, § 603.07)

CHAPTER 112: AMUSEMENTS, CIRCUSES AND CARNIVALS, MOVIES AND OTHER SHOWS

Section

- 112.01 License required
- 112.02 Fee
- 112.03 Issuance
- 112.04 Regulations

§ 112.01 LICENSE REQUIRED.

No person or persons shall exhibit any circus, carnival, merry-go-round, Ferris wheel, roller coaster, moving pictures, vaudeville, theatrical performance or show of any kind, in the open air or in tents, within the limits of this municipality without first having obtained a license therefor, as hereinafter provided.

(1982 Code, § 507.01) Penalty, see § 10.99

§ 112.02 FEE.

The license fee of \$50 as set by the Council from time to time shall accompany the application for the license, unless the fee shall be set by the Council at the time of granting the license.

(1982 Code, § 507.02)

§ 112.03 ISSUANCE.

(A) The Council may grant a license to any person or persons to exhibit any circus, carnival, moving pictures, vaudeville, theatrical performance, or other show, in the open air, or in tents, upon application in writing of the person or persons desiring the same, which application shall describe the exhibition for which the license is desired.

(B) When the license has been granted by the Council, the Administrator-Clerk shall issue the same upon the applicant's filing with the Administrator-Clerk the amount of the license fee if the sum has not yet been paid as shall have been fixed by the Council under the provisions of this chapter; provided, that the Council may at any time revoke the license, or refuse to grant the same, where in their opinion the good order, or the public interests of this municipality require it.

(1982 Code, § 507.03)

§ 112.04 REGULATIONS.

(A) The Council may from time to time, by resolution, adopt suitable rules and regulations for the exhibition of circuses, carnivals, or other shows and make the same a condition of the license.

(B) The violation of any rule or regulation by the person or persons licensed under the provisions of this chapter shall be a penal offense and shall be cause for the suspension or revocation of the license held by the person or persons.

(1982 Code, § 507.04) Penalty, see § 10.99

CHAPTER 113: BILLBOARDS

Section

- 113.01 License required
- 113.02 Application
- 113.03 Fee and term
- 113.04 Definition
- 113.05 Zoning applicable

§ 113.01 LICENSE REQUIRED.

No person shall keep, maintain or erect any billboard within the corporate limits of this municipality without first having obtained a license therefor.

(1982 Code, § 509.01) Penalty, see § 10.99

§ 113.02 APPLICATION.

Any person desiring to keep or maintain any billboard within the corporate limits of this municipality shall make application in writing to the Council for license to so do, and shall state in the application the place it is desired to erect and maintain a billboard.

(1982 Code, § 509.02) Penalty, see § 10.99

§ 113.03 FEE AND TERM.

If the Council grants a license, the persons, before the license is granted, shall pay to the treasurer the required license fee as duly set by the Council from time to time for each billboard and for which license is granted to keep and maintain, and the license shall be granted for one year from the date of issuance.

(1982 Code, § 509.03)

§ 113.04 DEFINITION.

For the purposes of this section the term ***BILLBOARD*** means a sign as defined in the Zoning Chapter as adopted by reference in Chapter 150 herein having an area of 16 square feet or greater. (1982 Code, § 509.04)

§ 113.05 ZONING APPLICABLE.

In addition to the licensing required by this section, all billboards shall be governed by the Zoning Chapter as adopted by reference in Chapter 150 herein. (1982 Code, § 509.05)

CHAPTER 114: PEDDLERS AND SOLICITORS

Section

- 114.01 Definitions
- 114.02 Exceptions to definitions
- 114.03 Licensing; exemptions
- 114.04 License ineligibility
- 114.05 License suspension and revocation
- 114.06 License transferability
- 114.07 Registration
- 114.08 Prohibited activities
- 114.09 Exclusion by placard

§ 114.01 DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER.

(1) A person who goes from house-to-house, door-to-door, business-to-business, street-to-street or any other type of place-to-place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise or other personnel property that the person is carrying or otherwise transporting.

(2) The term **PEDDLER** shall mean the same as the term **HAWKER**.

PERSON. Any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

REGULAR BUSINESS DAY. Any day during which the City Hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be counted as **REGULAR BUSINESS DAYS**.

SOLICITOR.

(1) A person who goes from house-to-house, door-to-door, business-to-business, street-to-street or any other type of place-to-place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time.

(2) The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term shall mean the same as the term **CANVASSER**.

TRANSIENT MERCHANT. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days.

§ 114.02 EXCEPTIONS TO DEFINITIONS.

(A) (1) For the purpose of the requirements of this chapter, the terms **PEDDLER**, **SOLICITOR** and **TRANSIENT MERCHANT** shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler, or has been authorized to conduct fund-raising activities.

(2) The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route.

(B) In addition, persons conducting the type of sales commonly known as garage sales, rummage sales or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of **PEDDLERS**, **SOLICITORS** and **TRANSIENT MERCHANTS**, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

(C) Nothing in this chapter shall be interpreted to prohibit or restrict door-to-door advocacy. Persons engaging in door-to-door advocacy shall not be required to register as solicitors under §

114.07. The term ***DOOR-TO-DOOR ADVOCACY*** includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas.

§ 114.03 LICENSING; EXEMPTIONS.

(A) *County license required.* No person shall conduct business as a peddler, solicitor or transient merchant within the city limits without first having obtained the appropriate license from the county as required by M.S. Chapter 329, as it may be amended from time to time, if the county issues a license for the activity.

(B) *City license required.* Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Solicitors need not be licensed, but are still required to register pursuant to § 114.07.

(C) *Application.* Application for a city license to conduct business as a peddler or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the Clerk-Administrator. All applications shall be signed by the applicant. All applications shall include the following information:

- (1) Applicant's full legal name;
- (2) All other names under which the applicant conducts business or to which applicant officially answers;
- (3) A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features and the like);
- (4) Full address of applicant's permanent residence;
- (5) Telephone number of applicant's permanent residence;
- (6) Full legal name of any and all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent;
- (7) Full address of applicant's regular place of business (if any);
- (8) Any and all business related telephone numbers of the applicant;
- (9) The type of business for which the applicant is applying for a license;
- (10) Whether the applicant is applying for an annual or daily license;
- (11) The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city (maximum 14 consecutive days);
- (12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business;

(13) A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses;

(14) A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant;

(15) Proof of any requested county license;

(16) Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant;

(17) A general description of the items to be sold or services to be provided;

(18) All additional information deemed necessary by the City Council;

(19) The applicant's driver's license number or other acceptable form of identification; and

(20) The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.

(D) *Procedure.*

(1) Upon receipt of the completed application and payment of the license fee, the Administrator-Clerk, within two regular business days, must determine if the application is complete.

(2) An application is determined to be complete only if all required information is provided. If the Administrator-Clerk determines that the application is incomplete, the Administrator-Clerk must inform the applicant of the required necessary information that is missing.

(3) If the application is complete, the Administrator-Clerk must order any investigation, including background checks, necessary to verify the information provided with the application.

(4) Within ten regular business days of receiving a complete application the Administrator-Clerk must issue the license unless there exist grounds for denying the license under § 114.04, in which case the Administrator-Clerk must deny the license.

(5) If the Administrator-Clerk denies the license, the applicant must be notified in writing of the decision, the reason for denial and of the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the City Council.

(6) The City Council shall hear the appeal within 20 days of the date of the request. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

(E) *Duration.* An annual license granted under this chapter shall be valid for one calendar year from the date of issue. All other licenses granted under this chapter shall be valid only during the time period indicated on the license.

(F) *License exemptions.*

(1) No license shall be required for any person to sell or attempt to sell, or to take or attempt

to take orders for, any product grown, produced, cultivated or raised on any farm.

(2) No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street or other type of place-to-place when the activity is for the purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of constitutional rights is merely incidental to a commercial activity.

(3) Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.
Penalty, see § 10.99

§ 114.04 LICENSE INELIGIBILITY.

The following shall be grounds for denying a license under this chapter:

(A) The failure of the applicant to obtain and show proof of having obtained any required county license;

(B) The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application;

(C) (1) The conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner.

(2) Those violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices and any form of actual or threatened physical harm against another person;

(D) The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant; and/or

(E) (1) The applicant is found to have a bad business reputation.

(2) Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Attorney General's office or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed against the applicant within the preceding five years.

§ 114.05 LICENSE SUSPENSION AND REVOCATION.

(A) *Generally.* Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

(1) Fraud, misrepresentation or incorrect statements on the application form;

(2) Fraud, misrepresentation or false statements made during the course of the licensed

activity;

(3) Conviction of any offense for which granting of a license could have been denied under § 114.04; or

(4) Violation of any provision of this chapter.

(B) *Multiple persons under one license.* The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) *Notice.*

(1) Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation.

(2) Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

(D) *Public hearing.*

(1) Upon receiving the notice provided in division (C) above, the licensee shall have the right to request a public hearing.

(2) If no request for a hearing is received by the Deputy Clerk within ten regular business days following the service of the notice, the city may proceed with the suspension or revocation.

(3) For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail.

(4) If a public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request.

(5) Within three regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) *Emergency.* If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (C) of this section.

(F) *Appeals.* Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.
Penalty, see § 10.99

§ 114.06 LICENSE TRANSFERABILITY.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

Penalty, see § 10.99

§ 114.07 REGISTRATION.

(A) All solicitors, and any person exempt from the licensing requirements of this chapter under § 114.03, shall be required to register with the city.

(B) Persons engaging in door-to-door advocacy shall not be required to register.

(C) The term ***DOOR-TO-DOOR ADVOCACY*** includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas.

(D) Registration shall be made on the same form required for a license application, but no fee shall be required.

(E) Immediately upon completion of the registration form, the Administrator-Clerk shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferable.

Penalty, see § 10.99

§ 114.08 PROHIBITED ACTIVITIES.

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

(A) Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out or by any other noise, so as to be unreasonably audible within an enclosed structure;

(B) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way;

(C) Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public;

(D) Conducting business before 7:00 a.m. or after 9:00 p.m.;

(E) Failing to provide proof of license or registration, and identification, when requested; or using the license or registration of another person;

(F) Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person; or

(G) Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

Penalty, see § 10.99

§ 114.09 EXCLUSION BY PLACARD.

(A) No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant when the property is marked with a sign or placard at least four inches long and

four inches wide with print of at least 48 point in size stating “No Peddlers, Solicitors or Transient Merchants,” or “Peddlers, Solicitors and Transient Merchants Prohibited” or other comparable statement.

(B) No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section.
Penalty, see § 10.99

CHAPTER 115: BINGO

Section

- 115.01 License required
- 115.02 Application for license
- 115.03 License fee
- 115.04 Additional regulations
- 115.05 Suspension or revocation
- 115.06 Special license

§ 115.01 LICENSE REQUIRED.

No organization shall operate a bingo game within the City of Waterville without approval of the City Council.
(1982 Code, § 518.01) Penalty, see § 10.99

§ 115.02 APPLICATION FOR LICENSE.

(A) An eligible organization shall make application for a bingo operator’s license on forms provided by the city.

(B) No license shall be issued until at least 30 days after the date of the application.

(C) A license shall be valid for a period of one year.
(1982 Code, § 518.02)

§ 115.03 LICENSE FEE.

Annual license fee for an individual operator’s license shall be as established by the Common Council.

(1982 Code, § 518.03)

§ 115.04 ADDITIONAL REGULATIONS.

No person working a bingo game shall be less than 18 years of age.
(1982 Code, § 518.04) Penalty, see § 10.99

§ 115.05 SUSPENSION OR REVOCATION.

(A) A bingo operator's license issued hereunder may be suspended for violation of this chapter or for violation of the state statute for a period not exceeding 30 days.

(B) A bingo operator's license may be revoked for violation of this chapter or for violation of the state statute; the revocation shall be after reasonable notice and public hearing before the City Council.
(1982 Code, § 518.05)

§ 115.06 SPECIAL LICENSE.

A special four-day license may be issued at a cost established by the Common Council; this special four-day license fee may be waived by City Council action for a church or other charitable organizations.
(1982 Code, § 518.06)

TITLE XIII: GENERAL OFFENSES

Chapter

130.GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

Use of Weapons

- 130.01 Restrictions
- 130.02 Air rifles; sling shots
- 130.03 Offense by parents, guardians

Curfew

- 130.15 Definitions
- 130.16 Restrictions
- 130.17 Exceptions
- 130.18 Enforcement
- 130.19 Missing

Bridges

- 130.30 Bridge fishing prohibited
- 130.31 Diving or jumping from bridges prohibited
- 130.99 Penalty

USE OF WEAPONS

§ 130.01 RESTRICTIONS.

(A) No person except a police officer in the performance of duty shall, within the city, discharge any gun, pistol or firearm of any description or carry any weapon unless it is dismounted or broken apart or carried in a case in a manner that it cannot be discharged.

(B) This section does not prevent the carrying of a handgun within the city under a permit subject to the restrictions imposed by law.

(1982 Code, § 803.01) Penalty, see § 130.99

§ 130.02 AIR RIFLES; SLING SHOTS.

No person shall use or discharge any air rifle or sling shot within the city.
(1982 Code, § 803.01) Penalty, see § 130.99

§ 130.03 OFFENSE BY PARENTS, GUARDIANS.

It is unlawful for any parent or guardian of any person under the age of 18 years knowingly to permit that person to violate any provision of this subchapter.
(1982 Code, § 803.01) Penalty, see § 130.99

CURFEW

§ 130.15 DEFINITIONS.

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

CURFEW HOURS.

- (1) 12:00 a.m. until 6:00 a.m. for persons under 18 years of age.
- (2) 10:00 p.m. until 6:00 a.m. for persons under 15 years of age.

EMERGENCY.

(1) An unforeseen combination of circumstances or the resulting state that calls for immediate action.

(2) The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT. Any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

GUARDIAN.

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by the court.

MINOR. Any person under 18 years of age.

OPERATOR.

(1) Any individuals, firm, association, partnership, or corporation operating, managing or conducting an establishment.

(2) The term includes members or partners of an association or partnership and the officers of the corporation.

PARENT. A person who is:

(1) A natural parent, adoptive parent or step-parent of another person; or

(2) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of school, apartment houses, office buildings and shops.

REMAINS.

(1) Linger or stay; or

(2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
(Ord. 804.02, passed 4-3-2001)

§ 130.16 RESTRICTIONS.

(A) It shall be unlawful for any minor to remain in any public place or on the premises of an establishment within the city during curfew hours.

(B) (1) It shall be unlawful for any parent or guardian of a minor to knowingly permit, or by insufficient control, allow the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(2) The term **KNOWINGLY** includes knowledge which a parent and/or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.

(C) It shall be unlawful for any owner, operator or employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.
(Ord. 804.02, passed 4-3-2001) Penalty, see § 130.99

§ 130.17 EXCEPTIONS.

(A) The following shall constitute valid exceptions to the operation of the curfew.

(B) That the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting residence of the next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
- (7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults or sponsored by the city, civic organization, or other similar entity that takes responsibility for the minor.
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right to assembly.
- (9) Married or had been married.

(C) It is a defense to prosecution under § 130.16 that the owner, operator or employee of any establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.
(Ord. 804.02, passed 4-3-2001) Penalty, see § 130.99

§ 130.18 ENFORCEMENT.

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in § 130.17 is present.
(Ord. 804.02, passed 4-3-2001)

BRIDGES

§ 130.30 BRIDGE FISHING PROHIBITED.

No person shall fish from any bridge within the city.
(1982 Code, 701.21) Penalty, see § 130.99

§ 130.31 DIVING OR JUMPING FROM BRIDGES PROHIBITED.

No person shall dive or jump from any bridge within the city.
(1982 Code, 701.211) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person who violates a provision of this chapter for which no penalty is set out, shall be subject to § 10.99.

(B) (1) A person who violates a provision of §§ 130.15 through 130.18 is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(2) Any minor who is convicted of a violation of §§ 130.15 through 130.18 after the case has been referred for prosecution in the trial court under M.S. § 260.15, as it may be amended from time to time, any adult person having the care and custody of such minor is guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$200.
(Ord. 804.02, passed 4-3-2001)

TITLE XV: LAND USAGE

Chapter

150.ZONING

151.SUBDIVISIONS

152.FLOOD PLAIN MANAGEMENT

CHAPTER 150: ZONING

Section

150.01	Title, purpose, application
150.02	Definitions
150.03	General provisions
150.04	Establishment of zoning classifications
150.05	AH - Agriculture/Holding District
150.06	R1 - Single-Family Residential District
150.07	R2 - Medium Density Residential District
150.08	R3 - High Density Residential District
150.09	R4 - Manufactured Home Park District
150.10	B1– Limited Business District
150.11	B2 – Commercial Recreational Shoreland District
150.12	B3 - General Business District
150.13	B4 – Central Business District
150.14	I1 – Limited Industry District
150.15	I2 – General Industry District
150.16	S - Shoreland District
150.17	Planned Unit Developments (PUDs) in Shoreland
150.18	Administration
150.19	Amendments and Conditional Use Permits
150.20	Variances and Appeals
150.21	Planned Unit Developments (PUD) - Non-Shoreland
150.22	Adult establishments
120.23	Building permit surcharge

§ 150.01 TITLE, PURPOSE, APPLICATION.

(A) *Title.* This chapter shall be known as the Waterville Zoning Ordinance except as referred to herein, where it shall be known as this chapter.

(B) *Comprehensive plan.* This chapter is intended to carry out the policies and goals of the comprehensive plan as allowed by the enabling legislation.

(C) *Application.* This chapter shall apply to all land uses, to all constructing, enlarging or moving of structures and to certain construction standards within the corporate limits of Waterville. Where the conditions of this chapter are comparable with conditions imposed by other law, ordinance, statute or regulation, the regulations that are more restrictive shall prevail.

(D) *Minimum requirements.* In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements for the promotion of the public health, safety and welfare.

(E) *Repeal.* The previous Waterville Zoning Ordinance, City Code, Chapter XIII, dated January 10, 1992 as amended is hereby repealed and replaced by this chapter.

(F) *Purpose.* For the purposes as stated previously, this chapter provides:

(1) Definitions for clarification of terms used.

(2) General provisions for all areas of the city.

(3) Zoning districts setting forth different uses and standards applicable to each district.

(4) Administrative procedures identifying zoning permit requirements and city responsibilities.

(5) Flexibility measures (variance, conditional use, amendments and Planned Unit Developments.)

(6) Enforcement and penalty rules.

(7) Zoning Map.
(Ord. passed 6-3-1997)

§ 150.02 DEFINITIONS.

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

ACCESSORY STRUCTURES. A structure for uses relating to, but subordinate to the main use of the property and located on the same lot as the main use and which can meet the minimum setback requirements unless excepted herein, including, but not limited to: private garages, sheds, antennas, walls, loading docks, gazebos, pools, outbuildings, storage facilities, private greenhouses and fences. This chapter treats signs as a separate use.

ACCESSORY USE. A use that is subordinate and incidental to the principal use of the lot. Including, but not limited to: parking areas, drive ways, personal storage, and home occupations.

AGRICULTURE. The cultivation of the soil and activities incidental thereto, the growing of soil crops, greenhouses and the raising of livestock, including selling of products raised on the premises but not other retail selling or processing.

ALLEY. A public right-of-way less than 30 feet in width which affords secondary access to abutting property.

ASSISTED LIVING. Apartment living with individualized services which may include 24-hour oversight, transportation, meals and personal attendance.

AWNING. A temporary hood or cover which projects from the wall of a building, and of a type which can be retracted, folded or collapsed against the face of a supporting building.

BALCONY. A landing or porch projecting from the wall of a building and which serves as a means of egress.

BANNERS. Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

BASEMENT. A portion of a building located partially underground, but having less than one-half its floor to ceiling height below the average land grade.

BED AND BREAKFAST FACILITY. A dwelling in which the owner or manager resides which contains six or less guest rooms in which lodging is provided for compensation, which is open for temporary guests and in which no provision is made for cooking in the guest rooms.

BLUFF. A topographic feature such as a hill, cliff or embankment having the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and
- (4) The slope must drain toward the waterbody.

BOARDING. The renting out of rooms of a single-family dwelling people, with no separate cooking facilities, access or extra garage.

BOATHOUSE. A structure designed and used solely for the storage of boats or boating equipment.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT. A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof to the deck line of a mansard roof, to the uppermost point on all other roof types.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

CAMPGROUND. An area used on a daily, nightly or weekly basis for the accommodation of three or more occupied tents, expandable camp trailers, motor homes, travel trailers and converted buses or trucks; whether privately or publicly owned; and whether use of such accommodation is granted free of charge or for compensation.

CARPORT. A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three sides.

CELLAR. That portion of a building having more than one-half of the floor to ceiling height below the average land grade.

CHANNEL. A natural or artificial depression of a perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

CHURCH.

CITY. The incorporated City of Waterville, LeSueur County, State of Minnesota.

CLUB or LODGE. A club or lodge is a non-profit association of persons who are bonafide members paying annual dues, uses of premises being restricted to members and their guests.

COUNCIL. The City Council of Waterville, Minnesota.

CROWDING POTENTIAL. The ratio of total acreage to shore miles.

DAY CARE FACILITY. Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or development guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. **DAY CARE FACILITIES** include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services.

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

DIVERSION. A channel that intercepts surface water run-off and that changes the accustomed course of all or part of a stream.

DOG KENNEL. Any place where three dogs or more, over six months of age, are boarded, bred and/or offered for sale except as a veterinary clinic.

DRAINING. The removal of surface water or ground water from land.

DREDGING. To enlarge or clean-out a waterbody, watercourse, or wetland.

DUPLEX, TRIPLEX and QUAD. A multi-family dwelling structure on a single lot, having two, three and four dwelling units, respectively.

DWELLING. A structure used for living quarters.

DWELLING, MULTI-FAMILY. A dwelling containing more than one dwelling unit.

DWELLING, SINGLE-FAMILY. A dwelling containing one dwelling unit.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT. A dwelling, or portion thereof, designed with its own kitchen, access and/or

other features which make it livable separately from other dwellings or portions thereof.

EARTH SHELTERED DWELLING UNIT. A structure which complies with applicable building standards and which is constructed so that:

(1) Eighty percent or more of the roof area is covered with a minimum depth of 12 inches of earth; and

(2) Fifty percent or more of the wall area is covered with a minimum depth of 12 inches of earth.

EASEMENT. A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to wetlands, ponding area, sanitary sewer, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

EFFICIENCY APARTMENT. A dwelling unit that is part of and subordinate to a principal single-family dwelling and designed for three or less people and with no extra driveway or garage and no additional outside appearance than found in single family residential areas.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings other than directly needed for the essential service.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.

FEEDLOT. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

FENCE. A fence is defined for the purpose of this chapter as any partition, structure, wall or gate erected as a dividing marker, barrier, or enclosure.

FILLING. The act of depositing any rock, soil, gravel, sand or other material so as to fill or partly fill a waterbody, watercourse, or wetland.

FLOOD PLAIN. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

GARAGE, DETACHED. Any garage that is not structurally incorporated into the dwelling structure with common wall and roof. Just a connection such as a breezeway or overhang would be characterized as detached.

GARAGE, PRIVATE. Any accessory building or accessory portion of the principal building which is intended for and used for personal vehicles or storage and that is greater than 200 square feet in floor area. (See ***STORAGE SHED.***)

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the finished

surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

GRADING. Changing the natural or existing topography of land.

GROUP CARE FACILITY. A facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals are physically challenged, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses such as homes for the physically challenged, mentally challenged, chemically dependent, maternity shelters and half-way houses.

GUEST COTTAGE. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary unit on a lot.

HARDSHIP. Hardship means that a property in question regarding a variance cannot be put to reasonable use if used under conditions allowed by official contracts.

HOME OCCUPATION. An occupation taking place as subordinate to a principle residential use and operated by an occupant of the dwelling.

HOTELS. Any building or portion thereof where lodging is offered to transient guests for compensation.

IMPERVIOUS SURFACE. An artificial or natural surface through which water, air, or roots cannot penetrate.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

JUNK YARD. Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to: scrap metal, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.

KENNEL. Any structure or premises on which five or more domestic animals over four months of age are kept.

LAND ALTERATION. The altering of land, including mining, excavating, reclaiming, grading and filling.

LOADING SPACE or BERTH. A space accessible from a street, alley, or way, in a building or on a lot for the use of vehicles while loading and unloading merchandise, materials or passengers.

LODGING HOUSE. A building other than a hotel, where for compensation for definite periods, lodging is provided for three or more persons not of the principal family, but not including a building providing this service for more than ten persons.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot,

or other accepted means and separated from other parcels of portions by said description for the purpose of sale, lease, or separation.

LOT, DEPTH. The shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two streets.

LOT, FRONTAGE. The front of a lot shall be, for purposes of complying with this chapter, that boundary abutting a public right-of-way having the least width.

LOT, INTERIOR. A lot other than a corner lot, including through lots.

LOT, LINE. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

LOT OF RECORD. A parcel of land that has been split and legally recorded with the County Recorder.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MANUFACTURED HOME. A **MANUFACTURED SINGLE-FAMILY DWELLING** is a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure to which the manufacturer voluntarily files a certification required by the Secretary (US-HUD) and complies with the building code as evidenced by a seal displayed on the manufactured home.

MANUFACTURED HOME PARK. Any lot or part thereof, or any parcel of land which is used or offered as a location for two or more manufactured homes.

MOTEL/MOTOR HOTEL. A building or group of detached, semi-detached or attached buildings containing guests rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

MOTOR FUEL STATION. A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on the premises, and including minor accessories and services for automobiles, but not including major repairs and rebuilding.

NATURAL DRAINAGE SYSTEM. All land surface areas which by nature of their contour, configuration, collect, store and channel surface water run-off.

NATURAL OBSTRUCTION. Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

NONCONFORMING. A use, structure or lot of record that does not conform to the requirements of this chapter. It is legally nonconforming if meeting applicable city ordinance requirements when created or started.

NURSING HOME (REST HOME). A building having accommodations where care is provided for two or more invalids, infirm, aged, convalescent or physically challenged persons that are not of immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

OFF-STREET LOADING SPACE. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. The space shall be of such size as to accommodate one truck of the type typically used in the particular business.

OPEN SALES LOT. Any open land used or occupied for the purpose of buying, selling, and/or renting merchandise and for the storing of same prior to sale.

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the **ORDINARY HIGH WATER LEVEL** is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

PARKS and PLAYGROUNDS. Public land and open space in the city dedicated or reserved for recreational purposes.

PERMITTED USE. A use which may be lawfully established in a particular district or districts, provided it conforms with all other requirements, regulations, and performance standards.

PERSON. An individual, firm, partnership, association, corporation, or organization of any kind.

PLANNED UNIT DEVELOPMENT (PUD). A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density

increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

PLANNED UNIT DEVELOPMENT, COMMERCIAL. *PUDs* that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

PLANNED UNIT DEVELOPMENT, RESIDENTIAL. A use where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as **RESIDENTIAL PLANNED UNIT DEVELOPMENTS**. To qualify as a **RESIDENTIAL PLANNED UNIT DEVELOPMENTS**, a development must contain at least five dwelling units or sites.

PLANNING COMMISSION. The **PLANNING COMMISSION** of Waterville, Minnesota.

PRINCIPAL USE. The main use of land or buildings as distinguished from subordinate or accessory uses. A **PRINCIPAL USE** may be either permitted or conditional.

PUBLIC IMPROVEMENTS. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the city may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

PUBLIC USES. Uses owned or operated by municipal, school districts, county, state, or other governmental units.

PUBLIC WATERS. Any waters as defined in M.S. § 103G.005, as it may be amended from time to time.

RECREATION VEHICLE. A self-propelled vehicle which is used primarily for recreational purposes.

REGULATORY FLOOD PROTECTION ELEVATION. A point not less than one foot above the elevation of the flood plain, plus any increases in flood heights attributable to encroachment on the flood plain. It is the elevation to which uses regulated by this chapter are required to be elevated or flood-proofed.

RENTAL CABINS. A group of cabins on a single parcel in which temporary or seasonal recreational lodging is provided for compensation.

RESIDENTIAL FACILITY. Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. **RESIDENTIAL FACILITIES** include, but are not limited to: state institutions under the control of the commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for physically challenged children.

ROOF LINE. The top of the coping or, when the building has a pitched roof, as the intersection of the outside wall with the roof.

SCREENING. The presence of an artificial barrier, vegetation, or topography which makes any structure on any property visually inconspicuous.

SEMI-PUBLIC USE. The use of land by a private organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization, including but not limited to: schools and churches.

SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff road, highway, property line, or other facility.

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this chapter.

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

SIGN. The use of displaying any words, numerals, figures, devices or trademarks by which anything is made known and is visible to the general public.

SIGN, DAY. A moveable sign for announcing something at the site of a business use. These would typically include signs announcing name, hours of operation, meal specials, merchandise sales and service specials.

SIGN, DIRECTIONAL. For directing the public and displaying no more than the direction (arrow or other method), the distance, the facility (name and/or logo).

SIGN, IDENTIFICATION. For identifying a use at the site where it is located. This includes signs for multi-family, business, institutions, recreation and home occupation uses.

SIGN, RESIDENTIAL. For displaying house number and name of occupants.

SIGN, TEMPORARY. For events, real estate advertising, construction projects and elections.

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. An historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be **SIGNIFICANT HISTORIC SITES**.

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

STORAGE SHED. Any accessory building that is not over 200 square feet in floor area.

STRUCTURAL ALTERATIONS. Any change in the outside dimensions of a structure relative to height or ground dimensions.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, including signs, fences, storage sheds, antennas, and other construction with special function, but not including at-grade walks, driveways, and patios.

SUBDIVISION. Land that is divided for the purpose of sale, rent, or lease, including planned unit development.

SURFACE WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

TOE OF THE BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

TOP OF THE BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.

UPLAND. All lands at an elevation above the normal high water mark.

USABLE OPEN SPACE. A required ground area or terrace area on a lot which is graded, developed, and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, and parking areas shall not constitute **USABLE OPEN SPACE**.

USE. The purpose or activity for which the land or building thereon is designated, arranged, or

intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this chapter.

VARIANCE. Relief from the dimensional or bulk regulations of this chapter where its strict enforcement would cause undo hardship.

WATERBODY. A body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

WATERCOURSE. A channel or depression through which water flows, such as rivers, streams or creeks, and may flow year 'round or intermittently.

WATERSHED. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

WATER-ORIENTED ACCESSORY STRUCTURE or FACILITY. Means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

WETLAND. A surface water feature classified as wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

YARD. The open space between the dwelling and the lot lines.

YARD, FRONT. A yard lying between the street line(s) of the lot and the nearest line of the building.

YARD, REAR. The yard on the opposite side of the lot from the street that the buildings are facing.

YARD, SIDE. The yards that are not front or rear yards.
(Ord. passed 6-3-1997)

§ 150.03 GENERAL PROVISIONS.

(A) *Purpose.* To provide regulations that apply to all areas of the city regardless of the specific zones.

(B) *Lots, dwellings, living arrangements.*

(1) Except for as provided for otherwise herein, each lot is eligible for one dwelling only.

(2) A lot or parcel may be subdivided to more lots if this chapter and Chapter 151 are complied with.

(3) Boarding rooms are considered in the category of people simply living, sharing rent, etc. This use will not be regulated by this chapter.

(4) Efficiency apartments, where allowed as a conditional use, must be determined as a

finding to comply with the definition herein as opposed to a duplex.

(5) No cellar, basement or accessory building shall be used as a permanent dwelling.

(6) All dwellings must be at least 20 feet in width and on a permanent foundation unless in a manufactured home park or the AH District.

(7) Tents and camper trailers not in established campgrounds may be used as temporary dwelling for up to 21 days per year by permit only. The Zoning Administrator shall issue a permit upon showing of adequate provision for garbage and wastewater collection.

(C) Non-conforming uses, structures, and lots of record.

(1) Any legal non-conforming use or structure may be continued if the non-conforming feature(s) are not intensified, except as provided in this chapter.

(2) Needed maintenance and safety provisions are not considered as intensification. Also, the addition of new space that is structurally conforming to enable legal non-conforming use to keep operating at basically the same level is not considered as intensification.

(3) If a non-conforming use is transformed to an allowable use or discontinued, further use of the property shall conform to this chapter. If a non-conforming structure or nonconforming portion thereof is removed, further building shall conform to this chapter.

(4) Legal non-conforming lots of record will be allowed as building sites without variances from lot size if the use is permitted and if the lot has been in separate same ownership will have to combine as needed to meet applicable current minimum lot size requirements. This exception is for lot size only.

(5) Non-conforming structures can be added to if the addition does not create further nonconformity.

(D) Accessory structures.

(1) All accessory private garages, either attached or detached, shall be comparable in design, material, general character and be architecturally harmonious to the principal structure.

(2) No accessory use such as air conditioning, condensers or generators which create noise may be located in a side yard except for side yards abutting streets where equipment is fully screened from view.

(3) On lots less than 10,000 square feet in area, accessory buildings shall be at least five feet away from other buildings.

(4) On all lots that are 10,000 square feet and more in area, all accessory buildings shall be at least ten feet away from other buildings.

(5) Accessory structures are not to occupy more than 30% of the required rear or side yard.

(6) When granting a conditional use permit for a private garage over 1,200 square feet in floor area or for a second private garage on the lot, in addition to the normal considerations, the garage's use shall be verified as being accessory and attached to the permit as a condition.

(E) *Drainage plans.* In the case of all development, except single family dwellings, a drainage plan shall be submitted to the city engineer for review and a written approval is required.

(F) *Fences.*

(1) Fences may be placed with zero property line setback provided no damage results to abutting property and provided the abutting property side is at least equal in appearance and materials to the installer's side.

(2) No fence in any district may be higher than 42 inches as measured from the street's centerline if it is within the minimum setback distance on the street side(s) of the lot or if it is within five feet of an alley right-of-way.

(3) The maximum height allowed in other areas is six feet except for industrial and business areas where it can be eight feet if set back ten feet from property lines where the adjoining use is residential.

(G) *Traffic visibility.* On corner lots in all districts, no structure or planting in excess of 30 inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected property lines of two intersecting streets, thence 30 feet along one property line, thence diagonally to a point 30 feet from the point of beginning.

(H) *Glare.* Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(I) *Emissions.* Smoke, dust, odor, noise, electrical and radiation emissions in excess of what is normal in residential uses is not allowed in the residential zones. In all other zones, emissions shall be regulated by applicable state and federal regulations.

(J) *Refuse, junk, waste material.*

(1) The placing of junk or refuse in yards is not permitted except in the I2 Zone.

(2) Inoperable vehicles are considered as junk.

(3) All waste material shall be disposed of in compliance with local, state and federal regulations.

(K) *Exterior storage.* All materials and equipment except as provided for in this chapter shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

(1) Clothes line poles and wires.

(2) Stationary recreational equipment.

(3) Storage of one self-propelled recreational vehicle per dwelling.

(4) Construction and landscaping materials currently being used on the premises.

(5) Off-street parking of passenger vehicles and trucks not exceeding gross capacity of 12,000 pounds as an accessory use.

(L) *Setback and height exemptions.*

(1) The following shall not be considered as encroachments on required yard setbacks, except for ordinary high water setback requirements which shall adhere to the shoreland regulations.

(a) Chimney, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like provided they do not project more than two feet into a required yard.

(b) Terraces, steps, uncovered porches, stoops, landings or similar features in front or rear yards provided they don't extend above the entrance floor level of the building or more than six feet into the required yard.

(c) Laundry drying and recreational equipment, arbors, trellises, air conditioning or heating equipment in rear yards to a point no closer than five feet from any lot line.

(d) One detached storage shed not exceeding eight feet in height nor 100 square feet in area in the rear yard to a point no closer than five feet from any lot line.

(e) Ornamental structures, whose purpose and intent is of a purely decorative nature and does not act as a wall or enclosure, block vision or light, shall be considered a permitted encroachment on yard setback requirements as long as such structures are located entirely upon the private property of the applicant.

(f) For signs, see division (P).

(g) For fences, see division (F).

(2) Where adjacent structures within the same block have front yard setbacks less than those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure.

(3) (a) For height, the building height limits established herein for districts shall not apply to the following:

1. Belfries;
2. Chimneys or flues;
3. Church spires;
4. Cooling towers;
5. Cupolas and domes which do not contain usable space;
6. Elevator penthouse;

- building;
7. Flag poles;
 8. Monuments;
 9. Parapet walls extending not more than three feet above the limiting height of the building;
 10. Water towers;
 11. Poles, towers and other structures for essential services;
 12. Television and radio antennas not exceeding 20 feet above roof.

(b) No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than 25% of the area of such roof nor exceed ten feet unless otherwise noted.

(M) *Manufactured home parks and campgrounds.* All manufactured home parks and campgrounds will be designed and constructed in accordance with the standards as set by the Minnesota Department of Health.

(N) *Parking and loading.*

(1) Multi-family residential developments shall have at least one off-street parking stall per dwelling unit, in addition to what off-street parking is necessary for operations.

(2) All uses other than single-family dwellings shall have enough off-street parking and loading areas for the traffic generated by the use except for the B4, Central Business District zone.

(3) Off-street parking and loading are not required in the B4, Central Business District zone but no activities associated with the use other than customer parking and temporary loading shall take place in the public road right-of-way.

(4) Necessary parking and loading levels as will be determined through the conditional use process and be attached as a condition to the conditional use permit.

(O) *Land alteration.* When a conditional use permit is required, these shall be included:

(1) A finished grade plan which has been determined will not adversely affect other land.

(2) An operation plan showing materials to be moved, traffic movement, erosion control and all associated activities.

(P) *Signs.*

(1) Signs, unless specifically noted otherwise will be exempt from setback requirements of this chapter except from setback requirements from ordinary high water lines.

(2) No sign shall be permitted on rocks or trees.

(3) No sign will be permitted that gives off an intermittent or rotation beam of light.

(4) Signs shall be kept in a reasonable state of repair.

(5) No sign shall be allowed that obstructs driver's vision needed for safe driving or that detracts from the visibility of traffic control devices.

(6) Directional signs in road rights-of-way are regulated by the appropriate road authorization.

(7) Day signs can be placed in road rights-of-way, including sidewalks but they shall not be placed on any driving surface nor shall they inhibit normal pedestrian movement. They shall only be displayed while the use is open for business.

(8) Temporary signs must be removed within seven days of the end of the event.

(9) Unless otherwise noted, only one sign of each type will be allowed per lot.

(Q) *Home occupations.*

(1) *Level 1 - permitted use standards.*

(a) Maximum floor use area: 1,000 square feet (except with uses such as day care where the whole dwelling may be used as a home);

(b) No more than one person, other than the members of the family occupying the dwelling shall be employed in conjunction with the home occupation;

(c) No extra traffic generated over an estimated four vehicle trips per day;

(d) No noise, vibration, glare, fumes, odors, or electrical interference detectable off premises;

(e) There shall be no change in the dwelling unit or premises, or other visible evidence of the conduct of such home occupation (including signs other than the district allows as a permitted use);

(f) No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, garbage) so that the combined total use for the dwelling and home occupation purposes exceeds the average for the residences in the neighborhood; and

(g) No special or hazardous wastes generated.

(h) Note: level 1 home occupation does not have automatic right to expand to level 2 home occupation.

(2) *Level 2 - conditional use standards.*

(a) Level 2 category has a higher intensity of use than those indicated in level 1 permitted standards.

(b) Previous investments will not be used as a reason to override these standards or other valid concerns of conditional uses contained in this chapter.

(c) In considering conditional uses for home occupations (level 2), the outside appearance will be set and added as a condition.

(d) Subsequent non-compliance with any conditions will be cause for discontinuance of the conditional use permit.

(e) Additional conditions may include lighting, hours, buffers, setbacks, service road, signage, platting or other conditions deemed suitable.

(f) Level 2 uses are defined as those uses that don't qualify as level 1 but that:

1. Use less than 2,000 square feet of floor space (except with uses such as day care where the whole dwelling may be used as a home);

2. Employ less than four employees at the site at the same time (other than the occupants of the dwellings);

3. Produce extra traffic generation not more than 12 vehicle trips per day;

4. Produce no noise, vibration, glare, fume, odor or electrical interference detectable off the premises that can't be mitigated with special conditions;

5. Shall cause no increase in the use of any one or more utilities (water, sewer, electricity, garbage) that strain the utility's provision of services;

6. Produce no special or hazardous wastes that require special treatment; and

7. Need no more signage other than allowed in the district's conditional use section.

(3) *Accessory building.* A home occupation may be carried out in an accessory building, with all applicable standards for the designated home occupation level.

(4) *Non-conforming home occupations.* All non-conforming home occupations legally existing prior to the adoption of this chapter shall be allowed to continue, but shall not be allowed to expand, be rebuilt, relocated, replaced or altered without being brought into compliance with all the requirements of this division.

(R) *Sewer and water regulations.*

(1) All new construction and development shall be served by city water and sanitary sewer unless determined by the City Council to be in an area not feasible to extend services.

(2) All existing uses and all new uses in the AH Zone that are allowed to have private sewage treatment or water facilities shall do so in compliance with the regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(3) No stormwater run-off (including sump pumps in dwellings) shall be connected to the city sanitary sewer system.
(Ord. passed 6-3-1997)

§ 150.04 ESTABLISHMENT OF ZONING CLASSIFICATIONS.

(A) *Establishment of districts.* The following classifications are hereby established within the city:

(1) *Residential districts.*

- (a) AH - Agriculture/Holding District;
- (b) R1 - Single-Family Residential District;
- (c) R2 - Medium Density Residential District;
- (d) R3 - High Density Residential District;
- (e) RMN - Mobile Home Park District.

(2) *Business districts.*

- (a) B1 - Limited Business District;
- (b) B2 - Commercial Recreational Shoreland District;
- (c) B3 - General Business District;
- (d) B4 - Central Business District.

(3) *Industrial districts.*

- (a) I1 - Limited Industry District;
- (b) I2 - General Industry District.

(4) *Special districts.*

- (a) FP - Flood Plain District;
- (b) S Shoreland District Overlay.

(B) *Map.* The location and boundaries of the districts established by this chapter are hereby set forth on the zoning map entitled "Waterville Zoning Map." The map shall remain on file with the Zoning Administrator and hereinafter referred to as the zoning map, which map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this chapter by reference.

(C) *Zoning district boundaries.* Zoning district boundary lines of this chapter follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this chapter.

(1) Appeals concerning the exact location of a zoning district boundary line shall be heard by the City Council serving as the Board of Adjustments and Appeals.

(2) When any street, alley or other public right-of-way is vacated by official action of the city, the zoning district abutting the center line of said alley or other public right-of-way shall not be affected by such proceedings.

(3) When any street, alley or other public right-of-way is vacated by official action of the city, the zoning district abutting the center line of the alley or other public right-of-way shall not be affected by the proceedings.

(D) *Flood plain.* The flood plain zone has a separate city ordinance and is shown on the zoning map for informational purposes only.

(E) *Shoreland.* The shoreland zone is an overlay zone. The regulations which are more restrictive (either from the shoreland section or other) shall apply.

(F) *Uses.* Subject to the other regulations of this chapter, legal existing uses can continue as either permitted or non-conforming, new permitted uses listed can proceed and uses listed as conditional must successfully go through the conditional use process. All uses not expressly listed as either permitted or conditional within the district regulations shall be considered prohibited.
(Ord. passed 6-3-1997)

§ 150.05 AH - AGRICULTURE/HOLDING DISTRICT.

(A) *Purpose.* To allow suitable areas to be utilized for low density residential, open space and low intensity agricultural uses and holding back more dense development until city growth warrants more land needs and thereby providing economy in public expenditures for services.

(B) *Permitted uses.*

- (1) Agriculture, but not including feedlots.
- (2) Single-family dwellings;
- (3) Residential facilities serving six or fewer persons;
- (4) Daycare facilities serving ten or fewer persons;
- (5) Essential services;
- (6) Public parks, open space and wild life management;
- (7) One detached private garage per dwelling not over 1,200 square feet in floor area;
- (8) Accessory uses except private garages over 1,200 square feet in floor area;
- (9) Home occupations, level 1;
- (10) Identification, residential and temporary signs.

(C) *Conditional uses.*

- (1) Government and public related buildings and structures;

- (2) Public and semi-public recreational and institutional buildings;
- (3) Commercial recreation where the principal function is outdoor related;
- (4) Commercial riding stables, dog stables, animal hospitals and similar uses;
- (5) Cemeteries;
- (6) Bed and breakfast facilities;
- (7) New farm structures;
- (8) Home occupations, level 2;
- (9) Efficiency apartments;
- (10) Second private garage per dwelling;
- (11) Individual sewage treatment systems;
- (12) Directional signs;
- (13) Land alterations of 400 cubic yards or more;
- (14) Rental cabins.

(D) *Dimensional standards.*

- (1) Lot area: not less than one acre;
- (2) Lot width: not less than 100 feet;
- (3) Lot depth: not less than 150 feet;
- (4) Front yard setback: not less than 30 feet;
- (5) Side yard setback: not less than 20 feet;
- (6) Rear yard setback: not less than 35 feet;
- (7) Building height: not more than 35 feet;
- (8) Accessory building height: not more than nine-foot side walls and the roof pitch shall be no greater than that of the principal dwelling except that new farm structures can have height as set through the conditional use process;
- (9) Maximum sign sizes:
 - (a) Identification signs: 20 square feet;
 - (b) Residential signs: two square feet;

(c) Directional signs: six square feet;

(d) Temporary signs.

(Ord. passed 6-3-1997)

§ 150.06 R1 - SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose.* The purpose of the R1 Single-Family District is to provide for low density single-family detached residential dwelling units and directly related, complimentary uses.

(B) *Permitted uses.*

- (1) Single-family detached dwellings;
- (2) Residential facilities serving six or fewer persons;
- (3) Day care facilities serving ten or fewer persons;
- (4) Essential services;
- (5) Residential and temporary signs;
- (6) Home occupations, level 1;
- (7) Two private garages per dwelling not over 1,200 square feet in floor area;
- (8) Accessory uses except private garages over 1,200 square feet in floor area;
- (9) Public parks but no buildings other than toilets and storage sheds.

(C) *Conditional uses.*

- (1) Public buildings in connection with parks or neighborhood centers but not offices;
- (2) Schools (K-12) and churches;
- (3) One efficiency apartment per dwelling;
- (4) Land alterations of 400 cubic yards or more;
- (5) Bed and breakfast facilities;
- (6) Rental cabins;
- (7) Bowling alleys.

(D) *Dimensional standards.*

- (1) Lot area: not less than 12,000 square feet;

- (2) Lot width: not less than 80 feet;
 - (3) Lot depth: not less than 130 feet;
 - (4) Front yard setback: not less than 30 feet;
 - (5) Side yard setback: not less than ten feet;
 - (6) Rear yard setback: not less than 25 feet;
 - (7) Building height: not more than two and one-half stories or 35 feet, whichever is lesser;
 - (8) Private garage height: sidewalls shall not be more than nine feet and the roof pitch shall be no greater than that of the principal dwelling structure;
 - (9) Maximum sign sizes: residential signs - two square feet;
 - (10) Dwellings shall be at least 20 feet in width and on a permanent foundation.
- (Ord. passed 6-3-1997)

§ 150.07 R2 - MEDIUM DENSITY RESIDENTIAL DISTRICT.

(A) *Purpose.* To provide a greater variety in housing types by allowing medium density residential development at an overall density ranging up to seven units per acre.

(B) *Permitted uses.*

- (1) Single-family detached dwellings;
- (2) Residential facilities serving six or fewer persons;
- (3) Day care facilities serving ten or fewer persons;
- (4) Essential services;
- (5) Residential and temporary signs;
- (6) Home occupations, level 1;
- (7) Two detached private garages per dwelling not over 1,200 square feet in floor area;
- (8) Accessory uses except private garages over 1,200 square feet in floor area;
- (9) Public parks but no buildings other than toilets and storage sheds;
- (10) Multi-family dwellings with four or less dwelling units.

(C) *Conditional uses.*

- (1) Public buildings in connection with parks or neighborhood centers but not offices;

- (2) Schools (K-12) and churches;
- (3) One efficiency apartment per dwelling;
- (4) Residential facilities, day care facilities and assisted living facilities;
- (5) Residential Planned Unit Developments, but no attached unit structures over four units;
- (6) Home occupations, level 2 (including identification sign);
- (7) Private garage over 1,200 square feet in floor area;
- (8) Public and semi-public buildings;
- (9) Medical facilities and nursing homes;
- (10) Funeral homes;
- (11) Directional and identifications;
- (12) Land alterations of 400 cubic yards or more;
- (13) Bed and breakfast facilities;
- (14) Rental cabins.

(D) *Dimensional standards.*

- (1) *Lot area.*
 - (a) Single-family dwelling: not less than 10,000 square feet;
 - (b) Two-family dwelling: not less than 12,000 square feet;
 - (c) Three- and four-family dwelling: not less than 15,000 square feet.
- (2) *Lot width.*
 - (a) Single-family dwelling: not less than 75 feet;
 - (b) Duplex dwelling: not less than 90 feet;
 - (c) Triplex and quad dwelling: not less than 100 feet.
- (3) *Lot depth.* Not less than 130 feet.
- (4) *Front yard setback.* Not less than 30 feet.
- (5) *Side yard setback.* Not less than 10 feet.
- (6) *Rear yard setback.* Not less than 25 feet.

(7) *Building height.* Not more 35 feet.

(8) *Private garage height.* Sidewalls shall not be more than ten feet and the roof pitch shall be no greater than that of the principal dwelling structure.

(9) *Maximum sign sizes.*

(a) Residential signs: two square feet;

(b) Identification signs: four square feet;

(c) Directional signs: four square feet.

(Ord. passed 6-3-1997)

§ 150.08 R3 - HIGH DENSITY RESIDENTIAL DISTRICT.

(A) *Purpose.* To provide for areas in which higher density housing in multiple-family structures and directly related, complimentary uses may occur.

(B) *Permitted uses.*

(1) Residential facilities serving six or fewer persons;

(2) Day care facilities serving ten or fewer persons;

(3) Temporary, residential, directional and identification signs;

(4) Home occupations, level 1;

(5) Essential services;

(6) Accessory uses;

(7) Single-family dwellings and multi-family dwellings with four or less dwelling units.

(C) *Conditional uses.*

(1) Multi-family dwellings over four dwelling units;

(2) Residential facilities, day care facilities and assisted living facilities;

(3) Residential planned unit development;

(4) Home occupation, level 2;

(5) Additional identification signs;

(6) Land alterations of 400 cubic yards or more;

(7) Bed and breakfast facilities;

(8) Rental cabins.

(D) *Dimensional standards.*

(1) Lot area: not less than 15,000 square feet;

(2) Lot width: not less than 100 feet;

(3) Lot depth: not less than 130 feet;

(4) Front yard setback: not less than 30 feet;

(5) Side yard setback: not less than 15 feet but not less than 30 feet where abutting district is a Residential District;

(6) Rear yard setback: not less than 30 feet;

(7) Maximum sign sizes:

(a) Identification signs: 20 square feet;

(b) Directional signs: six square feet;

(c) Residential signs: two square feet.

(Ord. passed 6-3-1997)

§ 150.09 R4 - MANUFACTURED HOME PARK DISTRICT.

(A) *Purpose.* To provide a special district for manufactured home parks, distinct from other residential areas.

(B) *Permitted uses.*

(1) Day care facilities serving six or fewer persons;

(2) Essential services;

(3) Public parks and playgrounds;

(4) Residential, temporary and directional and identification signs;

(C) *Conditional uses.*

(1) Manufactured home parks and accessory uses including identification signs;

(2) Land alterations of 400 cubic yards or more;

(3) Additional identification signs;

(4) Bed and breakfast facilities;

(5) Rental cabins.

(D) *Dimensional standards.*

(1) These shall be as regulated by the Minnesota Department of Health regulations except that all yard setbacks abutting other property shall be not less than 50 feet and front yard setback shall not be less than 30 feet.

(2) The following are maximum sign sizes:

(a) Directional signs: six square feet;

(b) Identification signs: 32 square feet;

(c) Residential signs: two square feet.

(Ord. passed 6-3-1997)

§ 150.10 10 B1 - LIMITED BUSINESS DISTRICT.

(A) *Purpose.* To provide for low intensity retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and are to be located only in areas which are well served by collector or arterial street facilities at the edge of residential districts.

(B) *Permitted uses.*

(1) Essential services;

(2) Accessory structures;

(3) Identification, day, directional and temporary signs;

(4) Single-family dwellings and multi-family dwellings with four or less dwelling units.

(C) *Permitted and conditional uses.* The following are permitted uses if only existing buildings are utilized. They are conditional uses if additions or new buildings are needed.

(1) Antique or gift shop;

(2) Art and school supplies;

(3) Bakery goods and baking of goods for retail sales on the premises;

(4) Bank, savings and loan, savings credit unions and other financial institutions;

(5) Barber shops;

(6) Beauty salons;

(7) Bicycle sales and repair;

- (8) Candy, ice cream, popcorn, nuts, frozen deserts and soft drinks;
- (9) Camera and photographic supplies;
- (10) Commercial (leased) and professional offices;
- (11) Delicatessen;
- (12) Dry cleaning pick-up and laundry pick-up stations including incidental repair and assembly but not including processing;
- (13) Drug store;
- (14) Essential services;
- (15) Florist shop;
- (16) Frozen food store but not including a locker plant;
- (17) Gift or novelty store;
- (18) Grocery, fruit or vegetable store but not including sales from movable motorized vehicles;
- (19) Grocery, supermarket;
- (20) Hardware store;
- (21) Hobby store, including handicraft classes but not to exceed 15 students;
- (22) Ice sales with storage not to exceed five tons;
- (23) Insurance sales;
- (24) Laundromat, self-service washing and drying;
- (25) Liquor, off-sale;
- (26) Locksmith;
- (27) Meat market but not including processing for a locker plant;
- (28) Medical and dental offices and clinics;
- (29) Paint and wallpaper sales;
- (30) Plumbing, television, radio, electrical sales and such repair as are accessory use to the retail establishments permitted within this district;
- (31) Public utility collection offices;
- (32) Public garage;

(33) Real estate sales;

(34) Shoe repair;

(35) Funeral homes.

(D) *Conditional uses.*

(1) Additional identification signs;

(2) Land alterations of 400 cubic yards or more;

(3) Bed and breakfast facilities;

(4) Rental cabins;

(5) Multi-family dwellings with more than four dwelling units.

(E) *Dimensional standards.*

(1) Lot area: none;

(2) Lot width: not less than 100 feet;

(3) Lot depth: not less than 120 feet;

(4) Front yard setback: not less than 30 feet;

(5) Side yard setback: not less than 15 feet;

(6) Rear yard setback: not less than 30 feet;

(7) All yard setbacks abutting Residential Districts: not less than 50 feet;

(8) Maximum building height: three stories or 36 feet, whichever is least;

(9) Maximum sign sizes:

(a) Day signs and identification signs: 12 square feet;

(b) Flush mounted identification signs: 32 square feet.

(Ord. passed 6-3-1997)

§ 150.11 B2 – COMMERCIAL RECREATIONAL SHORELAND DISTRICT.

(A) *Purpose.* To provide for the establishment of commercial recreational activities in those areas of Waterville that would serve the recreational needs of the residents and encourage tourism in the community.

(B) *Permitted uses.*

- (1) Essential services;
- (2) Accessory structures;
- (3) Identification, day, directional and temporary signs;
- (4) Single-family dwellings and multi-family dwellings with four or less dwelling units;

(C) *Conditional uses.*

- (1) Restaurants;
- (2) Taverns where the main function is serving a resort or recreational development;
- (3) Golf courses, nine- or 18-hole standard length, and clubhouses;
- (4) Sporting goods establishments, outfitters and suppliers and bait shops;
- (5) Service and storage marinas, harbor and docking facilities;
- (6) Auditoriums or dinner-dance establishments, etc. for public entertainment and use;
- (7) Campgrounds;
- (8) Parks, playgrounds, recreational areas, nature trails, snowmobile trails, ski trails and similar facilities;
- (9) Commercial Planned Unit Developments;
- (10) Resort facilities (to include lodges, cabins, guest houses, motels and the like);
- (11) Land alterations of 400 cubic yards or more;
- (12) Advertising signs and additional other signs.

(D) *Dimensional standards.*

- (1) Lot area: not less than 15,000 square feet;
- (2) Lot width: not less than 100 feet;
- (3) Lot depth: not less than 175 feet;
- (4) Front yard setback: not less than 30 feet;
- (5) Side yard setback: not less than 15 feet;
- (6) Rear yard setback: not less than 35 feet;
- (7) All yard setbacks abutting Residential Districts: not less than 50 feet;

(8) Maximum building height: three stories or 36 feet, whichever is least;

(9) Maximum Sign Sizes:

(a) Day signs and identification signs: two square feet;

(b) Identification signs: 32 square feet;

(c) Directional signs: six square feet;

(d) Advertising signs: 32 square feet.

(Ord. passed 6-3-1997)

§ 150.12 B3 - GENERAL BUSINESS DISTRICT.

(A) *Purpose.* To provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas which are well served by collector or arterial street facilities outside the Central Business District.

(B) *Permitted uses.*

(1) Essential services;

(2) Accessory structures;

(3) Identification, day, directional and temporary signs;

(4) Single-family dwellings and multi-family dwellings with four or less dwelling units;

(C) *Permitted and conditional uses.* The following are permitted uses if only existing buildings are utilized. They are conditional uses if additions or new buildings are needed.

(1) All of the uses in § 150.10(C), permitted and conditional uses;

(2) Auto accessory stores;

(3) Amusement places (such as dance halls or roller rinks);

(4) Animal clinics (with no over night care);

(5) Enclosed boat and marine sales;

(6) Books, office supplies or stationary stores;

(7) Bowling alleys;

(8) Carpet, rugs and tile;

(9) Coin and philatelic stores;

(10) Commercial recreational stores;

- (11) Copy service and instant offset printing service;
- (12) Costume, clothes rental;
- (13) Department and discount stores;
- (14) Dry cleaning including plant accessory heretofore, pressing and repairing;
- (15) Dry goods store;
- (16) Electrical appliance stores including incidental repair and assembly, but not fabricating or manufacturing;
- (17) Employment agencies;
- (18) Finance companies;
- (19) Furniture stores;
- (20) Furriers when conducted only for retail trade on premises;
- (21) Garden supply stores;
- (22) Government and public utility buildings;
- (23) Haberdasheries and ladies ready-to-wear;
- (24) Insurance sales, claims and branch offices;
- (25) Jewelry stores and watch repair;
- (26) Leather goods and luggage stores;
- (27) Motor vehicles and recreation equipment sales and garages accessory thereto;
- (28) Motels, motor hotels, and hotels provided that the lot contains not less than 500 square feet of lot per unit.

(D) *Conditional uses.*

- (1) Additional signs and larger sign sizes;
- (2) Advertising signs;
- (3) Drive-in and convenience food establishments;
- (4) Car washes;
- (5) Motor fuel stations, auto repair and tire and battery stores;
- (6) Open or outdoor service, sale and rental;

- (7) Additional building height;
- (8) Land alterations of 400 cubic yards or more;
- (9) Bed and breakfast facilities;
- (10) Rental cabins.

(E) *Dimensional standards.*

- (1) Lot width: not less than 100 feet;
- (2) Lot depth: not less than 120 feet;
- (3) Front yard setback: not less than 30 feet;
- (4) Side yard setback: not less than 20 feet;
- (5) All yard setbacks abutting Residential Districts: not less than 50 feet;
- (6) Maximum building height: three stories or 36 feet, whichever is least;
- (7) Maximum sign sizes:
 - (a) Day signs: 12 square feet;
 - (b) Identification signs: 32 square feet;
 - (c) Directional signs: six square feet;
 - (d) Advertising signs: 32 square feet.

(Ord. passed 6-3-1997)

§ 150.13 B4 – CENTRAL BUSINESS DISTRICT.

(A) *Purpose.* To provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region within an area designated as the Central Business District.

(B) *Permitted uses.*

- (1) Essential services;
- (2) Accessory structures;
- (3) Identification, day, directional and temporary signs;
- (4) Single-family dwellings and multi-family dwellings with four or less dwelling units.

(C) *Permitted and conditional uses.* The following are permitted uses if only existing buildings

are utilized; they are conditional uses if additions or new buildings are needed: All of the uses in § 150.12(C), permitted and conditional uses.

(D) *Conditional uses.*

- (1) Additional signs and larger sign sizes;
- (2) Advertising signs;
- (3) Residential use of the floors above ground level where there is separate access to outside;
- (4) Land alterations of 400 cubic yards or more;
- (5) Bed and breakfast facilities;
- (6) Rental cabins.

(E) *Dimensional standards.*

- (1) All yard setbacks abutting or across from Residential Districts: not less than 20 feet;
- (2) Maximum building height: three stories or 36 feet, whichever is least;
- (3) Maximum sign sizes:
 - (a) Day signs: 12 square feet;
 - (b) Identification signs: 32 square feet except where hanging from building over sidewalk, then 12 square feet;
 - (c) Directional signs: six square feet.

(Ord. passed 6-3-1997)

§ 150.14 IL – LIMITED INDUSTRY DISTRICT.

(A) *Purpose.* To provide for the establishment of warehousing and light industrial development. The overall character of the IL District is intended to be transitional in nature, thus industrial uses allowed in this District shall be limited to those which can compatibly exist adjacent to the commercial used, but require isolation from residential uses.

(B) *Permitted uses.*

- (1) Essential services.
- (2) Accessory structures;
- (3) Identification, day, directional and temporary signs;
- (4) Single-family dwellings and multi-family dwellings with four or less dwelling units.

(C) *Permitted and conditional uses.* The following are permitted uses if only existing buildings

are utilized. They are conditional uses if additions or new buildings are needed.

- (1) Assembly, manufacturing, fabricating or processing of the following:
 - (a) Apparel;
 - (b) Artificial limbs;
 - (c) Bakery goods, for sale or use off the premises;
 - (d) Batteries;
 - (e) Bed springs and mattresses;
 - (f) Belting and chain conveyors;
 - (g) Bicycles and toys;
 - (h) Cabinets;
 - (i) Cameras and photographic supplies;
 - (j) Canvas and canvas goods;
 - (k) Ceramic products;
 - (l) Cork products;
 - (m) Drugs, cosmetics, pharmaceuticals, toiletries;
 - (n) Electrical motors, generators, transformers and controls;
 - (o) Electrical and electronic products;
 - (p) Felt products;
 - (q) Musical instruments;
 - (r) Packaging;
 - (s) Products made of glass, cellophane, leather, plastic or wood;
 - (t) Sporting equipment;
 - (u) Televisions, radios and appliances;
 - (v) Tobacco products;
- (2) Automobile major repair;
- (3) Building materials sales;

- (4) Canning, packaging and storage of food stuff;
- (5) Cartage and express facilities;
- (6) Cartography, blue printing and reproduction services;
- (7) Commercial printing and engraving;
- (8) Contractors offices, shops and yards for plumbing, heating, glazing, painting, appear hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration;
- (9) Creamery, dairy plants and ice cream plants;
- (10) Dry cleaning plants;
- (11) Equipment storage interior;
- (12) Electrical service shops;
- (13) Equipment storage;
- (14) Essential services;
- (15) Farm implement and heavy equipment sales;
- (16) Government and public utility buildings and structures;
- (17) Jewelry manufacturing;
- (18) Machine shops;
- (19) Medical, dental and optical laboratories;
- (20) Radio and television stations;
- (21) Research laboratories and facilities;
- (22) Trade schools;
- (23) Transportation terminals;
- (24) Warehouses;
- (25) Wholesale business.

(D) *Conditional uses.*

- (1) Open and outdoor storage as a principal or accessory use;
- (2) Retail selling of products made on the premises;
- (3) Adding on to or rebuilding of a building for a legal non-conforming use;

- (4) Industrial planned unit development;
- (5) Additional building height;
- (6) Advertising signs;
- (7) Additional signs and larger sign size;
- (8) Land alterations of 400 cubic yards or more.

(E) *Dimensional standards.*

- (1) Lot area: not less than 20,000 square feet;
- (2) Lot width: not less than 100 feet;
- (3) Front yard setback: not less than 30 feet;
- (4) Side yard setback: not less than 20 feet;
- (5) Rear yard setback: not less than 30 feet;
- (6) All yard setbacks abutting Residential Districts: not less than 50 feet;
- (7) Maximum building height: three stories or 36 feet, whichever is least;
- (8) Maximum sign sizes:
 - (a) Day signs: 12 square feet;
 - (b) Identification signs: 50 square feet;
 - (c) Directional signs: six square feet;
 - (d) Advertising signs: 50 square feet.

(Ord. passed 6-3-1997)

§ 150.15 I2 – GENERAL INDUSTRY DISTRICT.

(A) *Purpose.* The I2 General Industry District is to provide for the establishment of heavy industrial manufacturing development and uses which because of the nature of the product or character of activity requires isolation from residential or commercial use.

(B) *Permitted uses.*

- (1) Essential services;

- (2) Accessory structures;
- (3) Identification, day, directional and temporary signs;
- (4) Single-family dwellings and multi-family dwellings with four or less dwelling units.

(C) *Permitted and conditional uses.* The following are permitted uses if only existing buildings are utilized. They are conditional uses if additions or new buildings are needed.

- (1) All of the uses in § 150.14(C), permitted and conditional uses;
- (2) The manufacturing, compounding, assembly, packaging, treatment or storage of products and materials;
- (3) Processing of building stone, marble or granite products not including extraction or quarrying;

(D) *Conditional uses.*

- (1) Open and outdoor storage as a principal use;
- (2) Retail selling of products made on the premises;
- (3) Adding on to or rebuilding a building for a legal non-conforming use;
- (4) Auto wrecking, junk yard, used auto parts (open storage) and similar uses;
- (5) Incineration or reduction of waste material other than customarily incidental to a principal use (recycling center);
- (6) Industrial planned unit development;
- (7) Additional building height;
- (8) Additional signs and larger sign size;
- (9) Advertising signs;
- (10) Storage, utilization or manufacturing of materials or products which could decompose by denotation;
- (11) Refuse and garbage disposal;
- (12) Crude oil, gasoline, or other liquid storage tanks;
- (13) Electric light or power generating station;
- (14) Extraction, quarrying, mining, processing, or storage of sand, gravel, building stone or other raw materials.

(E) *Dimensional standards.*

- (1) Lot area: not less than 22,000 square feet;
- (2) Lot width: not less than 100 feet;
- (3) Front yard setback: not less than 35 feet;
- (4) Side yard setback: not less than 20 feet;
- (5) Rear yard setback: not less than 20 feet;
- (6) All yard setbacks abutting Residential Districts: not less than 50 feet;
- (7) Maximum building height: three stories or 36 feet, whichever is least;
- (8) Maximum sign sizes:
 - (a) Day signs: 12 square feet;
 - (b) Identification signs: 50 square feet;
 - (c) Directional signs: 12 square feet;
 - (d) Advertising signs: 50 square feet.

(Ord. passed 6-3-1997)

§ 150.16 S - SHORELAND DISTRICT.

(A) *Shoreland Districts.* The shorelands within the city are hereby designated as Shoreland Districts and the requirements set forth in this chapter shall govern development and other activities within these districts.

(B) *District application.* The S Shoreland District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this chapter. The regulations and requirements imposed by the S Shoreland District shall be in addition to those established for districts which jointly apply. With this overlay of districts, the more restrictive requirements shall apply.

(C) *Boundaries.* The boundaries of the Shoreland District are established within the following distances from the ordinary high water mark of the surface water:

<i>Surface Water</i>	<i>Distance</i>
Lakes	1,000 feet
Rivers and streams	300 feet

(D) *Shoreland classification.* The surface waters affected by this section and which require controlled development of their shoreland (Shoreland District) are shown on the map designated as the official "Shoreland Map of the City of Waterville" which is properly approved and made a part of the chapter and filed with the Zoning Administrator.

<i>Surface Water Distribution</i>		
<i>DNR Identification Number</i>	<i>Name</i>	<i>Classification</i>
40-2	Upper Sakatah	Recreation/Development
40-31	Tetonka	Recreation/Development
—	Waterville Creek	Tributary River
—	White Water Creek	Tributary River

(E) *Minimum lot size requirements (square feet)*. The following are minimum lot size requirements.

Single	12,000
Duplex	20,000

Triplex	28,000
Quad	36,000

(F) *Minimum setback requirements (feet).* The following are minimum setback requirements.

(1) From ordinary high water line:

	<i>No Sewer (ft)</i>	<i>Sewer (ft)</i>
Recreational Dev.	100	75
Tributary River	100	50

(2) From highways:

Federal/State/County	50 ft.
Other	20 ft.

(3) (a) From top of bluff: 30 ft.;

(b) Also, no structure except stairways and landings may be placed in the bluff impact zone.

(4) From unplatted cemeteries: 50 ft.

(5) Sewage systems from ordinary high water level: 75 ft.

(G) *Structure height requirements.*

(1) The lowest floor level shall be at least three feet above the highest known water level or three feet above the ordinary high water level, whichever is greater;

(2) Structures in residential areas shall not exceed 25 feet in height.

(H) *Shoreland development standards.*

(1) *Individual septic systems and water supply.*

(a) Public sewer shall be used when possible.

(b) A sewage treatment system not meeting the requirements of this chapter must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of the property. For the purposes of this provision, a sewage treatment system shall not be considered non-conforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

(c) All septic systems not in conformity with this chapter and MPCA Rule Chapter 7080 shall be upgraded within two years of the passage of this chapter to conform to the provisions hereof and MPCA Rule Chapter 7080.

(d) a. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

b. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

(2) *Water-oriented accessory structures.* Each lot may have one water-oriented accessory structure not meeting the normal structure setback in this chapter if this water-oriented accessory structure complies with the following provisions:

(a) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at point;

(b) The setback of the structure or facility from the ordinary high water level must be at least ten feet.

(c) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.

(d) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

(e) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

(f) As an alternative for general development and recreational development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

(3) *Stairways, lifts and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

(a) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.

(b) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments.

(c) Canopies or roofs are not allowed on stairways, lifts or landings.

(d) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

(e) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

(f) Facilities such as ramps, lifts, or mobility paths for physically challenged persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of division (H)(1) to (5) above are complied with in addition to the requirements of Minn. Rules Chapter 1340.

(4) *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(5) *Steep slopes.* The city must evaluate possible erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, condition must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

(6) *Vegetation alterations.*

(a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this chapter are exempt from the vegetation alteration standards that follow.

(b) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this chapter is allowed subject to the following standards:

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions is not substantially reduced along rivers; existing shading of water surface is preserved; and the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

3. Use of fertilizer and pesticides in the Shoreland Management District must be done in such a way as to minimize run-off into the shore impact zone or public water by the use of earth, vegetation, or both.

(7) Topographic alterations/grading and filling.

(a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate permit. Grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems and driveways.

(b) Notwithstanding division (H)(7)(a) above, a zoning permit for grading and filling will be required for:

1. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(c) The following considerations and conditions must be adhered to during the issuance of zoning permits, conditional use permits, variances and subdivision approvals:

1. Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland: sediment and pollutant trapping and retention; storage of surface run-off to prevent or reduce flood damage; fish and wildlife habitat; recreational use; shoreland or bank stabilization; and note worthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

3. Mulches or similar material must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts of the United States Soil Conservation Service.

6. Fill or excavated material must not be placed in a manner that creates an unstable slope.

7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30% or greater.

8. Fill or excavated material must not be placed in bluff impact zones.

9. Any alterations below the ordinary high water level of public waters must first

be authorized by the commissioner under M.S. § 103G.245, as it may be amended from time to time.

10. Alterations of topography must only be allowed if they are permitted or conditional uses and do not adversely affect adjacent or nearby properties.

11. Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip rap is within ten feet of the ordinary high water level, and the height of the rip rap above the ordinary high water level does not exceed three feet.

(8) *Placement and design of roads, driveways and parking areas.*

(a) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

(b) Roads, driveways, and parking areas must meet structure setback and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

(c) Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of this chapter must be met.

(9) *Stormwater management.* The following general and specific standards shall apply.

(a) *General standards.*

1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be to convey, store, filter, and retain stormwater run-off before discharge to public waters.

2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential, and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater run-off using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

(b) *Specific standards.*

1. Impervious surface coverage of lots must not exceed 25% of the lot area.

2. When constructed facilities are used for stormwater management, documentation

must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

3. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(10) *Agricultural use standards.* General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(I) *Conditional uses.* Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply with shoreland areas:

(1) *Evaluation criteria.* A thorough evaluation of the waterbody and the topographic vegetation, and soils conditions on the site must be made to ensure:

(a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

(b) The visibility of structures and other facilities as viewed from public waters is limited;

(c) The site is adequate for water supply and on-site sewage treatment; and

(d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(2) *Conditions attached to conditional use permits.* The city, upon consideration of the criteria listed above and the purposes of this chapter, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

(a) The increased setbacks from the ordinary high water level;

(b) Limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted; and

(c) Special provisions for the location of design, and the use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(J) *Subdivision/platting provisions.*

(1) *Land suitability.* Each lot created through subdivision, authorized under this chapter, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(2) *Consistency with other controls.* Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this chapter and MPCA Chapter 7080 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements, including at least a minimum contiguous law area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems where public sewer is unavailable. Lots that would require use of holding tanks must not be approved.

(3) *Information requirements.* Subdivision applications will include the following information:

(a) Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

(b) The surface water features required in M.S. § 505.02, Subd. 1, as it may be amended from time to time, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

(c) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

(d) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater run-off and erosion, both during and after construction activities; and

(e) Location of 100-year flood plain areas from existing maps or data.

(K) *Standards for commercial, industrial, Public, and semi-public uses.*

(1) Surface water oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards:

(a) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this chapter, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

(b) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to

meet the need.

(c) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information of safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.

2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices; must not be located higher than ten feet above the ground; and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.

3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

(2) Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(L) *Extractive use standards.*

(1) Processing machinery must be located consistently with setback standards for structures from ordinary high water levels of public waters and from bluffs.

(2) An extractive use site development and restoration plan must be developed, approved by the local government, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

(Ord. passed 6-3-1997; Ord. passed 9-3-2002)

§ 150.17 PLANNED UNIT DEVELOPMENTS (PUDS) IN SHORELAND.

(A) *Types of PUDs permissible.* PUDs are planned unit developments (PUDs) and are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are allowable use are identified in the land use district descriptions of this chapter and the official zoning map.

(B) *Processing of PUDs*. PUDs must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or less new dwelling units or sites since the date this chapter was adopted, is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures. Approval cannot occur until the environmental review process (EAW/EIS) is completed.

(C) *Application for a PUD*. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

(1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

(2) A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of this chapter.

(3) Deed restrictions, covenants, permanent easements or other instruments that:

(a) Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and

(b) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this chapter.

(4) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

(5) Those additional documents, as requested by the Planning Commission, that are necessary to explain how the PUD will be designed and will function.

(D) *Site “suitable area” evaluation*. Proposed new or expansion to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation.

(1) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<i>Shoreland Tier Dimensions</i>	
All river classes	300 feet
Recreation development lakes	267 feet

(2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

(E) *Residential and commercial PUD density evaluation.* The procedures for determining the base density of a PUD and density increase multipliers are as follow. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

(1) Residential PUD base density evaluation: The suitable area within each tier is divided by 12,000 to yield a base density of dwelling units or sites for each tier. Proposed locations and number of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria.

(2) Commercial PUD base density evaluation:

(a) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

(b) Select the appropriate floor area ratio from the following table:

<i>Commercial Planned Unit Development</i>		
<i>Floor Area Ratios*</i>		
<i>Public Water Classes</i>		
<i>*Average Unit Floor Area (sq. ft.)</i>	<i>Agricultural and Tributary River Segments</i>	<i>Recreational Development Lakes</i>
200	.040	.030
300	.048	.036
400	.056	.042
500	.065	.049
600	.072	.055
700	.082	.062
800	.091	.069
900	.099	.075
1,000	.018	.081
1,100	.116	.087
1,200	.125	.095
1,300	.133	.101
1,400	.142	.107
1,500	.150	.113
<p>*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ration equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.</p>		
<p>a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards are met or exceeded and the design criteria are satisfied. The allowable density increases below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25% greater than the minimum setback.</p>		

b. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

Density Evaluation Tiers

***Maximum Density Increase
Within Each Tier (Percent)***

First	50
Second	100
Third	200
Fourth	200
Fifth	200

c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

d. Divide the total floor area by tier computed in Item C above by the average inside living area size determined in Item A above. This yields a base number of dwelling units and sites for each tier.

e. Proposed locations and numbers of dwelling units or sites for the commercial PUD are then compared with the tier, density and suitability analysis herein and the design criteria in § 150.17(F).

(F) *Maintenance and design criteria.*

(1) *Maintenance and administration requirements.*

(a) *Prior to PUD approval.* Before final approval of a PUD, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(b) *Open space preservation.* Deed restrictions, covenants, permanent easements, public dedication and acceptance, 'or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

1. Commercial uses prohibited (for residential PUDs);
2. Vegetation and topographic alterations other than routine maintenance prohibited;
3. Construction of additional buildings or storage of vehicles and other materials prohibited; and
4. Uncontrolled beaching of watercraft prohibited.

(c) *Development organization and functioning.* Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
3. Assessments must be adjustable to accommodate changing conditions; and
4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(2) *Open space requirements.* Planned Unit Developments must contain open space meeting all of the following criteria:

- (a) At least 50% of the total project area must be preserved as open space.
- (b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
- (c) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
- (d) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
- (e) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- (f) Open space must not include commercial facilities or uses, but may contain water oriented accessory structures or facilities.
- (g) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- (h) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUDs, at least 50% of the shore impact zone must be preserved in its natural state.

(3) *Erosion control and stormwater management.* Erosion control and stormwater management plans must be developed and the PUD must:

- (a) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the

amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

(b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater run-off. Impervious surface coverage within any tier must not exceed 25% of the tier area, except that for commercial PUDs, 35% impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with this chapter.

(4) *Centralization and design of facilities.* Centralization and design of facilities and structures must be done according to the following standards:

(a) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and this chapter. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

(b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with this chapter for developments with density increases.

(c) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

(d) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

(e) Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.

(f) Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in this chapter and are centralized.

(G) *Conversions.* Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments. All of the following standards are met.

(1) Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

(2) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

(3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include where applicable, the following:

(a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.

(b) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.

(c) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansion in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

(4) Existing dwelling unit or dwelling site densities that exceed standards may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.
(Ord. passed 6-3-1997)

§ 150.18 ADMINISTRATION.

(A) *Zoning administration.* This chapter shall be administered and enforced by the Zoning Administrator who is appointed by the City Council. The Zoning Administrator may institute, in the name of the city, any appropriate actions or proceedings against a violator as provided by statute, charter or ordinance.

(B) *Planning Commission.* The Planning Commission membership is appointed by the City Council. The duties include:

(1) Engage in land use planning activities;

(2) Prepare and recommend ordinances and amendments based on the planning;

(3) Review and recommend on requests for amendments to ordinances and conditional use permits; and

(4) Hold public hearings on the above.

(C) *Zoning permits.* Unless specifically exempted herein, zoning permits will be required for new structures, moved structures, outside dimensional alterations to structures, sewage systems, fences and certain cutting/fill as regulated by the Shoreland Section. Zoning permits will not be required for

residing, reshingling, interior changes that do not affect the outside dimension of the structure or at grade walks, patios or driveways that don't violate lot coverage by impervious surface standards.

(D) *Application.* Application for a zoning permit shall be filed with the Zoning Administrator and within ten days a permit will be issued or delayed with reason stated. If the reason(s) for non-issuance can be mitigated by reconfiguration, variance, conditional use or amendment, the original application can continue. The application will be accompanied by a property description, site map and description of proposal. A fee will be established by the City Council by resolution.

(E) *Violations.* Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be fined not more than the maximum penalty for misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

(F) *Deadlines for city action regarding applications for variances, amendments, rezonings, and appeals.* When all application requirements have been complied with and the request is considered as officially submitted, the city must, except as otherwise provided herein and notwithstanding any other law to the contrary, approve or deny within 60 days. Failure to do so results in automatic approval of the request. A denial must include a written reason.

(1) In requesting additional information from the applicant, the city must do so in writing, within ten business days of the original application (or follow-up submittals) in order to start the 60-day limit over.

(2) If an action requires the approval of more than one state agency in the executive branch, the 60-day period begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(3) The time limit is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(4) The time limit is extended if:

(a) A request submitted to a state agency requires prior approval of a federal agency; or

(b) An application submitted to a city, county, town, school district, metropolitan, or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for action is extended to 60 days after the required prior approval is granted.

(5) The city may extend the timeline before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.
(Ord. passed 6-3-1997)

§ 150.19 AMENDMENTS AND CONDITIONAL USE PERMITS.

(A) Procedure.

(1) *Application.* Requests for amendments or conditional use permits, as provided within this chapter, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided for by the City Council resolution. This fee shall not be refunded. Such application shall also be accompanied by a detailed written and graphic materials and site map necessary to fully explain the proposed change, development, or use.

(2) *Staff review/technical assistance reports.* Upon receipt of an application for an amendment or conditional use permit, the Zoning Administrator shall review, and when deemed necessary, refer the request to appropriate staff to ensure that informational requirements are complied with. If more information is required, the applicant will be notified in writing from the city of the additional information needed. When all informational requirements have been complied with, the request shall be considered officially submitted. Also, when deemed necessary, the Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the Planning Commission and City Council.

(3) *Public hearing.* Upon official submission of the request, the Zoning Administrator shall set a public hearing on the request for the next Planning Commission meeting and have the hearing published in the official newspaper. Such notice shall contain a legal property description and description of the request and shall be published no less than ten days prior to the hearing. Written notification of the hearing shall also be mailed at least ten days prior to the date of the hearing to all owners of land within 350 feet of the boundary of the property in question, unless it is a city-wide text amendment, and to the Minnesota Department of Natural Resources if in Shoreland. Failure of a property owner to receive said notice shall not invalidate any such proceedings provided a bona fide effort by the city has been made and documented.

(4) *Planning commission action.* The Planning Commission shall conduct the public hearing at which time the applicant or a representative thereof shall appear to answer questions concerning the proposed request.

(a) The Planning Commission shall consider possible adverse effects of the proposed amendment or conditional use. Its judgment shall be based upon (but not limited to) the following factors:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive plan;
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all standards contained herein.
4. The proposed use will not tend to or actually depreciate the area in which it is proposed.
5. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.

(b) The Planning Commission shall have the authority to request additional information from the applicant information from the applicant concerning operational factor or to retain expert testimony with the consent and at the expense of the applicant.

(c) The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of the chapter. Such recommendation shall be in writing and accompanied by any report and recommendation of the city staff. The written recommendation of the Planning Commission shall be forwarded by the Zoning Administrator for consideration by the City Council.

(5) *City Council action.* Upon receiving the request and any report and recommendation of the Planning Commission and the city staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact.

(a) Approval of a request shall require passage by a four-fifths vote of the City Council.

(b) Whenever an application for an amendment or conditional use permit has been considered and denied by the City Council, a similar application for the amendment or conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or Council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the full City Council.

(c) Written notification of the City Council's decision regarding the conditional use or amendment request shall be mailed to the applicant (and the Minnesota Department of Natural Resources if in Shoreland) within ten days of the date of the action.

(B) *Amendments.*

(1) *Initiation.* The City Council or Planning Commission may, upon its own motion initiate a request to amend the text or the district boundaries of this chapter. Any person, owning real estate within the city may initiate a request to amend the district boundaries or text of this chapter so as to affect the real estate.

(2) Amendments shall not become effective until after the ordinance is published in the official newspaper.

(C) *Conditional use permit.*

(1) *Purpose.* The purpose of a conditional use permit is to provide the city with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the city may consider the nature of the adjoining land or buildings, whether or not a similar use is already in existence and located on the same premises or on other lands immediately close by, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or future factors as the city shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

(2) *Council may impose conditions.* The Council may impose any condition it considers necessary to protect the public health, safety and welfare. These may include, but are not limited to: screening, additional setback for buffer, hours of operation, landscaping, service roads to limit access

points, (lighting, limits on vegetation removal, erosion, control parking, outside appearance and storage).

(3) *Lapse of a conditional use permit by non-use.* Whenever within one year after granting a conditional use permit, the use as permitted by the permit shall not have been completed or utilized, then such permit shall become null and void unless a petition for a extension of time in which to complete or utilize the use that has been granted by the City Council. The extension shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
(Ord. passed 6-3-1997)

§ 150.20 VARIANCES AND APPEALS.

(A) *Purpose and board of adjustment creation.* The purpose of this section is to provide for: (1) an appeal process where it is alleged that there is an error in any order, requirement, decision or determination by an administrative officer in the enforcement of this chapter; and (2) variances from the literal provisions of the chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be keeping with the spirit and intent of this chapter. The City Council will hereby be the Board of Adjustment.

(B) Conditions governing consideration of variance requests.

(1) In considering all requests for a variance and in taking subsequent action, the Board of Adjustment shall make a finding of fact that the proposed action will not:

- (a) Impair an adequate supply of light and air to adjacent property.
- (b) Unreasonably increase the congestion in the public street.
- (c) Increase the danger of fire or endanger the public safety.
- (d) Unreasonably diminish or impair established property values within the neighborhood, or in any other way be contrary to the intent of this chapter.
- (e) Continue or create a substandard sewage treatment system.
- (f) Violate the intent and purpose of the City Comprehensive Plan.
- (g) Allow a use that is prohibited in the zone in question.

(2) A variance from the terms of this chapter shall not be granted unless it can be demonstrated that:

- (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district:

1. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness or shape of the property.

2. Special conditions and circumstances may not be exclusively economic in nature.

(b) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(c) The special conditions and circumstances do not result from the actions of the applicant.

(d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(C) *Procedure.*

(1) *Application.* Appeals or requests for variances, as provided within this chapter, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by:

(a) The City Council Resolution. This fee shall not be refunded.

(b) The detailed written and graphic materials and site map necessary to fully explain the proposed change, development or use.

(c) Reasons that the variance is justified in order to make reasonable use of the land, structure or building, and that the variance is the minimum variance.

(2) *Staff review/technical assistance reports.* Upon receipt of an application for appeal or variance, the Zoning Administrator shall, when deemed necessary, refer the request to appropriate staff to ensure that informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted. Also, when deemed necessary, the Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation.

(3) *Public hearing.* Upon official submission of the request, the Zoning Administrator shall set a public hearing on the request for the next Board of Adjustment meeting and have the hearing published in the official newspaper. The notice shall contain a legal property description and description of the request, and shall be published no less than ten days prior to the hearing. Written notification of the hearing shall also be mailed to least ten days prior to the date of the hearing to all owners of land within 350 feet of the boundary of the property in question and to the Minnesota Department of Natural Resources if in Shoreland. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth in this chapter provided a bona fide effort by the city has been made and documented.

(4) *Board of Adjustment action.* The Board of Adjustment shall conduct the public hearing at which time the applicant or a representative thereof shall appear to answer questions concerning the proposed request.

(a) The Board of Adjustment shall consider possible adverse affects of the appeal or variance. In the case of a variance request, the Board of Adjustment judgment shall be based upon (but

not limited to) the conditions set forth in division (B) above.

(b) The Board of Adjustment and City Staff shall have the authority to request any additional information from the applicant deemed necessary to establish conditions pertaining to the request.

(c) The Board of Adjustment shall make a finding of fact, and decide by majority vote of the full Board, such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of the chapter. Such decision shall be in writing and accompanied by any report and recommendation of the city staff and filed with the city and also sent to the applicant, and the Minnesota Department of Natural Resources if in Shoreland within ten days.

(d) Whenever an application for a variance has been considered and denied, a similar application for the variance affecting substantially the same property shall not be considered again for at least six months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the full City Council.

(e) Granted variances shall be filed with the County Recorder.

(f) The applicant shall have the right to appeal within 30 days of receipt of the decision to the District Court.

(D) *Lapse of variance or appeal.* Whenever within one year after granting a variance or appeal, the use as permitted by the variance or appeal shall not have been completed or utilized, then such variance or appeal shall become null and void unless a petition for extension of time in which to complete or to utilize the use has been granted by the City Council. The extension shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the variance or appeal. Such petition shall be presented to the City Council for decision.

(E) *Property survey.* In those cases where a stipulated requirement of this chapter has been modified through the granting of a variance or appeal, a property survey prepared by a registered land surveyor shall be submitted, outlining lot dimensions, setbacks, and buildings. The survey shall be a condition of the variance or appeal and shall be submitted prior to the initiation of any improvement on the property in question.
(Ord. passed 6-3-1997)

§ 150.21 PLANNED UNIT DEVELOPMENTS (PUD) - NON-SHORELAND.

(A) *Purpose.* The purpose of a planned development is to enable imaginative and creative land uses to be developed in a manner which emphasizes flexibility and open space, yet preserves the overall density requirements for the district. The customary one lot - one building requirement is altered in an effort to accomplish the following:

(1) To encourage a more creative and efficient approach to the use of land.

(2) To allow variety in the types of environment available to the residents of the community.

(3) To provide the means for greater creativity and flexibility in environmental design than is provided under the strict application of the zoning and subdivision ordinances while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the community and its inhabitants.

(B) *Administrative procedure.*

(1) An applicant for a planned development shall follow the procedure as outlined for a conditional use permit.

(2) The applicant for a planned development shall obtain the application for the conditional use permit at the office of the Zoning Administrator and simultaneously follow Chapter 151 to secure both preliminary and final design approval from the Planning Commission and City Council.

(C) *General regulations.*

(1) All other development regulations of the appropriate zoning district not specified in this chapter or specified as a condition to the conditional use permit shall apply to a planned development.

(2) It is the intent of this chapter that subdivision of the land involved (residential, commercial, or industrial) be carried out simultaneously with the review of a planned development.

(3) The application for a conditional use permit shall state precisely the reasons for requesting the consideration of the property for planned development.

(4) The land which is to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area and for continual maintenance of that area not dedicated and accepted by the city shall be required.

(5) All buildings shall be used only for those purposes and the customary accessory uses of the zoning district in which the planned development is located.

(D) *Density of development.* Permitted maximum residential densities in the planned development shall not exceed the permitted maximum densities in the original district by more than 125%. Minimum land area requirements for each use shall be provided as required in the original district.

(E) *Modification of development standards.* Deviation from the applicable requirements for lot area, lot dimensions, yards, setbacks, location of parking area, and public street frontage may be allowed only if such deviation is consistent with the total design of the planned development.

(F) *Private roadways.* Private roadways within the project shall be installed to city specifications for public roadways.

(Ord. passed 6-3-1997)

§ 150.22 ADULT ESTABLISHMENTS.

(A) *Purpose and intent.*

(1) (a) *Findings of the City Council.* Research conducted by the Minnesota Attorney

General, the American Planning Association and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Alexandria, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. Based on these findings, the City Council concludes:

1. Adult establishments have adverse secondary impacts of the types set forth above.
2. The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by locational requirements, licensing requirements and health requirements.
3. It is not the intent of the City Council to prohibit adult establishments from having a reasonable opportunity to locate in the city.
4. M.S. § 462.357, as it may be amended from time to time, allows the city to adopt regulations to promote the public health, safety, morals, and general welfare.
5. The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.

(b) The City Council of the city makes the following findings regarding the need to license sexually-oriented businesses. The findings are based upon the experiences of other cities where such businesses have located, as studied by city staff.

1. Sexually-oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law enforcement services.
2. Sexually-oriented businesses can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owner and operators of such facilities are regulated by licensing or other procedures.
3. Sexually-oriented businesses can increase the risk of exposure to communicable diseases including but not limited to Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, thereby endangering not only the patrons of such establishments but also the general public.
4. Sexually-oriented businesses can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
5. The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.

(2) *Findings.* It is the purpose of this section to regulate adult oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city and to establish reasonable and uniform regulations to:

- (a) Prevent additional criminal activity within the city;
- (b) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- (c) To locate adult oriented business away from residential areas, schools, churches, parks, playgrounds and day care services.
- (d) Prevent concentration of adult oriented businesses within certain areas of the city.

(3) *Communicative materials.* The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of adult oriented entertainment to their intended market.

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

ADULT BOOK and/or ***MEDIA STORE.*** An establishment which excludes minors and which has a substantial portion of its stock in trade or stock on display books, magazines, films, videotape, or other media which are characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET. An establishment which provides dancing or other live entertainment, if the establishment excludes minors by virtue of age from all or part of the establishment and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of specified sexual activities or specified anatomical areas.

ADULT ESTABLISHMENT. Any business which offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussion, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses and other establishments.

ADULT HOTEL or ***MOTEL.*** A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER.

(a) A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

(b) Any business which presents motion pictures, from which minors are excluded from all or part of the establishment, including films and videotapes, having as a dominant theme material

distinguished or characterized by an emphasis on matter depicting, describing, or reliant on specified sexual activities or specified anatomical areas, for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpt of motion pictures offered for sale or rent.

ADULT MODELING STUDIO. An establishment, which excludes minors from all or part of the establishment, whose major business is the provision, to customers, or figure models who are so provided with the intent of providing sexual stimulation to sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

ADULT MOTION PICTURE ARCADE. Any place which excludes minors from all or part of the establishment wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER. A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited

to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT NOVELTY BUSINESS. A business, from which minors are excluded from all or part of the establishment, which sells, offers to sell, or displays devices which simulate human genitals or devices which are designated for sexual stimulation.

ADULT USE. Any of the activities and businesses described in this division (B) constitutes ***ADULT ORIENTED BUSINESSES*** which are subject to the regulation of this section.

SPECIFIED ANATOMICAL AREAS are any of the following conditions:

- (a) Less than completely and opaquely covered:
 - 1. Human genitals, pubic region, or pubic hair;
 - 2. Buttock, anus; and
 - 3. Female breast below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernible turgid state, completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES are any of the following conditions:

- (a) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
- (b) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
- (c) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ clothed or unclothed.
- (d) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or breasts of a female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(C) *Application of this section.*

(1) Except as in this section specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose not in any manner, which is not in conformity with this section.

(2) No adult oriented business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ordinance of the city, the laws of the State of Minnesota, or the United States of America. Nothing in this section shall be construed as authorizing or permitting conduct which prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the

exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.

(D) *Location.*

(1) During the term of this section, adult oriented businesses shall be located only in zoning district B4, subject to the following limitations. Within any B4 zoning district, no adult oriented business shall be located less than:

- (a) Two hundred and fifty feet from any residential zoning district;
- (b) Two hundred and fifty feet from any public park;
- (c) Two hundred and fifty feet from any church or religious site;
- (d) Two hundred and fifty feet from any day care facility;
- (e) Five hundred feet from all school property;
- (f) Five hundred feet from another adult oriented business.

(2) For purposes of this section, the distance as measured in a straight line from the closest point of the property line of the building upon which the adult use is located.

(E) *Hours of operation.* No adult oriented business shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.

(F) *Operation.*

(1) *Off-site viewing.* An establishment operating as an adult oriented business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of M.S. Chapter 617, as it may be amended from time to time, or other applicable federal or state statutes or local ordinances.

(2) *Entrances.* All entrances to the business, with the exception of emergency fire exits, which are not useable by patrons to enter the business shall be visible from a public right-of-way, excluding alleyways.

(3) *Layout.* The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.

(4) *Illumination.* Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.

(5) *Signs.* Signs for adult oriented businesses shall comply with the city's ordinance for signs addressed in this chapter, and in addition signs for adult oriented businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.

(G) *License required.* No person shall own or operate a sexually-oriented business within the City unless such person is currently licensed under this section.

(H) *License application.* This application for a license under this section shall be made on a form supplied by the issuing authority and shall require the following information:

(1) *All applicants.* For all applicants:

(a) Where the applicant is a natural person, corporation, partnership, or other form of organization.

(b) The legal description of the premises to be licensed, along with a floor plan of the premises. The floor plan of the premises shall detail all internal operations and activities, including a statement of the total floor space occupied by the business. The floor plan need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimension of the interior of the premises to an accuracy of plus or minus six inches.

(c) The name and street address of the business. If the business is to be conducted under a designated name, or style other than the name of the applicant, a certified copy of the certificate required by M.S. § 333.01, as it may be amended from time to time, shall be submitted.

(2) *Applicants who are natural persons.* If the applicant is a natural person:

(a) The name, place, and date of birth, street and city address, and phone number of the applicant.

(b) Where the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used.

(c) The street and city addresses at which the applicant has lived during the preceding two years.

(d) The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding two years and name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding two years.

(e) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a petty misdemeanor traffic ordinance. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.

(3) *Applicants that are partnerships.* If the applicant is a partnership:

(a) The name(s) and address(es) of all general partners and all of the information concerning each general partner that is required of applicants in division (H)(2) above.

(b) The name(s) of the managing partner(s) and the interest of each partner in the business.

(c) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to M.S. § 333.01, as it may be amended from time to time, a certified copy of such certificate shall be attached to the application.

(4) *Corporate or other applications.* If the applicant is a corporation or other organization:

(a) The name of the corporation or business form, and if incorporated, the state of incorporation.

(b) A true copy of the certificate of incorporation, articles of incorporation or association agreement and by-laws shall be attached to the application. If the applicant is a foreign corporation, a certificate of authority as required by M.S. § 303.06, as it may be amended from time to time, shall be attached.

(c) The name of the manager(s), or other agent(s) in charge of the business and all of the information concerning each manager, proprietor or agent is required of the applicants in division (H)(2) above.

(I) *License application execution.* If the application is that of a natural person, the application shall be signed and sworn to by that person; if of a corporation, by an officer thereof; if of a partnership, by one of the general partners; if of an incorporated association, by the manager or managing officer thereof.

(J) *License application verification.* Applications of licenses under this section shall be submitted to the City Council (hereinafter referred to as the issuing authority). Within twenty (45) calendar days of receipt of a complete application and payment of all license application fees, agents and/or employees of the issuing authority shall verify any and all of the information requested of the applicant in the application, including the ordering of criminal background checks, and conduct any necessary investigation to assure compliance with this section.

(K) *License application consideration.* No later than ten calendar days after the completion of the license application verification and investigation by the issuing authority or its agents or employees, as prescribed in division (J), the issuing authority shall accept or deny the license application in accordance with this section. If the application is denied, the issuing authority shall notify the applicant of the determination in writing. The notice shall be mailed by certified mail to the applicant at the address provided in the application form and it shall inform the applicant of the applicant's right within 20 calendar days of receipt of the notice by the applicant, to request an appeal of the determination for consideration by the City Council or to immediately challenge the determination in a court of law. If the appeal to the City Council is timely received, the hearing before the City Council shall take place within 20 calendar days of the receipt of the appeal. If an application is granted for a location where a building is under construction or not ready for occupancy, the license shall not be delivered to the licensee until a certificate of occupancy has been issued for the licensed premises. During the application consideration process prescribed herein an applicant operating a business not previously subject to the license provisions of this section may remain operating pending the outcome of the application consideration by the issuing authority.

(L) *License fees.*

(1) *Application fee.*

(a) The license application fee shall be \$1,000;

(b) The application license fee shall be paid in full before the application for a license is considered. All fees shall be paid to the issuing authority for deposit into the general fund of the city. Upon rejection of any application for a license or upon withdrawal of application before the issuing authority the license fee shall be refunded to the applicant.

(c) When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee of the initial license period shall be ninety (90) days after approval of the license by the issuing authority or upon the date an occupancy permit is issued for the building.

(2) *Investigation fee.* An application for any license under this division shall deposit with the Issuing Authority, at the time an original application is submitted, \$1,000 to cover the cost involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this division. The investigation fee shall be nonrefundable.

(M) *Persons and locations ineligible for a license.* The issuing authority shall issue a license under this division to an applicant unless one or more of the following conditions exists:

(1) The applicant is not 18 years of age or older on the date the application is submitted to the issuing authority;

(2) The applicant failed to supply all of the information on the license application;

(3) The applicant gave false, fraudulent, or untruthful information on the license application;

(4) The applicant has had a sexually-oriented license revoked from the city or any other jurisdiction within a one-year period immediately preceding the date the application was submitted;

(5) The applicant has had a conviction of a felony or gross misdemeanor or misdemeanor relating to sex offenses, obscenity offenses or adult uses in the past five years;

(6) The sexually-oriented business does not meet the zoning requirements prescribed in this section;

(7) The premises to be licensed as a sexually-oriented business is currently licensed by the city as a tanning facility, tattoo establishment, pawnshop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages;

(8) The applicant has not paid the license and investigation fees required in division (L).

(N) *License restrictions.*

(1) *Posting of license.* A license issued under this section must be posted in a conspicuous place in the premises for which it is used.

(2) *Effect of license.* A license issued under this section is only effective for the compact and contiguous space specified in the approved license application.

(3) *Maintenance of order.* A licensee under this section shall be responsible for the conduct of the business being operated and shall not allow any illegal activity to take place on or near the licensed premises including but not limited to prostitution, public indecency, indecent exposure, disorderly conduct, or the sale or use of illegal drugs. Every act or omission by an employee or independent contractor of the licensee constituting a violation of this section shall be deemed the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee or as a result of the licensee's negligent failure to supervise the employee's or independent contractor's conduct.

(4) *Distance requirement for live adult entertainment.* All performers, dancers, and persons providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed facility where such entertainment can be seen by patrons of the licensed facility shall remain at all times a minimum distance of ten feet from all patrons, customers, or spectators and shall dance or provide such entertainment on a platform intended for that purpose, which shall be raised at least two feet from the level of the floor on which patrons or spectators are located.

(5) *Interaction with patrons.* No dancer, performer, or person providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed facility or in areas adjoining the licensed facility where the entertainment can be seen by patrons of the licensed facility shall fondle or caress any spectator or patron.

(6) *Gratuity prohibition.* No customers, spectator, or patron of a licensed facility shall directly pay or give any gratuity to any dancer or performer and no dancer or performer shall solicit any pay or gratuity from any patron or spectator.

(7) *Adult car wash requirements.* Sexually-oriented businesses that are adult car washes shall meet all of the requirements of this section.

(O) *Restrictions regarding license transfer.*

(1) The license granted under this section is for the person and the and the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application.

(2) When a sexually-oriented business licensed under this section is sold or transferred, the existing licensee shall immediately notify the issuing authority of the sale or transfer. If the new owner or operator is to continue operating the sexually-oriented business, the new owner or operator must immediately apply for a license under this section.

(P) *Inspection.*

(1) *Access.* An applicant or licensee shall permit health officials, representatives of the police department, fire department, and building inspection division, to inspect the premises of an adult oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(2) *Refusal to permit inspections.* A person who operates an adult oriented business or his or her agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, representatives of the police department, fire department, and building inspection division at any time it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided in division (K).

(3) *Exceptions.* The provisions of this section do not apply to areas of an adult motel, which are currently being rented by a customer for use as a permanent or temporary habitation.

(Q) *Expiration and renewal.*

(1) *Expiration.* Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in division (G). Application for renewal must be made at least

60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.

(2) *Denial of renewal.* When the city denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the city finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

(R) *Suspension.*

(1) *Causes of suspension.* The city may suspend a license for a period not to exceed 30 days if it determines that licensee or an employee of a licensee has:

(a) Violated or is not in compliance with any provision of this section.

(b) Engaged in the use of alcoholic beverages while on the adult oriented business premises other than at an adult hotel or motel.

(c) Refused to allow an inspection of the adult oriented business premises as authorized by this section.

(d) Knowingly permitted gambling by any person on the adult oriented business premises.

(e) Demonstrated inability to operate or manage an adult oriented business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(2) *Notice.* A suspension by the city shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least ten-days' notice of the time and place of the hearing and shall state the nature of the charge(s) against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof.

(S) *Revocation.*

(1) *Suspended licenses.* The City may revoke a license if a cause of suspension in division (K) occurs and the license has been suspended within the preceding 12 months.

(2) *Causes of revocation.* The city shall revoke a license if it determines that:

(a) A licensee gave false or misleading information in the material submitted to the City during the application process;

(b) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(c) A licensee or an employee has knowingly allowed prostitution on the premises;

(d) A licensee or an employee knowingly operated the adult oriented business during a period of time when the licensee's license was suspended;

(e) A licensee has been convicted of an offense listed in division (M), for which the time period required;

(f) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in division (M), for which a conviction has been obtained, and the person or persons were employees of the adult oriented business at the time the offenses were committed.

(g) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

(3) *Appeals.* The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(4) *Exceptions.* Division (S)(2)(g) above, does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

(5) *Granting a license after revocation.* When the city revokes a license, the revocation shall continue for one year and the licensee shall not be issued an adult oriented business license for one year from the date revocation became effective. If subsequent to revocation, the city finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under division (M), an applicant may not be granted another license until the appropriate number of years required under this division has elapsed.

(T) *Transfer of license.* A licensee shall not transfer this license to another, nor shall a licensee operate an adult oriented business under the authority of a license at any place other than the address designated in the application.
(Ord. passed 5-7-2002)

§ 150.23 BUILDING PERMIT SURCHARGE.

Any person or other legal entity, who violates the zoning chapter by failure to obtain a building permit prior to starting any construction project which requires a building permit shall be assessed a surcharge of \$75 in addition to the regular building permit fees. This surcharge shall be in addition to any other remedies for violation or noncompliance with the zoning chapter.

(Res. passed 6-7-1988)

Cross-reference:

Subdivisions and building permits, see Chapter 151

CHAPTER 151: SUBDIVISIONS

Section

- 151.01 General provisions
- 151.02 Rules
- 151.03 Definitions
- 151.04 Procedures for filing and review
- 151.05 Premature subdivisions
- 151.06 Plat and data requirements
- 151.07 Design standards
- 151.08 Park land dedication requirements
- 151.09 Required basic improvements
- 151.10 Non-platted subdivision
- 151.11 Variances, Planning Commission recommendations, standards
- 151.12 Violations

151.99 Penalty

Cross-reference:

Building permit surcharge, see § 150.23

§ 151.01 GENERAL PROVISIONS.

(A) *Short title.* This chapter shall be known as the Subdivision ordinance of the City of Waterville, and will be referred to herein as this chapter.

(B) *Purpose.* In order to safeguard the best interests of the city and to assist the subdivider in harmonizing his or her interests with those of the city at large, the following chapter is adopted so that the adherence to it will bring results beneficial to both parties. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in Minnesota Statutes Annotated, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

(C) *Jurisdiction.* The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the city and the unincorporated area within two miles of its limits; provided that where a municipality lies less than four miles from the limits of the city, these regulations shall apply only to a line equidistant from the city and the municipality; and provided further, that the governing body or bodies of unincorporated areas adjacent to the city have not adopted ordinances for the regulation of subdivision of land or platting. Copies of resolutions approving subdivision plats of land outside the city but not subject to its subdivision regulations shall be filed with the clerk of the town in which the land is situated.

(D) *Approvals necessary for acceptance of subdivision plats.* Before any plat shall be recorded or be of any validity, it shall be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of this chapter.

(E) *Conditions for recording.* No plat of any subdivision shall be entitled to record in the LeSueur County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this chapter.

(F) *Building permits.* No building permits shall be considered for issuance by the city for the construction of any building, structure or improvement of the land, or to any lot in a subdivision as defined herein, until all requirements of this chapter have been fully complied with.

(G) *Exceptions.* When requesting a subdivision, if either of the following conditions exist, the City Administrator-Clerk shall bring the request to the attention of the City Council, whereupon the request shall be reviewed and the City Council may exempt the subdivider from complying with any procedural requirements that are deemed inappropriate.

(1) In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot or any structure to be in violation with this chapter or Chapter 150.

(2) In the case of a request to divide a base lot upon which a two-family dwelling or a quadraminium which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this chapter or Chapter 150.

(H) *Separability.* If any section, subsection, sentence, clause or phrase of this chapter is for any reason found to be invalid, the decision shall not affect the validity of the remaining portions of this chapter.

(I) *Conflict.* Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions or ordinances of the city, the most restrictive standards shall apply.
(Ord. passed - -)

§ 151.02 RULES.

For the purpose of this chapter, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; and the word shall, is mandatory and not discretionary.
(Ord. passed - -)

§ 151.03 DEFINITIONS.

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

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

APPLICANT. The owner of land proposed to be subdivided for his or her representation. Consent shall be required from the legal owner of the premises.

BASE LOT. A lot meeting all the specifications within its zoning district prior to being divided into a two-family or quadraminium subdivision.

BLOCK. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

BOULEVARD. The portion of the street right-of-way between the curb line and the property line.

BUILDING. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

CITY. The City of Waterville.

CITY COUNCIL. The governing body of the City of Waterville.

COMPREHENSIVE PLAN. The group of maps, charts and texts that make up the comprehensive long-range plan of the city.

DESIGN STANDARDS. The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

EASEMENT. A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

FINAL PLAT. A drawing or map of a subdivision, meeting all of the requirements of the city and in such a form as required by LeSueur County for the purpose of recording.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

LOT. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of Chapter 150, having not less than the minimum area required by Chapter 150 for a building site in the district in which the lot is situated and having its principal frontage on a street.

LOT, CORNER. A lot situated at the intersection of two streets, the interior angle of the intersection not exceeding 135 degrees.

LOT IMPROVEMENT. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

OUTLOT. A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended and for which no building permit shall be issued.

OWNER. Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm association, public or quasi-public corporation, private corporation, or a combination of them.

PARKS and PLAYGROUNDS. Public land and open spaces in the city dedicated or reserved for recreation purposes.

PERCENTAGE OF GRADE. On street center line, means the distance vertically from the horizontal, in feet and tenths of a foot for each 100 feet of horizontal distance.

PEDESTRIAN WAY. The public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

PLANNING COMMISSION. The Planning Commission of the city.

PRELIMINARY PLAT. A tentative drawing or map of a proposed subdivision meeting.

PROTECTIVE COVENANT. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, sidewalk, pedestrianway; tree, lawn, off-street parking area, lot improvement, or other facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

QUADRAMINIUMS. Are single structures which contain four subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.

SETBACK. The distance between a building and the property line nearest thereto.

STREET. A public right-of-way affording primary access by pedestrian or vehicles or both, to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, or boulevard.

STREET WIDTH. The shortest distance between lines of lots delineating the street's right-of-way.

STREETS - COLLECTOR STREET. Those streets which carry traffic from local streets to the major system of arterials and highways. **COLLECTOR STREETS** primarily provide principal access to residential neighborhoods, including, to a lesser degree direct land access.

STREETS - CUL-DE-SAC. A local street with only one outlet end having an appropriate terminal for the safe and convenient reversal of traffic movement.

STREETS - LOCAL STREET. Those streets which are used primarily for access to abutting properties and for local traffic movement.

STREETS - MARGINAL ACCESS STREET. Those local streets which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.

STREETS - THOROUGHFARES, ARTERIAL STREETS. Those streets carrying larger volumes of traffic and serving as links between various subareas of the community. **THOROUGHFARES** or **ARTERIAL STREETS** are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

SUBDIVIDER. Any individual, firm, association, syndicate, co-partners, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

SUBDIVISION. The division of land resulting in a parcel of land less than two and one-half acres in area or less than 150 feet in width, for the purpose of transfer of ownership or building development or, if a new street is involved, any division of land. The term includes **RESUBDIVISION** and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

TANGENT. A straight line which is perpendicular to the radius of a curve where a tangent meets a curve.

TWO-FAMILY DWELLING. A dwelling designed exclusively for occupancy by two families living independently of each other.

UNIT LOTS. Lots created from the subdivision of a two-family dwelling or a quadraminium having different minimum lot size requirements than the conventional base lot within the zoning district.

VERTICAL CURVE. The surface curvature on a street, road and highway centerline located between lines of different percentage of grade.
(Ord. passed - -)

§ 151.04 PROCEDURES FOR FILING AND REVIEW.

(A) *Sketch plan.* In order to insure that all applicants are informed of the procedure requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, all applicants shall present a sketch plan to the City Administrator-Clerk prior to filing a preliminary plat.

(B) *Preliminary plat.*

(1) *Filing.* Five copies of the preliminary plat and a list of property owners located within 350 feet of the subject property obtained from and certified by LeSueur County, shall be submitted to the City Administrator-Clerk. The required filing fee as established by the City Council resolution shall be paid and any necessary applications for variances from the provisions of this chapter shall be submitted with the required fee. The proposed plat shall be placed on the agenda of the first possible Planning Commission meeting occurring after ten days from the date of submission. The plan shall be considered as being officially submitted when all the information requirements are complied with.

(2) *Hearing.* The Planning Commission upon receipt of the application shall instruct the City Administrator-Clerk to set a public hearing for public review of the preliminary plat. The hearing shall be established once adequate time has been allowed for staff and advisory body review of the plat. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of the hearing shall consist of a legal property description, description of request and map detailing property location, and be published in the official newspaper at least ten days prior to the hearing and written notification of said hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question.

(3) *Technical assistance reports.* After the public hearing has been set, the City Administrator-Clerk shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.

(4) *Review by other commissions or jurisdictions.* The City Administrator-Clerk shall refer

copies of the preliminary plat to the Park and Recreation Committee, county, state or other public jurisdictions for their review and comment, where appropriate and when required.

(5) *Planning commission action.* The Planning Commission shall make a recommendation to the City Council immediately following the close of the public hearing. If the Planning Commission has not acted upon the preliminary plat within 60 days from the opening of the public hearing, the Council may act on the preliminary plat without the Planning Commission's recommendation.

(6) *City Council action.*

(a) If all requirements of this chapter and those additionally imposed by the Planning Commission are complied with, the Council shall act upon the preliminary plat and may impose conditions and restrictions which are deemed necessary within 60 days of the date of the close of the Planning Commission's public hearing.

(b) If the preliminary plat is not approved by the City Council, the reasons for that action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat, is approved, that approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The City Council may require such revisions in the preliminary plat and final plat as it deems necessary for the health, safety, general welfare and convenience of the city.

(c) If the preliminary plat is approved by the City Council, the subdivider must submit the final plat within six months after the approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider may file a final plat limited to that portion of the preliminary plat which he or she proposes to record and develop at this time, provided that the portion must conform to all requirements of this chapter.

(C) *Final plat.*

(1) *Filing.* After the preliminary plat has been approved, final plat shall be submitted for review as set forth in the subdivisions which follow.

(2) *Approval of the Planning Commission.* Ten copies of the final plat shall be submitted to the City Administrator-Clerk for distribution to the Planning Commission, City Council and appropriate city staff ten days prior to a Commission meeting at which consideration is requested. During the ten days,

the city staff shall examine the final plat and prepare a recommendation to the Planning Commission. Nature of approval, disapproval, or any delay in decision of the final plot will be conveyed to the subdivider within ten days after the meeting of the City Planning Commission at which the plat was considered. In case the plat is disapproved, the subdivider shall be notified in writing of the requests for such action and what requirements shall be necessary to meet the approval of the Commission.

(3) *Approval of the Council.* After review of the final plat by the Planning Commission, the final plat, together with the recommendations of the Planning Commission shall be submitted to the City Council for approval. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.

(4) *Special assessments.* When any existing special assessments which have levied against the property described to be divided and allocated to the respective lots in the proposed plat, the City Administrator-Clerk shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the Council of such cost the same shall be paid to the City Clerk before the final plat approval.

(5) *Street addresses.* With submission of the final plat, ten copies of the plat map showing all addresses correctly labeled in conformance with all applicable LeSueur County and city ordinances and policies shall be supplied to the City Administrator-Clerk for subsequent distribution to the utility companies and local school districts.

(6) *Recording final plat.* If the final plat is approved by the City Council, the subdivider shall record it with the LeSueur County Recorder within 100 days after the approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider shall, immediately upon recording, furnish the City Clerk with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in the plat until the city has received evidence of the plat being recorded by LeSueur County.
(Ord. passed - -)

§ 151.05 PREMATURE; SUBDIVISIONS.

Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

(A) *Condition establishing premature subdivisions.* A subdivision may be deemed premature should any of the conditions, set forth in the provisions which follow, exist.

(1) *Lack of adequate drainage.* A condition of inadequate drainage shall be deemed to exist if:

(a) Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.

(b) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.

(c) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.

(d) Factors to be considered in making these determinations may include: average rainfall for the area, the relation of the land to flood plains, the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems, the slope of the land and its effect on effluents, and the presence of streams as related to effluent disposal.

(2) *Lack of adequate water supply.* A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.

(3) *Lack of adequate roads or highways to serve the subdivision.* A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:

(a) Roads which serve the proposed subdivision are of such a width; grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, with due regard to the advice of LeSueur County and/or the Minnesota Department of Transportation, the roads are inadequate for the intended use.

(b) The traffic volume generated by the proposed subdivision would create unreasonable highway congestion or unsafe conditions on highways existing at the time of the application or proposed for completion within the next two years.

(4) *Lack of adequate waste disposal systems.* A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five years; or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Waterville comprehensive plan, as may be amended.

(5) *Inconsistency with comprehensive plan.* The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the duly adopted comprehensive plan as may be amended.

(6) *Providing public improvements.* If public improvements, such as recreational or other public facilities, reasonably necessitated by the subdivision, which must be provided at public expense, cannot be reasonably provided, for within the next two fiscal years.

(7) *MEQC policies.* The proposed subdivision is inconsistent with the policies of MEQC 25, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council in violation of federal and state historical preservation laws.

(B) *Burden of establishing.* The burden shall be upon the applicant to show that the proposed subdivision is not premature.

(Ord. passed - -)

§ 151.06 PLAT AND DATA REQUIREMENTS.

(A) *Sketch plan.* Sketch plans shall contain, at a minimum, the following information:

- (1) Plat boundary;
- (2) North arrow;
- (3) Scale;
- (4) Street layout on and adjacent to plat;
- (5) Designation of land use and current or proposed zoning;
- (6) Significant topographical or physical features;
- (7) General lot locations and layout;

(8) Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in § 151.05 above.

(B) *Preliminary plat.* The subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subdivisions which follow.

(1) *General requirements.*

(a) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.

(b) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.

(c) Names and addresses of all persons having property interest, the developer, designer, and surveyor together with his or her registration number.

(d) Graphic scale or plat, not less than one inch to 100 feet.

(e) Data and north arrow.

(2) *Existing conditions.*

(a) Boundary line and total acreage of proposed plat, clearly indicated;

(b) Existing zoning classifications for land within and abutting the subdivision;

(c) Location, widths and names of all existing or previously plotted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of 350 feet beyond the tract;

(d) Location and size of existing sewers, water mains, culverts or other; underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown;

(e) Boundary lines of adjoining unsubdivided or subdivided land, within 350 feet; identified by name and ownership, including all contiguous land owned or controlled by, the subdivider;

(f) Topographic data, including contours at vertical intervals of not more than two feet. Water courses, wetlands, rock outcrops, power transmission poles and lines, and other significant features shall also be known;

(g) In plats where public water and sewer are not available, the subdivider shall file a report prepared by a registered civil engineer on the feasibility of individual on-site sewer and water systems on each lot, and shall include soils boring analysis and percolation tests to verify conclusions.

(3) *Proposed design features.*

(a) *Layout of proposed streets.* Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections, and proposed names of streets in conformance with city and county street identification policies. The name of any street heretofore used in the city or its environs shall not be used unless the proposed street is a logical extension of an already named street in which event the same name shall be used.

(b) *Alleys and pedestrian ways.* Locations and widths of proposed alleys and pedestrian ways.

(c) *Proposed sewer lines and water mains.* Locations and size of proposed sewer lines and water mains.

(d) *Easements.* Location, dimension and purpose of all easements.

(e) *Lots and blocks.* Layout, numbers, lot areas, and preliminary dimensions of lots and blocks.

(f) *Minimum setback lines.* Minimum front and side street building setback lines.

(g) *Lots located on a curve.* When lots are located on a curve, the width of the lot at the building setback line.

(h) *Areas for public use.* Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use including the size of that area or areas in acres.

(i) *Water supply.* Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the city. In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relation to the individual sewage disposal facilities on the same and adjoining lots. Well plans must comply with the Minnesota State Well Code, as may be amended, and be submitted

for the approval of the City Engineer.

(j) *Sewage disposal, public.* Sanitary sewer mains and service connections shall be installed in accordance with the standards of the city.

(k) *Sewage disposal, private.* All on-site septic systems shall be installed in accordance with all applicable State Pollution Control Agency regulations and city ordinances.

(4) *Supplementary information.*

(a) Any or all of the supplementary information requirements set forth in this subdivision shall be submitted when deemed necessary by the city staff, consultants, advisory bodies and/or City Council.

(b) Proposed protective covenants.

(c) An accurate soil survey of the subdivision prepared by a qualified person.

(d) A survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing.

(e) Statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

(f) If any zoning changes are contemplated; the proposed zoning plan for the' areas, including dimensions, shall be shown. The proposed zoning plan shall be for information only and shall not vest any rights in the applicant.

(g) Provision for surface water disposal, ponding, drainage, and flood control.

(h) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, it shall be required that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to relate well with existing or potential adjacent subdivisions.

(i) Where structures are to be placed on large or excessively deep lots which are subject to potential replat; the preliminary plat shall indicate a logical way in which the lots could possibly be resubdivided in the future.

(j) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system.

(k) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

(l) When the city has agreed to install improvements in a development, the developer shall furnish the city a financial statement satisfactory to the city. When the city has not undertaken to

install improvements, the city may, at the city's option, require the developer to furnish a financial statement satisfactory to the city.

(m) Other information as may be required.

(C) *Final plat.* The owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State statutes and LeSueur County regulations, and that final plat shall contain the following information:

(1) Names of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.

(2) Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error closure on any portion of a final plat shall be one foot in 7,500.

(3) The location of monuments shall be shown and described on the final plat. Locations of those monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances, to such reference points or monuments.

(4) Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

(5) Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

(6) The exact locations, widths, and names of all streets to be dedicated.

(7) Location and width of all easements to be dedicated.

(8) Name and address of surveyor making the plat.

(9) Scale of plat (the scale to be shown graphically on a bar scale), date a red north arrow.

(10) Statement indicating all easements as follows: "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked *utility easements*."

(11) Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

(D) *Address map.* The address map shall be prepared in accordance with city and county policy and shall include all addresses of lots as platted.

(E) *Certification required.*

(1) Certification by registered surveyor in the Form required by M.S. § 505.03, as it may be

amended from time to time.

(2) Execution by all owners of any interest in the land or any holders of a mortgage thereon of the certificates required by M.S. § 505.03, as it may be amended from time to time, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.

(3) Space for certificates of approval and review to be filled in by the signatures, of the Mayor and City Administrator-Clerk. The form of approval of the City Council is as follows:
(Ord. passed - -)

§ 151.07 DESIGN STANDARDS.

(A) *Blocks.*

(1) *Block length.* In general, intersecting streets, determining block lengths shall be provided at such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed 1,800 feet nor be less than 600 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 900 feet, pedestrian ways and/or easements through the block may be required near the center of the block.

(2) *Block width.* The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(B) *Lots.*

(1) *Area.* The minimum lot area, width and depth shall not be less than that established by Chapter 150 in effect at the time of adoption of the final plat.

(2) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in Chapter 150.

(3) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(4) *Frontage.* Every lot must have the minimum frontage on a city approved street other than an alley, as-required in Chapter 150.

(5) *Setback lines.* Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by Chapter 150, as may be amended.

(6) *Water courses.* Lots abutting a water course, wetland, ponding area, or stream shall have additional depth and width, as required under the provisions of Chapter 150.

(7) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which if preserved will add attractiveness and stability to the proposed development.

(8) *Lot remnants.* All remnants of lots below minimum size left over after the subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

(9) *Political boundaries.* No singular plat shall extend over a political boundary or school district line without document notification to affected units of government.

(10) *Frontage on two streets.* Double-frontage, or lots with frontage on two parallel streets, shall not be permitted except: where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(11) *Turn around access.* Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turn-around access and egress on each lot.

(C) *Streets and alleys.*

(1) *Streets, continuous.* Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered' in their relation to the reasonable circulation of traffic, to topographic conditions, to turn-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

(2) *Local streets and dead-end streets.* Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall not be longer than 600 feet, including a terminal turn-around which shall be provided at the closed end, with a right-of-way radius of not less than 40 feet.

(3) *Street plans for future subdivisions.* Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(4) *Temporary cul-de-sac.* In those instances where a street is terminated pending future extension in conjunction with future subdivision, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements.

(5) *Provisions for resubdivision of large lots and parcels.* When a tract is subdivided into larger than normal building lots or parcels, the lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for resubdivision.

(6) *Street intersections.* Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an offset of less than 125 feet shall be avoided.

(7) *Subdivisions abutting major rights-of-way.* Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or state highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of the right-of-way, provided that due consideration is given to proper circulation design, or for a street at a distance suitable, for the appropriate use of land between the street and right-of-way. The distance shall be

determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

(8) *Sidewalks*. In those cases where the City Council deems appropriate and necessary, sidewalks of not less than four feet in width shall be provided. Where a proposed plat abuts or includes an arterial street, sidewalks of not less than four feet in width on both sides of the paved surface shall be provided. Where the proposed plat abuts or includes a collector street, sidewalks of not less than four feet in width, shall be required on one side of the street. In all cases where sidewalks are provided provisions shall be made for handicapped access.

(9) *Service access, alleys*. Service access shall be provided in commercial and industrial, districts for off-street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same

block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than 20 feet wide. Deadend alleys shall be avoided wherever possible, but if unavoidable, such deadend alleys may be approved if adequate turnaround facilities are provided at the closed end.

(10) *Half streets.* Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.

(11) *Street grades.*

(a) The grades in all streets, arterial highways, collector streets, minor streets and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

<i>Urban expressway</i>	<i>As required by the Minnesota State Highway Department</i>
Principal arterial highway	5%
Minor arterial highway	5%
Collector street	5%
Local street	8%
Alley	8%

(b) In addition, there shall be a minimum grade on all streets and arterial highways of not less than .05%.

(12) *Curb radius.* The minimum curb radii for thoroughfares, collector streets, local streets and alleys shall be as follows:

Arterial streets, collector and local streets	10 feet
Alleys	4 feet

(13) *Reverse curves.* Minimum design standards for collector and arterial streets shall comply to Minnesota State Aide Standards.

(14) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.

(15) *Street right-of-way width.*

(a) For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be shown in the comprehensive plan and where not shown therein, the minimum right-of-way width for streets, arterial highways or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<i>Classification</i>	<i>Desirable</i>	<i>Acceptable</i>
Principal arterial highway	104 feet	74 - 80 feet
Minor arterial highway		75 feet
Collector streets	75 feet	66 feet
Local streets		66 feet
Marginal service access roads		50 feet
Alley		20 feet
Pedestrian way		10 feet

(b) Where existing or anticipated traffic on principal, and minor arterial highways warrants greater widths of rights-of-way, these shall be required.

(16) *Street alignment.* The horizontal and vertical alignment standards on all streets shall be as follows:

(a) *Horizontal.*

1. Radii of center line:

	<i>Desirable</i>	<i>Minimum Acceptable</i>
Urban expressway	As required by the Minnesota State Highway Department	
Principal arterial highway	800 feet	500 feet
Minor arterial highway	800 feet	500 feet
Collector street	500 feet	300 feet
Local street	500 feet	100 feet

2. There shall be a tangent between all reversed curves of a minimum length as follows:

	<i>Minimum Acceptable</i>
Urban expressway	As required by the Minnesota Department
Principal Arterial Highway	100 feet
Minor Arterial Highway	100 feet
Collector Street	50 feet
Local Street	50 feet

(b) *Vertical*. All changes in street grades shall be connected by vertical parabolic curves of such length as follows:

Principal or minor	30 times the algebraic difference in the percent of grade of the two adjacent slopes
Collector or local street	20 times the algebraic difference in the percent of grade of the two adjacent slopes

(17) All proposed streets shall be offered for dedication on public streets. Except that private streets may be permitted, following approval of the variance application, within the boundaries of property under one ownership.

(D) *Easements*.

(1) *Width and location*. An easement for utilities at least ten feet wide, shall be provided along all lot lines. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(2) *Continuous utility easement locations*. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

(3) *Guy wires*. Additional easements for pole guys should be provided, where appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

(E) *Erosion and sediment control*.

(1) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

(2) Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(3) Erosion shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(4) When soil is exposed, the exposure shall be for the shortest feasible period of time as specified in the development agreement.

(5) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Top soil shall be restored or provided to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

(6) Natural vegetation shall be protected wherever practical.

(7) Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.

(F) *Storm drainage.* All subdivision designs shall incorporate adequate provisions for storm water runoff subject to review and approval of the City Engineer.

(G) *Protected areas.*

(1) Where land proposed for subdivision is deemed environmentally sensitive by the city, due to the existence of wetlands, drainageways, water courses, floodable areas or steep slopes, the design of the subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.

(2) Based upon the necessity to control and maintain certain sensitive areas, the city shall determine whether the protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots.

(3) In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not require construction on slopes over 18%, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

(Ord. passed - -)

§ 151.08 PARK LAND DEDICATION REQUIREMENTS.

(A) As a prerequisite to plat approval, subdividers shall dedicate land for parks, playground, public open spaces or trails and/or shall make a cash contribution to the city's park fund as provided by this chapter. The form of contribution, cash or land (or any combination), shall be decided by the city.

(B) Subdivision of land which has been previously platted and officially recorded and which contains less than one acre, shall be exempt from the dedication requirements of this section.

(C) Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location.

(D) The Park Board, shall recommend to the City Council the location of the land and the amount of land to be conveyed or dedicated within a proposed subdivision.

(E) The Park and Recreation Committee shall recommend to the City Council the land dedication and cash contribution requirements for proposed subdivisions.

(F) Changes in density of plats shall be reviewed by the Park and Recreation Committee for reconsideration of park dedication and cash contribution requirements.

(G) Where a proposed park, playground or other recreational areas, proposed school site or other public ground that has been indicated in the official map and/or comprehensive plan is located in whole, or in part, within a proposed subdivision such proposed public site shall be designated as such and should be dedicated to the city, school district or other proper governmental unit. If the subdivider chooses not to dedicate an area in excess of the land required hereunder for such proposed public site,

the city shall not be required to act to approve or disapprove the preliminary plat of the subdivision for a period of 60 days after the subdivider meets all the provisions of the subdivision ordinance in order to permit the Council, school board or other appropriate governmental unit to consider the proposed plat and to consider taking steps to acquire, through purchase or condemnation, all, or part of the public site proposed under the official map or master plan.

(H) Land area conveyed or dedicated to the city shall not be used in calculating density requirements of Chapter 150 and shall be in addition to and not in lieu of open space requirements for planned unit developments.

(I) Where private open space for park and recreation purposes is provided in a proposed subdivision and the space is to be privately owned and maintained by the future residents of the subdivision, the areas may be used for credit at the discretion of the City Council against the requirement of dedication for park and recreation purposes, provided the City Council finds it is in the public interest to do so and that the following standards are met:

(1) That yards, court areas, setbacks and other open space required to be maintained by the zoning and building regulations shall not be included in the computation of the private open space;

(2) That the private ownership and maintenance of the open space is adequately provided for by written agreement;

(3) That the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be eliminated without the consent of the City Council;

(4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration factors as size, shape, topography, hydrological, geology, access and location of the private open space land;

(5) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the comprehensive plan, and are approved by the City Council; and

(6) That where the credit is granted, the amount of credit shall not exceed 25% of the park land dedication requirements for the development.

(J) The city upon consideration of the particular type of development may require larger or lesser parcels of land to be dedicated if the city determines that present or future residents would require greater or lesser land for park and playground purposes. In addition, the City Council may also require lots within the subdivision be held in escrow for future sale or development. The monies derived from the sale of escrowed lots will be used to develop or to purchase park land in the future.

(K) In residential plats the Council may require up to one acre land be conveyed to the city as an outlot by warranty deed for 75 people the platted land could house based following population calculations:

Single-family detached dwelling lots	3.5 persons
Two-family dwelling lots	6.0 persons

Apartment, townhouses, condominiums, and other dwelling units	1 person per bedroom
---	----------------------

(L) In lieu of a park land donation the city may require the following cash donations:

Single-family dwelling lots	\$300
Two-family dwelling lots	\$600
Apartments, townhouses, condominiums, and other dwelling units	\$150 per unit plus \$75 per bedroom above the first bedroom on each unit
Commercial and industrial	\$600 per acre

(M) The city may elect to receive a combination of cash, land and development of the land for park use. The fair market value of the land the city wants and the value of the development of the land shall be calculated. That amount shall be subtracted from the cash contribution required by § 151.08(L). The remainder shall be the cash contribution requirement.

(N) Fair market value shall be determined as of the time of filing the final plat in accordance with the following:

(1) The city and the developer may agree as to the fair market value, or

(2) The fair market value may be based upon a current appraisal submitted to the city by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are approved members of the SREA or MAI, or equivalent real estate appraisal societies.

(3) If the city disputes the appraisal the city may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

(O) Park cash contributions are to be calculated at the time of final plat approval: The Council may approve a delay in the payment of cash requirements provided that an agreement is executed guaranteeing the payment at the time of the final plat or development plan approval. Delayed payment shall include interest at the highest permitted by law.

(P) The City shall maintain a separate fund into which all cash contributions received from owners or developers in lieu of conveyance or dedication of land for park or playground, public open space or trail purposes shall be deposited and shall make, from time to time, appropriations from the fund for acquisition of land for park and playground purposes, for developing existing park and playground sites, for public open space and trails, or for debt retirement in connection with land previously acquired for parks and playgrounds, which will benefit the residents of the city.

(Q) If a subdivider is unwilling or unable to make a commitment to the city as to the type of building that will be constructed on lots in the proposed plat, then the land and cash contribution requirement will be a reasonable amount as determined by the City Council.

(R) Wetlands, ponding areas, and drainage ways accepted by the city shall not be considered in the park land and/or cash contribution to the city.

(Ord. passed - -)

§ 151.09 REQUIRED BASIC IMPROVEMENTS.

(A) General provisions.

(1) Before a final plat is delivered by the city to the subdivider, the subdivider of the land covered by the plat shall pay all applicable fees and execute and submit to the City Council a developer's agreement which shall be binding on his or her or their heirs, personal representatives and assigns, a part of which agreement shall be set forth that the subdivider will cause no private construction to be made on the lands within the plat, nor shall the subdivider file or cause to be filed any application for building permits for such construction until all improvements required under this chapter have been made or arranged for in the manner and, conforming to the requirements as set forth herein.

(2) Prior to the delivery of the approved final plat, the subdivider shall deposit with the City Treasurer an amount equal to a minimum of 150% of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow fund performance and indemnity bond, or letter of credit. The surety involved in the financial guarantees shall be approved by the City. The cash escrow letter of credit or performance and indemnity bond shall be conditioned upon:

(a) The making and installing of all of the improvements required by the terms and conditions set forth by the city within one year.

(b) Satisfactory completion of the work and payment therefore, which work was undertaken by the subdivider in accordance with the developer's agreement referred to above.

(c) The payment by the subdivider to the city of all expenses incurred by the city, which expenses shall include but not be limited to expenses for engineering, fiscal, legal, construction and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement which shall provide that in the event the required improvements are not completed within one year, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the city and applied by the city to the cost of completing the required improvements. If the funds available within the cash escrow agreement are not sufficient to complete the required improvements, the necessary additional cost to the city shall be assessed against the subdivision. Any balance remaining in the cash escrow fund after the improvements have been made and all expenses therefor have been paid, shall be returned to the subdivider. In instances where a letter of credit is used in lieu of a cash escrow or performance and indemnity bond, the letter of credit shall be in a form satisfactory to the city and the terms thereof shall substantially comply with the procedure as set forth for a cash escrow fund. In instances where a performance and indemnity bond is used in lieu of a cash escrow or letter of credit, the bond shall be in a form acceptable to the city and shall comply with all requirements as set forth in Minnesota Statutes as amended, which statutes relate to surety bonds.

(3) No final plat shall be approved by the Council without first receiving a report signed by the City Engineer and the City Attorney certifying that the improvements described therein together with the agreements and documents required under this section, meet the requirements of the city. The City Treasurer shall also certify that all fees required to be paid to the city in connection with the plat have been paid.

(4) The city shall, where appropriate, require of a subdivider submission of a warranty/maintenance bond in the amount equal to the original cost of the improvements, which shall

be in force for one year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the improvements.

(5) Reproducible as built drawings as required by the City Engineer shall be furnished to the city by the subdivider of all required improvements. The as built drawings shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

(6) All of the required improvements to be installed under the provisions of this chapter shall be approved by and subject to the inspection of the City Engineer. All of the city's expenses incurred as the result of the requirement improvements shall be paid either directly, indirectly or by reimbursement to the city by the subdivider.

(B) *Monuments.*

(1) Official monuments, as designated and adopted by the LeSueur County Surveyor's Office and approved by the LeSueur County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.

(2) Pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, state, county or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

(3) To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in Chapter 150, as maybe amended.

(C) *Street improvements.*

(1) The full width of the right-of-way shall be graded, in accordance with the provisions for construction as outlined in § 151.07, Design Standards.

(2) All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.

(3) All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portion of the right-of-way outside the area surfaced shall be sodded or rippaped by the developer if deemed necessary.

(4) Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.

(5) The grade and drainage requirements for each plat shall be approved by the City Engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a certificate of the City Engineer that the grade and drainage requirements have been met. In an area not having municipal storm sewer trunk the applicant shall be responsible, before platting, to provide for a

storm water disposal plan, without damage to properties outside the platted area, and said storm water disposal plan, shall be submitted to the City Engineer, who shall report to the City Council on the feasibility of the plan presented. No plat shall be approved before an adequate storm water disposal plan is presented and approved by the City Engineer and City Council. The use of dry wells for the purpose of storm water disposal is prohibited.

(6) Trees and boulevard sodding shall be planted in conformance with the standards and specifications as required by the City Council.

(7) Street signs of the design approved by the City Council shall be installed at each street intersection.

(8) Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.

(9) Street lighting fixtures as may be required by the City Council shall be installed.

(D) *Sanitary sewer and water distribution improvements.*

(1) Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer.

(2) Where city sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of individual water and sewer systems in accordance with all appropriate state and local regulations.

(E) *Public utilities.*

(1) All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground; unless the Council specifically shall find, after study and recommendation by the Planning Commission, that:

(a) The placing of utilities underground would not be compatible with the development planned;

(b) Topographical, soil or any other conditions make the underground installation unreasonable or impractical.

(2) All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. The Planning Commission may recommend, and the City Council require, that the type of overhead pole used be of a quality and durability aesthetically in conformance with the nature of the residential development.

(3) Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services.

(4) All drainage, and other underground utility installations which traverse privately owned property shall be protected by easements.

(5) The subdivider is responsible for complying with the requirements of this section, and

shall submit to the Planning Commission a written record from the utilities showing that the necessary arrangements with the utility involved for the installation of said facilities have been made.

(F) *Election by city to install improvements.* In accordance with city policy, it is the subdivider's responsibility to install all required improvements except that the city reserves the right to elect to install all or any part of the improvements required under the provisions of this chapter in lieu of requiring the subdivider to install such improvements, pursuant to M.S. Chapter 429, as it may be amended from time to time.

(G) *Railroad crossings.* No street dedications will be accepted which require a crossing of a railroad unless sufficient land as determined by the City Council is dedicated to insure a safe view.

(H) *Storm sewer charges.* Subdividers shall pay to the city a storm sewer improvement charge in accordance with a rate schedule adopted by resolution of the City Council. The charge shall be paid in cash before the final plat is signed unless otherwise provided in the Development Agreement. The charge shall be based upon the number of square feet in the plat. The developer shall be given a dollar credit for oversizing and other improvements on the plat which are only necessary to service property outside the plat.

(Ord. passed - -)

§ 151.10 NON-PLATTED SUBDIVISION.

(A) *Registered land surveys.* It is the intention of this chapter that all registered land, surveys in the city should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this chapter for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes, and relationships or proposed tracts in the registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless a recommendation and approval have been obtained from the Planning Commission and City Council respectively, in accordance with the standards set forth in this chapter building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any tracts unless so approved.

(B) *Conveyance by metes and bounds.* No division of one or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are five acres or less in area and 300 feet or less in width unless the parcel was a separate parcel of record at the effective date of this chapter. Building permits will be withheld for buildings or tracts which have been subdivided and conveyed by this method and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any tracts.

(Ord. passed - -)

§ 151.11 VARIANCES, PLANNING COMMISSION RECOMMENDATIONS, STANDARDS.

(A) *Findings.* The Planning Commission may recommend a variance from the minimum standards of this chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe, conditions that it deems necessary, to or desirable for the public interest. In making its recommendations, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number, of persons to reside or work in the-proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be recommended when the Planning Commission finds:

(1) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land.

(2) That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which the property is situated.

(3) That the variance is to correct inequities resulting from an extreme physical hardship such as topography, etc.

(4) After considerations of the Planning Commission recommendations, the City Council may grant variances, subject to division (A)(1), (2) and (3) above.

(B) *Procedures.*

(1) Requests for a variance or appeal shall be filed with the City Administrator-Clerk on an official Application form. Such application shall be accompanied, by a fee as established by City Council resolution. Such application shall also be accompanied by ten copies of detailed written and graphic materials necessary for the explanation of the request.

(2) Upon receiving said application, the City Administrator-Clerk shall refer the application, along with all related information, to the City Planning Commission for a report and recommendation to the City Council.

(3) The Planning Commission shall consider the variance at its next regular meeting unless the filing date falls within 15 days of the meeting in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City Administrator-Clerk shall refer the application, along with all related information to the City Planning Commission for consideration and a report and recommendation to the City Council.

(4) The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed variance request.

(5) The variance application shall be referred to the city staff for a report and recommendation to be presented to the Commission. A preliminary draft of the city staff's report and recommendations shall be given to the City Planning Commission at least seven days prior to the meeting of which the report and recommendations are to be presented. The final report and recommendations to the city staff is to be entered in and made part of the permanent written record of the Planning Commission meeting.

(6) The Planning Commission and city staff shall have the authority to request additional information from the applicant concerning the variance or to retain expert testimony with the consent and at the expense of the applicant concerning the variance where the information is declared necessary to insure preservation of health, safety and general welfare.

(7) The Planning Commission shall request the City Administrator-Clerk to set a date for a public hearing. Notice of the hearing shall be published in the official newspaper at least ten days prior to the hearing, and individual notices shall be mailed not less than ten days nor more than 30 days prior to the hearing to all owners of property within, 350 feet of the parcel included in the request.

(8) Failure of a property owner to receive the notice shall not invalidate any proceedings as set forth within this chapter.

(9) The Planning Commission shall make a finding of fact and recommend actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this chapter. The recommendation shall be in writing and accompanied by the report and recommendation of the city staff.

(10) The City Council shall not grant a variance until they have received a report and from the Planning Commission and the city staff or, until 60 days after the first regular Planning Commission meeting at which the request was considered.

(11) Upon receiving the report and recommendation of the Planning Commission and city staff, the City Council shall place the report and recommendation on the agenda for the next regular meeting. The reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

(12) Upon receiving the report and recommendation of the Planning Commission and city staff, the City Council shall make a recorded finding of fact and impose any condition it considers necessary to protect the public health, safety and welfare.

(13) The City Council shall decide whether to approve or deny a request for a variance or an appeal within 30 days after the public hearing on said request.

(14) A variance of this chapter or grant of an appeal shall be by a majority vote of the full City Council.

(15) The City Administrator-Clerk shall notify the originator of the variance request or appeal of the City Council's decision in writing.
(Ord. passed - -)

§ 151.12 VIOLATIONS.

(A) *Sale of lots from unrecorded plats.* It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this chapter unless the plan, plat or replat shall have first been recorded in the Office of the Recorder of LeSueur County.

(B) *Receiving or recording unapproved plats.* It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated to public or private use, or for the use of

purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

(C) *Misrepresentation as to construction, supervision, or inspection of improvements.* It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the city to represent that any improvement upon any of the streets, alleys or avenues of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the city, when the improvements have not been so constructed, supervised or inspected.
(Ord. passed - -) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.
(Ord. passed - -)

AN ORDINANCE AMENDING APPENDIX C, CITY OF WATERVILLE, FLOOD PLAIN MANAGEMENT ORDINANCE, ADOPTED ON January 10, 1992,, AND TITLED “APPENDIX C, CITY OF WATERVILLE, FLOOD PLAIN MANAGEMENT ORDINANCE”.

The City Council of Waterville ordains:

Appendix C, City of Waterville Flood Plain Management Ordinance adopted on January 10, 1992 and titled “APPENDIX C, CITY OF WATERVILLE, FLOOD PLAIN MANAGEMENT ORDINANCE is amended to read:

Flood Plain Management Ordinance

Section 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 STATUTORY AUTHORIZATION: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Waterville, Minnesota does ordain as follows:

1.2 FINDINGS OF FACT:

1.21 The flood hazard areas of Waterville, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

1.22 METHODS USED TO ANALYZE FLOOD HAZARDS. This ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

1.3 STATEMENT OF PURPOSE: It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in section 1.21 by provisions contained herein.

SECTION 2.0 GENERAL PROVISIONS

2.1 LANDS TO WHICH ORDINANCE APPLIES: This ordinance shall apply to all lands within the jurisdiction of Waterville shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2.2 ESTABLISHMENT OF OFFICAL ZONING MAP: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be part of this Ordinance. The attached material shall include the Flood Insurance Study for Waterville prepared by the Federal Insurance Administration dated July 2, 1981, and the Flood Insurance Rate Map Panels therein dated July 21, 1999 that are numbered 427 of 435, 429 of 435, 431 of 435, and 433 of 435, as prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the office of the City Administrator.

2.3 REGULATORY FLOOD PROTECTION ELEVATION: The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that results from designation of a floodway. Within an A-O Zone, the regulatory flood protection elevation shall be established by adding 1 foot to the elevation of the pre-development highest adjacent grade of the proposed structure or use.

2.4 INTERPRETATION:

2.41 In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2.42 The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual filed conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

2.5 ARBORGATION AND GREATER RESTRICTIONS: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

2.6 WARNING AND DISCLAIMER OF LIABILITY: this Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Waterville or any officer or employee thereof for any flood damages that result from reliance on their Ordinance or any administrative decision lawfully made thereunder.

2.7 SEVERABILITY: If any section, clauses, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 DEFINITIONS: Unless specifically defined below, words, or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

2.811 ACCESSOR USE OR STRUCTURE- a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2.812 BASEMENT- means any area of a structure, including crawl spaces, having its floor or base sub grade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.813 CONDITIONAL USE- means a specific type of structure or land use listed in the official control that may be allowed by only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (1) certain conditions as detailed in the zoning ordinance exist and (2) the structure and/or land use conforms to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

2.814 EQUAL EDGREE OF ENCROACHMENT- a method of determining the location of floodway boundaries so that flood plain land on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.815 FLOOD- a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

2.816 FLOOD FREQUENCY- the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.817 FLOOD FRINGE- that portion of the flood plain outside the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Waterville

2.818 FLOOD PLAIN- the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

2.819 FLOOD-PROOFING- a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.820 FLOODWAY-the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

2.821 OBSTRUCTION-any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

2.822 PRINCIPAL USE OR STRUCTURE- means all uses or structures that are not accessory uses or structures.

2.823 REACH- a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.824 REGIONAL FLOOD- a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” in the Flood Insurance Study.

2.825 REGULATORY FLOOD PROTECTION ELEVATION-the Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway. Within an A-O Zone, the regulatory flood protection elevation shall be established by adding 1 foot to the elevation of the pre-development highest adjacent grade of a proposed structure or use.

2.826 STRUCTURE-anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailer/vehicles not meeting the exemption criteria specified in Section 9.31 of the ordinance and other similar items.

2.827 VARIANCE-means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not state as acceptable in the official control, buy only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborate upon in a community’s respective planning and zoning enabling legislation.

2.828 DEVELOPMENT-any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of materials or equipment.

2.829 RECREATIONAL VEHICLE-a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling buy as temporary living quarters for recreational camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

2.9 ANNEXATIONS- the Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain area that lie outside of the corporate boundaries of the City of Waterville at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Waterville after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Waterville.

SECTION 3.0 ESTABLISHING OF ZONING DISTRICTS

3.1 DISTRICTS:

3.11 FLOODWAY DISTRICT. The Floodway District shall include those areas that are; (1) below the ordinary high water elevation of Lake Tetonka and Lake Sakatah; (2) designated as floodway on the Flood Boundary and Floodway Map adopted in Section 2.2.

3.12 FLOOD FRINGE DISTRICT. The Flood Fringe District shall include those areas that are; (1) above the ordinary high water elevation of Lake Tetonka and Lake Sakatah; (2) designated as floodway fringe on the Flood boundary and Floodway map adopted in Section 2.2 (3) areas that have been designated as A-O-Zone as adopted in Subsection 2.2 of this ordinance.

3.13 GENERAL FLOOD PLAIN DISTRICT. The General Flood Plain District shall include those areas designated as unnumbered A-O Zones on the Flood Insurance Rate Map adopted in Section 2.2

3.2 COMPLIANCE: No new structure or land shall hereafter be used and no structure or recreational vehicle shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulation which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and

General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes, replacement manufactured homes and certain travel trailer and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 9.0; A permit shall be required prior to any associated development on a recreational vehicle site including, but not limited to, placement of decks, fences, patios, porches, gazebos, sheds, garages, and other similar items.

3.22 Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and non conforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 11.0; and

3.23 As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer-or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.0 of the Ordinance.

SECTION 4.0 FLOODWAY DISTRICT (FW)

4.1 PERMITTED USES:

4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.

4.13 Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4.14 Residential lawns, gardens, parking areas, and play areas.

4.2 STANDARD FOR FLOODWAY PERMITTED USES:

4.21 The use shall have low flood damage potential.

4.22 The use shall be permissible in the underlying zoning district if one exists.

4.23 The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

4.3 CONDITIONAL USES:

4.31 Structures accessory to the use listed in 4.1 above and the uses listed in 4.32-4.38 below.

4.32 Extraction and storage of sand, gravel, and other materials.

4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.

4.34 Railroads, streets, bridges, utility transmission lines, and pipelines.

4.35 Storage yards for equipment, machinery, or materials.

4.36 Placement of fill

4.37 Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9.3 of this Ordinance.

4.38 Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4.4 STANDARDS FOR FLOODWAY CONDITIONAL USES:

4.41 ALL USES. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.42 All floodway Conditional Uses shall be subject to the procedures and standard contained in Section 10.4 of this Ordinance.

4.43 The Conditional use shall be permissible in the underlying zoning district if one exists.

4.44 FILL:

(a) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which included an erosion/sedimentation prevention element to the plan.

(c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year of regional flood but only after the Governing Body has received an appropriate plan which assures that removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.

4.45 ACCESSORY STRUCTURES:

(a) Accessory structures shall not be designed for human habitation.

(b) Accessory Structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

(1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, (2) so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(C) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

(1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

(2) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or Property flood proofed.

4.46 STORAGE OF MATERIALS AND EQUIPMENT:

(a) The storage of processing of materials that are in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

4.47 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 105. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

4.48 A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SECTION 5.0 FLOOD FRINGE DISTRICT (FF)

5.1 Permitted Uses: Permitted Uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a Permitted use in the Flood Fringe provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in Section 5.2 and the Standards for all Flood Fringe Uses" listed in Section 5.5

5.2 STANDARDS FOR FLOOD FRINGE PERMITTED USES:

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extended at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

5.22 As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with Section 4.45 (c).

5.23 The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional use, unless said fill is specifically intended to elevate a structure in accordance with section 5.21 of this ordinance.

5.24 The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

5.25 The provisions of Section 5.5 of this Ordinance shall apply.

5.3 Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 5.21-5.22 or any use of land that does not comply with the standards in Section 5.23-5.24 shall only be allowable as a Conditional Use. An application for a Conditional use shall be subject to the standards and criteria and evaluation procedures specified in Section 5.4-5.5 and 10.4 of this Ordinance.

5.4 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES:

5.41 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, ect., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure:

2) It is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, buildings access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification-The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for above-grade, Enclosed Areas-Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) The minimum area of opening in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking or vehicles or storage.

5.42 Basements, as defined by Section 2.812 of this Ordinance, shall be subject to the following:

(a) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

(b) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Section 5.43 of this Ordinance.

5.43 All areas of non residential structures including basements to be placed below the regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

5.44 When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5.45 STORAGE OF MATERIALS AND EQUIPMENT:

(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

5.46 The provisions of Section 5.5 of this Ordinance shall also apply.

5.5 STANDARDS FOR ALL FLOOD FRINGE USES:

5.51 All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

5.52 Commercial uses-accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

5.53 Manufacturing and Industrial Uses-measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.53 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

5.54 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation-FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5.55 Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain for any tributary watercourse of drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

5.56 Standards for travel trailer and travel vehicles are contained in Section 9.3.

5.57 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists floatation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

5.58 Within an A-O Zone shown on the Flood Insurance Rate Map as adopted by reference in Subsection 2.2 of this ordinance, adequate drainage paths shall be maintained around structures on slopes to guide flood waters around and away from proposed structures.

SECTION 6.0 GENERAL FLOOD PLAIN DISTRICT

6.1 Permissible Uses:

6.11 The uses listed in Section 4.1 of this Ordinance shall be permitted uses.

6.12 All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 6.2 below. Section 4.0 shall apply if the proposed use is in the Floodway District and Section 5.0 shall apply if the proposed use is in the flood Fringe District.

6.2 Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District.

6.21 Upon receipt of an application for a Conditional use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as it deemed necessary by the zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

(a) A typical valley cross –section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land use and vegetation upstream and downstream. And soil type.

(c) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

6.22 The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection elevation. Procedures consistent with Minnesota Regulation 1983, Parts 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

(a) Estimate the peak discharge of the regional flood.

(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel or overbank areas.

(c) Compute the floodway necessary to convey or store the regional flood without increasing the flood stage more than 0.5 foot. A lesser stage increase than 0.5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

6.23 The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and o/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this Ordinance.

Section 7.0 SUBDIVISIONS

7.1 Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain

districts shall contain a building site at or above the Regulatory Flood Protection Elevation. Allow subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory Flood Protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawing and platting documents.

7.2 Floodway/flood Fringe Determinations in the General Flood Plain district: In the General Flood Plain District, applicants shall provide the information required in Section 6.2 of this Ordinance to determine the 100 year flood elevation, the floodway and Flood Fringe District Boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

7.3 Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

SECTION 8.0 PUBLIC UTILITIES, RAILROAD, ROADS AND BRIDGES.

8.1 Public Utilities. All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or Elevated to above the Regulatory Flood Protection Elevation.

8.2 Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with sections 4.0 and 5.0 of this Ordinance. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided; 1) On-Site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters and they shall not be subject to impairment or contamination during time of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SECTION 9.0 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILER AND TRAVEL VEHICLES.

9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by section 7.0 of this Ordinance.

9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5.51, then replacement manufactured homes will not be allowed until the property owner (s) develops a flood warning emergency plan acceptable to the Governing Body.

9.21 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists floatation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirement for resisting wind forces.

9.3 Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 9.32 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.33-9.34 below.

9.31 Exemption-Recreational vehicles are exempt from the permit provisions of Section 10.21 of this Ordinance if they are placed in any of the areas listed in Section 9.32 below and further they meet the following criteria:

- (a) Have current licenses required for highway use.
- (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
- (C) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

9.32 Areas Exempted for Placement of Travel/Recreational Vehicles:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (C) Existing condominium type associations.

9.33 Associated development will be allowed on a recreational vehicle site including, but not limited to the placement of decks, fences, fuel tanks, storage container, patios, porches, gazebos, sheds, garages and other similar items provided the following standard are met.

(a) Nothing will be placed on the site that would hinder the removal or the recreational vehicle to a flood free location should flooding occur.

- (b) The recreational vehicle has current licenses required for highway use.

- (c) The recreational vehicle is highway ready, meaning on wheels or the internal jacking system and is attached to the site only by quick disconnect utilities commonly used in campgrounds and recreational vehicle parks. type
- (d) There is no attachment to the recreational vehicles or any sort.
- (e) The associated development is located outside the floodway.
- (f) Permit is required for all accessory structures, including but not limited to decks, fences, patios, porches, gazebos, sheds, garages, fuel tanks in excess of 30 pounds, and other similar items
- (g) A decking system may not exceed 12ft X 20ft in size. Placement of removable screen porch on said decking is permissible.
- (h) Structures must be built with flood resistant materials
- (i) The associated development is constructed consistent with the FP-3 or FP-4 flood proofing classification found in the State Building Code and all electrical, heating, ventilation, plumbing, and air condition equipment and other service facilities are either properly elevated above the regulatory flood protection elevation or are designed to keep water from entering or accumulating within the components during times of flooding.
- (j) Land with an elevation that does not meet the Regulatory Flood Protection Elevation must be elevated on fill to no lower than established Regulatory Flood Protection Elevation. In the event that it is not reasonable to fill to the Regulatory Flood Protection Elevation, the applicant must submit such request to the Planning and Zoning Commission for recommendation to the City Council. Flood

9.33.1 NON CONFORMING SITES

Structures built prior to July 1, 2008 and located on land below the Regulatory flood Protection Elevation be considered nonconforming if the flowing conditions are not met by October 1, 2009.

(A). All decks/accessory structures must be detached from the recreational vehicle or travel trailer including, but not limited to porches, entry ways, and skirting.

B. All decks and accessory structures must be anchored using spiral-type anchor (2-3 feet in length) and steel straps, or equivalent cable system.

C. Any enclosed accessory structure must have automatic openings and construction in accordance with FEMA's Technical Bulletin 1-93 (or designed by Engineer or architect to meet the FP3 or FP4 Standards)

9.34 New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

(a) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Section 5.51 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicle and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new, or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8.3 of this Ordinance.

SECTION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of the Ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use of change or use of a building, structure, or land; prior to the change or extension of a non conforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain; and any associated development on a recreational vehicle site including, but not limited to, placement of decks, fences, fuel tank in excess of 30# capacity, patios, porches, gazebos, shed, garages and other similar items .

10.22 Application for Permit. Application for a Permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of there foregoing in relation to the stream channel.

10.23 State and Federal Permits. Prior to granting a Permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal Permits.

10.24 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

10.25 Construction and Use to be as provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Section 12.0 of this Ordinance.

10.26 Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

10.27 Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.

10.3 Board of Adjustment: The City Council is designated as the Board of Adjustment for Waterville.

10.31 Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all the powers conferred on such Boards by State Law.

10.32 Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

10.33 Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. No Variance shall have the

effect of allowing in any district uses prohibited in that district permit a lower degree of flood protection than the Regulatory flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

10.34 Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.35 Decisions. The Board shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a Variance the Board may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting Variances shall be forwarded by mail to the Commissioner of Natural Resources. Within Ten (10) days of such action.

10.36 Appeals. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.

10.37 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 or \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator or the National Flood Insurance Program.

10.4 Conditional Uses: The Planning commission shall hear and recommend to the City Council for final decision applications for Conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning Commission for consideration.

10.41 Hearings. Upon filing with the Zoning Administrator an application for Conditional use Permit, Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.42 Decisions. The City Council shall arrive at a decision on a conditional use within 60 days. In granting a Conditional use Permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.46, which are in conformity with the purposes

of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional use Permit is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting Conditional use Permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.43 Procedures to be followed by the City Council in Passing on conditional use Permit Applications Within all Flood Plain Districts.

(a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the City Council for determining the suitability of the particular site for the proposed use:

(1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

(2) Specifications for building construction and materials, flood-proofing, filling dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the uses, the adequacy of the plans for protection, and other technical matters.

(c) Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard

10.44 Factors Upon Which the Decision of the City Council Shall be Based. In passing upon conditional Use applications, the city Council shall consider all relevant factors specified in other sections of this Ordinance, and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges culverts or other hydraulic structures.

(c) The Proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to this purposes of this Ordinance.

10.45 Time for Acting on Application. The city Council shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to 10.44 of this Ordinance. The City Council shall render a written decision within 60 days from the receipt of such additional information.

10.46 Conditions Attached to Conditional use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City council shall attach such conditions to the grating of conditional use Permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dike, levees, and other protective measures.
- (e) Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection elevation and associated flood factors for the particular area.

SECTION 11.0 NONCONFORMING USES

11.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance by which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

11.11 No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

11.12 Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood proofing classifications) allowable in the State Building code, except as further restricted in 11.13 and 11.16 below.

11.13 The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous; and proposed alterations and additions exceed s 50 percent of the current market value of the structure, then the structure must meet the standards of Section 4.0 and 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

11.14 If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The assessor shall notify the Zoning Administrator in writing of the instances of nonconforming uses which have been discontinued for a period of 12 months.

11.15 If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0., 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

11.16 If a substantial improvement occurs, as defined in Section 2.831 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration , or other improvement to the existing non conforming building, the building addition and the existing nonconforming building must meet the requirements of Section 4.0 of 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District respectively.

11.17 Any associated development on a recreational vehicle site that has been placed in non conformance with the ordinance that has been displaced from its foundation by flooding or other disaster or has been damaged such that the cost to repair the damage exceeds 50 percent of this pre-

damage replacement cost, shall not be replaced except in accordance with Section 9.33 of this Ordinance.

SECTION 12.0 PENALTIES FOR VIOLATION

12.1 Violations of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses) shall constitute a misdemeanor and shall be punishable as defined by law.

12.2 Nothing herein contained shall prevent Waterville from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

12.21 In responding to a suspected ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the Natural Flood Insurance Program for denial of flood insurance availability to the guilty part. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

12.22 When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

12.23 The Zoning Administrator shall notify the suspected party of the requirement of this Ordinance and all other Official controls and the nature and extent of the suspected violation of these controls. If the structure an/or use is under construction or development, the Zoning Administrator may order the construction of development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

12.24 If the responsible part does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SECTION 13.0 AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to the approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

This ordinance becomes effective July 15, 2008.

Passed by the City Council of Waterville on July 1, 2008
Second Reading: Waived
Published: July 10, 2008

§ 152.999 PENALTY.

(A) Violations of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

(B) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Those actions may include but are not limited to:

(1) In responding to a suspected ordinance violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(2) When an chapter violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

(3) The Zoning Administrator shall notify the suspected party of the requirements of this chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator

may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the Zoning Administrator may either:

(a) Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or

(b) Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

(4) If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this chapter and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this chapter.
(Ord. passed 6-1-1999)

TABLE OF SPECIAL ORDINANCES

Table

I. FRANCHISES

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
510	- -	Granting a cable communications franchise to Westel, Incorporated.

PARALLEL REFERENCES

References to Minnesota Statutes
References to 1982 Code
References to Resolutions

References to Ordinances

INDEX

ABANDONED PROPERTY

- Abandoned motor vehicles, 90.01
- Abandoned or disabled or unlicensed vehicles declared public nuisance, 94.05
- Other abandoned property, 90.02

ADMINISTRATOR-CLERK (See also SEWERS)

- Additional duties of the City Administrator-Clerk, 31.04
- Duties and responsibilities, 31.03
- Establishment, 31.02
- Purpose, 31.01
- Sanitary Sewer System
 - Control by the City Administrator-Clerk, 51.036

ADULT USES (See also ZONING)

- Adult establishments, 150.22

AGRICULTURE DISTRICT (See also DISTRICTS; ZONING)

- AH - Agriculture/Holding District, 150.05

AIR POLLUTION

- Declaration of air pollution or fire danger alert, 92.02
- General precautions against fire, 92.03
- Open burning of leaves and brush, 92.01

AIR RIFLES

- Air rifles; sling shots, 130.02
- Offense by parents, guardians, 130.03
- Penalty, 130.99
- Restrictions, 130.01

ALCOHOLIC BEVERAGES

- Beer Licensing
 - Closing hours, 111.048
 - Clubs, 111.049
 - Conditions of license, 111.047
 - Definition of terms, 111.040

ALCOHOLIC BEVERAGES (Cont'd)

Beer Licensing (Cont'd)

- Granting of licenses, 111.044
- License applications, 111.042
- License fees, 111.043
- License required, 111.041
- Persons ineligible for a license, 111.045
- Places ineligible for a license, 111.046
- Restrictions on purchase and consumption, 111.050
- Revocation, 111.051

Bottle Clubs

- Application, 111.071
- Bottle clubs defined, 111.065
- Hours of operation, 111.068
- Inspection, 111.069
- Permit required, 111.067
- Permit restrictions, 111.070
- Regulations, 111.066

Establishing 21 as age allowed in liquor establishments, 111.003

Intoxicating Liquor Licensing

- 2:00 a.m. closing, 111.030
- Application for license, 111.022
- Conditions of license, 111.027
- Granting of licenses, 111.024
- License fees, 111.023
- License required, 111.021
- Persons ineligible for license, 111.025
- Places ineligible for license, 111.026
- Provisions of state law adopted, 111.020
- Restrictions on purchase and consumption, 111.028
- Suspension and revocation, 111.029

Issuance of on-sale wine licenses and sale of intoxicating malt liquors under certain conditions, 111.005

Open containers, 111.002

Open to view establishments, 111.001

Prohibiting the consumption or possession of liquor on city property, 111.004

AMUSEMENTS

- Fee, 112.02
- Issuance, 112.03
- License required, 112.01
- Regulations, 112.04

ANIMALS

- Dangerous animals, 93.10
- Duty of owner, 93.11
- Exceptions, 93.08
- Immobilization, 93.09
- Impoundment, 93.04
- Minnesota Statutes, 93.12
- Notice, 93.07
- Nuisances, 93.03
- Regulation, 93.01
- Release from impoundment, 93.05
- Running at large prohibited, 93.02
- Setting of fees, 93.06

AUDIT OF FINANCIAL AFFAIRS

- Audit required, 31.17

BEER

- Beer Licensing
 - Closing hours, 111.048
 - Clubs, 111.049
 - Conditions of license, 111.047
 - Definition of terms, 111.040
 - Granting of licenses, 111.044
 - License applications, 111.042
 - License fees, 111.043
 - License required, 111.041
 - Persons ineligible for a license, 111.045
 - Places ineligible for a license, 111.046
 - Restrictions on purchase and consumption, 111.050
 - Revocation, 111.051

BICYCLES (See also TRAFFIC)

- Bicycles on sidewalks prohibited, 70.08

BILLBOARDS

- Application, 113.02
- Definition, 113.04
- Fee and term, 113.03
- License required, 113.01
- Zoning applicable, 113.05

BINGO

- Additional regulations, 115.04
- Application for license, 115.02
- License fee, 115.03
- License required, 115.01
- Special license, 115.06
- Suspension or revocation, 115.05

BOARD OF ADJUSTMENT (See also FLOOD PLAIN MANAGEMENT)

- Flood plain management, administration
 - Board of Adjustment, 152.137

BOOKKEEPER (See also TREASURER)

- Audit required, 31.17
- Bookkeeper, 31.15

BOTTLE CLUBS (See also ALCOHOLIC BEVERAGES)

- Application, 111.071
- Bottle clubs defined, 111.065
- Hours of operation, 111.068
- Inspection, 111.069
- Permit required, 111.067
- Permit restrictions, 111.070
- Regulations, 111.066

BRIDGES (See also FLOOD PLAIN MANAGEMENT)

- Bridge fishing prohibited, 130.30
- Diving or jumping from bridges prohibited, 130.31
- Penalty, 130.99
- Public Utilities, Railroads, Roads, and Bridges
 - On-site sewage treatment and water supply systems, 152.107
 - Public transportation facilities, 152.106
 - Public utilities, 152.105

BRUSH

- Declaration of air pollution or fire danger alert, 92.02
- General precautions against fire, 92.03
- Open burning of leaves and brush, 92.01

BUILDING CODE (See also FIRE DEPARTMENT)

- Fire Limits and Regulations
 - Adoption of Building Code, 33.30

BUILDINGS, MOVING OF (See also TRAFFIC)
Unlicensed building moving prohibited, 70.14

BURNING

Declaration of air pollution or fire danger alert, 92.02
General precautions against fire, 92.03
Open burning of leaves and brush, 92.01

BUSINESS DISTRICT (See also DISTRICTS; ZONING)

B1– Limited Business District, 150.10
B3 - General Business District, 150.12
B4 – Central Business District, 150.13

BUSINESS LICENSING

Application for licenses, 110.02
Application of regulations, 110.01
Certified copies, 110.09
Contents of license, 110.11
Duplicate and replacement license procedure, 110.14
Fees, 110.04
Fees, bonds and insurance, 110.03
Hearing, 110.17
Issuance of license, 110.08
License bonds, 110.07
License period, 110.12
Licensee and Licensed Premises
 Change of location of licenses premises, 110.31
 Duties of licensee, 110.30
 Enforcement, 110.33
 Transfer of license, 110.32
Payment of tax on licenses premises, 110.18
Prorating split fee, 110.05
Rebate of fee, 110.15
Renewal license procedure, 110.13
Restrictions, 110.06
Termination of license, 110.16
Unlawful licenses, 110.10

CARNIVALS

Fee, 112.02
Issuance, 112.03
License required, 112.01
Regulations, 112.04

CHARITABLE GAMBLING ADVISORY BOARD (See also CHARITABLE GAMBLING FUND)

Appointment of members and terms, 38.02

Charitable Gambling Advisory Board created, 38.01

Members: duties, organization, 38.03

CHARITABLE GAMBLING FUND (See also CHARITABLE GAMBLING ADVISORY BOARD)

Created, 37.15

Tax, 37.16

CHIEF OF POLICE (See also TRUCKS)

Chief of Police; duties, 32.02

Truck Routes

Authority of Chief of Police or police officer, 72.04

CIRCUSES

Fee, 112.02

Issuance, 112.03

License required, 112.01

Regulations, 112.04

CITY PROPERTY (See also ALCOHOLIC BEVERAGES)

City property and alcoholic beverages

Prohibiting the consumption or possession of liquor on city property, 111.004

CODE OF ORDINANCES, GENERAL PROVISIONS

Adoption of statutes and rules by reference, 10.19

Application to future ordinances, 10.03

Captions, 10.04

Copies of code, 10.18

Definitions, 10.05

Effective date of ordinances, 10.14

Enforcement, 10.20

Errors and omissions, 10.09

General penalty, 10.99

Hearings, 10.21

Official time, 10.10

Ordinances repealed, 10.12

Ordinances unaffected, 10.13

Ordinances which amend or supplement code, 10.16

Preservation of penalties, offenses, rights and liabilities, 10.17

Reasonable time, 10.11

Reference to offices, 10.08

Reference to other sections, 10.07

CODE OF ORDINANCES, GENERAL PROVISIONS (Cont'd)

- Repeal or modification of ordinance, 10.15
- Rules of interpretation, 10.02
- Severability, 10.06
- Supplemental administrative penalties, 10.98
- Title of code, 10.01

COMMERCIAL DISTRICT (See also DISTRICTS; ZONING)

- B2 – Commercial Recreational Shoreland District, 150.11

COUNCIL

- Committees, 30.07
- Emergency, 30.10
- Meetings, 30.01
- Minutes, 30.03
- Order of business, 30.04
- Ordinances, resolutions, petitions and communications, 30.06
- Presiding officer, 30.02
- Quorum and voting, 30.05
- Salaries of Mayor and Council members, 30.09
- Suspension or amendment of the rules, 30.08

CURFEW

- Definitions, 130.15
- Enforcement, 130.18
- Exceptions, 130.17
- Missing, 130.19
- Penalty, 130.99
- Restrictions, 130.16

DIRECTOR OF EMERGENCY MANAGEMENT (See also EMERGENCY MANAGEMENT)

- Establishment of emergency management organization, 35.03
- Penalty, 35.99
- Powers and duties of Director, 35.04

DIRT (See also STREETS)

- Assessable Current Services; Obligation of Property Owners and Occupants
- Snow, ice, dirt and rubbish, 91.21

DISTRICTS (See also FLOOD PLAIN MANAGEMENT; ZONING)

- AH - Agriculture/Holding District, 150.05
- B1– Limited Business District, 150.10
- B2 – Commercial Recreational Shoreland District, 150.11

DISTRICTS (Cont'd)

B3 - General Business District, 150.12

B4 - Central Business District, 150.13

Flood Fringe District

Conditional uses, 152.062

Permitted use, 152.060

Standards for all Flood Fringe uses, 152.064

Standards for Flood Fringe conditional uses, 152.063

Standards for Flood Fringe permitted use, 152.061

Floodway District (FW)

Conditional uses, 152.047

Permitted uses, 152.045

Standards for Floodway conditional uses, 152.048

Standards for Floodway permitted uses, 152.046

General Flood Plain District

Permissible uses, 152.075

Procedures for Floodway and Flood Fringe determinations, 152.076

II - Limited Industry District, 150.14

I2 - General Industry District, 150.15

Penalty, 152.999

Public Utilities, Railroads, Roads, and Bridges

On-site sewage treatment and water supply systems, 152.107

Public transportation facilities, 152.106

Public utilities, 152.105

R1 - Single-Family Residential District, 150.06

R2 - Medium Density Residential District, 150.07

R3 - High Density Residential District, 150.08

R4 - Manufactured Home Park District, 150.09

Regulatory flood protection elevation, 152.017

S - Shoreland District, 150.16

Planned Unit Developments (PUD) - Non-Shoreland, 150.21

Planned Unit Developments (PUDs) in Shoreland, 150.17

Statutory Authorization, Findings of Fact and Purpose

Findings of fact, 152.002

Methods used to analyze flood hazards, 152.003

Statement of purpose, 152.004

Statutory authorization, 152.001

Subdivisions

Land suitability review criteria, 152.090

Removal of special flood hazard area designation, 152.092

Requirements for Floodway/Flood Fringe determinations, 152.091

Warning and disclaimer of liability, 152.019

DUTCH ELM DISEASE (See also TREES)

Tree Diseases

Abatement of Dutch elm disease nuisance, 97.06

ELMS (See also TREES)

Tree Diseases

Abatement of Dutch elm disease nuisance, 97.06

Declaration of policy, 97.01

Epidemic disease program, 97.03

Forester, 97.02

Inspection and investigation, 97.05

Interference prohibited, 97.10

Nuisances declared, 97.04

Procedure for removal of infected trees and wood, 97.07

Spraying elm trees, 97.08

Transporting elm wood prohibited, 97.09

EMERGENCY MANAGEMENT

Definitions, 35.02

Emergency management a government function, 35.07

Emergency regulations, 35.06

Establishment of emergency management organization, 35.03

Local emergencies, 35.05

Participation in labor disputes or politics, 35.08

Penalty, 35.99

Policy and purpose, 35.01

Powers and duties of Director, 35.04

FINANCES

Audit required, 31.17

Charitable Gambling Fund

Created, 37.15

Tax, 37.16

Storm Sewer Improvement Tax District

Established, 37.01

FIRE (See also FIRE DEPARTMENT; FIRE PREVENTION)

Declaration of air pollution or fire danger alert, 92.02

General precautions against fire, 92.03

Open burning of leaves and brush, 92.01

FIRE CHIEF (See also FIRE DEPARTMENT; FIRE PREVENTION)

- Assistant Chief, 33.08
- Duties of Chief, 33.05
- Fire Marshal, 33.04

FIRE DEPARTMENT (See also FIRE PREVENTION)

- Appointment, 33.02
- Assistant Chief, 33.08
- Compensation, 33.10
- Duties of Chief, 33.05
- Fire Department continued, 3.01
- Fire Limits and Regulations
 - Adoption of Building Code, 33.30
 - Definitions, 33.31
 - Fire limits established, 33.32
 - Fire Prevention Code and regulations, 33.33
- Fire Marshal, 33.04
- Firefighters, 33.09
- Interference with Department, 33.14
- Minimum pay, 33.11
- Practice drills, 33.07
- Present members, 33.12
- Records, 33.06
- Relief Association, 33.13
- Selection, 33.03

FIRE LIMITS, ESTABLISHED (See also FIRE DEPARTMENT; FIRE PREVENTION)

- Fire limits established, 33.32

FIRE MARSHAL (See also FIRE DEPARTMENT)

- Creation
 - Fire Marshal, 33.04

FIRE PREVENTION (See also FIRE DEPARTMENT)

- Declaration of air pollution or fire danger alert, 92.02
- General precautions against fire, 92.03
- Open burning of leaves and brush, 92.01

FIRE PREVENTION CODE (See also FIRE DEPARTMENT)

- Fire Prevention Code and regulations, 33.33

FLOOD FRINGE DISTRICT (See also DISTRICTS; FLOOD PLAIN MANAGEMENT)

Flood plain management

Flood Fringe District

Conditional uses, 152.062

Permitted use, 152.060

Standards for all Flood Fringe uses, 152.064

Standards for Flood Fringe conditional uses, 152.063

Standards for Flood Fringe permitted use, 152.061

FLOOD PLAIN DISTRICT (See also DISTRICTS; FLOOD PLAIN MANAGEMENT)

Flood plain management

General Flood Plain District

Permissible uses, 152.075

Procedures for Floodway and Flood Fringe determinations, 152.076

FLOOD PLAIN MANAGEMENT (See also DISTRICTS; SUBDIVISIONS; ZONING)

Administration

Board of Adjustment, 152.137

Conditional uses, 152.138

Permit requirements, 152.136

Zoning Administrator, 152.135

Amendments to chapter, 152.160

Definitions, 152.020

Establishing of Zoning Districts

Compliance, 152.031

Districts, 152.030

Establishment of official zoning map, 152.016

Flood Fringe District

Conditional uses, 152.062

Permitted use, 152.060

Standards for all Flood Fringe uses, 152.064

Standards for Flood Fringe conditional uses, 152.063

Standards for Flood Fringe permitted use, 152.061

Floodway District (FW)

Conditional uses, 152.047

Permitted uses, 152.045

Standards for Floodway conditional uses, 152.048

Standards for Floodway permitted uses, 152.046

General Flood Plain District

Permissible uses, 152.075

Procedures for Floodway and Flood Fringe determinations, 152.076

Interpretation, 152.018

Lands to which chapter applies, 152.015

FLOOD PLAIN MANAGEMENT (Cont'd)

Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles

New manufactured home parks and expansions to existing manufactured home parks, 152.120

Placement of new or replacement of manufactured homes in existing home parks, 152.121

Travel trailers, 152.122

Nonconforming uses, 152.150

FLOODWAY DISTRICT (See also DISTRICTS; FLOOD PLAIN MANAGEMENT)

Flood plain management

Floodway District (FW)

Conditional uses, 152.047

Permitted uses, 152.045

Standards for Floodway conditional uses, 152.048

Standards for Floodway permitted uses, 152.046

FRANCHISES, TSO I

GARBAGE

Compulsory residential list, unit service fee and billing, 50.04

Contractor, site and disposal, 50.08

Definitions, 50.02

Licensing and license fees, 50.03

Non-residential collection, 50.07

Rates and charges established, 50.01

Residential collection, 50.06

Residential waste storage, 50.05

GRASS

Cutting and removal of grass, weeds and other rank, poisonous or harmful vegetation, 95.01

HOLDING DISTRICT (See also DISTRICTS; ZONING)

AH - Agriculture/Holding District, 150.05

ICE (See also STREETS)

Assessable Current Services; Obligation of Property Owners and Occupants

Snow, ice, dirt and rubbish, 91.21

INDUSTRY DISTRICT (See also DISTRICTS; ZONING)

I1 – Limited Industry District, 150.14

I2 – General Industry District, 150.15

LEAVES

- Declaration of air pollution or fire danger alert, 92.02
- General precautions against fire, 92.03
- Open burning of leaves and brush, 92.01

LIQUOR (See ALCOHOLIC BEVERAGES)

MANUFACTURED HOME PARK DISTRICT (See also DISTRICTS; FLOOD PLAIN MANAGEMENT; ZONING)

- R4 - Manufactured Home Park District, 150.09

MANUFACTURED HOME PARKS (See also FLOOD PLAIN MANAGEMENT)

- Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles
 - New manufactured home parks and expansions to existing manufactured home parks, 152.120
 - Placement of new or replacement of manufactured homes in existing home parks, 152.121
 - Travel trailers, 152.122

MANUFACTURED HOMES (See also FLOOD PLAIN MANAGEMENT)

- Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles
 - New manufactured home parks and expansions to existing manufactured home parks, 152.120
 - Placement of new or replacement of manufactured homes in existing home parks, 152.121
 - Travel trailers, 152.122

MAYOR

- Presiding officer, 30.02
- Salaries of Mayor and Council members, 30.09

MEETINGS

- Committees, 30.07
- Emergency, 30.10
- Meetings, 30.01
- Minutes, 30.03
- Order of business, 30.04
- Ordinances, resolutions, petitions and communications, 30.06
- Presiding officer, 30.02
- Quorum and voting, 30.05
- Suspension or amendment of the rules, 30.08

MINORS (See also ALCOHOLIC BEVERAGES)

Alcoholic beverages

- Establishing 21 as age allowed in liquor establishments, 111.003
- Definitions, 130.15
- Enforcement, 130.18
- Exceptions, 130.17
- Missing, 130.19
- Penalty, 130.99
- Restrictions, 130.16

MOTOR VEHICLES

- Abandoned motor vehicles, 90.01
- Abandoned or disabled or unlicensed vehicles declared public nuisance, 94.05

MOVIES

- Fee, 112.02
- Issuance, 112.03
- License required, 112.01
- Regulations, 112.04

NOISE

- Additional remedy; injunction, 96.05
- Exception, 96.04
- Noises prohibited; unnecessary noise standard, 96.03
- Prohibition, 96.02
- Purpose, 96.01

NUISANCES (See also ANIMALS; NOISE; TREES)

- Abandoned or disabled or unlicensed vehicles declared public nuisance, 94.05
- Abatement, 94.08
- Animals, 93.03
- Building maintenance and appearance, 94.06
- Duties of city officers, 94.07
- Noise
 - Additional remedy; injunction, 96.05
 - Exception, 96.04
 - Noises prohibited; unnecessary noise standard, 96.03
 - Prohibition, 96.02
 - Purpose, 96.01
- Public nuisance defined, 94.01
- Public nuisances affecting health, 94.02
- Public nuisances affecting morals and decency, 94.03

NUISANCES (Cont'd)

- Public nuisances affecting peace and safety, 94.04
- Recovery of cost, 94.09
- Tree Diseases
 - Nuisances declared, 97.04

OPEN CONTAINERS (See also ALCOHOLIC BEVERAGES)

- Alcoholic beverages, prohibition
- Open containers, 111.002

PARKING (See also TRAFFIC)

- Parking Regulations
 - Impoundment, 71.06
 - No parking, stopping or standing zones, 71.02
 - Parallel parking, 71.01
 - Parking limits, 71.04
 - Prima facie violation, 71.07
 - Time limit parking zones, 71.03
 - Truck parking on streets prohibited, 71.08
 - Vehicle left unattended, 71.05
- Snow Emergency Parking
 - Declaration of emergency, 71.20
 - Restrictions on parking during snow emergency, 71.21
 - Violation, 71.22
- Truck Zones, Loading Zones and the like
 - Establishment, 72.15
 - Loading zone prohibitions, 72.17
 - No truck parking zones, 72.20
 - Property owner initiative, 72.18
 - Semi-trailer parking, 72.19
 - Truck zone prohibitions, 72.16

PARKS (See PARKS AND RECREATION ADVISORY COMMISSION; STREETS)

PARKS AND RECREATION ADVISORY COMMISSION

- Composition, 36.02
- Powers and duties of Commission, 36.03
- Purpose, 36.01

PEDDLERS

- Definitions, 114.01
- Exceptions to definitions, 114.02
- Exclusion by placard, 114.09

PEDDLERS (Cont'd)

- License ineligibility, 114.04
- License suspension and revocation, 114.05
- License transferability, 114.06
- Licensing; exemptions, 114.03
- Prohibited activities, 114.08
- Registration, 114.07

PLANNED UNIT DEVELOPMENTS (See also DISTRICTS; SHORELAND DISTRICT; ZONING)

- Planned Unit Developments (PUD) - Non-Shoreland, 150.21
- Planned Unit Developments (PUDs) in Shoreland, 150.17

PLANNING COMMISSION (See also SUBDIVISIONS; ZONING)

- Compensation, 34.02
- Establishment, 34.01
- Organization, meetings and the like, 34.03
- Plats; approval, 34.06
- Powers and duties of the Commission, 34.04
- Variances, Planning Commission recommendations, standards, 151.11
- Zoning ordinances; public hearings, 34.05

PLUMBING

- Water System
 - Plumbing regulations, 51.022

POLICE (See also POLICE DEPARTMENT; TRAFFIC; TRUCKS)

- Chief of Police, 32.02
- Duties of police, 32.03
- Establishment, 32.01
- Extra police, 32.05
- Police Department rules and regulations, 32.06
- Traffic
 - Police duties, 70.15
- Truck Routes
 - Authority of Chief of Police or police officer, 72.04
- Uniform and badge, 32.04

POLICE DEPARTMENT (See also POLICE)

- Duties of police, 32.03
- Establishment, 32.01
- Extra police, 32.05

POLICE DEPARTMENT (Cont'd)

- Police Department rules and regulations, 32.06
- Uniform and badge, 32.04

PUBLIC PROPERTY (See also ALCOHOLIC BEVERAGES)

- City property and alcoholic beverages
 - Prohibiting the consumption or possession of liquor on city property, 111.004
- Local Improvement Policy
 - Application for deferred payment of special assessments, 91.47
 - Assessment policies applicable to all types of improvements, 91.42
 - Classification of projects, 91.41
 - Determination of interest rate, 91.49
 - Hardship defined, 91.46
 - Initiation of public improvement projects, 91.40
 - Notice, 91.51
 - Providing for deferral of special assessments, 91.45
 - Renewal, 91.48
 - Subsurface improvements, 91.44
 - Surface improvements, 91.43
 - Termination of right of deferred payment, 91.50

PUBLIC TRANSPORTATION (See also FLOOD PLAIN MANAGEMENT)

- Public Utilities, Railroads, Roads, and Bridges
 - On-site sewage treatment and water supply systems, 152.107
 - Public transportation facilities, 152.106
 - Public utilities, 152.105

PUBLIC UTILITIES (See also FLOOD PLAIN MANAGEMENT)

- Public Utilities, Railroads, Roads, and Bridges
 - On-site sewage treatment and water supply systems, 152.107
 - Public transportation facilities, 152.106
 - Public utilities, 152.105

RAILROADS (See also FLOOD PLAIN MANAGEMENT)

- Public Utilities, Railroads, Roads, and Bridges
 - On-site sewage treatment and water supply systems, 152.107
 - Public transportation facilities, 152.106
 - Public utilities, 152.105

REFUSE

- Compulsory residential list, unit service fee and billing, 50.04
- Contractor, site and disposal, 50.08
- Definitions, 50.02

REFUSE (Cont'd)

- Licensing and license fees, 50.03
- Non-residential collection, 50.07
- Rates and charges established, 50.01
- Residential collection, 50.06
- Residential waste storage, 50.05

RELIEF ASSOCIATION (See also FIRE DEPARTMENT)

- Organization
 - Relief Association, 33.13

RESIDENTIAL DISTRICT (See also DISTRICTS; ZONING)

- R1 - Single-Family Residential District, 150.06
- R2 - Medium Density Residential District, 150.07
- R3 - High Density Residential District, 150.08

ROLLER BLADES

- Definition, 73.02
- Future description of prohibited areas, 73.06
- Observation of rules of the road, 73.05
- Permitted, 73.04
- Prohibition, 73.03
- Purpose, 73.01

ROLLER SKATES

- Definition, 73.02
- Future description of prohibited areas, 73.06
- Observation of rules of the road, 73.05
- Permitted, 73.04
- Prohibition, 73.03
- Purpose, 73.01

ROLLER SKIS

- Definition, 73.02
- Future description of prohibited areas, 73.06
- Observation of rules of the road, 73.05
- Permitted, 73.04
- Prohibition, 73.03
- Purpose, 73.01

RUBBISH (See also STREETS)

- Assessable Current Services; Obligation of Property Owners and Occupants
 - Snow, ice, dirt and rubbish, 91.21

SEWAGE TREATMENT (See also FLOOD PLAIN MANAGEMENT)

- Public Utilities, Railroads, Roads, and Bridges
 - On-site sewage treatment and water supply systems, 152.107
 - Public transportation facilities, 152.106
 - Public utilities, 152.105

SEWER SERVICE FUND (See also SEWERS)

Sewer Rates and Charges
Sewer service fund, 51.109

SEWERS (See also FLOOD PLAIN MANAGEMENT; WATER)

Accounting, billing and collecting, 51.005
Applications for service, 51.003
Charges for service connections, 51.004
Fees, Charges and Rates
Collection, late payment charge, special assessment, 51.077
Fees, charges and rates authorized and defined, 51.075
Priority of application, 51.076
Individual Sewage Disposal Systems
Administration, 51.060
Code adopted, 51.056
Construction requirements, 51.059
Definitions, 51.055
Inspection, 51.061
Installers, 51.057
Maintenance, 51.062
Objectives, 51.063
Permits, 51.058
License and permits, 51.090
Sanitary Sewer System
Building sewers and connections, 51.039
Control by the City Administrator-Clerk, 51.036
Damage of wastewater facilities, 51.041
Definitions, 51.035
Powers and authority of inspectors, 51.043
Private wastewater disposal, 51.038
Regulations, 51.037
Use of public sewers, 51.040
User rate schedule for charges, 51.042

SEWERS (Cont'd)

Sewage treatment

- Public Utilities, Railroads, Roads, and Bridges

- On-site sewage treatment and water supply systems, 152.107

- Public transportation facilities, 152.106

- Public utilities, 152.105

Sewer Rates and Charges

- Administration, 51.110

- Definitions, 51.106

- Determination of sewer service charges, 51.108

- Establishment of a sewer service charge system, 51.107

- Sewer rates and charges established, 51.105

- Sewer service fund, 51.109

- Use of water and sewer system restricted, 51.002

- Water and Sewer Department, 51.001

SHORELAND DISTRICT (See also DISTRICTS; ZONING)

- B2 – Commercial Recreational Shoreland District, 150.11

- Planned Unit Developments (PUD) - Non-Shoreland, 150.21

- Planned Unit Developments (PUDs) in Shoreland, 150.17

- S - Shoreland District, 150.16

SIDEWALKS (See also STREETS; TRAFFIC)

- Assessable Current Services; Obligation of Property Owners and Occupants

- Installation and repair of water service lines, 91.24

- Repair of sidewalks and alleys, 91.25

- Bicycles on sidewalks prohibited, 70.08

- Obstructing streets, sidewalks and alleys prohibited, 70.10

- Snowmobiles

- Sidewalks and boulevards, 74.03

- Wheeled vehicles on sidewalks prohibited, 70.12

SKATEBOARDS

- Definition, 73.02

- Future description of prohibited areas, 73.06

- Observation of rules of the road, 73.05

- Permitted, 73.04

- Prohibition, 73.03

- Purpose, 73.01

SLINGSHOTS

- Air rifles; sling shots, 130.02
- Offense by parents, guardians, 130.03
- Penalty, 130.99
- Restrictions, 130.01

SNOW (See also PARKING; SNOWMOBILES; STREETS)

- Assessable Current Services; Obligation of Property Owners and Occupants
 - Snow, ice, dirt and rubbish, 91.21
- Snow Emergency Parking
 - Declaration of emergency, 71.20
 - Restrictions on parking during snow emergency, 71.21
 - Violation, 71.22

SNOWMOBILES

- Direct crossings, 74.06
- Equipment, 74.09
- Exceptions, 74.05
- Hours of operation, 74.07
- Minimum age of operator, 74.11
- Operation on roadways, public lands and water, 74.04
- Private property, 74.02
- Prohibited acts, 74.08
- Scope of application, 74.01
- Sidewalks and boulevards, 74.03
- Unattended snowmobile, 74.10

SOLICITORS

- Definitions, 114.01
- Exceptions to definitions, 114.02
- Exclusion by placard, 114.09
- License ineligibility, 114.04
- License suspension and revocation, 114.05
- License transferability, 114.06
- Licensing; exemptions, 114.03
- Prohibited activities, 114.08
- Registration, 114.07

STORM SEWER IMPROVEMENT TAX DISTRICT

- Established, 37.01

STREETS (See also SNOWMOBILES; TRAFFIC)

Assessable Current Services; Obligation of Property Owners and Occupants

Assessment, 91.28

Definition, 91.20

Installation and repair of water service lines, 91.24

Personal liability, 91.27

Public health and safety standards, 91.23

Repair of sidewalks and alleys, 91.25

Snow, ice, dirt and rubbish, 91.21

Street sprinkling, street flushing, tree care and the like, 91.26

Weed elimination, 91.22

Establishment of safety zones, lanes of traffic and the like, 70.05

Excavations

Application and regulations, 91.02

Bond, 91.03

General regulations for excavations, 91.04

Map of subsurface installations, 91.06

Permit required, 91.01

Refilling excavations, 91.05

Local Improvement Policy

Application for deferred payment of special assessments, 91.47

Assessment policies applicable to all types of improvements, 91.42

Classification of projects, 91.41

Determination of interest rate, 91.49

Hardship defined, 91.46

Initiation of public improvement projects, 91.40

Notice, 91.51

Providing for deferral of special assessments, 91.45

Renewal, 91.48

Subsurface improvements, 91.44

Surface improvements, 91.43

Termination of right of deferred payment, 91.50

Obstructing streets, sidewalks and alleys prohibited, 70.10

Roller blades

Definition, 73.02

Future description of prohibited areas, 73.06

Observation of rules of the road, 73.05

Permitted, 73.04

Prohibition, 73.03

Purpose, 73.01

STREETS (Cont'd)

Roller skates

- Definition, 73.02
- Future description of prohibited areas, 73.06
- Observation of rules of the road, 73.05
- Permitted, 73.04
- Prohibition, 73.03
- Purpose, 73.01

Roller skis

- Definition, 73.02
- Future description of prohibited areas, 73.06
- Observation of rules of the road, 73.05
- Permitted, 73.04
- Prohibition, 73.03
- Purpose, 73.01

Seasonal weight restrictions, 70.04

Skateboards

- Definition, 73.02
- Future description of prohibited areas, 73.06
- Observation of rules of the road, 73.05
- Permitted, 73.04
- Prohibition, 73.03
- Purpose, 73.01

Through streets; one-way streets, 70.03

SUBDIVISIONS (See also DISTRICTS; FLOOD PLAIN MANAGEMENT; ZONING)

- Definitions, 151.03
- Design standards, 151.07
- Flood plain management; subdivisions
 - Land suitability review criteria, 152.090
 - Removal of special flood hazard area designation, 152.092
 - Requirements for Floodway/Flood Fringe determinations, 152.091
- General provisions, 151.01
- Non-platted subdivision, 151.10
- Park land dedication requirements, 151.08
- Penalty, 151.99
- Plat and data requirements, 151.06
- Premature subdivisions, 151.05
- Procedures for filing and review, 151.04
- Required basic improvements, 151.09
- Rules, 151.02
- Variances, Planning Commission recommendations, standards, 151.11
- Violations, 151.12

TAXATION

Charitable Gambling Fund

- Created, 37.15
- Tax, 37.16

Storm Sewer Improvement Tax District

- Established, 37.01

TRAFFIC (See also PARKING)

- Bicycles on sidewalks prohibited, 70.08
- Definitions, 70.01
- Establishment of safety zones, lanes of traffic and the like, 70.05
- Exhibition driving prohibited, 70.07
- Exhibitions and assemblages of people, 70.13
- Interference with construction prohibited, 70.09
- Obstructing streets, sidewalks and alleys prohibited, 70.10
- Police duties, 70.15
- Removing keys, 70.06
- Seasonal weight restrictions, 70.04
- Through streets; one-way streets, 70.03
- Tracked vehicles prohibited, 70.11
- Turning, 70.02
- Unlicensed building moving prohibited, 70.14
- Use of jake brakes, 70.16
- Wheeled vehicles on sidewalks prohibited, 70.12

TREASURER (See also BOOKKEEPER)

- Audit required, 31.17
- City treasurer, 31.16

TREES (See also STREETS)

- Assessable Current Services; Obligation of Property Owners and Occupants
 - Street sprinkling, street flushing, tree care and the like, 91.26
- Authority and duties, 97.25
- Definitions, 97.26
- Planting, maintenance and removal of trees, 97.27
- Prohibited acts and appeals, 97.28
- Tree Diseases
 - Abatement of Dutch elm disease nuisance, 97.06
 - Declaration of policy, 97.01
 - Epidemic disease program, 97.03
 - Forester, 97.02
 - Inspection and investigation, 97.05

TREES (Contn'd)

Tree Diseases (Cont'd)

- Interference prohibited, 97.10
- Nuisances declared, 97.04
- Procedure for removal of infected trees and wood, 97.07
- Spraying elm trees, 97.08
- Transporting elm wood prohibited, 97.09

TRUCKS (See also PARKING; TRAFFIC)

Parking Regulations

- Truck parking on streets prohibited, 71.08

Truck Routes

- Authority of Chief of Police or police officer, 72.04
- Classifications, 72.02
- Definitions, 72.01
- Restriction, 72.03

Truck Zones, Loading Zones and the like

- Establishment, 72.15
- Loading zone prohibitions, 72.17
- No truck parking zones, 72.20
- Property owner initiative, 72.18
- Semi-trailer parking, 72.19
- Truck zone prohibitions, 72.16

VEGETATION

- Cutting and removal of grass, weeds and other rank, poisonous or harmful vegetation, 95.01

WASTE

- Compulsory residential list, unit service fee and billing, 50.04
- Contractor, site and disposal, 50.08
- Definitions, 50.02
- Licensing and license fees, 50.03
- Non-residential collection, 50.07
- Rates and charges established, 50.01
- Residential collection, 50.06
- Residential waste storage, 50.05

WATER (See also SEWERS; STREETS)

- Accounting, billing and collecting, 51.005
- Applications for service, 51.003
- Assessable Current Services; Obligation of Property Owners and Occupants
 - Installation and repair of water service lines, 91.24
 - Repair of sidewalks and alleys, 91.25

WATER (Cont'd)

- Charges for service connections, 51.004
- Fees, Charges and Rates
 - Collection, late payment charge, special assessment, 51.077
 - Fees, charges and rates authorized and defined, 51.075
 - Priority of application, 51.076
- License and permits, 51.090
- Use of water and sewer system restricted, 51.002
- Water and Sewer Department, 51.001
- Water charges and rates established, 51.125
- Water System
 - General water regulations, 51.020
 - Meters, 51.021
 - Plumbing regulations, 51.022
 - Water rates, 51.023

WATER AND SEWER DEPARTMENT (See also SEWERS; WATER)

- Established
 - Water and Sewer Department, 51.001

WEAPONS, USE OF

- Air rifles; sling shots, 130.02
- Offense by parents, guardians, 130.03
- Penalty, 130.99
- Restrictions, 130.01

WEEDS (See also STREETS)

- Assessable Current Services; Obligation of Property Owners and Occupants
 - Weed elimination, 91.22
- Cutting and removal of grass, weeds and other rank, poisonous or harmful vegetation, 95.01
- Definition, 95.04
- Duty of owner, lessee or occupant, 95.02
- When city to do work, 95.03

WINE (See also ALCOHOLIC BEVERAGES)

- Issuance of on-sale wine licenses and sale of intoxicating malt liquors under certain conditions, 111.005

ZONING (See also BILLBOARDS; DISTRICTS; FLOOD PLAIN MANAGEMENT; SUBDIVISIONS)

- Administration, 150.18
- Adult establishments, 150.22
- Amendments and Conditional Use Permits, 150.19

ZONING (Cont'd)

Billboards

Zoning applicable, 113.05

Building permit surcharge, 120.23

Definitions, 150.02

Establishment of zoning classifications, 150.04

General provisions, 150.03

Planned Unit Developments (PUD) - Non-Shoreland, 150.21

Planned Unit Developments (PUDs) in Shoreland, 150.17

Planning Commission

Compensation, 34.02

Establishment, 34.01

Organization, meetings and the like, 34.03

Plats; approval, 34.06

Powers and duties of the Commission, 34.04

Zoning ordinances; public hearings, 34.05

Title, purpose, application, 150.01

Variances and Appeals, 150.20

ZONING ADMINISTRATOR (See also FLOOD PLAIN MANAGEMENT)

Flood plain management, administration

Zoning Administrator, 152.135

ZONING MAP (See also FLOOD PLAIN MANAGEMENT)

Flood plain management

Establishment of official zoning map, 152.016

