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Ordinance No. 1

[Cigarettes]

Medicine Lake Village Ordinance licensing and regulating the retail sale of cigarettes and cigarette wrappers.

The village council of Medicine Lake do ordain as follows:

Section .01: License Required

No person shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispose of, any cigarette or cigarette wrapper at any place in the village of Medicine Lake unless a license therefor shall first have been obtained as provided in this ordinance.

Section .02: Application and Issuance

Application for such license shall be made to the village clerk on a form supplied by the village. Such application shall state the full name and address of the applicant, the location of the building and the part intended to be used by the applicant under such license, the kind of business conducted at such location, and such other information as shall be required by the application form. Upon the filing of such application with the clerk, it shall be presented to the village council for its consideration, and if granted by the council, a license shall be issued by the village clerk upon payment of the required fee.

Section .03: License Fee

The fee for every such license shall be \$12.00 per annum. Every such license shall expire on December 31 next after its issuance. For any license issued after January 31 in any year, the fee shall be computed at the rate of \$1.00 for each month or fractional part of a month covered by the license. Licenses shall not be transferable from one person to another.

Section .04: License Shall Be Displayed

Every such license shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request.

Section .05: Restrictions

No license shall be issued except to a person of good moral character. No license shall be issued to any applicant for sale of cigarettes at any place other than his established place of business. No license shall be issued for the sale of cigarettes at a movable place of business, nor shall any license be issued for the sale of cigarettes at more than one place of business. No person shall sell or give away any cigarettes, cigarette paper or cigarette wrapper to any person below the age of 18 years. No person shall keep for sake, sell, or dispose of any cigarette containing opium, morphine, jimson weed, bella donna, strychnia, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine.

Section .06: Revocation

Every such license may be revoked by the council for a violation of any provision of this ordinance if the licensee has been given a reasonable notice and an opportunity to be heard.

Section .07: **Penalty**

Any person who shall violate any provision of this ordinance upon conviction thereof shall be punished by a fine of not to exceed \$100.00 or by imprisonment for not to exceed 90 days.

Passed by the Council this 5th day of June, 1944.

L. B. Johantgen, Mayor, President of Council

Attest: J. R. Solberg, Village Clerk

Ordinance No. 2

[Coin Operated Mechanical Amusement Devices]

An Ordinance to license and regulate coin operated mechanical amusement devices in the Village of Medicine Lake, and to provide penalties for the violation thereof.

The council of the village of Medicine Lake does ordain:

Section .01: **Definition**

A coin operated mechanical amusement device is hereby defined as any machine which, upon the insertion of a coin, token or slug, operates or may be operated by the public generally for use as a game, entertainment or amusement, and which contains no automatic pay-off device for the return of money, coins, checks, tokens or merchandise, or which provides no such pay-off by any other means or manner except that this provision shall not prohibit the licensing of such a machine which returns slugs or tokens which may be used only in the machine licensed and which in itself does not constitute a gambling device. The term shall include so called pinball machines, music machines, motion picture machines and all other machines which, by the insertion of a coin or token, operates for the entertainment or amusement of the player, except weighing machines.

Section .02: **License Required**

No person, firm or corporation shall own, operate, maintain or keep for operation within the village of Medicine Lake any such coin operated mechanical amusement device as hereinbefore defined without first having applied for and received a license therefor as hereinafter provided. No license shall be issued for any roulette wheel, slot machine, mechanical horse-race or any other gambling device.

Section .03: **Application and Issuance**

Each owner of each individual machine or device shall make application at the office of the village clerk, upon forms furnished by the village, for an owner's license. Each such application shall be accompanied by the annual license fee of \$35.00 per machine, except applications for licenses for music machines, which applications shall be accompanied by the annual license fee of \$10.00. The owner shall receive in addition to the license, one annual license tag for each machine he is licensed to own, which tag shall be displayed upon the machine in a prominent place.

Owners' licenses must be secured and affixed to the machines on or before May 31st and shall expire May 31st, 1945, and shall be renewed prior to May 31st each year thereafter. No owner's license shall be transferable from person to person, but the machine with license tags affixed thereto may be moved by the owner from one location to another. Upon revocation or lapsing of any owner's licenses, no refund shall be made of any portion of the license fee. In the event an owner applies for a license subsequent to the beginning of the license year, he shall pay the pro-rata portion of the license fee from the date of issuance to the end of the license year as provided herein. All applications shall contain a statement of the list price of such machines.

Section .04: **Restrictions**

No person, firm or corporation shall permit to be operated in his or her place of business any such machine or device by any person under the age of 18 years. No person, firm or corporation shall permit the operation of any such machine or device for the making of side bets or gambling in any form. No price, award, merchandise, gift, money or anything of value shall be given any player of such machine or device which is contrary to law.

Section .05: **Revocation**

Any license granted under the terms of this ordinance may be revoked by the village council at any time without a hearing and without notice to the licensee. Any misstatement of fact in the applications for said licenses shall be grounds for revocation of such license.

Section .06: **Penalty**

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$100.00 or by imprisonment in the workhouse for not to exceed 90 days.

Passed by the council this 5th day of June, 1944.

Approved: L. B. Johantgen, Mayor

Attest: J. R. Solberg, Clerk

Ordinance No. 3

[Non-Intoxicating Malt Liquors]

Medicine Lake Ordinance licensing and regulating the sale of non-intoxicating malt liquors, and providing a penalty for the violation hereof.

The common council of the village of Medicine Lake do ordain:

Section .01: **Definition of Terms**

- (a) As used in this ordinance, the term "person" shall mean and include a natural person of either sex, persons, co-partnerships, corporations and associations of persons; and shall include the agent or manager of any of the aforesaid. The singular number shall include the plural, and the masculine pronoun shall include the feminine and neuter.
- (b) "Non-intoxicating malt liquor" shall mean any potable malt beverage with an alcoholic content of more than one-half of one per cent by volume and not more than three and two-tenths by weight.
- (c) "Original package" as used herein shall mean the bottle or sealed container in which the liquor is placed at the place of manufacture.
- (d) "Cafe" or "restaurant" as used in this ordinance shall mean any place where preparing and serving lunches or meals to the public to be consumed on the premises constitutes the major business thereof.

Section .02: **License Required—Kinds**

- (a) No person shall sell, vend, deal in or dispose of, by gift, sale or otherwise, or keep or offer for sale, any non-intoxicating malt liquor within this village without first having received a license therefor as hereinafter provided. Licenses shall be of two kinds: "On Sale" and "Off Sale."
- (b) "On Sale" licenses shall be granted only to drug stores, cafes, restaurants and hotels where food is prepared and served for consumption on the premises and in bona fide clubs, and shall permit the sale of such liquor for consumption on the premises only.
- (c) "Off Sale" licenses shall be granted to permit the sale at retail and wholesale of such liquor in the original packages for removal from and consumption off the premises only.

Section .03: **Applications for License**

Every applicant for a license to sell non-intoxicating malt liquor shall be made on a form to be supplied by the village setting forth the name of the person asking for such license, his age, representations as to his character with such references as may be required, his citizenship, the location where such business is to be carried on, whether such application is for "on sales" or "off sales," the business in connection with which the proposed license will operate, whether

applicant is owner and operator of such business, the business at that place, and such other information as the governing body may require from time to time. It shall be unlawful to make any false statement in an application.

Section .04: License Fees

All applications for licenses shall be accompanied by a receipt from the village treasurer for the required annual fee for the respective license. All such fees shall be paid into the general fund of the municipality. Upon rejection of any application for a license, the treasurer shall refund the amount paid.

The annual fee for an "On Sale" license shall be One Hundred Dollars, with dancing, One Hundred Fifty Dollars.

The annual fee for an "Off Sale" license shall be Twenty-Five Dollars.

All licenses shall expire on the last day of May in each year; provided that if eight months of any licensing year have elapsed when the application is made, the fee shall be reduced to one-half of the regular amount thereof.

Section .05: Granting of Licenses

The village council shall cause an investigation to be made of all facts set forth in the application. Opportunity shall be given to any person to be heard for or against the granting of any license. After such investigation the village council shall grant or refuse any such application in its discretion. All licensed premises shall have the license therefor posted in a conspicuous place at all times. All licenses granted under this ordinance shall be issued to the applicant only and shall be issued for the premises described in the application. Such license shall not be transferred to another place without the approval of the village council.

Section .06: Person Ineligible for License

No license shall be granted to any person:

- (a) Under twenty-one years of age;
- (b) Who has been convicted of a felony or of violating the National Prohibition Act or any law of this state or local ordinance relating to manufacture or transportation of intoxicating liquors;
- (c) Who is a manufacturer of wholesale of non-intoxicating malt liquors or who is interested in the control of any place where such liquor is manufactured or sold;
- (d) Who is an alien or a non-resident of the village of Medicine Lake;
- (e) Who is not of good moral character; or
- (f) Who is or during the period of his 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 such person a license to sell intoxicating liquor pursuant to the laws of this state at such place.

Section .07: **Places Ineligible for License**

- (a) No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this ordinance or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

Section .08: **Condition of Licenses**

- (a) All licenses granted hereunder shall be granted subject to the conditions in the following subsections and all other conditions of this ordinance and subject to all other ordinances of the village applicable thereto.
- (b) No license shall give permission to sell non-intoxicating malt liquor at any public gathering for the purpose of entertainment, amusement, or playing of games and no such liquor shall be consumed there.
- (c) No sale of any non-intoxicating malt liquor shall be made to any person under guardianship nor to any person under twenty-one years of age.
- (d) No gambling or any gambling device prohibited by law shall be permitted in any licensed premises.
- (e) No licensee shall receive any benefits from a manufacturer or wholesaler of non-intoxicating malt liquor or be a party to any exclusive purchase contract with a manufacturer or wholesaler of non-intoxicating malt liquor contrary to the provisions of Mason's Supplement 1940, Sec. 3200-6 as amended by Laws of 1943, Ch. 459.
- (f) No licensee shall sell non-intoxicating malt liquor while holding or exhibiting in the licensed premises a Federal liquor dealer's special tax stamp unless he is licensed under the Laws of Minnesota to sell intoxicating liquors.
- (g) Any peace officer shall have the unqualified right to enter, inspect, and search the premises of the licensee hereunder during business hours without a search and seizure warrant and unless such licensee has an intoxicating liquor license such peace officer may seize all intoxicating liquors found on the licensed premises.

Section .09: **Closing Hours**

No "on sales" of any non-intoxicating malt liquor shall be made between the hours of 1:00 a.m. and 7:00 a.m. on weekdays not between the hours of 2:00 a.m. and 12:00 noon on Sundays.

Section .10: **Revocation**

Any license granted hereunder may be revoked by the council without notice to the grantee or a hearing may first be held by the council and the revocation then made for cause. Any violation of any provision or condition of this ordinance or any falsification of any statement in the application shall be ground for revocation. No portion of the licensee fee paid into the village treasury shall be returned upon revocation.

Section .11: **Penalty**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00), or in default of such payment shall be imprisoned in the county jail for not to exceed ninety (90) days, plus the costs of prosecution in any case.

Passed by the council this 19th day of June, 1944.

L. B. Johantgen, Mayor, President of Council

Attest: J. R. Solberg, Clerk

Ordinance No. 5

[Trailers—Camp Cars]

Medicine Lake Village Trailer Ordinance.

The Council of the Village of Medicine Lake does ordain:

Section .01: Definition

The words Trailer or Camp Car shall mean any Motor Vehicle Trailer or Semi-Trailer as defined by Chapter 464, Laws of 1937 of the State of Minn., which is used for living or sleeping purposes.

Section .02: Restrictions

No person or party shall use a trailer or camp car for living or sleeping purposes within the corporate limits of the Village of Medicine Lake unless the following provisions and conditions are complied with, viz.:

- A. No part of the public street shall be used therefor.
- B. No private ground shall be used therefor without consent of owner and only one trailer shall be permitted upon an average size lot.
- C. No trailer shall be permitted in the village for a period of more than twenty four hours without first registering with the village clerk, giving names, ages, addresses and occupation of each occupant of such trailer and purposed length of stay. A fee of five dollars shall be paid to the Village Clerk for each unit or trailer.
- D. No trailer shall remove its running gear, wheels or other equipment for transportation while being used as such dwelling.
- E. Such trailer or camp car use shall not be extended for more than thirty days in any one year.

Section .03: Permit Fee

It shall be unlawful for any person to establish or maintain in the Village of Medicine Lake an automobile camp or trailer camp on any location for use of transients by day or week or month, unless a permit has been granted by the Village Council and a fee of five dollars has been paid to the Clerk for the season beginning May 1st to September 15th, consecutively.

Section .04: Health and Sanitary Regulations

Health and sanitary conditions shall conform with the requirements and laws, rules and regulations of the Minn. State Board of Health Reg. 276 Trailer Camp Sanitation.

Section .05: **Provisions**

Nothing herein shall prohibit the parking of trailers as herein defined on property where trailer is owned by person in control of said property and used by owner; provided that trailer is not in violation of regulations and laws of said Village and State.

Section .06: **Penalty**

Any person who shall violate any provisions of this ordinance shall be punished by a fine of not more than one hundred dollars or by imprisonment of not more than ninety days for such offenses.

Section .07: **Duration**

This ordinance shall be in force from and after its publication.

Passed by the council this 10th day of June, 1944.

L. B. Johantgen, Mayor, President of the Council

Attest: J. R. Solberg, Village Clerk

Ordinance No. 6

Voter Registration

An Ordinance providing for the permanent registration of qualified voters in the Village of Medicine Lake, Minnesota.

The Council of the Village of Medicine Lake does ordain as follows:

Section .01: **Registration System Adopted**

The system for the permanent registration of voters, provided for by Laws of 1939, Chapter 345, Part II, is hereby adopted for the village of Medicine Lake.

Section .02: **Voters Must Be Registered**

No person shall be permitted to vote at any election held in the City of Medicine Lake unless he shall have registered as provided in said act.

Passed by the council this 2nd day of July, 1945.

L. B. Johantgen, Mayor (President of Council)

Attest: J. R. Solberg, Clerk

Ordinance No. 10

[Intoxicating Liquor]

An Ordinance licensing and regulating the sale of intoxicating liquor, repealing inconsistent ordinances, and providing a penalty for the violation thereof.

The Council of the Village of Medicine Lake does ordain:

Section .01: **Definition of Terms**

As used in this ordinance.

- (a) The terms "intoxicating liquor" and "liquor" whenever used in this ordinance shall mean and include ethyl alcohol and include, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight.
- (b) The terms "sale" and "sell" shall mean and include all barter, and all manners of means of furnishing "intoxicating liquor or liquors" as above described in violation or evasion of law.
- (c) "On Sale" shall mean the sale of liquor by the glass for consumption on the premises only.
- (d) "Off sale" shall mean the sale of liquor in original packages in retail stores for consumption off or away from the premises where sold.
- (e) The term "person" shall include persons, corporations, partnerships, and other unincorporated associations.
- (f) The term "package" or "original package" shall mean and include any container or receptacle holding liquor, which container or receptacle is corked or sealed.

Section .02: **License Required**

No person shall, directly or indirectly, upon any pretense or by any device, manufacture, import, sell, exchange, barter, dispose of or keep for sale, any intoxicating liquor, without first having obtained a license therefor as hereinafter provided. Licenses shall be of two kinds: "on sale" and "off sale".

- (a) "On sale" licenses shall be granted only to Hotels, Drugstores, and other authorized by Minnesota Laws, and shall permit the consumption of liquor on the premises only. Not more than one such license shall be granted at any one time.
- (b) "Off sale" licenses shall be granted to permit the sale of liquor at retail or wholesale in the original package or consumption off the premises only. Such licenses may be issued only to exclusive liquor stores.

Section .03: Application for Licenses

Every person desiring a license for "off sale" shall file a verified application transfer in writing with the clerk of the municipality in the form to be prescribed by the state liquor commissioner and with such additional information as the Council of the municipality may require. Applications for an "on sale" license shall be in such form and shall require such information as the Council shall determine. A surety bond shall accompany each application for a license. In the case of an application for an "on sale" license, the application shall be accompanied by a corporate surety bond in the sum of \$4,000 to be approved as to legal form by the attorney for the village and as to sufficiency by the Council; or in lieu of such bond, cash or bonds of the United States of a market value of \$4,000 may be posted. In the case of an application for an "off sale" license a similar surety bond or cash or United States bond equivalent shall be required, but the amount of such bond shall be \$2,000. and shall also be approved by the commissioner. All such bonds shall be conditioned as follows:

- (a) That the licensee will obey the law relating to such licensed business.
- (b) That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law.
- (c) That in the event of any violation of the provisions of any law relating to the retail "off sale" and retail "on sale" of intoxicating liquor, such bond shall be forfeited to the municipality in which such license was issued.
- (d) That the licensee will pay to the extent of the principal amount of such bond any damages for death or injury caused by or resulting from the violation of any provisions of law relating thereto, and in such cases recovery under this subdivision (d) may be had from the surety on his bond. The amount specified in such bond is declared to be a penalty, the amount recoverable to be measured by the actual damages; provided, however, that in no case shall such surety be liable for any amount in excess of the penal amount of the bond. The cancellation of a bond shall automatically revoke a license if a satisfactory bond is not substituted before the effective date of such cancellation.

It shall be unlawful to make any false statement in an application.

Section .04: Fees

All applications for license shall be accompanied by a receipt from the Village Treasurer for the required annual fee for the respective license. All such fees shall be paid into the general fund of the municipality. Upon rejection of any application for a license, the Treasurer shall refund the amount paid and the bond of said applicant shall be returned to him.

The annual fee for an "on sale" license shall be \$1000.

The annual fee for an "off sale" license shall be \$100.

All licenses shall expire on the last day of May in each year.

Section .05: Granting of Licenses

The Village Council shall cause an investigation to be made of all the representations set forth in the application. Opportunity shall be given at a regular special meeting of the Council to any person to be heard for or against the granting of any license. After such investigation and approval of the required bond, the City Council shall grant or refuse such license in its discretion; provided that no "off sale" license shall become effective until it, together with the bond, has the approval of the Liquor Control Commissioner. All licensed premises shall have the license posted in a conspicuous place therein at all times. No license shall be transferable either as to licensee or premises without the approval of the Council and also of the Liquor Control Commissioner in the case of "off sale" licenses.

Section .06: Hours of Operation

Will be governed by the prevailing Minnesota Liquor Commission laws.

Section .07: Revocation

Any license granted hereunder may be revoked by the Council with notice to the grantee, and a hearing shall first be held by the Council and the revocation then made for cause. Any violation of any provision or condition of this ordinance or the state licensing law or any falsification of any statement in the application shall be ground for revocation. Any such license shall be revoked automatically upon the conviction of the licensee of a felony. No portion of the license fee paid into the City Treasury shall be returned upon revocation.

Section .08: Penalty

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00), or in default of such payment shall be imprisoned in the county jail for not to exceed ninety (90) days, plus the costs of prosecution in any case.

Section .09: Effect

This ordinance shall take effect and be in force from and after its passage and publication.

Passed by the council this 6th day of September, 1946.

L. B. Johantgen, President of the Council

Attest: Chas. Pauly, Clerk

Ordinance No. 14

[Fowl Regulations]

An Ordinance Prohibiting the Keeping of Chickens, Turkeys, and Other Fowl Within the Platted Portions of the Village of Medicine Lake.

The Village Council of Medicine Lake do ordain as follows:

Section .01: **The Keeping of Certain Fowls Prohibited**

The keeping of any chickens or turkeys or other fowls within the platted portion of the Village of Medicine Lake is hereby declared to be a nuisance and is prohibited.

Section .02: **Penalty**

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$100 or by imprisonment in the county jail for not more than 90 days.

Passed by the council this 14th day of August, 1950.

Approved: A. Wentworth, President of Council

Attest: Chas. Pauly, clerk

ORDINANCE NO. 15

An Ordinance Providing for the Establishment and Government of a Volunteer Fire Department for the Village of Medicine Lake

Be it ordained by the Council of the Village of Medicine Lake that to better protect the lives and property of its citizens, a department to be hereafter known as the Volunteer Fire Department is hereby created. Its object shall be the prevention of fire and the preservation and protection of life and property from and during such fires as may occur.

Section 1. The Department shall be equipped with such apparatus and accessories as may be required from time to time to maintain its efficiency.

Section 2. All of the equipment of the Department shall be safely and conveniently housed in such station or stations as may be designated by the Council.

Section 3. The Department shall be composed of not less than 9 active members, and as many in excess of 9 as may be deemed necessary for the adequate protection of the community.

Section 4. The operation officers of the Department shall be a chief, an assistant chief, and such other company officers as the chief may deem necessary for the effective operation of the department.

Section 5. The Chief shall be appointed by the Council for an indefinite period of time. The Chief's tenure of office shall depend upon his good conduct and efficiency, and the Chief shall be removed only for just cause and after a fair and impartial hearing before the Council.

Section 6. The Chief of Department shall be held solely accountable to the Mayor only. All other department and operation officers shall be held accountable to the Chief of Department only.

Section 7. The Assistant Chief and all other operation officers shall be appointed by the Chief, accountable only to the Chief, and subject to removal by him at his discretion.

Section 8. The active membership of the Department shall consist of such persons as may be appointed by the Chief, or by the Council with the approval of the Chief, and shall be able bodied volunteers who are 18 years old, have a valid driver's license, and who present a high level of moral character.

Section 9. Any member of the Department may be suspended or discharged from the Department by the Chief at any time he may deem such action necessary for the good of the department.

Section 10. The Chief shall formulate a set of rules and regulations to govern the department, and shall be responsible to the Council for the personnel, morale and general efficiency of the department.

Section 11. The Chief shall also call the entire department together at least once each month for the purpose of conducting suitable drills in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city, and all other matters generally accepted as having a bearing upon good firemanship.

Section 12. The department, if it so desires, may elect a President, Vice President, Secretary and Treasurer, to be known as Social Officers. Such officers may be elected in any manner for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the department. However, the functions and duties of said Social Officers shall in no wise overlap or interfere with those of the Operation Officers, who are charged with responsibility for all fire service activities of the department.

Section 13. The Chief of the fire department is hereby required to cause inspections to be made of all buildings within the Village of Medicine Lake with the exception of those used exclusively for residential purposes, not less than twice each year, and to serve written notice upon the owner to date, within a specified time, any and all fire hazards that may be found therein.

Section 14. Any citizen so served with an order to abate any fire hazard or hazards, shall comply with said order and promptly notify the Chief.

Section 15. No unauthorized person shall ride upon, race with, trail or follow within 600 feet, any apparatus belonging to the fire department when actively responding to a fire alarm.

Section 16. No person shall drive any vehicle over a fire hose except upon specific orders from the Chief of Department, and then only with due caution.

Section 17. All personal cars of fire department members shall have right-of-way over all other traffic when responding to a fire alarm. Firemen's cars to be designated as such, if necessary.

Section 18. No person shall park any vehicle of any description or place any material or obstruction within twenty feet of the entrance to any fire station, or within fifteen feet of any fire hydrant or fire cistern, nor park any vehicle within three hundred feet of a fire.

Section 19. No person shall maliciously sound a false fire alarm.

Section 20. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority remove, take away, keep or conceal any tool, appliance or other article used in any way by the fire department.

Section 21. Any person violating the provisions Sections 14-15-16-17-18-19 or 20 shall, upon conviction in the Police Court of this city, or before a Justice of the Peace, pay a fine not less than \$100.00 and no more than \$500.00.

Section 22. All regularly appointed members of the Fire Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this ordinance.

Section 23. It is hereby made the special duty of the Chief of Police, Policemen, and such other Peace officers as are on duty at the time, to respond to all fire alarms and assist the fire department in the protection of life and Property of the citizens, and property of the fire department, and in controlling and regulating traffic and maintaining order, particularly in reference to violation of Sections 15-16-17-18-19 and 20 of this ordinance.

Section 24. All ordinances and sections of ordinances in conflict with the foregoing are hereby repealed.

Adopted and approved this 14th day of August, 1950.

A. Wentworth, Mayor

Attest: Chas. Pauly, city clerk.

Amended by ordinance 121 adopted on December 4, 2017.

Scott Marks, Mayor

Attest: Nancy Pauly, city clerk.

Ordinance No. 21

[Traffic]

An Ordinance Regulating the Use of Highways Within the Village of Medicine Lake, and Imposing Penalties For the Violation Thereof.

The Village Council of the Village of Medicine Lake do ordain as follows:

Section .01: Careless Driving

No person shall operate or halt any vehicle upon a street or highway within the Village of Medicine Lake, Minnesota, carelessly or heedlessly in disregard of the rights or safety of others or in a manner so as to endanger or be likely to endanger any person or property.

Section .02: Speed Regulations

- (a) No person driving a vehicle within the Village of Medicine Lake shall drive the same at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary in order to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.
- (b) Until the streets of this village have been zoned as authorized by the state highway traffic regulation act, no vehicle shall be driven thereon at a speed in excess of 30 miles per hour. After the streets of the city have been zoned and different speed zones established thereof, and signs have been posted calling attention to such zones, no vehicle shall be driven upon any street in the city at a speed greater than that indicated on such signs. No person shall drive a vehicle at such a slow rate of speed or in a manner so as wilfully to impede the normal flow of traffic.

Section .03: Parking Regulations

Every vehicle parked upon any street with a curb shall be parked parallel to the curb and with the right hand wheels of such vehicle within twelve inches of the curb. On other streets a vehicle shall be parked to the right of the main traveled portion thereof and parallel thereto and in such a manner as not to interfere with the free flow of traffic. This shall not apply, however, to any vehicle disabled upon any street, but any police officer of the village may require the person in charge thereof to move it to a place of safety; and if such movement is not made or if any motor vehicle is left alone or abandoned in any such position, the officer may provide for the removal of such vehicle to the nearest convenient garage or other place of safe keeping. Under this ordinance the Village Council shall have the power to designate "No Parking" areas and such areas shall be properly posted with "No Parking" signs.

Section .04: Through Streets and Stop Intersections

The Village Council may designate any street by resolution as a through street and any intersection as a stop intersection where necessary to preserve the free flow of traffic and prevent accidents; and the Chief of Police shall post appropriate signs at the entrance to such streets or

intersections. But no trunk highway shall be designated as a stop intersection unless the consent of the Commissioner of Highways to such designation is first secured. Every driver of a vehicle shall bring his vehicle to a full stop before entering any stop street or intersection properly designated and posted as such by the Commissioner of Highways or the Chief of Police.

Section .05: **Chapter 464, Laws of Minnesota**

Chapter 464, Laws of Minnesota, 1937, known as "Highway Traffic Regulation Act," as amended by Chapter 430, Laws of Minnesota, 1939, is hereby referred to and made a part of this ordinance. Any person, firm or corporation who shall fail to comply with any provision or requirement of said Act or who shall violate any provision or requirement thereof within the Village of Medicine Lake shall be guilty of a violation of this ordinance. Every complaint charging such offense shall specify the section of said Highway Traffic Regulation Act violated by reference to the number or letter designating such section therein and shall allege that the violation of such section of said Act is a violation of this ordinance.

Section .06: **Penalty**

Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$100 or by imprisonment for a period not to exceed 90 days.

Section .07: **Effective**

This ordinance shall be in effect from and after its publication.

Passed by the Village Council November 7th, 1949.

Chas. Brudigan, President of Village Council

Attest: Chas. Pauly, Village Clerk

Ordinance No. 23

[Board of Health—Health Officer]

An Ordinance Establishing a Board of Health, Providing for the Appointment of a Health Officer and Defining the Powers and Duties Thereof, and Penalties for Violations.

The Council of the Village of Medicine Lake, Minnesota do ordain as follows:

Section .01: Board of Health; Health Officer

A Board of Health is hereby established in and for the Village of Medicine Lake, consisting of a health officer, who shall be the chief executive officer of the board, and two other members to be appointed by the council. When first appointed one member of the Board shall be appointed for one year, one for two years, and one for three years. Thereafter all appointments shall be for a period of three years. Appointments shall be made at the first meeting of the council year. The Health Officer shall be a physician, and residence in the village shall not be a requirement for the holding of such office.

Section .02: Duties

The Board of Health shall make such investigations and reports and shall obey such directions concerning communicable diseases as the state department may require or give, and shall enforce all statutes, ordinances, and all lawful rules and regulations concerning public health. In suppressing communicable diseases all medical and other assistance may be employed as is deemed necessary in the establishing, enforcing, quarantine, and the releasing thereof. All expenses thus properly incurred shall be paid and thereafter certified to the County Auditor for allowance and payment of one-half of the amount by the County as provided by law.

Section .03: Duties of Health Officer

The Health Officer shall execute the lawful orders of the state and local Board of Health and perform such other duties as are or may be prescribed by statute, by ordinance or resolution of the village council, or by regulations of the State Board of Health. He shall enforce the nuisance ordinances of the municipality in so far as they relate to matters in any way affecting the public health; and he is hereby given power, and it is made his duty, to enter and inspect any and all premises where food products are stored that are to be or are offered for sale or are sold or offered to the public, and to see that no unwholesome thing is offered for sale to the public. It is hereby made a condition of all licenses granted in the village that the said health officer is given power to inspect any and all products sold and any licensed premise. He shall take all necessary steps to abate any nuisances or unwholesome condition and in his discretion shall recommend the revocation or refusal of any license for any premises operated or maintained in an unhealthful or unsanitary condition.

Section .04: Penalties, etc.

It shall be unlawful for any person to oppose or obstruct a member of the village Board of Health or the Health Officer or physician charged with the enforcement of health laws, in performing any legal duty; or for any person to obstruct or hinder the entry of such health officer upon premises or into buildings or other places where contagion, infection, filth or other source or

cause of preventable disease exists or is reasonably suspected to exist. Any person, firm or corporation which shall violate any of this ordinance, or any order lawfully made under Sections 2, 3 or 4 hereof shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than one hundred dollars and costs, or by imprisonment in the county jail for not less than five days nor more than ninety days.

Section .05: **Repeal**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section .06: **Effective Date**

This ordinance shall be in full force and effect from and after its publication according to law.

Passed by the Village Council this 2nd day of November, 1953.

A. Wentworth, President of Village Council

Attest: Helen R. Solberg, clerk

Ordinance No. 24

[Nuisances]

An Ordinance Defining Nuisances, Prohibiting Their Creation or Maintenance and Providing a Penalty for Violation Thereof.

The Council of the Village of Medicine Lake, Minnesota do ordain as follows:

Section .01: Public Nuisance Defined

A nuisance is a thing, act, occupation, or use of property which:

1. Shall annoy, injure or endanger the safety, health, comfort or repose of the public;
2. Shall offend public decency;
3. Shall unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage, a lake, navigable river, bay, stream, canal or basis, or a public park, square, street, alley or highway;
4. Shall in any way render the public insecure in life or in use of property.

Section .02: Public Nuisance Affecting Health

The following are hereby declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public;
2. All diseased animals running at large;
3. All ponds or pools of stagnant water;
4. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of such milk for sale to the public as provided by law or ordinance;
5. Carcasses of animals not buried or destroyed within twenty-four hours after death;
6. Accumulations of manure or rubbish;
7. Privy vaults and garbage cans which are not fly-tight;
8. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, or other substances;
9. All noxious weeds and other rank growths upon public or private property;

10. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
11. Offensive trades and businesses as defined by statute not licensed by the village Board of Health as provided by law;
12. All public exposure of persons having a contagious disease;
13. The use of a common public drinking cup or roller towel;
14. The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person;
15. All other acts, omissions of acts, occupations and uses of property which are deemed by the Board of Health to be a menace to the health of the inhabitants of this village, or any considerable number thereof.

Section .03: **Public Nuisance Affecting Morals and Decency**

The following are hereby declared to be nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards;
2. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
3. All domestic animals in the act of copulation exposed to public view;
4. All places where intoxicating liquors are manufactured, sold, bartered or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale, barter or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place;
5. Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral purpose;
6. All indecent or obscene pictures, books, pamphlets, magazines and newspapers;
7. The public use of profane or obscene language;
8. Betting, bookmaking, prize fighting, and all apparatus used in such occupations.

Section .04: **Public Nuisances Affecting Peace and Safety**

The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks within twelve hours after the snow and ice has ceased to be deposited thereon;

2. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;
3. All limbs of trees which are less than eight feet above the surface of any public sidewalk, or nine feet above the surface of any street;
4. All wires which are strung less than fifteen feet above the surface of the ground;
5. All buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which are so situated as to endanger the safety of the public;
6. All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by ordinance;
7. All use or display of fireworks except as provided by ordinance;
8. All unnecessary noises and annoying vibrations;
9. All buildings and all alterations to buildings made or erected within the fire limits as established by ordinance in violation of the ordinance concerning manner and materials of construction;
10. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance;
11. Radio aerials strung or erected in any manner except that provided by ordinance;
12. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;
13. All hanging signs, awnings and other similar structures over the streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by ordinance;
14. The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
15. All barbed wire fences which are located within three feet of any public sidewalk;
16. All dangerous, unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;

17. The distributing of hand bills except as provided by ordinance;
18. All other conditions or things which are liable to cause injury to the person or property of anyone.

Section .05: Penalty

Any person, firm or corporation who shall knowingly cause or create a nuisance, or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by him or them, shall upon conviction thereof be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars, nor more than one hundred dollars and costs or by imprisonment in the county jail for not less than five days nor more than ninety days; provided, that in event of failure to pay any fine or costs assessed upon any person he may be confined in the county jail an additional number of days equal to the number of dollars of fine and costs assessed in the case, not to exceed three months.

Section .06: Separability

Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be held invalid, it shall not affect any other section, provision or part.

Section .07: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section .08: Effect

This ordinance shall be in force and effect from and after its publication according to law.

Passed by the Village Council this 2nd day of November, 1953.

A. Wentworth, President of Village Council

Attest: Helen R. Solberg, clerk

Ordinance No. 25

[Harbor Regulations]

An Ordinance Establishing Harbor Limits and Prohibiting Nuisances Therein.

The Village Council of the Village of Medicine Lake ordains:

Section .01: **Harbor Limits**

The geographical and jurisdictional limits of any government unit in, on and over navigable waters in or adjacent to it shall extend to the harbor limits of any adjoining municipality or other governmental unit.

Section .02: **Primary Harbor Limit**

The area within 300 feet of the water line on the shore of any lake or other body of water in or adjacent to the governmental unit shall be known as the "Primary Harbor Limit."

Section .03: **Secondary Harbor Limit**

The area extending from 300 feet of the water line on the shore of any lake or other body of water in or adjacent to the governmental unit and to the harbor limits of an adjoining municipality or other governmental unit shall be known as the "Secondary Harbor Limit."

Section .04: **Jurisdictional Limit**

The Harbor limits of any governmental unit shall be deemed not to extend beyond a point half way between the shores of the body of water over which it has jurisdiction and the shores of the body of water located in another city or governmental unit.

Section .05: **Nuisances Prohibited**

No person shall commit or maintain a public nuisance in or upon the waters of any lake or other body of water within the jurisdiction of any governmental unit; nor, shall any person let, permit, or enable any other person to use any boat, dock, craft or structure, or portion thereof, knowing that it is intended to be used for committing or maintaining a public nuisance. No person shall wilfully prevent, hinder, oppose or obstruct a public official in the performance of his duty in carrying out the provisions of this ordinance, or in removing or abating a public nuisance.

Section .06: **Nuisances Defined**

A public nuisance is a crime, punishable as a misdemeanor, and consists in unlawfully doing an act or omitting to perform a duty, which act or omission shall:

Subsection 1: Injure or endanger the safety, health, or comfort of the public; or,

Subsection 2: Offend public decency, or,

Subsection 3: Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for use or passage, a body of water within the harbor limits.

Section .02: **Specific Public Nuisances Defined**

The term "Public Nuisance" shall be deemed to include the following:

Subsection 1: Anything declared to be a public nuisance by an ordinance of this governmental unit.

Subsection 2: The depositing of refuse, waste or other deleterious, poisonous or injurious substance within the harbor limits.

Subsection 3: The depositing of sewage within the primary harbor limits.

Subsection 4: The erection or maintenance of any dock or structure which interferes with, obstructs, or tends to obstruct or render dangerous for use the waters within the primary harbor limits.

Subsection 5: The failure to operate a boat or vessel in accordance with the provisions of Minnesota Statutes Annotated 361.01 to 361.21, inclusive, and Minnesota Statutes Annotated 361.41 to 361.50, inclusive, which statutes are hereby adopted and incorporated herein, and made a part hereof, as fully as if set forth completely.

Subsection 6: Water skiing or surf boarding within 50 feet of an occupied craft within the harbor limits; and any careless or reckless act on water skis or a surf board within the primary harbor limits.

Subsection 7: The overtaking and/or passing of any craft in a channel or narrow passage by the operator or any motor boat, speed boat, or of any vessel under power, so as to endanger other craft; and all craft shall proceed through all channels and narrow passages of water at safe speeds, otherwise the operator thereof shall be deemed to have committed a public nuisance.

Subsection 8: The failure to equip and maintain lights, and to have such lights lighted when the boat or vessel is operating within the harbor limits at night.

Subsection 9: Obstructing or interfering with passage of a boat or vessel through a channel or narrow water passageway.

Subsection 10: Operating a boat or vessel in a careless or reckless manner in or about a public swimming beach.

Subsection 11: Swimming in a channel, or jumping or diving from a channel bridge.

Section .08: **Penalty**

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed one hundred dollars (\$100.00), or by imprisonment for a period not to exceed ninety (90) days.

As passed by the Council this 9th day of September, 1957.

A. T. Wentworth, Mayor

Attest: E. S. Jonak, village clerk

Ordinance No. 26

[Volunteer Fire Department Amendment]

ORDINANCE AMENDING ORDINANCE NO. 15

An Ordinance Amending that Certain Ordinance No. 15 Providing for the Establishment and Government of a Volunteer Fire Department for the City of Medicine Lake, Minnesota.

The Village of Medicine Lake does ordain as follows:

That Section 21 of the Ordinance No. 15 be amended to read as follows:

"Any person violating the provisions of Sections 14-15-16-17-19-18 or 20 shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred and no/100 dollars (\$100.00) or by imprisonment for not more than ninety (90) days."

As passed by the council this 9th day of September, 1957.

A. Wentworth, Mayor

Attest: E. S. Jonak, clerk

Ordinance No. 27

[Harbor Regulations Amendments]

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING HARBOR LIMITS AND PROHIBITING NUISANCES THEREIN.

The Village Council of Medicine Lake Village ordains:

Section .01: Amending Subsection 5 of Section .07

Subsection 5 of Section .07 of AN ORDINANCE ESTABLISHING HARBOR LIMITS AND PROHIBITING NUISANCES THEREIN, being Ordinance No. 25 of this Village, is hereby amended to read as follows:

Subsection 5: The failure to equip and to operate a boat, vessel or watercraft in accordance with the provisions of Chapter 361 of Minnesota Statutes, as amended, which statutes are hereby adopted and incorporated herein and made a part hereof by reference, as fully as if set forth herein. Provided, however, that these additional requirements shall be met by all owners and operators of watercraft within the harbor limits established herein, namely:

- A. All watercraft in use or underway between sunset and sunrise shall be equipped with and have in operation red and green running lights in the forward section of the boat, and a white light shall be visible on a dark night with clear atmosphere for a distance of two miles from any direction. Provided however, that motor powered watercraft under 16 feet in overall length may use portable lights, which must be clamped on the watercraft when in use; and, non-powered watercraft may use a portable single white light which is visible from, any direction for a distance of two miles on a dark night with clear atmosphere.
- B. All watercraft when at anchor or drifting must show a white light visible from any direction for a distance of one mile, and such light shall be lit from sunset to sunrise, except that a watercraft anchored in a cove within one hundred feet of shore and 200 feet away from normal navigation and any watercraft anchored at a dock or pier need not have the white light lit.
- C. All watercraft shall have on board and readily accessible life preservers, vests, or other similar buoyant devices capable of keeping every person on board afloat.
- D. No watercraft other than an authorized Water Patrol Boat or other police watercraft shall use or display a red light, except a red running light.
- E. No watercraft other than an authorized Water Patrol Boat or other police watercraft shall use or display a police, sheriff or law enforcement officers flag, or any device designed to simulate such a flag.

- F. No person shall board, use, damage or tamper with a watercraft, except when done by the owner or with the owner's consent.
- G. No person under fifteen years of age shall operate a watercraft powered by a motor of ten horse power or more, unless accompanied by a competent person fifteen years of age or older.

Section .02: **Amending Subsection 6 of Section .07**

Subsection 6 of Section .07 of an ORDINANCE ESTABLISHING HARBOR LIMITS AND PROHIBITING NUISANCES THEREIN, being Ordinance No. 25 of this Village, is hereby amended to read as follows:

Subsection 6: The failure to tow or to operate a watercraft towing one or more persons behind a watercraft on water skis, aqua-plane, surfboard, saucer, or similar device, except in compliance with these regulations:

- A. Every person being towed shall wear a life vest, belt or other buoyant device, except with written permission of County Sheriff.
- B. Not more than two persons may be towed at one time, except with written permission of the County Sheriff.
- C. No person shall be towed from one-half hour after official sunset to sunrise.
- D. No person shall be towed by a rope, cable or other towing device longer than 85 feet, except with written permit of the County Sheriff.
- E. No person shall operate a watercraft when towing a person, and no person being towed, shall come within 150 feet of any bathing area, skin diver's warning flag, swimmer, or raft, watercraft, dock or pier except that raft, dock, or pier from which he is operating.
- F. No person shall tow or be towed during a holiday, a Saturday or a Sunday, or in a congested area at any time, unless two competent persons are on board the watercraft. The driver of such watercraft shall be at least fifteen years of age, and must watch where the watercraft is being driven at all times. The second person on board the watercraft shall be an observer, and shall be at least twelve years of age, and shall watch the person or persons being towed at all times.
- G. No person shall drag an unoccupied tow line behind a watercraft for an unreasonable length of time.
- H. No person shall tow or be towed into or through a market channel connecting two bodies of water.

Section .03: **Amending Section .07**

Section .07 of an Ordinance Establishing Harbor Limits and Prohibiting Nuisances Therein is amended by adding thereto Subsection 12, reading as follows:

Subsection 12: Operating any watercraft, automobile, vehicle or powered propelled device on the open water, or upon an ice covered body of water, in such a manner as to endanger life, limb or property.

Section .04: **Effective Date**

This ordinance shall take effect and be in full force from and after its passage and publication.

Published in the Minnetonka Herald on the 21st day of July, 1960.

Dean Mummert, Mayor

ATTESTED: John R. Raun, Clerk

Ordinance No. 30

[Non-Intoxicating Malt Liquors]

**An Ordinance Amending Ordinance No. 3 by Providing for an Increase
in License Fees Therein Required**

The Village Council of the Village of Medicine Lake ordains:

Section .04, of Ordinance No. 3, is hereby amended to read as follows:

Section .04: **License Fees**

All applications for licenses shall be accompanied by a receipt from the village treasurer for the required annual fee for the respective license. All such fees shall be paid into the general fund of the municipality. Upon rejection of any application for a license, the treasurer shall refund the amount paid.

The annual fee for an "On Sale" license shall be Two Hundred Dollars provided there is no dancing on the premises. The annual fee for an "On Sale" license with dancing permitted on the premises shall be Two Hundred Fifty Dollars.

The annual fee for an "Off Sale" license shall be Twenty Five Dollars.

All licenses shall expire on the last day of May in each year; provided that if eight months of any licensing year have elapsed when the application is made, the fee shall be reduced to one-half of the regular amount thereof.

Published in the Minnetonka Herald on the 18th day of May, 1961.

Dean Mummert, Mayor

Attest: John R. Raun, Clerk

Ordinance No. 33

[Village Election Date]

**An Ordinance Changing the Regular Village Election to the First Tuesday
After the First Monday in November.**

The Village Council of the Village of Medicine Lake ordains as follows:

Section .01: **Change of Election Date**

The regular city election shall be held annually on the first Tuesday after the first Monday in November every year.

Section .02: **Effective Date**

This ordinance shall take effect from and after its passage and publication.

Adopted this 2nd day of April, 1962.

Dean Mummert, Mayor

Attest: John R. Raun, Village Clerk

Ordinance No. 37

[Public Health Housing Code]

AN ORDINANCE TO PROMOTE PUBLIC HEALTH, ESTABLISHING AND REQUIRING COMPLIANCE WITH MINIMUM STANDARDS OF HOUSING AND HOUSING EQUIPMENT, AND PRESCRIBING PENALTIES

The Village Council of the Village of Medicine Lake ordains:

Section .01: Declaration of Policy

The Village Council declares that the purpose of this ordinance is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately and publicly owned dwellings for the purpose of sanitation and public health, and protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed and which: (1) establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location, and amount of space for human occupancy, and for safe and sanitary maintenance; (2) determines the responsibilities of owners, operators and occupants of dwellings; and (3) provides for the administration and enforcement thereof.

Section .02: Title

This ordinance shall be known and may be cited as the Public Health Housing Code.

Section .03: Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance and the following words and terms wherever they occur in this ordinance are defined as follows:

"Approved" means constructed, installed and maintained in accordance with this ordinance or other pertinent ordinances of the City.

"Basement" means that portion of a dwelling between floor and ceiling which is partly below and partly above grade, the floor of which is less than four feet below the average grade of the adjoining ground.

"Cellar" means that portion of a dwelling between floor and ceiling which is below or partly below grade, the floor of which is more than four feet below the average grade of the adjoining ground.

"Dwelling" means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, except temporary housing.

"Dwelling Unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and a part of which is exclusively or occasionally appropriated to cookery.

"Extermination" means the control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poisoning, spraying, fumigating, trapping or similar means.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

"Habitable Room" means a room designed to be used for living, sleeping, eating or cooking, excluding bathrooms, toilet compartments, closets, halls and storage places.

"Health Officer" means the Health Officer of the Village or his deputy.

"Infestation" means the presence, within or around a dwelling, of insects, rodents, vermin or other pests or such kind or in such numbers as to cause a hazard to health.

"Multiple Dwelling" means any dwelling containing more than two dwelling units.

"Occupant" means any persons over two years of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

"Operator" means any person, whether the owner or not, who manages or controls any dwelling, or part thereof, in which dwelling units or rooming units are let.

"Owner" means any person who, alone or jointly or severally with others:

- (a) has record legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof.
- (b) acts as the agent of the person holding the record legal title of any dwelling or dwelling unit; or
- (c) is the person representative or fiduciary of an estate through which the record legal title to the real property in which any dwelling or dwelling unit is administered.

"Person" means a natural person for purposes of the occupancy standards hereof, and for other purposes mean a natural person or legal entity.

"Rooming Unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but no part of which is exclusively or occasionally appropriated to cookery.

"Rooming House" means any dwelling, or that part of any dwelling, containing one or more rooming units in which space is lot to three or more persons who are permanent guests.

"Rubbish" means combustible and noncombustible waste materials, household and yard debris and ashes.

'Supplied" means paid for, furnished, provided by, or under the control of the owner or operator.

"Temporary Housing" means any tent, trailer coach, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system, or which is situated in a licensed trailer park.

Section .04: Inspection

For the purpose of determining compliance with the provisions of this article, the Health Officer is hereby authorized and directed to make inspections to determine the condition, use and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. For the purpose of making such inspections, the Health Officer is hereby authorized to enter, examine and survey all dwellings, dwelling units, rooming units and premises upon which the same are located, at all reasonable times. The owner, operator and occupant of every dwelling, dwelling unit, and rooming unit shall give the Health Officer free access to such dwelling, dwelling unit or rooming unit and its premises for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with provisions of this ordinance.

Section .05: Enforcement of Housing Code

(a) Notice of Violation. Except in these instances to which Section .11 hereof is applicable, whenever the Health Officer determines that there has been a violation of any one or more provisions of this ordinance he shall give notice of such alleged violation to the person or persons who are or may be responsible therefor, as enumerated in (4) below. Such notice shall:

- (1) be in writing,
- (2) particularize the violation or violations alleged to exist or to have been committed;
- (3) provide a reasonable time, but not less than 30 days in any event, for the correction of the violation or violations particularized; and
- (4) be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for the violation.

Service shall be as provided for personal service by the rules of civil procedure for courts of record in Minnesota or by registered or certified mail, return receipt requested, delivered to the addressee only. If service is made by registered or certified mail, the Health Officer shall make a record giving details regarding the mailing. If one or more persons to whom the notice is addressed cannot be found or served after diligent effort so

to do, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the Health Officer shall include in the record a statement as to why such posting was necessary.

(b) Appeal to the Village Council. Any person affected by a notice issued hereunder, who is aggrieved thereby, and who believes the same to be factually or legally contrary to the ordinances of the Village, may within 15 days after service of the same, appeal therefrom to the Village Council by filing a written appeal in the office of the Village Clerk, or the Village Clerk's home, and such appeal shall be heard by the Council within 30 days after it was filed. Notice of the date, time and place of such hearing shall be given to the appellant in the same manner as notice of the violation.

(c) Effect of Appeal. The taking of an appeal shall, during the pendency thereof, have the effect of restraining the Health Officer or any other officer of the City from proceeding in any manner upon the asserted violation or violations.

(d) Hearing. The appellant or his attorney shall have the opportunity to be heard at the hearing, whereupon the Council may:

(1) affirm or deny the existence of any violation or violations as alleged, in whole or in part; and

(2) if a violation has been found to exist, confirm or modify the extent of the correction required, and the time within which the correction must be made.

(e) Correction of Violation by City and Assessment of Cost. In all cases of violation of this ordinance to which Minnesota Statutes, Section 145.22 and 145.23 are applicable, the Health Officer may proceed as therein provided to abate or remove the violation and, if deemed necessary, to have the cost thereof specially assessed against the lot or parcel where the violation was located. In suitable cases, said statutory remedies and procedure may be used either concurrently with, or separate from, the procedures prescribed in this ordinance.

Section .06: **Minimum Standards for Basic Equipment and Facilities**

No person shall occupy or let to another for occupancy any dwelling unit which does not comply with the following requirements:

(a) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to an approved water and sewer system.

(b) Every dwelling unit (except as otherwise permitted by paragraph (e) hereof) shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition and properly connected to an approved water and sewer system. All outdoor privys in the Village must be abolished and razed by June 1, 1966, or six months after the adoption of this Ordinance, whichever is the earlier date.

- (c) Every dwelling unit (except as otherwise permitted by paragraph (e) hereof) shall contain within its walls a lavatory basin in good working condition, properly connected to an approved water and sewer system and located in the same room as the required flush water closet, or as near to that room as practicable.
- (d) Every dwelling unit (except as otherwise permitted by paragraph (e) hereof) shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
- (e) The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower, provided that the following conditions are satisfied:
 - (1) Neither of the two dwelling units can accommodate more than two occupants;
 - (2) Such water closet, lavatory basin, and bathtub or shower are in good working condition and properly connected to the water and sewer system, and are accessible to the occupants of one dwelling unit without passing through any sleeping room of the other dwelling unit;
 - (3) Such dwelling units are in the same building, arranged so that the occupant of neither unit are required to go outdoors to reach the facilities.
- (f) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of paragraph (a), (c), (d) and (e) hereof shall be connected with both hot and cold water lines in an approved manner.
- (g) Every dwelling unit shall be supplied with rubbish storage facilities whose type and location are approved.
- (h) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers whose type and location are approved.
- (i) Every dwelling shall have water-heating facilities which are installed in an approved manner, are maintained and operated in safe and good working condition, are properly connected with the hot water lines required under the provisions of paragraph (f) hereof, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such water-heating facilities shall be capable of meeting the requirements of this section when the heating facilities required under the provisions of Section 7(d) are not in operation.

- (j) Every dwelling unit shall have a safe, unobstructed means of egress. Every dwelling unit located above the first floor, and every rooming house where three or more roomers occupy one or more rooming units located above the first floor, and every basement dwelling unit, shall have at least two independent egress stairways which shall be located remote from each other, and one of such stairways shall be an inside stairway. Every such egress stairway serving units above the first floor shall comply with the following requirements:
- (1) It shall be easily accessible from every dwelling unit located on the specified floor without passing through any room other than a public hall;
 - (2) It shall lead directly to a street or alley, or open court connected with a street or alley;
 - (3) It shall be kept in good order and repair;
 - (4) It shall be unobstructed at all times;
 - (5) All doors used in connection with such egress must be easily opened from the inside, and remain unlocked or be of a type which can be unlocked from the inside without the use of a key; where multiple dwellings have more than five dwelling units or more than ten sleeping rooms sharing the same means of egress, the doors serving such means of egress shall swing outward and be self closing;
 - (6) No window shall be considered a proper means of egress to a required stairway;
 - (7) All inside stairway exits shall lead to an exit door;
 - (8) All exit stairways of three or more risers shall have at least one hand rail, and all stairways which are three feet six inches or more in width, or which are open on both sides shall have a hand rail on each side;
 - (9) Risers or stairs shall not exceed eight inches and treads shall not be less than nine inches;
 - (10) All hand rails shall be not less than 28 inches nor more than 38 inches vertically above the nose of the stair treads of stairway platforms;
 - (11) The minimum width of all existing required egress stairways shall be 36 inches measured at the face of tread;
 - (12) All multiple dwellings shall have a stairway or stairway fire escape with an exit directly there from a public hall located within 40 feet from the exit of each dwelling unit above the first floor if such multiple dwelling is of non-

fireproof construction, or within 50 feet from such exit if such building is of fireproof construction. Fire escapes are emergency means of egress and as such do not constitute a required stairway. All fire escapes shall be kept in good order and repair, and all iron shall be kept painted and free from rust. All doors opening into a fire escape of any multiple dwelling having three or more stories shall be of fire proof construction and shall be self-closing. Vertical ladders shall not be considered a required fire escape. No fire escapes shall pass a window unless such window is of fireproof construction (wire glass and metal frames). All fire escapes shall terminate at ground level or shall have properly constructed and maintained counterbalanced steps for the last flight.

Section .07: Minimum Standards for Lights, Ventilation, and Heating

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- (a) Every habitable room in a dwelling or dwelling unit shall have at least one window or skylight facing directly to the outside, and shall have a minimum of 5 foot candles of daylight illumination, measurable at the epicenter of the room, 30 inches above floor level, with standard light meter facing the light source at noon Central Standard Time, with the sky of normal brightness.
- (b) At least one-half of the window or skylight required by paragraph (a) hereof shall be easily openable unless some other comparable method of ventilating the room is provided.
- (c) Every bathroom and water closet compartment shall have at least one window or skylight facing directly to the outside in order to provide adequate ventilation. The enforcing officer may approve some other acceptable method of ventilation.
- (d) Every dwelling and dwelling unit shall have heating facilities which are installed in an approved manner and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 70 degrees Fahrenheit at a distance three feet above floor level, when the temperature outside is minus 20 degrees Fahrenheit. Such heating equipment shall be operated as reasonably necessary to maintain a temperature in all habitable rooms of 70 degrees Fahrenheit.
- (e) Every public hall or stairway in or leading into every multiple dwelling shall have a minimum of 10 foot candles of illumination, measurable with a standard light meter at floor level in halls and tread levels on stairways, at all times when the structure is occupied.
- (f) Every dwelling shall be supplied with electricity and shall meet the following requirements:

- (1) Every habitable room shall contain one electrical convenience outlet for each 20 lineal feet, or major fraction thereof, measured horizontally around the room at the baseboard line, provided that in each room one ceiling type electric light fixture may be substituted for one of the required electrical convenience outlets.
 - (2) Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one ceiling or wall type electric light fixture.
 - (3) Every outlet and fixture shall be installed in an approved manner and maintained in good and safe working condition.
- (g) During the portion of each year when the Health Officer finds it necessary to protect against mosquitoes, flies and other insects, which are of such kind and occur in such numbers as to cause a hazard to health, every door opening directly from a dwelling to outdoor space shall have a screen door with a self-closing device; and every window or other device with openings to outdoor space used or intended to be used for ventilation, shall likewise be supplied with screens.

Section .08: General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units

No person shall occupy or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (a) Every foundation, exterior wall and roof shall be substantially weathertight, watertight, and rodent proof and shall be kept in a sound condition and good repair.
- (b) Every floor, interior wall and ceiling shall be kept in sound condition and good repair.
- (c) Every window, exterior door, and basement hatchway shall be reasonably watertight, weathertight, and rodent proof and shall be kept in sound working condition and good repair.
- (d) Every inside and outside stairway shall be maintained in safe and sound condition and good repair.
- (e) Every plumbing fixture and water and waste pipe shall be installed in an approved manner and maintained in good, sanitary working condition, free from defects, leaks and obstructions.
- (f) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

- (g) Every facility, piece of equipment, or utility which is required under this ordinance shall be so constructed and installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (h) No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this ordinance to be removed from, shut off, or discontinued in any occupied dwelling or dwelling unit, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

Section .09: **Minimum Space, Use and Location Requirements**

- (a) No person shall occupy or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:
 - (1) It shall contain at least 250 square feet of floor area for the first occupant thereof and at least 125 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area, provided that non-habitable area shall be counted in determining the maximum permissible occupancy up to ten per cent of the total habitable area.
 - (2) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (b) No basement space shall be let as a habitable room and no basement space shall be used as a dwelling unit or rooming unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface run-off water and are free from dampness;
 - (2) The total amount of light furnished in each room is equal to at least the minimum amount of light as required in Section .07, paragraph (a); and
 - (3) The facilities for ventilation in each room are equal to at least the minimum as required under Section .07, paragraph (b).
- (c) No cellar space shall be used as a habitable room or dwelling unit.

Section .10: **Responsibilities of Owners and Occupants**

- (a) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

- (b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- (c) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and other organic waste which might provide food for insects and rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section .06, paragraph (h).
- (d) Every occupant of a dwelling unit shall keep all plumbing therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (e) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the unit primarily infested. Notwithstanding the foregoing provisions of this paragraph, whenever infestation is caused by a failure of the owner or operator to maintain a dwelling in a ratproof or reasonably insect proof condition, extermination shall be the responsibility of the owner and operation. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner and operator.

Section .11: Designation of Unfit Dwellings and Other Requiring Vacation

- (a) Designation. Whenever the Health Officer finds any dwelling, dwelling unit, or rooming unit which does not conform to the standards established by this ordinance, and which by reason of such nonconformity presents an imminent hazard to public health, or to the physical or mental health of the occupants therein, the Health Officer may, without prior notice or hearing, designate such dwelling, dwelling unit, or rooming unit as unfit for human habitation.
- (b) Placarding: Order to Vacate. Any dwelling, dwelling unit, or rooming unit designated as unfit for human habitation by the Health Officer shall be appropriately placarded as such and shall be vacated by the occupants thereof within the time specified in such placard. Such placard shall be deemed an order directing vacating, and shall permit not less than 10 days from the date of such placarding for the vacating of such dwelling, dwelling unit, or rooming unit unless a lesser time is stated in the order in view of the facts of the situation and the hazard involved, as in the judgement of the Health Officer is reasonable and proper.
- (c) Correction of Defects. No dwelling, dwelling unit, or rooming unit which has been designated as unfit for human habitation and placarded as such shall again be used for human habitation until written approval is secured from, and such placarding is removed by, the Health Officer. The Health Officer shall remove such placard

whenever the defect or defects upon which the designation and placarding action were based have been eliminated and the dwelling, dwelling unit, or rooming unit has been made to conform to the standards established by this ordinance.

- (d) Unlawful to Deface Placard. It shall be unlawful for any person to deface, remove or obscure any placard affixed under the provisions of this ordinance.
- (e) Appeal to Village Council. Any person aggrieved by the designation of any dwelling, dwelling unit, or rooming unit as unfit for human habitation who believes the designation to be factually or legally contrary to the ordinances of the Village may appeal for the same to the Village Council. In the same manner as appeal may be taken from a notice of violation under Section .05 of this ordinance.
- (f) The procedure prescribed in this Section may be used concurrently with or separate from the procedures in cases of violation set forth in Section .05 of this ordinance.

Section .12: Penalty

Any person who fails to correct any violation of this ordinance after notification thereof by the Health Officer within the time fixed by him or the Village Council, or who fails within the time specified to vacate any premises designated as unfit for human habitation under said Section 11, is guilty of a misdemeanor, and shall be subject to a penalty of a fine of not exceeding \$100.00 or imprisonment in the County Jail for a period of not exceeding 90 days, with costs of prosecution in case of either fine or imprisonment.

Adopted this 1st day of November, 1965.

Eugene Smith, Mayor

ATTEST: James D. Zank, Village Clerk

Ordinance No. 38

[Non-Intoxicating Malt Liquors Amendment 1]

**AN ORDINANCE AMENDING ORDINANCE NO. 3 RELATING TO LICENSING
THE SALE OF NON-INTOXICATING MALT LIQUORS**

The Village Council of Medicine Lake Village ordains:

Section .06, Subdivision (d) of Ordinance No. 3 is hereby amended to read:

"Who is not a citizen of the United States."

Passed by the Village Council this 4th day of October, 1965.

Gene Smith, Mayor

ATTEST: James D. Zank, Clerk

Ordinance No. 41

[On-Sale Increase to \$3,000]

**An Ordinance Amending Ordinance No. 10 by Providing for an
Increase in “On-Sale” License Fees**

The Village Council of the Village of Medicine Lake ordains:

Section .04 of Ordinance No. 10 is hereby amended to provide for an increase in the annual fee for an “On-Sale” license from \$1,900.00 to \$3,000.00.

Published January 19, 1967.

Eugene D. Smith, Mayor

Attest: Oscar T. Velline, Clerk

Ordinance No. 42

[Municipal Sewer Ordinance]

MUNICIPAL SANITARY SEWER **An Ordinance regulating Sewage Disposal, Connections, Permits, Licenses, etc.** **related to Municipal Sanitary Sewer System.**

The Council of the Village of Medicine Lake do ordain as follows:

Section 42.01: **General**

The entire municipal sanitary sewer system shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this ordinance. The Village, through its designated representative, shall supervise all sewer connections made to the municipal Sanitary Sewer System and all excavations for the purpose of installing or repairing same.

Section 42.02: **Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this section shall be as follows:

- (a) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (b) "Inspector" shall mean the person or persons duly authorized by the Village, including the Building Inspector, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (c) "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (d) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (e) "Public Sewer" shall mean a sewer receiving both surface and runoff and sewage.
- (f) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (g) "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- (h) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipe inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

- (i) "Building Sewer" shall mean the extension from the building drain to the public sewage or other place of disposal.
- (j) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (k) "Plumbing Fixture" shall mean any fixture through which water flows and is altered chemically or adulterated through usage. Further definition as found in the Minnesota Plumbing Code.
- (l) "Cleanout" shall mean an opening through which lines may be cleaned. The cleanout must not be used except to clean lines. In no instance will any surface or storm water be permitted into cleanout.

Section 42.03: Certain Deposits Unlawful

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of Medicine Lake, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

Section 42.04: Certain Discharges Unlawful

It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this section.

Section 42.05: Certain Sewage Facilities

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.

Section 42.06: Certain Facilities Required—Owner's Duties

- (a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein.
- (b) The owner of all houses, buildings or properties where cesspools and septic tanks have been in existence prior to the construction of the sanitary sewer, shall connect with the public sewer when such septic tanks and cesspools are in need of repairs, or reconstruction, or, in any event, not later than December 31, 1968.
- (c) Where a public sanitary or combined sewer is not available under the provisions of subsection 42.06, the building sewer shall be connected on a private sewage disposal system complying with all requirements of Ordinance No. 42.

- (d) At such time as a public sewer becomes available to a property served by a sewage disposal system and a direct connection is made to the public sewer in compliance with this section, any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 42.07: **Regulation of the Operation of Private Facilities—Owner's Duties**

- (a) Contents of septic tanks or cesspools may be pumped into the building sewer pipe at the property line, provided that a screen is placed at the inlet to said pipe to prevent obstructions from entering the system. Backfilling above the cover level of any cesspool, septic tank or similar tanks, or any building sewer, shall not commence until permission has been granted by the Inspector.
- (b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
- (c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 42.08: **Permit Required for Building Sewers**

No unauthorized person shall uncover, make any connections with or openings into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village of Plymouth Plumbing Inspector.

Section 42.09: **Bond Required—Amount—Conditions**

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village and deposited with the Village Clerk a corporate surety in the sum of \$2,000.00 conditioned that he will perform faithfully all work with due care and skill, and in the authority of any laws of the Village pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, or excavating for plumbing as prescribed in this section. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

Section 42.10: **Insurance Required—Amount—Filing**

In addition to the corporate surety required in subsection 42.09 above, the person applying for such permit shall have deposited with the Village Clerk insurance policies insuring the Village of Medicine Lake and all persons who may be concerned against property damage in the sum of at least \$25,000.00 and shall also deposit with said Village Clerk a policy of public liability insurance with a coverage of not less than \$100,000.00 for each person and \$300,000.00 for each accident.

Section 42.11: **Classes of Building Sewer Permits—Applications—Forms**

There shall be two (2) classes of building sewer permits, (1) for residential and commercial service, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the said Village.

Section 42.12: Supplemental Information to Permit Applications

The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector.

Section 42.13: Fees

A permit and inspection fee of Ten Dollars (\$10) for a residential building sewer permit and Twenty Dollars (\$20) for a commercial and industrial building sewer permit shall be paid to the Plymouth Village Clerk at the time the application is filed. Additional inspections for a residential building sewer shall require the payment of a Seven Dollar and Fifty Cent (\$7.50) fee, and such additional inspections for commercial and industrial building sewers shall require an additional Ten Dollars (\$10) fee.

Section 42.14: Installation Costs—Indemnification of Village

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation.

Section 42.15: Separate and Independent Sewers Required—Exceptions

A separate and independent building sewer shall be provided for every building. Exceptions will be allowed only by special permission granted by the Village Council.

Section 42.16: Use of Old Building Sewers

Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Plymouth Plumbing Inspector to meet all requirements of this Ordinance.

Section 42.17: Artificial Lifting Required in Certain Buildings—Certain Equipment Prohibited

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

Section 42.18: Inspection and Connection of Building Sewers—Notice—Supervision

The applicant for the building sewer shall notify the Plymouth Village Inspector when the building sewer is ready for inspection and connection to the public sewer.

Section 42.19: Regulation of Excavation

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public

property disturbed in the course of the work shall be restored in a manner satisfactory to the said Village.

Section 42.20: **Approved Connections—Types—When Used**

(1) Approved types of commercial and industrial service connections shall be one of the following:

- (a) Type 1. Wye branches installed in the main sewer at the time of construction. Connections to existing wye branches shall be made with an approved type of joint material either with PVC pipe or proper cast iron adaptor. The connection shall be completely watertight. No connection shall be allowed to any damaged wye branch. If damage occurs during the making of the connection, the wye branch shall be taken out of the main sewer by the plumber and replaced by another undamaged wye.
- (b) Type 2. Connections of the saddle type installed in the main sewer. Connection of this type shall be made in a smooth, round hole, saw cut into the main sewer pipe. The fittings used in the connection shall be the standard PVC wye of proper size which shall be connected to the main sewer with PVC solvent and clamped in place until firmly set. The joint shall be watertight and there shall be no protrusion of the fitting or service pipe inside the main sewer.
- (c) Type 1 connections may be used in existing sanitary sewers when wye branches previously installed are readily and conveniently available. If existing wye branches cannot be found readily or are not located properly for providing the needed service, Type 2 connections shall be made. When new sanitary sewers are constructed Type 1 connections may be made in cases where the connection to the house is made during construction and before backfilling of the sanitary main sewer trench. No wye branches shall be installed and covered up for future use. Type 2 connections shall be made in all cases where house services are installed subsequent to construction and backfilling operations.

(2) House service connections shall be made with either heavy duty cast iron pipe with neoprene gasket connections or PVC (Polyvinyl Chloride) plastic pipe conforming to commercial standards CS272-65 and bearing the seal of approval of the National Sanitation Foundations, (NSF-DWV). Such pipe must be connected to the building drain at its point of exit from the building unless heavy duty cast iron pipe is already in use from the building to the septic tank or cesspool, in which case the connection may be made at the septic tank or cesspool.

(3) When any service connection is placed across peat or other unstable soil having a depth in excess of four feet, bridging using four foot lengths of 2" x 6" planks shall be placed three feet on center under the service pipe. In the event that the peat or other unstable soil is four feet or less in depth, then such peat or other unstable soil must be removed and a stabilized base be placed to the pipe invert.

(4) Alignment. No building sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than four bends, regardless of angle,

shall be permitted in any single building sewer, except where manholes are constructed at such points and in manner as directed by the Village Inspector. No building sewer shall be laid parallel to any bearing wall or footing unless further distant than three feet from any such bearing wall or footing. No connecting sewer shall be laid within twenty feet of any well. If no cleanout is provided then one with a minimum 4" opening must be provided outside of the house within 3 feet of the foundation or before the first bend. On long runs a cleanout must be provided each 75 feet. Changes can be made with the approval of the Council.

(5) Cover. The minimum cover over building sewer connections shall be five (5) feet in order to prevent freezing. Where five feet is not practical at the building then five feet shall be attained as soon as possible. All such connections must be approved by the Village Inspector before work commences. Wherever possible the cover shall be maintained at seven (7) feet.

Section 42.21: Certain Uses of Sewers Prohibited

- (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- (b) No person shall discharge or cause to be discharged to any public sewer, any harmful waters of wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in the sewers, damage or hazard to structures, equipment and personnel of the sewerage works, or other interferences with the proper operation of the sewage works.

Section 42.22: Approval Required for Admission in Sewers of Harmful or Objectionable Materials

The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Inspector who may prescribe limits on the strength and character of these waters and wastes. Where necessary, in the opinion of the Inspector the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said Inspector and of the State Board of Health and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 42.23: Control manholes—When Required—Use

When required by the Inspector, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with "Standard methods for the Examination of Water and Sewage", and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Section 42.24: Grease, Oil and Sand Interceptors—When Required—Use

Grease, oil and sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 42.25: Tampering with Municipal Sewage Works as Disorderly Conduct

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 42.26: Power and Authority of Inspectors

The Inspector and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling, and testing, in accordance with the provisions of this section.

Section 42.27: Name of Violation—Time to Cease Violations

Any person found to be violating any provision of this section except subsection 42.21, shall be served by the Village with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory corrections thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 42.28: Rates and Charges

A. (1) For sewer service and the availability thereof, any person connecting premises to the public sewer shall pay the rates and charges established therefore from time to time, by Council resolution. In addition to all other charges, each permit to connect shall be accompanied by a special connection fee equal to the frontage assessment for the sewers in the abutting street or right-of-way plus \$400.00 for each equivalent residential unit, or equivalent, to be connected before December 13, 1973. After this date the unit charge will be \$460.00. Said special connection fee shall be reduced by the amount of any special assessments against the premises at the time of construction of sewers in abutting streets and right-of-way. All such special connection fees shall be paid into the bond redemption fund for payment of principal and interest on bonds issued for sanitary sewer purposes or, if there are no bonds outstanding, into the general fund of the Village to reimburse advances made to the sanitary sewer system by the Village.

(2) In respect to property which shall be connected with the Village sewer system for the discharge and disposal of any waste unusual in either character or amount, then, in addition to all applicable charges hereunder, the Village Council reserves the right to impose such supplemental sewage rate charge as said Village Council shall determine is reasonable and warranted on the basis of all relevant factors.

(3) The Village Council may, by its Resolution, provide that any charge for sewer connection, as provided by Section A (1) above, be transmitted to the County Auditor to be extended on the proper tax lists of the County to be payable in not more than Twenty (20) annual installments of principal plus 6% annual interest on the unpaid balance from year to year, and to provide further that all connection charges and interest collected by the County Treasurer therefrom shall be paid over to the Village Treasurer in the same manner as other municipal taxes.

(4) Certification as to Assessments. No permit shall be issued to tap or connect with any sewer of the Village either directly or indirectly from any lot or tract of land unless the Village Clerk shall have certified:

- (a) That such lot or tract of land to be served by such connection or tap has been assessed for the cost of construction of the sewer with which the connection is made, or
- (b) If no assessment has been levied for such construction cost, that proceedings for levying such assessments have been or will be commenced in due course, or
- (c) If no assessment has been levied and no assessment proceedings will be completed in due course, but a sum equal to the portion of the cost of constructing said sewer which would be assessable against said lot or tract has been paid to the Village.

(5) The charges established pursuant to this Ordinance shall be a lien on the real estate benefited thereby and against which same is established, and shall be of equal rank with the liens or taxes levied under the general laws of the State, and shall become due and payable as fixed by the Resolution establishing such charges. Such charges may also at the option of the Village be enforced against the owner, lessee, or occupant of the property benefited by the connection service, or availability of service, or against all of them in a civil action without the waiver of other remedies.

B. Statements for sewer rental charges for the preceding quarterly period shall be mailed to each customer at such dates as prescribed by the Village Council. Said statements shall be due and payable to the Village Treasurer on or before the 15th of the month following date of bill.

C. Any amounts due hereunder for sewage charges may be collected in an action brought for that purpose in the name of the Village; or the Village Clerk may certify to the County Auditor the amounts due for sewer charges, including penalty together with the legal description of the premises served and the County Auditor shall thereupon enter such amount with the tax levy on said premises collectible with the taxes for the next ensuing year.

Section 42.29: Liability for Damages Caused by Violation

Any person violating any of the provisions of this section shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation. In addition to liabilities incurred, any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$100.00 or by imprisonment in the workhouse not to exceed 30 days.

Section 42.30: **Adoption of the Minnesota Plumbing Code by Reference**

(1) The Minnesota Plumbing Code adopted by the Minnesota State Board of Health on July 20, 1937 and as amended on May 9, 1939, January 14, 1947 and October 16, 1951, is hereby adopted by the Village by reference and is made a part hereof as though fully set forth herein. Three (3) copies of said Minnesota Plumbing Code shall be marked as "official copies" and filed for reference and inspection in the office of the Village Clerk.

(2) Amendment of Article I of Code. Article I of said Minnesota Plumbing Code is hereby amended by adding the following sections thereto:

Sec. 24 - The term "Municipality" means the Village of Medicine Lake.

Sec. 25 - The word "Council" means the Council of the Village of Medicine Lake.

Sec. 26 - The word "Clerk" means the Clerk of the Village of Medicine Lake.

Sec. 27 - The word "Inspector" means the person or persons employed or engaged by the Council and assigned responsibility for administration of this Ordinance.

(3) Amendment of Article X of Code. Article X of said Minnesota Plumbing Code is hereby amended by adding the following thereto:

Sec. 128 - The building sewer or building drain shall be so located or shall be provided with a branch line that will facilitate a connection, at a later date, to a municipal sewer system. This building sewer or branch shall be at a sufficiently low elevation to drain the lowest plumbing fixture or floor drain in the building.

(4) Licensing.

(a) No person, firm or corporation shall engage in the business of installing and constructing plumbing or plumbing systems within the municipality without first obtaining a license from the State of Minnesota to carry on such occupation and furnish evidence to the Village Clerk that the surety bond required by the State of Minnesota has been posted.

(5) Permits.

(a) No person, firm or corporation shall install, alter or extend any individual plumbing or plumbing system in the municipality without first obtaining a permit therefor from the Council for the specific installation, alteration or extension. At the time of applying for said permit, the applicant shall pay a fee therefore of \$15.00. Each plumbing fixture in excess of ten (10) shall be subject to an additional \$1.25 fee. Such permits shall be valid for a period of six (6) months from date of issue. Failure to obtain a permit prior to such installation, alteration or extension shall cause the permit fee to be doubled.

(b) Application for permits shall be made in writing upon printed blanks or forms furnished by the Council and shall be signed by the applicant.

(6) Construction Requirements. All individual plumbing and plumbing systems installed subsequent to the adoption of this Ordinance and all alterations, extensions and repairs to individual plumbing systems irrespective of the date of original installation shall be regulated in accordance with all of the requirements of this Ordinance. Existing systems which do not meet the requirements of this Ordinance may be repaired or extended if the repair or extension is made in accordance with the construction requirements of this code.

(7) Administration and Inspection.

- (a) The Council shall assign responsibility for administration of this Ordinance to a qualified Inspector.
- (b) The Inspector shall make such inspection or inspections as are necessary to determine compliance with this Ordinance. No part of the system shall be covered until it has been inspected and accepted by the Inspector. It shall be the responsibility of the applicant for the permit to notify the Inspector in accordance with Article XIV, Sec. 157 of the Minnesota Plumbing Code.
- (c) The renotification fee under Article XIV, Sec. 157C shall be \$5.00 for each renotification.

(8) Objectives and Variances.

- (a) The objectives of this Ordinance are to provide adequate and safe plumbing systems and to prevent the contamination of water supply. Any system of special, unusual, or new design which will satisfy the stated objectives may be accepted as complying with the Ordinance, and any permit granted for the construction, installation, alteration, or repair of any such special system shall be subject to such condition and guarantees as may be stated in the permit. If approved by the Council.
- (b) The Council may, in its discretion, grant variances from the strict provisions of this Ordinance consistent with the provisions of Section (a) above and upon recommendation of the Building Inspector.

Section 40.31: Effective Date

This Ordinance shall take effect upon the passage by the Village Council and its publication.

Passed by the council this 4th day of December, 1967.

Eugene D. Smith, Mayor

Attest: Oscar T. Velline, Clerk

Ordinance No. 43

[Sunday Liquor]

An Ordinance Amending That Certain Ordinance No. 10 Relating to Intoxicating Liquors, and Providing for the Issuance of Special Licenses for the Sale of Intoxicating Liquor on Sundays

The Council of the Village of Medicine Lake does hereby ordain:

Section .01: Subdivision (a) of Section 2, Ordinance No. 10, is hereby amended to read as follows:

"(a) "On Sale" licenses shall be granted only to those authorized by Minnesota laws and shall permit the consumption of liquor on the premises only. Special "On Sale" licenses for sale of intoxicating liquor on Sundays shall be issued only to hotels and restaurants as defined in Law 1967, Ch. 19, Sec. 1. All sales of liquor by such establishments shall be in accordance with Law 1967, Ch. 691."

Section .02: Section 4, Ordinance No. 10, is hereby amended to provide, in addition to the other provisions therein, as follows:

"The annual fee for an "On Sale" special license for sales on Sunday shall be \$200.00."

Section .03: Section 6, Ordinance No. 10, is hereby amended to read as follows:

"Section 6. Hours of operation will be governed in accordance with Minnesota Laws."

Passed by the Village Council of the Village of Medicine Lake this 4th day of December, 1967.

Eugene D. Smith, Mayor

Attest: Oscar T. Velline, Clerk

Ordinance No. 45

[Snowmobile Ordinance]

AN ORDINANCE REGULATING THE OPERATION OF SNOWMOBILES

The Village Council of the Village of Medicine Lake ordains as follows:

Section .01: Definitions

For the purpose of this Ordinance the terms defined herein shall have the following meanings ascribed to them.

Subd. .01: "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Subd. .02: "Snowmobiles" means a self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis, or runners.

Subd. .03: "Owner" means a person, other than a lien holder having the property in or title to snowmobile entitled to the use or possession thereof.

Subd. .04: "Operate" means to ride in or on and control the operation of a snowmobile.

Subd. .05: "Operator" means every person who operates or is in actual physical control of a snowmobile.

Subd. .06: "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, including the shoulder.

Subd. .07: "Street or highway" means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Subd. .08: "Right of Way" means the entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

Subd. .09: "Safety or 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.

Section .02: Operation on Streets and Highways

A snowmobile may make a direct crossing of a street or highway except an interstate highway or freeway, provided:

- (a) The crossing is made at an angle of approximately 90 degrees to the direction of the street or 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) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

Subd. .01: No snowmobile shall be operated on streets or highway or within the right of way at any time except as in Sect. .02.

Subd. .02: Notwithstanding any prohibition in this Ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

Section .03: Operation Generally

Except as otherwise specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the limits of the Village of Medicine Lake.

Subd. .01: On a public sidewalk or walkways provided or used for pedestrian travel.

Subd. .02: On private property of another without lawful authority or consent of the owner or occupant.

Subd. .03: On any publically owned lands and frozen waters, including but not limited to park property, playgrounds, recreation areas, except areas previously listed or authorized for such use by the proper public authority, in which case such use should be lawful and snowmobiles may be driven in and out of such areas by the shortest route. Authorized areas in the Village of Medicine Lake owned by the Village shall be designated by council resolution.

Subd. .04: At any place, while under the influence of intoxicating liquor or narcotics or habit forming drugs.

Subd. .05: At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

Subd. .06: At any place in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

Subd. .07: At a speed greater than ten miles an hour when within 100 feet of any lakeshore, except in channels, or of fishermen, ice house or skating rinks, nor shall operation be permitted within 100 feet of any sliding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property.

Subd. .08: In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons.

Subd. .09: During the hours from 11:00 p.m. to 7:00 a.m. of any day.

Section .04: Equipment

It is unlawful for any person to operate a snowmobile any place within the limits of the Village of Medicine Lake unless it is equipped with the following:

Subd. .01: Standard mufflers which are properly attached and in constant operation, and which reduce the noise of operation of the motor to the minimum necessary for operation. Mufflers shall comply with Regulation CONS. 55 which is hereby adopted by reference as it existed on September 1, 1970. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a snowmobile motor, and the exhaust system shall not emit or produce a sharp popping or crackling sound.

Subd. .02: Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of operation.

Subd. .03: A safety or so-called "deadman" throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.

Subd. .04: 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. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle 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 the hours of darkness under normal atmospheric conditions. The equipment to be in operation condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility.

Subd. .05: Reflective material at least 16 square inches on each side, forward of the handlebars, so as to reflect or beam light at a ninety degree angle.

Section .05: Application of Other Laws

Village traffic ordinances shall apply to the operation of snowmobiles upon streets and highways, and Minnesota Statutes 1969, Section 84.81 to 84.88, and Minnesota Statutes 1969, Chapter 169 except for those provisions relating to required equipment, are hereby adopted by reference, except those provisions which by their nature have no application.

Section .06: Persons Under 18

Subd. .01: No person under 14 years of age shall operate on street or highway or make a direct crossing of a street or highway as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on street or highways as

permitted under this Ordinance and make a direct crossing thereof only if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner of conservation as provided by Minnesota Statutes 1969, Section 84.86.

Subd. .02: It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

Section .07: Leaving Snowmobile Unattended

Every person leaving a snowmobile in a public place shall lock the ignition, remove the key and take the same with him.

Section .08: Chasing Animals Forbidden

It is unlawful to intentionally drive, chase, run over or kill any animal, wild or domestic, with a snowmobile.

Section .09: Violations

Every person convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for a period of not more than ninety (90) days, or both, but in either case the costs of prosecution may be added.

Section .10: Severability

Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof, other than the part held to be invalid.

Section .11: Effect

This Ordinance shall be published in the Minnetonka Sun and shall be effective upon publication.

Adopted by the Village Council of the Village of Medicine Lake this 14th day of January, 1971.

Neal E. Sorensen, Mayor

Attest: Robert P. Rascop, Clerk

Ordinance No. 46

[Regulating Open Burning]

AN ORDINANCE REGULATING OPEN BURNING

The Village Council of the Village of Medicine Lake ordains as follows:

Section .01: Refuse Burning Restrictions

No person shall dispose of refuse by open burning, or cause, suffer, allow or permit open burning of refuse.

Section .02: Prohibitions of Salvage Operations by Open Burning

No person shall conduct, cause or permit the conduct of a salvage operation by open burning.

Section .03: Restriction on Open Burning of Tree Leaves

The open burning of leaves is prohibited.

Section .04: Exceptions

Exceptions herefrom may be allowed upon application and approval by the Village Council provided that the burning is not prohibited by or is conducted in compliance with other applicable laws, ordinances and regulations. Exemption to conduct open burning under the provision of this regulation does not excuse a person from the consequences, damages, or injuries which may result therefrom. The following are exceptions for which application may be made.

- (1) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.
- (2) Fires set for the elimination of a fire hazard which cannot be abated by any other practicable means.
- (3) Fires purposely set for forest or game management in accordance with practices recommended by the Minnesota Department of Conservation, the Minnesota Department of Agriculture and the United States Forest Service.
- (4) The burning of hydrocarbons which must be wasted through the use of atmospheric flares.
- (5) Fireplaces and Outdoor Cooking Fires: The use of indoor and outdoor fireplaces and outdoor fires for the purpose of cooking, warmth, or recreational purposes is permitted without permit under this ordinance, provided, however, that such fires shall not be used for purposes of refuse disposal and shall meet other ordinance requirements of the Village.

- (6) Construction Fires: Open fires used in construction work for ground thawing in the winter are not prohibited by this ordinance. Salamanders or other devices may be used for heating in construction or other work. No permit shall be required. This Exemption for such fires does not exclude such fires from compliance with the regulatory provisions of this ordinance and other ordinances of the village.

Adopted by the Village Council of the Village of Medicine Lake this 1st day of February, 1971.

Neal E. Sorensen, Mayor

Attest: Robert P. Rascop, Clerk

Ordinance No. 48

[Establishing Sewer Service Connection Charge]

ORDINANCE ESTABLISHING SEWER SERVICE AVAILABILITY AND CONNECTION CHARGE TO PAY RESERVE CAPACITY COSTS OF METROPOLITAN SEWER BOARD

BE IT ORDAINED by the Village Council of the Village of Medicine Lake, Minnesota, as follows:

Section .01: Recitals

The Metropolitan Sewer Board has determined to reserve unused capacity in the metropolitan disposal system each year commencing in 1973 for local government units in which new buildings to be connected to the system and new connections to the system are commenced during such year; and to allocate the debt service costs of such unused capacity for the year among such local government units as provided in the attached Exhibit A. In order for the Village to pay such costs allocated to it each year, it will be necessary to establish sewer service availability and connection charges for all buildings to be constructed or connected to the metropolitan disposal system on or after January 1, 1973.

Section .02: Establishment of Charges

For the purpose of paying costs of reserve capacity allocated to the Village each year by the Metropolitan Sewer Board, there is hereby established a charge for:

- (a) The availability of treatment works and interceptors comprising the metropolitan disposal system; and
- (b) Connections, direct and indirect, to the metropolitan disposal system.

The charge is imposed on each building or structure in the Village, and each connection to the metropolitan disposal system directly or through the Village's system, inside any Sewer Service Area established by the Metropolitan Sewer Board, construction of which is commenced on or after January 1, 1973. The charge shall be payable upon the issuance of a building permit or a connection permit, as the case may be, but no charge shall be due upon the issuance of a connection permit if a charge was paid upon issuance of a building permit.

The charge for each building or structure shall be equal to the number of units of sewage volume which it will discharge, multiplied by \$275 for 1973, \$300 for 1974, \$325 for 1975, \$350 for 1976 and \$375 for 1977. A unit of sewage volume shall be 100,000 gallons per year and shall be assigned as follows:

- (a) Single family houses, townhouses and duplex units shall each comprise one unit;
- (b) Condominiums and apartments shall each comprise 80% of a unit;

- (c) Mobile homes shall each comprise 80% of a unit;
- (d) Other buildings and structures shall be assigned one unit for each 100.000 gallons of flow or part thereof which it is estimated they will discharge;
- (e) Public housing units and housing units subsidized under any federal program for low and moderate income housing shall be counted as 75% of the unit equivalent for that type of housing;
- (f) Units existing or for which building permits were issued prior to January 1, 1973, shall be counted as one-half the unit equivalent for that type of housing, if connected to the Metropolitan Disposal System prior to January 1, 1974, and shall be counted at the full rate thereafter.

Section .03: **The Administration**

The Village Building Inspector shall prepare or revise building permit or sewage connection permit application forms to provide information necessary for the computation of the number of units assignable to the building or structure in question, and shall collect the applicable charge before issuance of a permit. The Building Inspector shall make such information available to the Sewer Board upon request. If upon filing a report covering such permit with the Metropolitan Sewer Board, the Board determines that a greater number of units is assignable to the building or structure in question, any additional amount of cost allocated to the Village as a result shall be paid by the person or company to whom the permit was granted.

Adopted by the Village Council of Medicine Lake this 13th day of January, 1973.

Neal E. Sorensen, Mayor

ATTEST: Harold E. Miller, Clerk

Ordinance No. 50

[Operating Licensed Liquor Establishments]

An Ordinance regulating operation of intoxicating liquor licensed establishments, and providing for investigation fees

The City Council of Medicine Lake ordains:

Section .01: **Area Limitation**

No intoxicating liquor licensee shall allow or permit the consumption or use of intoxicating liquor or non-intoxicating malt liquor in any off-street parking area connected with or a part of the land area of the liquor establishment.

Section .02: **Vacate Premises**

No person shall remain in any "on sale" intoxicating liquor licensed establishment after the hour of 1:15 a.m. Liquor licensee management and employees are excluded from the provisions of this ordinance.

Section .03: **Prohibited Persons**

No intoxicating liquor licensee shall permit any person under the age of nineteen (19) years, unless such person is accompanied by a parent or legal guardian; or any intoxicated person; to be or remain in the licensed establishment.

Section .04: **Investigation Fees**

At the time of application under City ordinance for an "on sale" liquor license, any new license applicant shall pay an investigation fee of \$300.00. If investigation expense warrants, the applicant may be required to pay up to an additional \$200.00 in investigation fees.

Adopted by the City Council of Medicine Lake this 6th day of June, 1977.

Neal Sorensen, Mayor

ATTEST: Brian D. Howell, Clerk

Ordinance No. 51

[Nuisance Vehicle Operation]

**An Ordinance Defining and Prohibiting Certain Operations
of a Motor Vehicle as a Nuisance**

The City Council of Medicine Lake ordains:

Section .01: [**Definition—Nuisance**]

Any operation of a motor vehicle within the City of Medicine Lake by "unreasonable acceleration" or "erratic driving" is hereby declared to be a nuisance.

- (a) "Unreasonable acceleration" means acceleration of a motor vehicle which unnecessarily breaks traction between a tire or tires and the driving surface, thereby causing a prolonged squealing or screeching sound by the tires, or the unnecessary throwing of sand or gravel by the tire or tires of said vehicle or both.
- (b) "Erratic driving" means driving of a motor vehicle in a manner so as to cause the squealing of tires, grinding of gears, backfiring, or other manner which produces loud noise.

Section .02: [**Penalty**]

Any person who shall knowingly cause or create a nuisance as defined in this ordinance shall be guilty of a misdemeanor.

Adopted by the City Council of Medicine Lake this 6th day of June, 1977.

Neal Sorensen, Mayor

ATTEST: Brian D. Howell, Clerk

Ordinance No. 53

An ordinance amending ordinance number 53 adopted on 7 August 1978 regulating junk cars.

The City Council of the City of Medicine Lake do ordain as follows:

Ordinance No. 53 adopted on 7 August 1978 regulating junk cars is amended to read:

Title: Junk Car, Nuisance Vehicles, and Nuisance Recreational Vehicles

Section 01: Purpose of Ordinance

The outside parking and storage of junk cars and certain recreational vehicles is declared to be a public nuisance when it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) decreases adjoining landowners and occupants' enjoyment of their property and neighborhood, and (d) otherwise adversely affects property values and neighborhood patterns.

Section 02: Definitions

The following definitions shall apply in the interpretation and enforcement of this section.

- (i) "Junk car" means any vehicle which is not in operable condition, or which is partially dismantled, or which is used for the sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling or salvage of any kind or which is not properly licensed for operation within the State of Minnesota or by the State of Minnesota, unless special permission has been granted by the Council.
- (ii) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- (iii) "Property" shall mean any real property within the City which is not a street or highway.
- (iv) "Street" or "highway" shall mean the entire width between the boundary lines of every way publicly maintained roadway when any part thereof is open to the use of the public for purposes of vehicular travel.
- (v) "Vehicle" or "recreational vehicle" means a motor vehicle or trailer as defined in Minn. Stat. 168.002, as amended, boats, all-terrain vehicles as defined in Minn. Stat. 84.92, subd. 8, and snowmobiles but excluding

small utility trailers that are clearly designed to be used for general yard and garden purposes.

Section 03: Parking or Abandonment of Junk Cars Prohibited

- (i) No person shall park, keep, place, store or abandon any junk car or vehicle on a public street, highway, roadway or alley within the City.
- (ii) No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any junk car, vehicle or recreational vehicle, as defined herein and determined to be a nuisance, to remain on such property for more than 2 weeks.
- (iii) This section shall not apply to the following:
 - (a) To a vehicle or recreational vehicle in an enclosed building
 - (b) To a vehicle or recreational vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operations of such business enterprise.
 - (c) To a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or its agent.
 - (d) To vehicles or recreational vehicles (including watercraft) that are used seasonally and are owned by a person who resides on the property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.
 - (e) To utility trailers that do not require licensing by the State of Minnesota Department of Motor Vehicles.

Section 04: Abatement.

- (i) **Impounding.** A police officer, sheriff, or other authorized person may order a vehicle constituting a public nuisance to be immediately removed and impounded. The impounded vehicle will be surrendered to the owner by the towing contractor only upon payment of the required impound, towing and storage fees.
- (ii) **Sale.** Notice and sale of a vehicle impounded under this ordinance will be conducted in accordance with Minn. Stat. chapter 168B, governing the sale of abandoned motor vehicles.

Section 05: Right of Way Obstructions

It shall be unlawful to park for storage a recreational vehicle within four feet (4') of the driven portion of the City of Medicine Lake roadways. No construction will be allowed within the City of Medicine Lake road right of way without a permit. This will include any temporary objects or fences (except mail boxes) used as a deterrent of motor vehicles.

Section 06: This ordinance becomes effective from and after its passage and publication.

Adopted by the City Council of Medicine Lake on this 7th day of July, 2014.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk

Ordinance No. 53A

[Intoxicating Liquor Amendment]

An Ordinance amending Ordinance 50, regulating the operation of intoxicating liquor establishments and providing for investigation fees.

The City Council of the City of Medicine Lake ordains:

That Section .01 of Ordinance 50 be expanded by the addition of the following:

No person shall consume or use intoxicating beverages or non-intoxicating malt liquors in any such off-street parking area or on any road or highway adjacent to such off-street parking areas.

and, that Section .05 be added as follows:

Section .05: **Penalties**

Any violation of Section .01, .02, or .03 shall be a misdemeanor punishable by a fine of up to \$300.00, confinement for not more than 90 days or both.

Adopted by the City Council of the City of Medicine Lake this 8th day of October, 1979.

[Neal Sorensen], Mayor

ATTEST: Patrick M. Vance, City Clerk

Ordinance No. 55

[Liquor Licensing Fee]

An Ordinance amending portions of Ordinance No. 41 which regulates the licensing fee for the sale of intoxicating liquor.

The City Council of the City of Medicine Lake ordains:

The licensing fee for the sale of intoxicating liquor shall be determined on the following formula:

An annual licensing fee shall be established on a square footage basis. The square footage on an establishment is determined by the County Tax Assessor's records.

- (a) An annual fee of \$4,000 shall apply to an establishment not exceeding 4,000 sq. ft.
- (b) An annual fee of \$5,000 shall apply to an establishment exceeding 4,000 sq. ft. but not exceeding 5,999 sq. ft.
- (c) An annual fee of \$6,000 shall apply to an establishment exceeding 6,000 sq. ft.

Adopted by the City Council of the City of Medicine Lake this 7th day of April, 1980.

Neal Sorensen, Mayor

ATTEST: Patrick M. Vance, Clerk

Ordinance No. 56

[Curfew]

AN ORDINANCE REGULATING THE PRESENCE OF PERSONS UNDER THE AGE OF 16 YEARS ON THE STREETS OR IN PUBLIC PLACES BETWEEN CERTAIN HOURS, DEFINING THE DUTIES OF PARENTS AND OTHERS IN THE CARE OF SUCH PERSONS, AND PROVIDING PROCEDURE FOR ENFORCEMENT AND PENALTIES FOR VIOLATION.

The City Council of Medicine Lake ordains:

Section .01: Curfew Imposed

Subd. .01: No person under the age of 16 years except as provided in Subdivision .02, shall be on any public street or alley or in any park or other public grounds or building, place of amusement, entertainment, or refreshment, vacant lot, or any other unsupervised place between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

Subd. .02: The restrictions of Subdivision .01 do not apply when the minor:

- (a) is accompanied by the minor's parent, guardian, or other person having the minor's lawful care, custody or control.
- (b) is returning home by a direct route from and within 30 minutes after, a school activity or an activity of a religious or other voluntary association when prior notice of the activity and its place and probable time of termination has been given to the police department by an adult person authorized by the school or the religious or voluntary association to do so;
- (c) is carrying a certified card of employment and is on his way to or from his place of employment; or
- (d) is upon an emergency errand or other legitimate business directed by the minor's parent, guardian, or other adult having the lawful custody of the minor.

Section .02: Responsibility of Parent Etc.

No parent, guardian, or other adult having custody and control of a minor under 16 years of age shall knowingly permit the minor to violate the provisions of Section .01.

Section .03: Responsibility of Other Persons

Whenever the owner or person in charge or control of any place of amusement, entertainment, refreshment, or other place of business shall find any person under the age of 16 in such place in violation of Section .01, he shall immediately order such person to leave, and if such person refuses to leave, the owner or person in charge shall immediately inform the police department of the violation.

Section .04: **Penalties**

Any person under the age of 16 on a street or other place in violation of Section .01 shall be ordered to go home immediately. After investigation, if responsible city authorities determine that court action should be initiated, the minor shall be dealt with in accordance with juvenile court law and procedure. Any such minor who is convicted of a violation of this ordinance after the case has been referred for prosecution in the trial court under Minnesota Statutes Section 260.15 and any person who is convicted of a violation of any provision of Section .02 is guilty of a petty misdemeanor and shall be punished by a fine of not to exceed \$300.00.

Section .05: **Effective Date**

This Ordinance takes effect on December 1, 1982.

Adopted by the Council this 8th day of Nov., 1982.

Neal Sorensen, Mayor

[Attest:] Mary Anne Young, Clerk

Ordinance No. 58

[Nudity At On-Sale Liquor Premises]

AN ORDINANCE PROHIBITING NUDITY AND OTHER ACTS IN ON-SALE LIQUOR AND ON-SALE NON-INTOXICATING MALT LIQUOR LICENSED PREMISES WITHIN THE CITY OF MEDICINE LAKE AND REPEALING CITY OF MEDICINE LAKE ORDINANCES NO. 52 AND 57

[The City Council of the City of Medicine Lake ordains:]

Section .01: **Prohibited conduct**

The following acts or conduct on premises holding an on-sale liquor or on-sale non-intoxicating malt liquor license are deemed contrary to public welfare and morals and therefore no "on-sale" license shall be held at any premises where such conduct or acts are permitted:

- (a) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- (b) To employ or use the services of any hostess while such hostess is unclothed or in such attire, costume or clothing as described in paragraph (a) above.
- (c) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
- (d) To permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
- (e) To permit any person to perform acts of or acts which simulate:
 - (1) With or upon another person sexual intercourse, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - (2) Masturbation or bestiality.
 - (3) With or upon another person the touching, caressing or fondling on the breast, buttocks, anus or genitals.
- (f) To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.
- (g) To permit the showing of film, still pictures, electronic reproduction, or other visual reproduction, or other visual reproductions depicting:

- (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (2) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
- (3) Scenes wherein a person displays the vulva or the anus or the genitals.
- (4) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

Section .02: **Penalties**

Whoever violates any provision of this ordinance shall be guilty of a misdemeanor and sentenced to imprisonment for not more than 90 days or to a fine of not more than \$500.00, or both, and such violation shall be grounds for revocation or suspension of any and all licenses held at such premises.

Section .03: **Repealer**

City of Medicine Lake Ordinance No. 52 and 57 are repealed.

Section .04: **Effective Date**

This Ordinance becomes effective on the day following its publication.

Adopted by the City Council of Medicine Lake this 14th day of December, 1982.

Roy P. Winkler, Acting Mayor

ATTEST: Mary Anne Young, Clerk

Ordinance No. 59

[Increasing Penalty for Misdemeanor]

AN ORDINANCE INCREASING PENALTY FOR MISDEMEANOR VIOLATIONS

The City Council of the City of Medicine Lake ordains:

Section .01: [**Penalties**]

Any violation of any ordinance of the City of Medicine Lake shall constitute a misdemeanor, and the penalty therefor shall be a maximum fine of \$500.00 or imprisonment for a period of 90 days, or both, and costs of prosecution.

Section .02: [**Effective Date**]

This ordinance shall take effect upon its adoption and publication and shall supersede all prior inconsistent ordinances.

Adopted by the City Council of Medicine Lake this 3rd day of April, 1978.

Neal Sorensen, Mayor

ATTEST: Gregg C. Miller, Clerk

Ordinance No. 63

[Electricity: NSP]

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

The City Council of the City of Medicine Lake, Hennepin County, Minnesota does ordain:

Section .01: [**Rights and Privileges**]

There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as "Company", during the period of 20 years from the date hereof, the right and privilege of constructing, operating, repairing, and maintaining, in, on, over, under, and across the streets, alleys and public grounds of the City of Medicine Lake, Hennepin County, Minnesota, hereinafter referred to as "City" an electric distribution system and electric transmission lines, including poles, pole lines, and fixtures and appurtenances, usually conveniently, or necessarily used in connection therewith, for the purpose of transmitting and furnishing electric energy for light, heat, power and other purposes for public and private use in and to said City and the inhabitants thereof, and others, and for the purpose of transmitting into and through said City such electric energy, provided that such electric distribution system and transmission lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along and over said streets, alleys, and public grounds, and provided that Company, in the construction, operation, repair and maintenance of such poles, pole lines, and fixtures and appurtenances, shall be subject to such reasonable regulation as may be imposed by the City Council.

Section .02: [**Service Rates**]

The service to be provided and the rates to be charged by Company for electric service in the City shall be subject to the jurisdiction of the Public Utilities Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the City who apply for such service in accordance with the rules and regulations of Company.

Section .03: [**Maintenance of Grounds Surrounding “Company’s” Equipment**]

There is also granted to Company, during the term hereof, permission and authority to trim all trees and shrubs in the streets, alleys, and public grounds of said City which may interfere with the proper construction, operation, repair, and maintenance of any poles, pole lines, and fixtures and appurtenances, installed in pursuance of the authority hereby granted, provided that Company shall save said City harmless from any liability in the premises.

Section .04: [**Vacation and Relocation**]

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

Section .05: [**Assignment of Rights**]

Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

Section .06: [**Acceptance by Company**]

Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

Section .07: [**Effective Date**]

This Ordinance shall be in full force and effect from and after its passage, any publication required by law, and acceptance by Company.

Section .08: [**Separability**]

Where a provision of any other Ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Passed and approved: 6th day of September, 1988.

Eugene Hey, Mayor

Attest: Frances H. Scott, City Clerk

[Re]Adopted by the City Council of Medicine Lake this 12th day of October, 1999.

Thomas J. Schrader, Mayor

ATTEST: Julie Deitte, Clerk

Medicine Lake City Code

Ordinance No. 64

Drug Abuse and Control

An ordinance regarding drug abuse and control adopting state law concerning prohibited drugs

The City Council of the City of Medicine Lake ordains:

Section 1. **State Drug Control Law Adopted.** Minnesota Statutes, Section 151.40 and Chapter 152, relating to prohibited drugs, as amended, are hereby adopted by reference and are as much a part of this Code as if fully set forth herein.

Section 2. **Unlawful possession. sale. distribution.** It is unlawful for any person to have in his or her possession, or to buy, sell, give away, barter, offer, exchange or distribute any marijuana or controlled substance, as defined in Section 152.01, subdivisions 9 and 10 of Minnesota Statutes, or any controlled substance as defined in Section 152.02, subdivisions 2, 3, 4, 5 and 6 of Minnesota Statutes, in any amount within city limits, except on a written or oral prescription by a practitioner lawfully authorized to practice his or her profession.

Section 3. **General Rule.** No person shall inhale, breathe, or drink, or be or become intoxicated by reason of inhaling, breathing, or drinking any substance commonly known as glue, adhesive, cement, mucilage, dope, solvents, lacquer, drugs, fingernail polish and lacquer, nail polish remover, or thinners for the above named substances, nor any substance containing toluene, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance which contains ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons, or any other similar ingredient which releases toxic vapors for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or in any manner change, distort, or disturb the balance, coordination of the audio, visual or mental processes.

Section 4. **Transfer.** No person shall, for the purpose of violating or aiding another to violate any provision of this Section, intentionally possess, buy, sell, give away, barter, offer, exchange or distribute containing the intoxicating substances defined in Section 3.

Section 5. A violation of the State Drug Control Statutes herein adopted not proscribed in Sections 2-4 above shall be unlawful.

Section 6. A violation of this ordinance shall be a petty misdemeanor.

Section 7. **Effective Date.** This ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 2nd day of October, 1989.

Eugene Hey, Mayor

ATTEST: Frances H. Scott, City Clerk

[Re]Adopted by the City Council of Medicine Lake this 12nd day of October, 1999.

Thomas J. Schrader, Mayor

ATTEST: Julie Deitte, City Clerk

Ordinance No. 68

[Amendment to Ordinance 24: Sec. 02.7]

AN ORDINANCE AMENDING SECTION .02:7 OF Ordinance 24 Nuisances

The City Council of the City of Medicine Lake ordains:

Sec. 02:7.A. Garbage cans which are not fly tight;

7.B. Placement of Containers on Residential Premises:

1. Definitions:

- A. Garbage: Garbage includes every accumulation of animal, vegetable or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers along with such materials.
- B. Rubbish: Rubbish includes wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden ware, printed matter, paper, paper board, paste board, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term garbage; also materials such as cans, containers, tires, junk or other such substance that may become a nuisance.
- C. Recyclable Materials: Recyclable materials include, but are not limited to, paper, plastic, tin cans, aluminum cans, and glass bottles; each separated and cleaned or otherwise prepared so as to be acceptable to the recycling center.
- D. Residential Premises: Residential premises means any single family home or double bungalow consisting of two or less separate residences with individual kitchen facilities for each.

2. Garbage containers, recycling containers and rubbish shall be screened so as to be out of view both from the street and from adjoining properties, or in a garage located on the premises. In no event shall garbage containers, recycling containers and/or rubbish be placed closer than 35 feet from the street or curb or be placed or maintained in such a way as to unreasonably interfere with the use of the adjoining property. Further, the garbage containers, recycling containers and/or rubbish may be placed at the street or curb for collection, but shall not be so placed before 4pm the night before collection and shall be removed by 8pm the day of collection.

7.C. Standard garbage container provided by the City must be used by residential premises to hold the garbage.

Approved and adopted by the City Council of Medicine Lake this 5th day of April, 1999.

[unsigned]

[Re]Adopted by the City Council of Medicine Lake this 12th day of October, 1999.

Thomas J. Schrader, Mayor

ATTEST: Julie Deitte, City Clerk

Zoning Regulations

City of Medicine Lake
Hennepin County, Minnesota

10609 South Shore Drive
Medicine Lake, Minnesota 55441
612-542-9701

Amended Ordinance No. 70 Adopted March 6, 2006
Amendments Published March 9, 2006.

ORDINANCE NO. 70

AN ORDINANCE PROVIDING FOR THE ZONING REGULATIONS OF THE CITY OF MEDICINE LAKE, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.

The City Council of Medicine Lake, Minnesota, ordains:

§100 - TITLE AND APPLICATION

- §100.1 Short Title
- §100.2 Intent and Purpose
- §100.3 Relation to Comprehensive Municipal Plan
- §100.4 Standard Requirements
- §100.5 Uses Not Provided For Within Zoning Districts
- §100.6 Monuments
- §100.7 Separability
- §100.8 Authority
- §100.9 Comprehensive Revision

§100.1 Short Title.

This Chapter shall be known, cited and referred to as the Medicine Lake Zoning Regulations (except as referred to herein, where it shall be known as this Chapter).

§100.2 Intent and Purpose.

The intent of this Chapter is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to location, erection, construction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, building, yards and density of population; to provide for compatibility of different land uses; to provide for the orderly transition from a rural to an urban or suburban environment; to provide for administration of this Chapter, to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to the Zoning Regulations.

§100.3 Relation to Comprehensive Municipal Plan.

It is the policy of the City of Medicine Lake that the enforcement, amendment, and administration of this Chapter be accomplished with due consideration of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council of the City. The Council recognizes the City Comprehensive Plan as the policy to regulate land use and development in accordance with the policies and purpose herein set forth.

§100.4 Standard Requirements.

(a) Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by other law, ordinance, rule or regulation of the City, the law, ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

(b) In their interpretation and application, the provisions of the Zoning Regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(c) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.

(d) Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Chapter.

(e) No yard or lot existing in the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

(f) In their application, these regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided, that where the regulations of this Chapter are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Chapter shall be controlling.

§100.5 Uses Not Provided for Within Zoning Districts.

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the staff study shall, if appropriate, initiate an amendment to the Zoning Regulations to provide for the particular use under consideration or shall find that the use is not compatible for development within the City. The provisions of this chapter shall not apply to railroad and other public rights-of-way. (*Section §100 amended by Ordinance 92, March 6, 2006*).

§100.6 Monuments.

For the purpose of this Chapter, all international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to insure that these markers are maintained in good condition during and following construction and development. All section, 1/4 section and 1/16 section corners shall be duly described and tied.

§100.7 Separability.

It is hereby declared to be the intention of the City that the several provisions of this Chapter are separable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

§100.8 Authority.

This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, §462.351 to §462.363.

§100.9 Comprehensive Revision.

The Council intends this Chapter to be a comprehensive revision to Ordinance No. 61 and all other ordinances inconsistent with this Chapter, as amended. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Chapter is not affected by its adoption.

§200 - RULES AND DEFINITIONS

§200.1 Rules

§200.2 Definitions

§200.1 Rules.

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural, and the plural the singular.
- (2) The present tense includes the past and the future tenses, and the future the present.
- (3) The word "shall" is mandatory while the word "may" is permissive.
- (4) The masculine gender includes the feminine and neuter.
- (5) Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in such definition thereof.
- (6) All measured distances expressed in feet shall be to the nearest tenth of a foot.
- (7) Whenever a calculation is made based upon the provisions herein, if a fraction of a number results, the more restrictive rounding to a whole number shall apply.

§200.2 Definitions.

The following words and terms, wherever they occur in this Chapter, shall be interpreted as herein defined:

1. Abandonment: To cease or discontinue a use or activity for any reason, but excluding temporary interruptions to the use during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.
2. Abutting: Making contact with or separated only by public right-of-way, railroad, public utility right-of-way or navigable waters.
3. Accessory Building or Use: A subordinate building, structure or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.
4. Addition: A physical enlargement of an existing structure.
5. 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.
6. Alteration: Any change, addition, or modification in construction or occupancy of an existing structure or modification to the surface of the ground.
7. Animals:

- (a) Domestic Animals: For purposes of this Chapter, domestic animals shall be defined as house pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes birds and rabbits normally sheltered outside the home.
 - (b) Farm Animals: Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.
 - (c) Wild Animals: Animals that are not domestic or farm animals ordinarily wild such as squirrels, raccoons, deer, foxes, and the like.
8. Apartment: A portion of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.
 9. Applicant: The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Chapter are being considered for or reviewed.
 10. Automobile Repair - Major: General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.
 11. Automobile Repair - Minor: Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding twelve thousand (12,000) pounds gross weight, but not including any operetta specified under "Automobile Repair - Major."
 12. Basement: That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling (see Story).
 13. Bay: Cantilevered area of a room.
 14. Boarding (House) Home - Foster Children: A family dwelling where children out of their own homes are cared for.
 15. Boarding (Lodging) House: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than eight (8) persons.
 16. Boathouse: A structure used principally for the storage of boats or boating equipment.
 17. Buffer: The use of land, topography, difference in elevation, space, fences, or landscape plantings to screen or partially screen a use or property from the vision of another use or property.
 18. Buildable Area: The space remaining on a lot after the minimum setback and open space requirements of this Chapter have been met.

19. Building: Any structure having a roof and built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind and includes structure.
20. Building Height: The vertical distance from the average of the highest and lowest point of grade for that portion of the lot covered by the building to the highest point of the roof for flat roofs, to the roof deck line of mansard roofs, and to the uppermost point on all other roof types.
21. Building Line: A line parallel to the roadway pavement edge and a line parallel to the ordinary high water mark on lakeshore lots at any story level of a building and representing the minimum distance which all or any part of the building is setback from said roadway pavement edge or high water mark. Building line is also affected by the line of sight.
22. Building Setback: The minimum horizontal distance between the building and any combination of the following: the lot line, ordinary high water mark (OHW), or roadway pavement edge.
23. Business: Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
24. Carport: A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on one (1) or more sides.
25. Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to floor below is equal to or greater than the vertical distance from grade to ceiling.
26. Channel: A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.
27. City Council: The governing body for the City of Medicine Lake.
28. Clear Cutting: The removal of an entire stand of trees and/or vegetation.
29. Club or Lodge: A non-profit association of persons who are bonafide members paying annual dues, use of premise being restricted to members and their guests.
30. Cluster Development: The development patterns and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a planned unit development.
31. Commercial Recreation: Bowling alley, cart track, junior center, golf, billiards (pool) hall, vehicle racing or amusement, dance hall, skating, trampoline, boat rental, campgrounds, park, and similar uses.
32. Common Open Space: Any open space including parks, nature areas, playgrounds, trails, and recreational buildings and structures which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

33. Comprehensive Plan: A comprehensive plan prepared by the City, including a compilation of policy statement goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
34. Concept Plan: A report in map and text form submitted as the first phase of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the applicant.
35. Conditional Use: Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning use district, which for the respective conduct or performance in such designated use districts may require reasonable, but special, peculiar, unusual or extraordinary limitations facilities, plans, structures, conditions, modification, or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience and the integrity of the City Comprehensive Plan.
36. Conditional Use Permit: A permit issued by the City Council in accordance with procedures specified in this Chapter, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
37. Condominium: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, §515.A.1-101 to §515.A.4-118.
38. Cooperative (Housing): A multiple family dwelling owned and maintained by the residents and subject to the provisions of Minnesota Statutes §290.09 and §290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.
39. Court: An unoccupied open space other than a yard which is bounded on two (2) or more sides by the walls of the buildings.
40. Curb Level: The elevation of the established curb in front of a building measured at the center of such front. Where no curb level has been established, the City Building Inspector shall determine a curb level or its equivalent for the purpose of this Chapter.
41. Day Care Facility: Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (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 as defined by Minnesota Statute §245.782.

42. Density, Residential: A number expressing the relationship of the number of dwellings to an acre of land as established in the comprehensive plan.
43. Deposition: Any rock, soil, gravel, sand or other material deposited naturally or by man into a water body, watercourse, flood plains or wetlands.
44. Development: All structures, land uses, and other modifications of the existing landscape above and below ground or water, on a single parcel, or on more than one parcel if covered by a single PUD or conditional use permit.
45. Draining: The removal of surface water or ground water from land.
46. Dredging: To enlarge or clean-out a water body, watercourse or wetland.
47. Dwelling: A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, boarding houses, or manufactured housing, motels, nursing homes, trailers, tents, or trailer coaches.
48. Dwelling, Multiple (Apartment): A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits.
49. Dwelling, Single Family: A dwelling unit designed exclusively for occupancy by one (1) family.
 - (a) Attached: A dwelling which is joined to another at one or more sides by a party wall.
 - (b) Detached: A dwelling unit not attached to another dwelling or structure or is entirely surrounded by open space.
50. Dwelling, Two-Family: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
 - (a) Double Bungalow: A two-family dwelling with two (2) units side-by-side.
 - (b) Duplex: A two-family dwelling unit with one (1) unit above the other.
51. Dwelling Unit: A residential building or portion thereof intended for occupancy by one (1) family with facilities for living, sleeping, cooking, and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, motor homes or travel trailers.
52. Easement: A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.
53. Elderly (Senior Citizen) Housing: A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty (60) years of age.
54. Efficiency Apartment: A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

55. Engineer: The professional engineer engaged by the City Council.
56. Erosion: The wearing away of land surface by the action of natural elements.
57. Essential Services: Overhead or underground electrical, gas, steam or water distribution systems and structures or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith but not including buildings.
58. Essential Service Structures: Structures and buildings necessary for the operation of essential services, including but not limited to telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations.
59. Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
60. Family: An individual or two (2) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than three (3) persons not so related maintaining a common household and using common cooking and kitchen facilities.
61. Fence: A fence is defined for the purpose of this Chapter as any partition, structure, wall, hedgeline, plantings or gate erected as a dividing mark, barrier or enclosure.
- (a) Fence - Boundary Line: All fences located within five (5) feet of a property line
- (b) Fence - Interior Yard: All fences located five (5) feet beyond a property line.
62. Filling: The act of depositing any rock, soil, gravel, sand or other material so as to fill a waterbody, watercourse, or wetland.
63. Floor Area: The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within living, selling or working space or other such activities, to the production or processing of goods, or to business or professional offices. Measurable floor area is limited to floors with a minimum ceiling height of seven (7) feet.
64. Flood Plain: The flood plain means those areas within the City that are subject to flooding in the 100 year flooding events and which lie below the elevations shown on the official Flood Insurance Rate Map (Community Panel No. 27069000001A effective date: April 15, 1982) and generally lying below elevation 890.2 feet.
65. Garage - Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles and trucks not exceeding twelve thousand (12,000) pounds gross weight, of the family or families resident upon the premises, and in which no business service or industry is carried on.
66. Garage - Public: A building or portion of a building, except any herein defined as private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for enumeration or hire and in which any sale of gasoline,

oil and accessories is only incidental to the principal use (see also automobile repair - minor and major).

67. 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 (5) feet from the building, between the building and a line five (5) feet from the building.
68. Grading: Changing the natural or existing topography of land.
69. Ground Floor Area: The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached garages which do not exceed twelve (12) feet in height.
70. Guest Room: A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking.
71. Hedge: A landscape barrier consisting of a continuous, dense planting of shrubs.
72. Home Occupation: Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.
73. Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.
74. Irrigation System: A permanent, artificial watering system designed to transport and distribute water to plant.
75. Junk Yard: An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including but not limited to, scrap iron and other materials, paper, rags, rubber, tires, lumber, and bottles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within closed buildings nor sanitary land fills.
76. Kennel: Any place where more than three (3) animals over three (3) months of age are kept or harbored, such animals being owned or kept by the owner or lessee of the premises wherein or whereupon the animals are kept or harbored. A commercial kennel is any place where a person, firm, or corporation accepts animals from the general public and where such animals are kept for the purpose of selling, boarding, breeding, training, treating or grooming, except a veterinary clinic.
77. Landscaping: Plantings such as trees, flowers, grass and shrubs and improvements directly related thereto.
78. Land Reclamation: The process of the re-establishment to acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.
79. Line of Sight: An imaginary building line that connects the forward most parts of two adjacent principal buildings in relation to the subject structure. The line of sight

effects the lake side setback of lakeshore property and the front setback of non-lakeshore property.

80. Livestock: Any animals or poultry or other fowl except dogs, cats and birds owned by the resident of the premises and kept as pets but not for commercial sale except incidental to their character as pets.
81. Loading Space: That portion of a lot or plot designed to serve the purpose of loading or unloading for all types of vehicles.
82. Lodging (Boarding) Room: A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.
83. Lot (Of Record): A parcel of land, whether subdivided and/or otherwise legally described and as a lot and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Chapter and having its principal frontage upon a public street.
84. Lot Area: The total land area of a horizontal plane within the lot lines lying above the ordinary high water line.
85. Lot, Base: Lots meeting all the specifications in the zoning district prior to being subdivided into a two-family dwelling or quadraminium subdivision.
86. Lot, Buildable: A lot which meets the minimum lot width and area requirements of the use district in which it is located.
87. Lot, Corner: A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
88. Lot, Depth of: The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.
89. Lot, Double Frontage: An interior lot having frontage on two streets.
90. 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.
91. Lot, Interior: A lot, other than corner lot, including through or double frontage lots.
92. Lot, Lakeshore: A lot abutting public waters or abutting public lands abutting public waters.
93. 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 or the ordinary high water mark.

94. Lot Line, Front: The lot line adjacent to the street shall be considered the front lot line.
95. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
96. Lot, Substandard: A lot or parcel of land for which a deed has been recorded in the office of the Hennepin County Recorder upon or prior to the effective date of this Chapter which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Chapter.
97. Lot, Through: A lot fronting on two parallel streets.
98. Lot, Unit: Lots created from the subdivisions of a two-family dwelling or quadraminium having different minimum lot size requirements than the conventional base lots within the zoning district.
99. Lot, Width: The average required horizontal distance between the side lot lines measured at right angles to the lot depth.
100. Manufactured Home: Any single family dwelling transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
101. Manufactured Home Lot: A section of ground in a manufactured home park designated as the location of one housing unit, and all other necessary improvements required by this Chapter.
102. Manufactured Home Park: Any park, court, lot, parcel or tract of land, designed, improved, maintained or intended for the purpose of supplying a location for manufactured home units or upon which any manufactured homes are parked. It shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the manufactured home park or not.
103. Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property delineating a fractional portion of a section, lot or area by described lines or portions thereof.
104. Minerals: Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.
105. Mining: All or part of the process involved in the extraction of minerals by removing the overburden and extracting directly from the mineral deposits thereby exposed.
106. Model Home: A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

107. Natural Drainage System: All land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.
108. Non-Conforming: A situation where any development, structure, sign, site lighting, off-street parking lot, buffer yard, land use or parcel was legally constructed or established prior to the effective date of this ordinance, or subsequent amendment to it, which is not in full compliance with the regulations of this Ordinance.
- (a) Non-conformity: any non-conforming use, structure or lot as defined herein that was established or constructed prior to the effective date of this ordinance or subsequent amendment to it, which is not in full compliance with the regulations of this ordinance.
 - (b) Non-conforming use: any use which is not permitted, conditionally permitted or permitted as an accessory use within the district in which the use is located.
 - (c) Non-conforming structure: any structure which does not conform with the applicable standards of the zoning code and specifically the standards within the district in which the structure is located (i.e. setbacks, height, square footage, or other standard).
 - (d) Non-conforming lot: any lot which does not conform to the applicable standards of the zoning code and specifically the standards within the district in which the lot is located (.e. lot size, width, or depth or other dimensional standard).
 - (e) Degree of non-conformity: means the measured extent (either horizontal or vertical) to which an existing use or structure fails to comply with a requirement of this chapter. Degree on non-conformity only applies to that portion of a structure that is causing the structure to be non-conforming status.
 - (f) Parallel extension of non-conforming structures: means any horizontal or vertical increase in the linear feet or surface area of the portion of a structure that is equal to the existing dimension causing the structure to be non-conforming. (*Section §200 amended by Ordinance 92, March 6, 2006*)
109. Normal (Ordinary) High Water Mark: A continuous mark of reference on the landscape at an elevation where land and water meet for some period of record; it is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. The normal high water mark of Medicine Lake shall be the 889.1 feet lake elevation as determined by the Minnesota Department of Natural Resources.
110. Noxious Matter or Material: Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well being of individuals.
111. Occupancy: The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.
112. 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.

113. Off-Street Parking Space: An area of such shape and dimensions as provided by this Chapter, enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one (1) fifteen (15) foot motor vehicle, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of a motor vehicle.
114. Open Sales Lot: Land devoted to the display of goods for purchase, sale, rent, lease or trade where such goods are not enclosed within a building, and for the storage of same prior to sale.
115. Open Space: Any open area not covered by structures, but not limited to the following uses: required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, ground water recharged areas, flood plain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.
116. Open Storage: Storage of material outside of a building.
117. Ornamental Tree: Any tree planted primarily for its ornamental value or for screening purposes and tends to be smaller at maturity than canopy trees.
118. Overburden: The earth, rock and other materials that lie above a natural deposit of minerals.
119. Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the property.
120. Parcel: An individual lot or tract of land.
121. Parking Space: An area of such shape and dimensions as provided by this Chapter, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) motor vehicle, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.
122. Party Wall: A common wall which divides two (2) independent structures by a fire wall.
123. Performance Standard: Criterion established for setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in uses of land or buildings.
124. Permitted Use: A use which may be lawfully established in particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.
125. Person: An individual, firm, partnership, association, corporation, legal entity, or organization of any kind.
126. Planned Unit Development (PUD):
- (a) As a conditional use permit, a development procedure whereby internal site design standard deviations from this Chapter may be allowed in order to accommodate two (2) or more principal structures, and/or facilities to improve site

design and operation. See also "Cluster Development."

(b) As a zoning district, a development procedure whereby mixing of buildings and uses can occur which cannot be otherwise addressed under this Chapter, and/or whereby internal site design standard deviations from this Chapter may be allowed to improve site design and operation.

127. Planning Commission: The duly appointed Medicine Lake Planning Commission.
128. Pole Buildings: Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings; metal wall coverings hung vertically of less than twenty-eight (28) gauge. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any similar structure not covering or enclosing a specific area.
129. Principal Building: A building or group of buildings in which the primary use of a lot is located.
130. 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.
131. Protective Covenant: A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
132. Public Uses: Uses owned or operated by municipal, school districts, county, state, or other governmental units.
133. Public Waters: Public waters of Medicine Lake shall include public waters as defined in Minnesota Statutes 103G.005, Subdivision 15, as amended, and also to specifically include all manmade or natural channels, inlets or lagoons, existing now or created in the future, that are connected to the waters of Medicine Lake and share the established ordinary high water mark (OHW) of 889.1 of Medicine Lake.
134. Publication: Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.
135. Quadraminium: A single structure which contains four (4) separately owned dwelling units, all of which have individually separate entrances from the exterior of the structure.
136. Recreation, Field or Building: An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for their accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Chapter.
137. Recreational Vehicle: Includes manufactured homes less than thirty (30) feet in overall length, including those which telescope or fold down; chassis mounted campers, house cars, motor homes, tent trailers, slip-in-campers (those mounted in a pickup truck or similar vehicle), converted buses, and converted vans used primarily for recreational purposes. Cars used for racing shall not be included within this definition.

138. Restaurant: An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.
139. Satellite Dish: Shall mean a combination of:
- (a) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
 - (b) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;
 - (c) a coaxial cable whose purpose is to carry the signals into the interior of the building.
140. Satellite Dish Height: Shall mean the height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.
141. Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.
142. Semi-Public Use: Uses owned by private or private non-profit organizations which are open to some, but not all, of the public, such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.
143. Septic Sewer System: A septic sewer disposal system consists of: septic tank, absorption field of standard trenches or a dry well, house sewer and outlet sewer. In the septic tank, bacterial action breaks down sewage. Standard trenches or a dry well handles final disposal of liquid from the septic tank. The house sewer brings wastes to the tank and the outlet sewer carries sewage liquids (effluent) from the absorption field.
144. Setback: The minimum horizontal distance between a structure and the nearest property line; within shoreland districts it shall also mean the minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark. Distances are to be measured from the most outwardly extended wall portion of the structure, except as provided hereinafter.
145. Shoreland: Land located within the following distances from public water; 1,000 feet (330.03 m) from the normal high water mark of a lake, pond, or flowage; and 300 feet (90.9 m) from a river or stream, or the landward extent of a flood plain designated by ordinance of such a river or stream, whichever is greater. The practical limit of shorelands may be less than statutory limits where such limits may be less than statutory limits as designated by natural drainage divides at lesser distances, as shown on the official Zoning Map of the City of Medicine Lake.
146. Shrub: A self-supporting woody perennial plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen, and usually not more than 10 feet in height at its maturity.
147. Sign: Any letter, word, symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication whether painted, pasted, printed, affixed or constructed which is

displayed outdoors for informational or communicative purposes. It shall include, but not be limited to, the following types and purposes of signs: advertising, area identification, business, directional, flashing, free standing, illuminated, institutional, nameplate, pylon, rotating, swinging, temporary and traffic control.

148. Site Plan: A map drawn to scale depicting the development of tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, and walkways, as related to a proposed development.
149. Slope: Means the degree of deviation of a surface from the horizontal, usually, expressed in percent of degrees.
150. Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused under floor space shall be considered as a story.
151. Street: A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road or way.
152. Street, Local: A street intended to serve primarily as an access to abutting properties.
153. Street, Major or Arterial: A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
154. Street Pavement: The wearing of exposed surface of the roadway used by vehicular traffic.
155. Street Width: The shortest distance between the lines delineating the right-of-way of a street.
156. Structure: Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built-up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.
157. Structural Alteration: Any change, other than incidental repairs, which would prolong, or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.
158. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
159. Townhouses: Structure housing three (3) or more dwelling units contiguous to each other only by the sharing of one (1) common wall. Such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures.
160. Travel Trailer: Any trailer not used as a residence but which is used for temporary living quarters for recreational or vacation activities and one that is towed on public roads in connection with such use.

161. Truck Stop: A motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.
162. Undue Hardship: Undue hardship is a condition resulting when reasonable use cannot be made of a property if used under conditions allowed by the official control, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.
163. Usable Open Space: A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and 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.
164. 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.
165. Use, Non-Conforming: Any building or land lawfully occupied by a use at the time of the passage of this ordinance or of amendments thereof which does not conform after the passage of this ordinance or an amendment thereto with the use regulations of the district in which it is located.
166. Variance: The waiving by the City Council of the literal provisions of the Zoning Standards in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.
167. Warehousing: The storage of materials or equipment within an enclosed building.
168. Waterbody: Means a body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.
169. Watershed: The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.
170. Wetlands: An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics:
- (a) Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7 and 8 described by the United States Fish and Wildlife Services, Circular 39, Wetlands of the US 1956);
 - (b) Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and muck);

(c) Soil which is water logged or covered with water at least three (3) months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and such property may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage, but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

171. Wholesaling: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.
172. Wind Energy Conversion System (WECS): Any device that is designed to convert wind power to another form of energy such as electricity or heat (also referred to by such common names of wind charger, wind turbine and windmill).
173. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
174. Yard, Depth Of: The mean horizontal distance between the line of a building and the lot line.
175. Yard, Front: A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.
176. Yard, Lakeside: Any yard abutting the ordinary highwater line (OHW).
177. Yard, Rear: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall be in all cases at the opposite end of the lot from the front yard.
178. Yard, Required: That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.
179. Yard, Side: A yard between the side line of the lot and nearest line of the principal building and extending from the front lot line of the lot to the rear yard.
180. Zero Lot Line: The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot lines except as provided by party wall easement.
181. Zoning Amendment: A change authorized by the City either in the allowed use with a district or in the boundaries of the district.
182. Zoning District: An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Chapter.

183. Zoning District Overlay: A zoning district containing regulations superimposed upon other zoning district regulations and where the more restrictive district use regulations shall apply.
184. Zoning District Underlying: All zoning districts except overlay zoning districts.
185. Zoning Map: The map or maps incorporated into this chapter as part thereof, designating the zoning districts.

§300 - ADMINISTRATION - AMENDMENTS (TEXT AND MAP)

§300.1 Procedure

§300.2 Amendments - Initiation

§300.1 Procedure.

(a) Requests for rezoning (text or map) shall be filed with the Planning Commission on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development or use and list of property owners located within three hundred fifty (350) feet of the subject property. Said property owners list shall be certified by Hennepin County or City. The request for amendment shall be placed on the agenda of the first possible Planning Commission meeting occurring twenty-one (21) days from the date of submission of the application. The request shall be considered officially submitted when all the informational requirements are complied with.

(b) The applicant shall supply proof of title of the property and the legal description of the property for which the rezoning is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest or supply written authorization from the owner(s) of the property in question to proceed with the requested rezoning.

(c) Upon receipt of said application, the Planning Commission shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of the request, and shall be published in the official newspaper at least ten (10) days prior to hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question.

(d) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.

(e) The Planning Commission and City Council shall consider possible adverse effects of the proposed amendment. Their 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 performance 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;

(6) Traffic generation by the proposed use is or will be within capabilities of streets serving the property.

(f) The Planning Commission and City Council shall have the authority to request additional information from the applicant concerning physical and operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

(g) The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.

(h) The Planning Commission shall recommend approval or denial of the request.

(i) The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission but shall act within 60 days of the date of the application as provided by Minnesota Statute Section 15.99. (*Section §300.1 amended by Ordinance 92, March 6, 2006*).

(j) Upon receiving the report and recommendation of the Planning Commission, the City Clerk shall place the report and recommendation on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

(k) Upon receiving the report and recommendation of the Planning Commission, the City Council shall have the option to set and hold a public hearing if deemed necessary.

(l) If, upon receiving said reports and recommendations of the Planning Commission, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

(m) Approval of a proposed amendment shall require passage by a majority vote of the entire City Council or as provided by Minnesota Statute Section 462.357. (*Section §300.1 amended by Ordinance 92, March 6, 2006*).

(n) The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment and after said ordinance is published in the official newspaper.

(o) Whenever an application for an amendment has been considered and denied by the City Council, a similar application and proposal for the amendment affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by at least four-fifths (4/5) vote of the entire City Council.

§300.2 Amendments - Initiation.

The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Chapter. The procedural requirements of §300.1(a)

and §300.1(b) of this Chapter shall not apply to such proposed amendments except to the extent required by State Statute. Any person owning real estate or having documented interest therein, within the City may initiate a request to amend the district and map boundaries or text of this Chapter so as to affect the said real estate.

§400 - ADMINISTRATION - CONDITIONAL USE PERMITS

- §400.1 Purpose
- §400.2 Procedure
- §400.3 Application
- §400.4 Information Requirement
- §400.5 Lapse of Conditional Use Permit by Non-Use
- §400.6 Performance Security
- §400.7 Conditional Use Permit Initiation

§400.1 Purpose.

The purpose of a conditional use permit is to provide the City of Medicine Lake 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, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further 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.

§400.2 Procedure.

(a) Request for conditional use permits, as provided within this Chapter shall be filed with the Planning Commission on an official application form. Such application shall be accompanied by a fee as provided for by City Council Resolution. Such application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use and a list of property owners located within three hundred fifty (350) feet of the subject property obtained from and certified by Hennepin County or the City. The request for conditional use permit shall be placed on the agenda of the first possible Planning Commission meeting occurring twenty-one (21) days from the date of submission of the application. The request shall be considered as being officially submitted when all the information requirements are complied with.

(b) The applicant shall supply proof of title and the legal description of the property for which the conditional use permit is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded document whereby the petitioners acquire a legal ownership or equitable ownership interest or supply written authorization from the owner(s) of the property in question to proceed with the requested conditional use permit.

(c) Upon receipt of said application, the Planning Commission shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the boundary of the property in question.

(d) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.

(e) The Planning Commission shall instruct the appropriate staff persons or consultants to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.

(f) The Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their 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 uses of the area;

(3) The proposed use conforms with all performance 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;

(6) Traffic generated by the proposed use is within capabilities of streets serving the property.

(g) The Planning Commission and City Council shall have the authority to request additional information from the applicant concerning physical and operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

(h) The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.

(i) 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.

(j) The City Council shall not grant a conditional use permit until they have received a report and recommendation from the Planning Commission or until sixty (60) days after the first regular Planning Commission meeting at which the request was considered as provided by Minnesota Statute Section 15.99.

(k) Upon receiving the report and recommendation of the Planning Commission, the City Clerk shall place the report and recommendations on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

(l) Upon receiving the report and recommendation of the Planning Commission, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.

(m) If, upon receiving said reports and recommendations of the Planning Commission, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

(n) Approval of a request shall require passage by a four-fifths (4/5) vote of the City Council.

(o) Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial unless a decision to reconsider such matter is made by at least four-fifths (4/5) vote of the full City Council.

(p) If a request for a conditional use permit receives approval of the City Council, the applicant shall record such with the County Registrar of Titles. The applicant, immediately upon recording such or as soon as is reasonably possible, shall furnish the City proof of recording. No building permits for the property in question will be granted until such proof of recording is furnished to the City.

§400.3 Application.

The conditional use permit and the stipulations and limitations imposed therein shall be applied to the property in question. The City, if so stated in formal action, may also apply the stipulations and limitations:

- (a) To the property in question, limited to the present owner.
- (b) To the property in question, for a specified time period.

§400.4 Information Requirement.

The information required for all conditional use permit applications generally consists of the following items, and shall be submitted when requested by the City:

- (a) Site Development Plan:
 - (1) Location of all buildings on lots including both existing and proposed structures
 - (2) Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question
 - (3) Location and number of existing and proposed parking spaces
 - (4) Vehicular circulation
 - (5) Architectural elevations (type and materials used in all external surface)
 - (6) Location and type of all proposed lights
 - (7) Curb cuts, driveways, number of parking spaces.

(b) Dimension Plan:

- (1) Lot dimensions and area
- (2) Dimensions of proposed and existing structures
- (3) "Typical" floor plan and "typical" room plan
- (4) Setbacks of all buildings located on property in question
- (5) Proposed setbacks
- (6) Sanitary sewer and water plan with estimated use per day.

(c) Grading Plan:

- (1) Existing contours
- (2) Proposed grading elevations
- (3) Drainage configuration
- (4) Storm sewer catch basins and invert elevations
- (5) Spot elevations
- (6) Proposed road profile.

(d) Landscape Plan:

- (1) Location of all existing trees, type, diameter, and which trees will be removed
- (2) Location, type and diameter of all proposed plantings
- (3) Location and material used for all screening devices.

(e) Legal description of property under consideration.

(f) Proof of ownership of the land for which a conditional use permit is requested.

§400.5 Lapse of Conditional Use Permit by Non-Use.

Whenever within one (1) year after granting a conditional use permit, the use as allowed by the permit shall not have been initiated or utilized, then such permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use that has been granted by the City Council. Such extension shall be requested in writing and filed with the Planning Commission at least thirty (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.

§400.6 Performance Security.

(a) Except in the case of non-income producing residential property (excluding relocated structures), upon approval of a conditional use permit the City shall be provided, where deemed necessary, with an irrevocable letter of credit, surety bond, cash escrow, certificate of deposit payable to the City, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.

(b) The security shall be in the amount equal to one hundred twenty-five (125) percent of the City Engineer's or City Building Inspector's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the City Engineer and Building Inspector.

(c) The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and regulations of the City has been issued by the City Building Inspector.

(d) Failure to comply with the conditions of the conditional use permit or the regulations of the City shall result in forfeiture of the security.

§400.7 Conditional Use Permit-Initiation.

The City Council or Planning Commission may, upon their own motion, initiate a request for a conditional use permit in conformance with the provisions of this Chapter. Any person owning real estate or having documented interest therein, within the City may initiate a request for a conditional use permit for real estate in conformance with the provisions of this Title.

§500 - ADMINISTRATION - VARIANCES

§500.1 General Provisions and Standards

§500.2 Procedures

§500.3 Lapse of Variance

§500.4 Performance Security

§500.5 Certified Survey Required

§500.1 General Provisions and Standards.

(a) Purpose. The purpose of this section is to provide for deviations from the literal provisions of this 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 in keeping with the spirit and intent of this Chapter.

(b) The City Council shall serve as the Board of Adjustment and Appeals.

(c) Review Criteria. Conditions governing considerations of both major and minor variance requests:

(1) In considering all requests for a variance and in taking subsequent action, the Planning Commission and the Council 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 way be contrary to the intent of this Chapter.
- e. Violate the intent and purpose of the Comprehensive Plan
- f. Violate any of the terms or conditions of Item (2a) below.

(2) A variance from the terms of this Chapter shall not be granted unless it can be demonstrated that:

a. Undue hardship will result if the variance is denied. Undue hardship shall exist under the following circumstances:

1. There are special conditions and circumstances which are peculiar to the land, structure or building involved.
2. Undue hardship caused by the special conditions and circumstances may not be solely economic in nature.
3. The property in question cannot be put to reasonable use if used under the conditions allowed by this ordinance. Reasonable use does not mean that the applicant must show the land cannot be put to any

reasonable use without the variance. Rather, the applicant may show that it would like to use the property in a reasonable manner that is prohibited by the ordinance. "Practical difficulties" may justify a variance, including functional and aesthetic concerns.

- 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, or deny the applicant the ability to put the property in question to a reasonable use.
- c. The special conditions and circumstances causing the undue hardship 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.
- e. The request is not a use variance.
- f. Variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.
- g. Variance requested will not alter the essential character of the locality.
- h. A prior erroneous application of the zoning ordinance cannot be used to require a city to grant a variance.
- i. An applicant shall not rely on similar variances granted previously.

(3) Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure or building.

(4) Should the Council find that the conditions outlined heretofore apply to the proposed lot or parcel, the Council may grant a variance from the strict application of this Chapter so as to relieve such difficulties or hardships to the degree considered reasonable, provided such relief may be granted without impairing the intent of this Chapter. The Planning Commission shall have the power to advise and recommend such conditions related to the variance regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable in the interest of the intent and purpose of this Chapter.

§500.2 Procedures.

(a) Request for variances, as provided within this chapter, shall be filed with the Planning Commission on an official application form. Such application shall be accompanied by a fee as provided for by City Council Resolution. Such application shall also be accompanied by ten (10) copies of detailed written and graphic material fully explaining the proposed change, development, or use and a list of property owners located abutting or immediately neighboring of the subject property obtained from and certified by Hennepin County or the City. The request for variance shall be placed on the agenda of the first possible Planning Commission meeting occurring fourteen (14) days after the date of submission of the application. The request shall be considered officially submitted when all the informational requirements are complied with.

(b) The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall be at least three (3) days prior to said hearing.

(c) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this chapter.

(d) The Planning Commission and City Council shall have the authority to request additional information from the applicant concerning physical or operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.

(e) The applicant or representative thereof shall appear before the Planning Commission to answer question concerning the proposed variance.

(f) The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Commission's recommendation shall be presented to the Council.

(g) Upon receiving the report and recommendation of the Planning Commission, the City Clerk shall place the report and recommendation on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

(h) The Council shall review the application and may at its option conduct a public hearing on the request.

(i) The Council shall make finding of fact and approve or deny a request for variance within sixty (60) days after receipt of the application as provided by Minnesota Statute Section 15.99.

(j) A variance of this Chapter shall be by a majority vote of the Council.

(k) All decisions by the Council involving a variance request shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Hennipen County District Court.

(l) Whenever a variance has been considered and denied by the City Council, a similar application and proposal for the variance affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by a majority of the full City Council.

(m) If a request for variance receives approval of the City Council, the City Council may request the applicant to record such with the County Registrar of Titles. The applicant, immediately upon recording such, or as soon as reasonably possible, shall furnish the City proof of recording. No building permit for the property in question will be granted until such proof of recording is furnished to the City.

§500.3 Lapse of Variance.

For all variances granted after the effective date of this ordinance, if within one (1) year after granting a variance the use as allowed by the variance shall not have been initiated or utilized, then

such a variance shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the Council. Such extension shall be requested in writing and filed with the Planning Commission at least thirty (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 use the permitted in the variance or appeal. Such petition shall be presented to the Council for decision.

§500.4 Performance Security.

- (a) Upon approval of a variance, the City shall be provided, where deemed necessary by the Council, with an irrevocable letter of credit, surety bond, cash escrow, certificate of deposit payable to the City, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance and City Chapter provisions.
- (b) The security shall be in the amount equal to one hundred twenty-five (125) percent of the City Engineer's or Building Inspector's estimated costs of labor and materials for the proposed improvements or development.
- (c) The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance and City regulations has been issued by the Building Inspector.
- (d) Failure to comply with the conditions of the variance or appeal and City regulations shall result in forfeiture of the security.
- (e) Whenever a performance guarantee is imposed by the City, the applicant shall be required to enter into a performance agreement with the City. This agreement is to provide authorization to the City to utilize the posted security and complete stipulated work should the applicant fail to meet the terms and conditions of the permit. Said agreement shall hold harmless the City for completion of the work and address other matters as may be determined by the City Attorney.

§500.5 Certified Survey Required.

A certified survey of the subject site in question shall be required to show present topography, boundary lines, and other significant features including structures, significant landscape features (such as trees with a diameter of more than twelve (12) inches). Survey to include features from the adjacent properties within twenty (20) feet of the subject property.

§600 - ADMINISTRATION - APPEALS

§600.1 Board Designation

§600.2 Approval

§600.3 Filing

§600.4 Procedure

§600.5 Appeal

§600.1 Board Designation.

The City Council shall serve as the Board of Adjustment and Appeals.

§600.2 Approval.

A majority vote of the full Board of Adjustments and Appeals shall be required to reverse any decision of an administrative officer in the interpretation of this Chapter.

§600.3 Filing.

An appeal from the ruling of an administrative officer of the City shall be made by the property owner or their agent within thirty (30) days after the making of the order appealed from.

§600.4 Procedure.

The procedure for making such an appeal shall be as follows:

(a) The property owner or their agent shall file with the City Clerk a notice of appeal stating the specific grounds upon which the appeal is made.

(b) The Board of Adjustment and Appeals shall make its decision by resolution within sixty (60) days and a copy of the resolution shall be mailed to the applicant by the Planning Commission.

§600.5 Appeal.

All decisions by the Board of Adjustments and Appeals shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision with the Hennepin County District Court.

§700 - ADMINISTRATION - CERTIFICATE OF OCCUPANCY OF ZONING

§700.1 Certificate Required

§700.2 Application

§700.1 Certificate Required.

No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy of zoning shall have been issued by the Building Inspector stating that the building or structure complies with all of the provisions within this Chapter and applicable state building code sections.

§700.2 Application.

Said certificate shall be applied for coincident with the application for a building permit, conditional use permit, and/or variance and shall be issued within ten (10) days after the Building Inspector shall have found the building or structure satisfactory and given final inspection. Said application shall be accompanied by a fee as established by City Council resolution.

§800 - ENFORCEMENT AND PENALTIES

§800.1 Enforcement

§800.2 Violation

§800.1 Enforcement.

This Chapter shall be administered and enforced by the Building Inspector who is appointed by the City Council. The Planning Commission may institute in the name of the City of Medicine Lake any appropriate actions or proceedings against a violator as provided by statute, charter, ordinance or regulation.

§800.2 Violation.

Any person who violates any of the provisions of this Chapter shall be found guilty of a misdemeanor and shall upon conviction, be subject to a fine or imprisonment as provided for by Minnesota State Statutes, plus the cost of prosecution in either case. Each day that a violation exists shall constitute a separate offense. (*Section §800.2 amended by Ordinance 92, March 6, 2006*).

§900 - NON-CONFORMING BUILDINGS, STRUCTURES AND USES

- §900.1 Purpose
- §900.2 Definitions
- §900.3 Non-conformities in General
- §900.4 Non-conforming Uses
- §900.5 Non-conforming Structures
- §900.6 Non-conforming Lots of Record and Construction of New Dwellings

§900.1 Purpose.

It is the purpose of this section to provide for the regulation of non-conforming uses, structures and lots to specify those requirements, circumstances and conditions under which non-conforming uses, structures and lots will be operated and maintained.

§900.2 Definitions.

For purposes of this Article and in addition to definitions provided within Section 200.2 of the City of Medicine Lake Zoning Regulations, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

- (a) Structural Alteration: a change that occurs to a structure that does not increase the height or building footprint, envelope or shell of a structure.
- (b) Structural Expansion: a change to a structure that increase the height or building footprint, envelope or shell.

§900.3 Non-conformities in General.

The following applies to all non-conformities in general:

- (a) Determination of non-conforming status. A use, structure or lot will be considered legally non-conforming if it can be demonstrated by clear and convincing evidence that, prior to October 12, 1999, or a subsequent amendment to this chapter, the use, structure or lot was established, altered, enlarged or converted and occupied pursuant to building permits issued by the City. The burden of establishing that a non-conforming use, structure or lot is a legal non-conforming use, structure or lot shall, in all cases, be solely upon the owner of such non-conformity.
- (b) Repairs and maintenance. Incidental repairs and normal maintenance of non-conformities shall be permitted unless such repairs are otherwise prohibited by the Code. Nothing in this Article shall be deemed to prevent keeping in good repair a structure in which a non-conforming use is conducted but no such structure that is declared by the building official to be unsafe or unlawful by reason of physical condition shall be restored, repaired or rebuilt.
- (c) Authority to continue. Any non-conforming use, structure or lot may be continued in accordance with the provisions of this article.

(d) Change of use, structure or lot. When any lawful non-conforming use, structure or lot in any district has been changed to a conforming status, it shall not thereafter be changed to any non-conforming use, structure or lot.

§900.4 Non-conforming Uses.

Any non-conforming use of land or structures may continue as long as it otherwise remains lawful, subject to the following provisions:

(a) Extension, enlargement or intensification affecting land area. No such non-conforming use shall be extended, enlarged or intensified, nor extended to occupy a greater area of land or a greater height than that which is occupied on the effective date of adoption or amendment of this chapter and no additional accessory structures shall be established thereon.

(b) Moving of non-conforming uses. No such non-conforming use shall be moved, in whole or in part, to any other portion of the lot not so occupied on the date of adoption of this section or to a parcel or lot not in conformance with this chapter.

(c) Cease of non-conforming use. If such non-conforming use ceases for any reason for a period of one year (365 continuous days) or more, any subsequent use of such land or structure shall conform to the regulations specified in this chapter for the district in which such land is located.

(1) The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a non-conforming use.

(2) The existence of a non-conforming use on part of a lot or tract of land shall not be construed to establish a non-conforming use on the entire lot or tract of land.

(d) Discontinuance or succession of use. Any land on which such non-conforming use is discontinued and succeeded by a permitted use shall thereafter conform to the regulations for the district in which the land is located and the non-conforming use may not thereafter be resumed.

(e) Extension, enlargement or intensification affecting structure. Any such non-conforming use may be expanded or extended throughout any part of a structure, provided that no structural alterations or enlargement of said structure shall occur except for those required by law or modifications made to provide an accessibility improvement upon approval of the building official or designee.

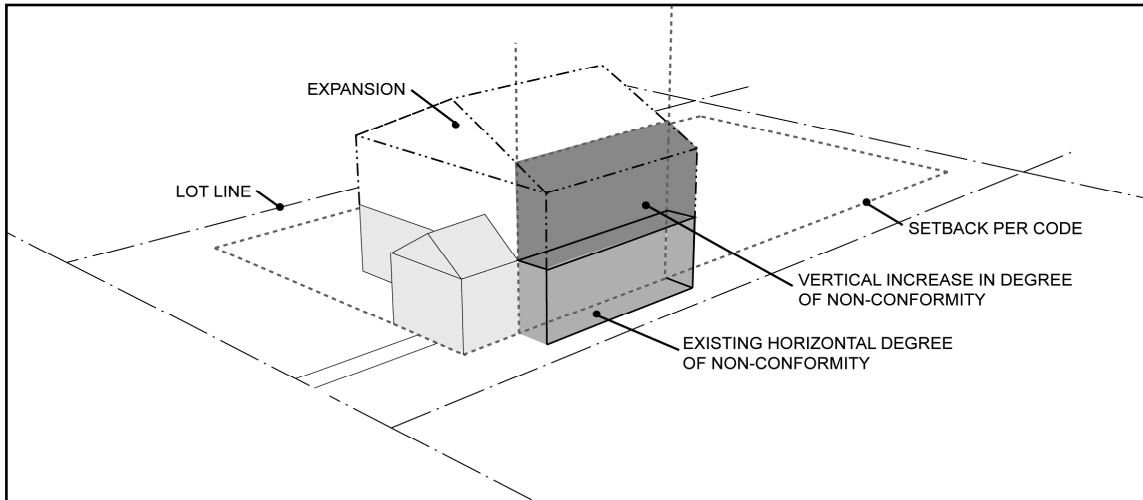
(f) Change to a permitted use. Any such non-conforming use may change to a use that is permitted in the district in which such non-conforming use is located.

(g) Destruction by fire or other peril. When any such non-conforming use is destroyed by fire or other peril it shall not be reconstructed except in conformance with the provisions of this chapter and as provided under Minnesota Statutes governing non-conformities, as amended from time to time.

§900.5 Non-conforming Structures.

The following standards shall apply to non-conforming structures, provided that such structure is not located in any Floodplain District:

(a) Alterations or expansions. Structural alterations or expansions of a non-conforming structure existing on the effective date of adoption of this article shall not increase the degree of non-conformity and shall be constructed in compliance with the regulations of the district in which it is located.



(1) Alterations may be made to a non-conforming residential structure to improve the livability, provided such alteration does not increase the number of dwelling units beyond what is permitted in the district in which the structure is located.

(2) Expansions to a non-conforming structure may be made provided that portion of the structure that is being expanded occurs without violating the standards of this code.

(3) Substantial alterations made on a voluntary basis that include removal of, or expansion of a structures foundation, would require the structure to be brought into consistency with the provisions of the Medicine Lake Zoning Code.

(b) Moving of a structure. When a non-conforming structure is moved on a lot for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located.

(c) Destruction by fire or other peril. When a non-conforming structure is destroyed by fire or other peril it shall be reconstructed in conformity with the provisions of this chapter, except:

(1) Non-conforming single-family residences in any residential district may be restored in the same footprint within one year, regardless of the extent of damage. Restoration shall be evidenced by obtaining a building permit within one year of the date of destruction of the non-conforming structure. If the foundation of such structure is altered, the structure shall be rebuilt to conform to current standards.

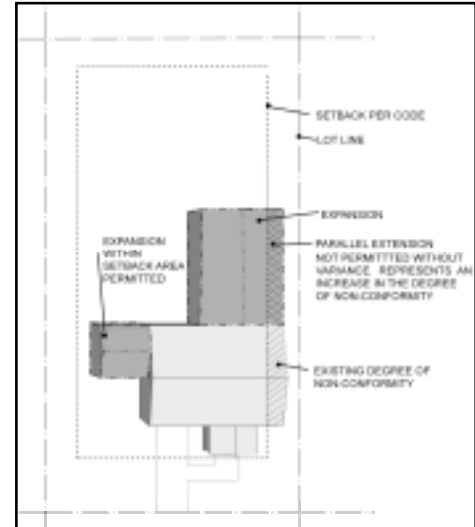
(2) As provided under Minnesota Statutes regulating non-conformities as amended from time to time.

(d) Parallel extensions. A parallel extension of a non-conforming structure shall be considered a further encroachment resulting in an increase in the degree of non-conformity.

(e) Accessibility improvement. Notwithstanding the above, any modification to an existing non-conforming structure to provide an accessibility improvement shall be permitted upon approval of the building official or designee of the City.

§900.6 Non-conforming lots of record and construction of new dwellings.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Code, a single-family dwelling and customary accessory structures may be erected on a single lot of record established prior to October 12, 1999, provided that such structure is not located in any Floodplain District. This provision shall apply even though such lot fails to meet the requirements for lot area or width, or both, that are applicable in the district. Yard setback dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which the lot is situated. (*Section §900 amended by Ordinance 92, March 6, 2006*)



§1000 - GENERAL BUILDING AND PERFORMANCE REQUIREMENTS

- §1000.1 Purpose
- §1000.2 Dwelling Unit Restriction
- §1000.3 Platted and Unplatted Property
- §1000.4 Accessory Buildings, Uses and Equipment
- §1000.5 Swimming Pools
- §1000.6 Fences
- §1000.7 Required Fencing, Screening, and Landscaping
- §1000.8 Traffic Visibility
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- §1000.10 Glare
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- §1000.12 Dust and Other Particulate Matter
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- §1000.15 Refuse
- §1000.16 Outside Storage, Residential, Commercial and Industrial Uses
- §1000.17 Sewage Disposal
- §1000.18 Waste Material
- §1000.19 Bulk Storage (Liquid)
- §1000.20 Radiation Emission
- §1000.21 Electrical Emission

§1000.1 Purpose.

The purpose of this section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the City.

§1000.2 Dwelling Unit Restriction.

(a) No garage, tent, accessory building, recreational vehicle or travel trailer shall at any time be used as living quarters, temporarily or permanently.

(b) Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling. Energy conserving designs in housing are not prohibited by this provision of this Chapter, provided that a conditional use permit is approved by the Council and the structure complies with standards imposed by the State and the Uniform Building Code.

(c) Tents, play houses or similar structures may be used only for play or recreational purposes.

(d) No accessory building or structure other than a fence or temporary construction office may be constructed prior to the time of construction of the principal building or structure.

§1000.3 Platted and Unplatted Property.

(a) Any person desiring to improve property shall submit to the Building Inspector a Certificate of Survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments,

and any other information which may be necessary to ensure conformance to City regulations.

(b) All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.

(c) Except as provided in this Chapter, not more than one principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in §200 of this Chapter. In case of doubt or on any questions or interpretation, the decision of the Planning Commission shall be final, subject to the right of appeal.

(d) No building, or improvement shall extend beyond the line of sight.

§1000.4 Accessory Buildings, Uses and Equipment.

(a) Single family detached uses:

(1) Setbacks:

- | | | |
|----|--------------------|---|
| a. | <u>Front Yard:</u> | 35 feet |
| b. | <u>Side Yard:</u> | 3 feet |
| c. | <u>Rear Yard:</u> | 3 feet |
| d. | <u>Lakeside:</u> | No accessory building shall be placed forward of the principal building lakeside. |

(2) Height:

- | | | |
|----|---|---------|
| a. | <u>Garages:</u> | 16 feet |
| b. | <u>Sheds and other accessory buildings:</u> | 12 feet |

(3) The total floor area of either an attached garage, a detached garage, an accessory building, or their combined area for a single family detached dwelling shall not exceed one thousand five hundred (1500) square feet of floor area and not exceed the ground coverage of the dwelling.

(4) No building permit shall be issued for more than one (1) detached private garage for each single family dwelling, and such garage shall not exceed one-thousand (1000) square feet.

(5) No accessory building shall occupy more than one hundred fifty (150) square feet except for a detached garage.

(6) No building permit shall be issued for the construction of an accessory building when two (2) or more existing accessory buildings are located on the same lot, except by conditional use permit. A detached garage is considered an accessory building.

(7) All accessory buildings shall require a building permit.

(b) Building Type and Standards:

(1) The same or similar quality exterior building material shall be used in the accessory building and in the principal building. All accessory buildings shall also be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is not different from the principal building from an aesthetic and architectural standpoint as to cause:

- a. A difference, to a degree, of incongruity as determined by the City Council; or,
- b. A depreciation of neighborhood or adjacent property values.

(2) Pole buildings or steel sheds are not permitted.

(3) No accessory structure including detached garages shall be provided with plumbing fixtures. (*Section §1000.4 amended by Ordinance 91, September 12, 2005*).

§1000.5 Swimming Pools.

(a) Swimming pools shall be subject to the requirements of §1000.4 of this Chapter including lakeside setback provisions which require the pool to maintain the principal structure setbacks as determined.

(b) Swimming Pool Protection.

(1) A permit shall be required for all swimming pools. Each application for a permit to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:

- a. The proposed location and its relationship to the other buildings and structures on the lot.
- b. The surface area, depth and volume in gallons of the pool.
- c. Fencing and other fixtures existing on the lot, including utility location and trees.
- d. The location, size and types of equipment to be used in connection with the pool, including but not limited to filter unit, pump, fencing and the pool itself.
- e. That the requirements contained in Item (2) below will be satisfied.

(2) All below ground pools for which a permit is required and granted shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof, of sufficient density as to be impenetrable. If fences are employed, they shall be at least four (4) feet in height. The bottoms of the fences shall not be more than four (4) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed so as to be not easily climbable. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection.

- (c) Above ground pools are prohibited.
- (d) Hot tubs and spas are not considered pools.

§1000.6 Fences.

Fences shall be permitted in all yards subject to the following:

- (a) Permit. A building permit is not required.
- (b) Locations. All boundary line fences shall be located entirely upon the private property of the person constructing such fence. The Building Inspector may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit to establish the boundary lines of a person's property by a survey thereof to be made by a registered land surveyor. In the event of disputed boundary line, the fence shall be at least three feet from the midpoint of the disputed lines.
- (c) Construction and Maintenance. Every fence shall be constructed in a substantial, professional manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the City Council shall commence proper proceedings for the abatement thereof.
- (d) Barbed wire fences and electric fences shall not be permitted.
- (e) Solid walls six (6) feet in height may be constructed and maintained only in the buildable area of a lot by a conditional use permit only.
- (f) On corner lots in all districts, no sight blocking fence or screen shall be permitted within the triangular area defined as beginning at the intersection of the projected right-of-way lines of two intersecting streets, thence thirty (30) feet from the point of beginning on the other right-of-way line, thence to the point of beginning.
- (g) Residential District Fences. All residential fences shall be placed within the property being fenced.
 - (1) Except in the case of a side yard on a corner lot which abuts a street, fences along side property lines shall not be more than six (6) feet in height for the distance commencing from a point on such side property line located along the back (street) lot line and proceeding thence along such side property line to a point thereon which would be intersected by the front (lakeside) wall line of the existing principal structure on the lot.
 - (2) In order to protect the line of sight of neighbors, fences on the lake side of a house, shall not exceed 42 inches in height and shall be at least 75% open space for passage of air and light.
 - (3) Fences along any rear property line which is also the rear property line of an abutting lot shall not exceed six (6) feet in height.

(4) Except in the case of a side yard on a corner lot which abuts a street, fences along a rear property line which line constitutes the side lot line of an abutting lot shall not exceed six (6) feet in height.

(5) The required specific screening provisions for residential district shall supersede, where applicable, the general provisions of this Subsection.

(6) All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.

(7) All fences shall not obstruct natural drainage.

(8) No fence or portion thereof may be within seventy-five (75) feet of the ordinary high water mark.

(9) No plantings shall be used as fencing if it impedes the site line of adjacent properties or their view of the lake.

(h) Commercial District Fences.

(1) All commercial fences shall be placed within the property being fenced. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy-five (75) percent open for the passage of air and light and shall maintain the traffic visibility.

(2) Business fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit.

(3) The screening provisions for commercial districts shall supersede, where applicable, the provisions of this Subsection.

(i) Special Purpose Fences. Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City by issuance of a conditional use permit reviewed by the Planning Commission and approved by the Council. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended. The City may stipulate the height, location, construction, materials and type of special fence thereby permitted.

§1000.7 Required Fencing, Screening, and Landscaping.

(a) Fencing and Screening. Where any business use (i.e., structure, parking or storage) abuts property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property.

(1) A green belt planting strip shall consist of grass, plants shrubs, or trees, and shall be maintained in a "neat" appearance. This planting strip shall be designed to provide complete visual screening to a minimum height of six (6) feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen. The planting plan shall require the approval of the Council.

(2) A required screening fence shall be constructed of masonry brick, wood or metal. Such fence shall provide a solid screening effect six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the

approval of the City Council. Fences in excess of six (6) feet in height shall require approval of the City Council.

(b) Landscaping; General Residential. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one (1) year following the date of building occupancy. Fences or trees placed upon utility and/or city easements are subject to removal if required for the maintenance or improvement of the utility. Permits are required from the city council for such construction or planting: such requests are to be reviewed by the Planning Commission. Trees on utility easements containing overhead wires shall not exceed twenty (20) feet in height. (The planting of large trees is not recommended under overhead wires.) (*Section §1000.7 amended by Ordinance 92, March 6, 2006*).

(1) Spacing and Design.

a. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved.

b. All areas within the property lines (or beyond, if site grading extends beyond) shall receive landscape treatment or surfacing. All exterior areas not paved or designated as roads, parking or storage, must be planted into ornamental vegetation (lawns, ground covers or shrubs) and shall not be made impervious unless otherwise approved by the City Council.

(2) Existing Trees. With respect to existing trees in new developments, all trees on the site are to be saved which do not have to be removed for street, buildings, utilities, drainage or active recreational purposes. Trees over six (6) inches in diameter that are to remain, are to be marked with a red band and to be protected with snow fences or other suitable enclosure, prior to any site grading or excavation. The City may further require that the Applicant retain a professional forester to prepare a forest inventory and management plan for the development, in order to control and abate any existing or potential shade tree disease.

(3) Mechanical Equipment. All mechanical equipment such as air conditioning units, etc., erected on the roof of any structure, shall be screened so as not to be visible.

§1000.8 Traffic Visibility.

(a) Fences, Walls and Hedge. No fence, wall, plantings or hedge shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet where it will interfere with traffic or pedestrian visibility from a driveway or alley to a public way.

§1000.9 Drainage Plans.

(a) No land shall be developed and no use shall be allowed that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facility subject to the review and approval of the City Council and in accordance with storm drainage plans as may be established by the City.

(b) In the case of all residential subdivisions, business developments, the drainage plans including necessary spot elevations shall be submitted to the City Planning Commission for its review and the final drainage plan shall be subject to its written approval. In the case of such uses, no modifications in grade and drainage flow through fill, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and have received written approval from the City.

§1000.10 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. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot-candles (meter reading) as measured from said property.

§1000.11 Smoke.

The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.

§1000.12 Dust and Other Particulate Matter.

The emission of dust fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.

§1000.13 Odors.

The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control standards, Minnesota Regulation APC 1-15, as amended.

§1000.14 Noise.

Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Control Standards, Minnesota Regulations NPC, as amended.

§1000.15 Refuse.

(a) Removal.

(1) Passenger automobiles and trucks not currently licensed by the State, or which are, because of mechanical deficiency, incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days, and all materials stored outside in violation of City regulations are considered refuse or junk and shall be disposed of.

(2) Any accumulation of refuse on any premises not stored in containers which comply with City regulations, or any accumulation of refuse on any premises which has remained thereon for more than one week is hereby declared to be a nuisance and

may be abated by order of the Health Officer, as provided by Minnesota Statutes, §145.22 and 145.23 as may be amended, and the cost of abatement may be assessed on the property where the nuisance was found, as provided by law.

(3) Waste resulting from the handling, storage, sale preparation, cooking and serving of foods with insufficient liquid content to be free flowing is called garbage. The storage and removal of this refuse must meet the requirements of the Medicine Lake City regulations herein.

(4) Container requirements.

a. Garbage Containers: Every household or occupant of any dwelling house and every operator of any boarding house, restaurant, or any other place of business having garbage to dispose of, who does not otherwise provide for the disposal of such garbage in a sanitary manner shall provide him/herself with one or more metal or plastic cans sufficient to receive all garbage which may accumulate between the times of collection. Each can in use in a single family detached dwelling shall be provided with a bail or handles and tight fitting cover. All garbage accumulating between times of collection shall be placed in cans after having first been drained of surplus water and wrapped in paper or plastic in a manner sufficient to prevent leakage before it is placed in cans. All dumpsters and trash handling equipment shall be kept in a good state of repair with tight-fitting lids to prevent spilling of debris.

§1000.16 Outside Storage, Residential, Commercial and Industrial Uses.

(a) All outside storage of materials and equipment for residential uses shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

(1) Clothes lines, pole and wire.

(2) Not more than a total of four (4) of any combination of the following:

a. RV's.

b. Camper trailers.

c. Utility/vehicle trailers (incl. Snowmobile, jet ski, atv, and pontoon).

d. Trailers less than twenty-eight (28) feet.

e. Cars.

f. Boats greater than sixteen (16) feet, not including canoes, kayaks, and paddleboats.

g. Sea planes.

(3) Construction and landscaping material currently being used on the premises.

(4) Off-street parking of currently registered and operable passenger vehicles and trucks not to exceed a gross weight of twelve thousand (12,000) pounds.

(5) Lawn furniture or furniture used and constructed explicitly for outdoor use.

(6) Exterior storage of firewood for the purpose of consumption only by the person or persons on whose property it is stored. (*Section §1000.16 amended by Ordinance 92, March 6, 2006.*)

(b) Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial uses shall require a conditional use permit subject to the provisions of §400 of this Chapter. In addition, all non-residential outside storage shall conform to the following conditions:

(1) The storage area is totally fenced, fully screened and landscaped according to a plan approved by the Planning Commission .

(2) If abutting a Residential District or use, screening and landscaping is provided according to a plan approved by the Planning Commission.

(3) The storage area is grassed or hard surfaced to control dust. Should a grass surface prove to be unmaintainable, the City shall require that a hard surface be installed within three (3) months of formal written notice to the property owner.

(4) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or for neighboring residences and shall be in compliance with Subdivision 1000.10 of this Section.

(5) The storage area does not encroach upon required parking space, required loading space, or snow storage area as required by this Chapter.

(6) A site plan documenting the location and grading of the storage operation shall be submitted and shall be subject to the approval of the City Building Inspector.

§1000.17 Sewage Disposal.

All on-site sewage disposal systems shall be connected to the public sanitary system.

§1000.18 Waste Material.

Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system or any public water body, but shall be disposed of in a manner approved by the Minnesota State Fire Marshall, the Pollution Control Agency, and the Department of Natural Resources.

§1000.19 Bulk Storage (Liquid).

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshall and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.

§1000.20 Radiation Emission.

All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

§1000.21 Electrical Emission.

All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

§1100 - GENERAL YARD, LOT AREA AND BUILDING REQUIREMENTS

- §1100.1 Purpose
- §1100.2 Usable Open Space
- §1100.3 Height
- §1100.4 Building Type and Construction
- §1100.5 Yards
- §1100.6 Minimum Floor Area Per Dwelling Unit
- §1100.7 Minimum Floor Area; Commercial Structures
- §1100.8 Minimum Lot Area Per Unit
- §1100.9 Two Family, Townhouse, Multiple Family Uses
- §1100.10 Single Family Dwellings

§1100.1 Purpose.

This section identifies yard, lot area, building size, building type and height requirements in each zoning district.

§1100.2 Usable Open Space.

Each multiple family dwelling site shall contain at least five hundred (500) square feet of usable open space as defined in §200 of this Chapter for each dwelling unit contained thereof.

§1100.3 Height.

(a) Building heights in excess of those standards contained in the district provisions may be allowed through a conditional use permit provided that:

- (1) The site is capable of accommodating the increased density of use.
- (2) The increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
- (3) Public utilities and services are adequate.
- (4) The provisions of §400.2.(e) of this Chapter are considered and satisfactorily met.

(b) No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than twenty-five (25) percent of the area of such roof nor exceed ten (10) feet unless otherwise noted.

§1100.4 Building Type and Construction.

- (a) No galvanized or unfinished steel, galvanized or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as coated steel shall be permitted in any zoning district.
- (b) Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety, and general welfare.

(c) Exterior building finishes shall consist of materials comparable in grade and quality to the following:

- (1) Brick.
- (2) Natural stone.
- (3) Decorative concrete block.
- (4) Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood or cypress.
- (5) Fiberglass and aluminum (non structural, non-load bearing) provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
- (6) Stucco.
- (7) Vinyl, aluminum or steel siding.

§1100.5 Yards.

No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another structure.

(a) The following shall not be considered as encroachments on yard setback requirements:

- (1) Awnings, balconies, chimneys, flues, leaders, sills pilasters, lintels, ornamental features, cornices, buttresses, eaves, gutters, and the like provided they do not project more than two (2) feet into the yard.
- (2) Walks or steps for negotiating ground slopes, retaining walls, terraces, steps, decks, stoops, hedges and natural growth or similar features provided they do not extend above the height of the ground floor level of the principal structure or four (4) feet into the front yard or to a distance less than four (4) feet from any side lot line. Decks located within lakeside yards are allowed up to 50 feet from the OHW. Buildings that are within 50 feet from the OHW are permitted to have a deck extending no more than 12 feet lakeside from the most outwardly wall. Existing decks not in conformance with the provisions of this section are exempt from the provisions of this section and Section 900.
- (3) Recreational, laundry drying equipment, arbors and trellises, detached outdoor living rooms, detached deck structures, gazebos, boat enclosures and air conditioning or heating equipment, provided they are at a distance of seventy five (75) feet from the ordinary high water mark.
- (4) Structures used ornamentally, for gardening, or for private recreation purposes, and structures for essential services, all accessory to and customarily incidental to the principal use, are permitted in yards. Solar energy systems not included in the floor area of the building are permitted in side yards, provided that a side yard strip three

(3) feet in width adjoining the side line of the lot shall be unobstructed by any structure or feature, except a fence or retaining wall.

(b) The building line shall not extend beyond the line of sight. (*Section §1100.5 amended by Ordinance 92, March 6, 2006.*)

§1100.6 Minimum Floor Area per Dwelling Unit.

(a) Single Family Dwelling Units. 840 square feet per dwelling.

(b) Multiple Dwelling Units. Living units classified as multiple dwellings, including double bungalows and townhouses, shall have the following minimum floor areas per unit:

One Bedroom Unit: 1,000 square feet.

Two or More Bedroom Unit: An additional 100 square feet for each additional bedroom.

(c) Double Bungalows and Townhouses. Except as otherwise specified in the zoning district provisions or allowed as a conditional use permit, double bungalows, and townhouses, as classified below, shall have the minimum floor area per one bedroom unit:

Double Bungalow: 1,000 square feet first floor above grade plus 100 additional square feet for each additional bedroom.

Townhouses(per unit individual or entry structures): 1,000 square feet first floor above grade plus 100 additional square feet for each additional bedroom.

(*Section §1100.6 amended by Ordinance 92, March 6, 2006.*)

§1100.7 Minimum Floor Area; Commercial Structures.

Commercial Buildings (principal structure) which are to be less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in §400 of this Chapter.

§1100.8 Minimum Lot Area Per Unit.

The lot area per unit requirement for two family, townhouses, apartments and planned unit developments shall be calculated on the basis of the total area in the project and as controlled by an individual or joint ownership according to the following:

(a) One Family. As specified in zoning district provision (§3100).

(b) Two Family. As specified in zoning district provisions (§3100 and §3200).

(c) Townhouse. 10,000 square feet similar multiple unit individual entry structure.

(d) Multiple Family. 7,500 square feet or as specified in zoning district provisions.

§1100.9 Two Family, Townhouse, Multiple Family Uses.

- (a) No single townhouse structure shall contain more than two (2) dwelling units.
- (b) Minimum unit lot frontage for townhouses shall not be less than forty (40) feet.
- (c) Subdivision of Two Family or Townhouse Lots. The subdivision of base lots containing two family dwellings, or townhouses to permit individual private ownership of a single dwelling within such a structure is acceptable upon the approval by the Council. Approval of a subdivision request is contingent on the following requirements:
 - (1) Two family and townhouses, intended for owner occupancy shall be subdivided on an individual lot basis according to the provisions of §3500 (Planned Unit Development) of this Chapter.
 - (2) Prior to a two family double bungalow dwelling, or townhouse subdivision, the base lot must meet all the requirements of the zoning district.
 - (3) There shall be no more than one principal structure on base lot in all residential districts. The principal structure on a unit lot created in a two family, or townhouse subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lot.
 - (4) Permitted accessory uses as defined by the zoning district are acceptable provided they meet all the zoning requirements.
 - (5) A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for his review and subject to approval. The agreement shall ensure the maintenance and upkeep of the structure and the lots to meet minimum City standards. The agreement is to be filed with the Hennepin County Recorder's office as a deed restriction against the title of each unit lot.
 - (6) Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.
 - (7) The subdivision is to be platted and recorded in conformance to requirements of the Subdivision Regulations of the City.
- (d) Subdivision of Multiple Family, Two Family Duplex and Other Such Units.
 - (1) The subdivision is to be platted and recorded in conformance with the requirements of the Subdivision Regulations of the City as applicable.
 - (2) The subdivision shall comply with applicable cooperative or condominium laws of the State of Minnesota.

§1100.10 Single Family Dwellings.

All single family detached homes shall:

- (a) Be constructed upon a continuous perimeter foundation that meets the requirements of the State Uniform Building Code.
- (b) Dwellings shall meet the minimum floor area requirements as set out in this Chapter.
- (c) Have a composition, slate, copper, shingled or tiled roof.

(d) Receive a building permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used. The exterior architectural design of a proposed dwelling may not be significantly different from the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor significantly different from the character of the surrounding neighborhood as to cause a significant depreciation in the property values of the neighborhood or adversely affect the public health, safety or general welfare.

(e) Meet the requirements of the State Uniform Building Code or the applicable Manufactured Housing Code. (*Section §1100.10 amended by Ordinance 9, March 6, 2006*).

§1200 - OFF-STREET PARKING REQUIREMENTS

- §1200.1 Purpose
- §1200.2 Application of Off-Street Parking Regulations
- §1200.3 Site Plan Drawing Necessary
- §1200.4 General Provision
- §1200.5 Maintenance
- §1200.6 Location
- §1200.7 Use of Accessory Off-Street Parking Area
- §1200.8 Handicapped Parking
- §1200.9 Number of Spaces Required
- §1200.10 Off-Site Parking

§1200.1 Purpose.

The regulation of off-street parking spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.

§1200.2 Application of Off-Street Parking Regulations.

The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the City.

§1200.3 Site Plan Drawing Necessary.

All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this Section. All site plans for single family homes must provide for location of at least a two-stall garage, whether or not construction is intended.

§1200.4 General Provision.

(a) Floor Area. The term "floor area" as used for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structures or use times the number of floors, minus ten (10) percent, except as may hereinafter be provided or modified.

(b) Reduction of Existing Off-Street Parking Space or Lot Area. Off-street parking spaces and loading spaces or lot area existing upon the effective date of this section shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.

(c) Non-Conforming Structures. Should a non-conforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in these zoning regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained.

(d) Change of Use or Occupancy of Land. No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for

parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

(e) Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

(f) Residential Area Parking. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one truck not to exceed gross capacity of 12,000 pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.

(1) When determining the number of off-street parking spaces results in a fraction, each fraction shall constitute another space.

(2) Should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

(g) Stall, Aisle and Driveway Design.

(1) Parking Space Size. Except for handicapped parking spaces each parking space shall not be less than eight and one-half (8 1/2) feet wide and twenty (20) feet in length exclusive of access aisles, and each space shall be served adequately by access aisles.

(2) All off-street parking facilities shall be designed and constructed with appropriate means of vehicular access to a public street.

(3) Within structures, the off-street parking requirements may be furnished by providing a space so designed within the principal building or one structure attached thereto; however unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Chapter.

(4) Except in the case of single, two family, townhouse and quadraminium dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single, two family, townhouse and quadraminium dwellings, parking area designs that require backing into the public street are prohibited.

(5) Surfacing of all areas intended to be utilized for parking space and driveways shall be surfaced with bituminous, crushed rock or concrete to control dust and drainage. Driveways and stalls of five or more vehicles shall be surfaced with asphalt, crushed rock or concrete. Runoff from gravel driveways in the forms of silt or sand must be kept from flowing down city streets or into waterways. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicle shall be submitted to the Planning Commission for its review and the final drainage plan shall be subject to its written approval.

(6) Striping for all parking stalls, except for single, two family, townhouse and quadraminiums, shall be marked with white or yellow painted lines not less than four (4) inches wide.

(7) Lighting used to illuminate an off-street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with §1000.10 of this Chapter entitled "Glare".

(8) Required screening for all open, non-residential off-street parking areas of five (5) or more spaces shall be screened and landscaped from abutting or surrounding residential districts in compliance with §1000.7 of this Chapter.

(9) Adequate space for snow storage shall be provided on the site so as not to reduce the required minimum number of parking spaces. (*Section §1200.4 amended by Ordinance 92, March 6, 2006*).

§1200.5 Maintenance.

It shall be the joint and several responsibility of the lessee and owner of the principal use, uses or buildings to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping and required screening.

§1200.6 Location.

All accessory off-street parking facilities as required by this Chapter shall be located and restricted as follows:

(a) Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of Subsection 1200.10 of this Section.

(b) Except for single, two family, townhouse and quadraminium dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.

(c) There shall be no exterior storage, long term (30 or more days) off-street parking of vehicles, or parking of recreational vehicles or travel trailers within fifteen (15) feet of any street surface.

(d) The boulevard portion of the street right-of-way shall not be used for parking without permit.

(e) Required setback area for accessory off-street parking shall not be provided in required front yards or in required side yards in the case of corner lots.

(f) Required off-street parking areas for one and two family uses shall be on the street facing yard, side yards other than a required side yard, garage, car port, and upon a well defined driveway. A parking space in excess of that specifically required by this Chapter may be located, in an area not to exceed twelve (12) feet in width abutting the driveway on one side. The parking area abutting the driveway shall be surfaced with either concrete, asphalt or in cases of existing gravel driveways, gravel may be used for such additional parking provided a two-thirds (2/3) wash curb [minimum extension eighteen (18) inches] or comparable structure is employed to control run-off. (*Section §1200.7 amended by Ordinance 92, March 6, 2006*).

§1200.7 Use of Accessory Off-Street Parking Area.

Accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles.

§1200.8 Handicapped Parking Spaces.

Except for single family, two family, townhouse and quadraminium developments, at least one handicapped parking space shall be provided for each development. An additional space shall be provided for each increment of fifty (50) spaces in excess of the initial fifty (50) spaces. Handicapped spaces shall be at minimum twelve (12) feet by twenty (20) feet, shall be located so as to provide convenient, priority access to the principal use and shall conform to Minnesota Statutes, §168.021, as may be amended.

§1200.9 Number of Spaces Required.

The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

(a) Single Family, Two Family, Townhouse and Quadraminium Units:

Two (2) enclosed spaces per unit.

Upon application, the City Council may allow the construction of the garage for a single family dwelling to be delayed for a period not to exceed nine (9) months from date of occupancy.

(b) Boarding House. A minimum two (2) spaces plus at least one (1) parking space for each person for whom accommodations are provided for sleeping.

(c) Multiple Family Dwellings. At least two (2) rent-free spaces per unit, one of which must be enclosed.

(d) Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs. At least one space for each forty (40) square feet of gross floor area of dining and bar area and one space for each eighty (80) square feet of kitchen area.

(e) Other Uses. Other uses not specifically mentioned herein or unique cases shall be determined on an individual basis by the Council. Factors to be considered in such determination shall include (without limitation) size of buildings, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

§1200.10 Off-Site Parking.

Off-site parking is subject to conditions as may be deemed necessary by the City Council to protect the welfare and character of the nearby land uses.

Section 1300

[Reserved]

§1400 - BUILDING RELOCATION

§1400.1 Review Process

§1400.2 Performance Standards

§1400.3 Performance Security

§1400.1 Review Process.

The razing or relocation of any building or structure on a lot or onto another lot within the City shall be subject to the requirements, regulations and conditions of §900 of this Chapter as well as §1400.2 (below) of this Chapter.

§1400.2 Performance Standards.

(a) Upon relocation, the building shall comply with the applicable requirements of the State Uniform Building Code.

(b) The proposed relocated building shall comply with the character of the neighborhood in which it is being relocated as determined by the City Council.

(c) The relocated use will not result in a depreciation of neighborhood or adjacent property values.

(d) The relocated structure shall be similar to the market valuation of adjacent principal structures as determined by the City or County Assessor.

(e) The relocated structure shall be ready for occupancy within six (6) months from the date of location on the site.

§1400.3 Performance Security.

A performance security shall be provided to the City as specified in §400.6 of this Chapter.

§1500 - SITE/BUILDING PLAN REVIEW

§1500.1 Purpose

§1500.2 Plan Required

§1500.3 Council Action

§1500.4 Plan Agreements

§1500.5 Enforcement

§1500.1 Purpose.

The purpose of this section is to establish a formal plan review procedure and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the contractor through his officially submitted plan documents.

§1500.2 Plan Required.

In addition to other plan requirements outlined in this Chapter, site and construction plans will be required and shall be submitted to and approved by the Building Inspector prior to the issuance of any building permit.

§1500.3 Council Action.

Except in the case of minor projects, additions or alterations as determined by the Building Inspector, all building and site plans for multiple family or commercial construction shall be subject to review by the Planning Commission and approval by the Council.

§1500.4 Plan Agreements.

All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specifications without prior submission of a plan modification request to the Building Inspector for his review and approval.

§1500.5 Enforcement.

The Building Inspector shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this section has been officially documented by the Building Inspector.

§1600 - HOME OCCUPATIONS

§1600.1 Purpose

§1600.2 Application

§1600.3 Requirement; General Provisions

§1600.4 Inspection

§1600.1 Purpose.

The purpose of this section is to prevent unfair competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.

§1600.2 Application.

Subject to the nonconforming use provisions of this Chapter, all occupations conducted in the home shall comply with the provisions of this Section.

§1600.3 Requirement; General Provisions.

All home occupations shall comply with the following general provisions:

(a) General Provisions.

(1) No home occupation shall produce light glare, noise, odor, fumes or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

(2) No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.

(3) Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall not result in an incompatibility or disturbance to the surrounding residential uses.

(4) No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

(5) There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.

(6) The home occupation shall meet all applicable fire and building codes.

(7) There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling.

(8) All home occupations shall comply with all City of Medicine Lake regulations.

(9) Home occupations shall not create a parking demand for on street parking nor in excess of that which can be accommodated in an existing driveway, where no vehicle

is parking closer than fifteen (15) feet from the curb line or edge of paved surface. No on-street parking is allowed except by permits.

(b) Requirements; Permitted Home Occupation. Council will determine appropriate home occupation usage subject to the following:

(1) No person other than those who customarily reside on the premises shall be employed.

(2) All permitted home occupations shall be conducted entirely within the principal building and may not be conducted in an accessory building.

(3) Permitted home occupations include and are limited to: art studio, dressmaking, secretarial services, family day care, foster care, professional offices and teaching with musical, dancing and other instructions.

(4) The home occupation shall not involve any of the repair service or manufacturing, which requires equipment other than found in a home or over-the-counter sale of merchandise, produced off the premises.

§1600.4 Inspection.

The City hereby reserves the right to inspect the premises in which the occupation is being conducted to ensure compliance with and the provisions of this section or any conditions additionally imposed whose operations disrupt the nature/character of residential neighborhoods. The council shall make such determinations at their own discretion.

Chapter 1700

[Reserved]

1800 - LAND FILLING OPERATIONS

- §1800.1 Permit Required
- §1800.2 Application and Required Information
- §1800.3 Technical Reports
- §1800.4 Issuance of Permit
- §1800.5 Conditions of Operations
- §1800.6 Security
- §1800.7 Failure to Comply
- §1800.8 Completion of Operation
- §1800.9 Land Fills in Process

§1800.1 Permit Required.

Any person who proposes to add land fill in excess of fifty (50) cubic yards to any property within the City limits, shall apply to the City for a Land Fill Permit.

§1800.2 Application and Required Information.

(a) Any person desiring a permit hereunder shall present an application on such forms as shall be provided by the Planning Commission requiring the following information:

- (1) The name and address of the applicant.
- (2) The name and address of the owner of the land.
- (3) The address and legal description of the land involved.
- (4) The purpose of the land fill.
- (5) A description of the source, type, and amount of fill material to be placed upon the premises.
- (6) The highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried.
- (7) An estimate of the time required to complete the land fill.
- (8) A site plan showing present topography and also including boundary lines for all properties, water courses, wetlands, flood plain and other significant features within three hundred fifty (350) feet.
- (9) A site plan showing the proposed finished grade and landscape plan. Erosion control measures shall be provided in such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the land fill is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth.
- (10) A plan and/or statement demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection.
- (11) A statement that the applicant will comply with all conditions prescribed by the City or its officers or agents.

(12) The application shall be considered as being officially submitted when all the information requirements are complied with. A fee for such application is submitted based upon the schedule as established by City Council Resolution.

(13) A road and hauling permit from the City.

§1800.3 Technical Reports.

(a) The Building Inspector shall process all land fill permit applications. Such applications, when determined to be necessary by the Building Inspector and all those for more than fifty (50) cubic yards shall be forwarded to the Planning Commission. Where watersheds, flood plains and/or wetlands are in question, the Minnesota Department of Natural Resources and Bassett's Creek Watershed Management Organization shall also be contacted. These technical advisors shall be instructed by the Planning Commission to prepare reports for the Council.

(b) Filing fees in excess of the actual incurred expenses shall be refunded to the applicant. When the expenses incurred in the review of the application exceed the fee, such excess expenses shall be billed to the applicant.

§1800.4 Issuance of Permit.

(a) Unless sent to the Planning Commission for review and comment, the Building Inspector shall determine as to whether, and when, and under what conditions a land fill permit for less than fifty (50) cubic yards shall be issued.

(b) Upon receiving information and reports from the Planning Commission, the Council shall make its determination as to whether, and when, and under what conditions such permit for a land fill greater than fifty (50) cubic yards is to be issued to the applicant by the Building Inspector.

§1800.5 Conditions of Operation.

(a) Under no circumstances shall any such land fill operation be conducted or permitted if the contents of the land fill or any part thereof shall consist of garbage, animal or vegetable refuse, poisons, contaminants, chemicals, decayed material, filth, sewage or similar septic or biologically dangerous material, or any other material deemed to be unsuitable by the City.

(b) Unless expressly extended by permit, the hours of operation shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

§1800.6 Security.

The Council may require either the applicant or the owner or user of the property on which the land fill is occurring to post as security in such form and sum as the Building Inspector and/or City Engineer shall determine, with sufficient surety provided to the Planning Commission, conditioned to pay to the City the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel in transporting fill material, the amount of such cost and expense to be determined by the City Building Inspector; and conditioned further to comply with all requirements of this Chapter, and the particular permit, and to pay any expense the City may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

§1800.7 Failure to Comply.

The Council may, for failure of any person to comply with any requirement made of such person in writing under the provisions of such permit, as promptly as same can reasonably be done proceed to cause said requirement to be complied with. The cost of such work shall be taxed against the property whereon the land fill is located or the City may at its option proceed to collect such costs by an action against the person to whom such permit has been issued, and such person's Superiors if a bond exists. In the event that land filling operation requiring a permit are commenced prior to City review and approval, the City may require work stopped and all necessary applications filed and processed, or fill removed. Application fees shall be double the normal charge.

§1800.8 Completion of Operation.

(a) All land fill operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Building Inspector in writing of the date of completion. If additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the Planning Commission and upon a satisfactory showing of need, the Council may grant an extension of time. If such extension is granted, it shall be for a definite period and the Building Inspector shall issue an extension permit. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the land fill operation within ninety (90) days and that failure to complete the operation was due to circumstances beyond the permit holder's control such as shortage of fill material, teamster's strike, unusually inclement weather, illness or other such valid and reasonable excuse for non-completion. In the event a request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with the other provisions of this Chapter relating to grading, leveling and seeding or sodding. What constitutes such "reasonable time" shall be determined by the Building Inspector after inspection of the premises.

(b) At the completion of a land fill operation, the premises shall be graded, leveled, and seeded or sodden with grass. The grade shall be such elevation with reference to any abutting street or public way as the Building Inspector shall prescribe in the permit. The site shall also conform to such prerequisites as the Building Inspector may determine with reference to storm water drainage runoff and storm water passage or flowage so that the land fill cannot become a source of, or an aggravation to, storm water drainage conditions in the area.

(c) The Building Inspector shall inspect the project following completion to determine if the applicant has complied with the conditions required thereto. Failure of such compliance shall result in the withholding of any building permits for the site and notice of such withholding shall be filed in the office of the City Clerk for the purpose of putting subsequent purchasers on notice.

§1800.9 Land Fills in Process.

All land fill operations for which permit has previously been issued shall terminate such operations on the date specified by the permit.

§1900 - LAND EXCAVATION/GRADING

- §1900.1 Permit Required
- §1900.2 Exceptions
- §1900.3 Application for Permit
- §1900.4 Technical Reports
- §1900.5 Issuance of Permit
- §1900.6 Conditions of Permit
- §1900.7 Security
- §1900.8 Failure to Comply
- §1900.9 Completion of Operation

§1900.1 Permit Required.

The extraction of sand, gravel, black dirt or other natural material from the land or the grading of land by a person in the amount of fifty (50) cubic yards or 10,000 square feet or more shall be termed land excavation/grading and shall require a permit. (*Section §1900.1 amended by Ordinance 92, March 6, 2006*).

§1900.2 Exceptions.

It is intended hereunder to cover the removal of natural materials from lands including such activity when carried on as a business, but shall not apply to basement excavation or other excavation which is already covered by the Building Code or other such regulations of the City.

§1900.3 Application for Permit.

(a) Any person desiring a permit hereunder shall present an application on such form as shall be provided by the Planning Commission requiring the following information:

- (1) The name and address of the applicant.
- (2) The name and address of the owner of the land.
- (3) The address and legal description of the land involved.
- (4) The purpose of the excavation or grading.
- (5) A description of the type and amount of material to be excavated from or graded on the premises.
- (6) The highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried.
- (7) An estimate of the time required to complete the excavation or grading.
- (8) A site plan showing present topography and also including boundary lines for all properties, water courses, wetlands and other significant features within three hundred fifty (350) feet.
- (9) A site plan showing the proposed finished grade and landscape plan. Erosion control measures shall be provided in such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the excavation is

being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth.

(10) A security statement demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection.

(11) A statement that the applicant will comply with all conditions prescribed by the City or its officers or agents.

(b) The application shall be considered as being officially submitted when all the information requirements are complied with. A fee for such application shall be paid to the City at the time the application is submitted based upon the schedule as established by City Council Resolution.

§1900.4 Technical Reports.

(a) The Building Inspector shall immediately upon receipt of such applications forward a copy thereof to the City Council. Where watersheds and/or wetlands are in question, the Minnesota Department of Natural Resources and Bassett's Creek Watershed Management Organization shall also be contacted. These technical advisors shall be instructed by the Building Inspector to prepare reports for the Council.

(b) Filing fees in excess of the actual incurred expenses shall be refunded to the applicant. When the expenses incurred in the review of the application exceed the fee, such excess expenses shall be billed to the applicant.

§1900.5 Issuance of Permit.

Upon receiving information and reports from the Building Inspector, the Council shall make its determination as to whether, and when, and under what conditions such permit for an excavation or grading is to be issued to the applicant by the Building Inspector.

§1900.6 Conditions of Permit.

(a) The Council, as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit is issued, or the owner or user of the property on which the excavation or grading is located to:

(1) Properly fence the excavation.

(2) Slope the banks, and otherwise properly guard to keep the excavation in such condition as not to be dangerous from caving or sliding banks.

(3) Properly drain, fill in, level or grade the excavation after it has been created, so as to make the same safe and healthful as the Council shall determine.

(4) Keep the excavation or grading within the limits for which the particular permit is granted.

(5) Remove excavated or graded material from the excavation away from the premises upon and along such highways, streets or other public ways as the Council shall order and direct.

(b) Unless expressly extended by permit, the hours of operation shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

§1900.7 Security.

The Council may require either the applicant or the Owner or user of the property on which the excavation or grading is occurring to post a security in such form and sum as the Council shall determine, with sufficient surety provided to the City, conditioned to pay to the City the extraordinary cost and expense of repairing, from time to time, and highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel in transporting excavated material, the amount of such cost and expense to be determined by the City Building Inspector; and conditioned further to comply with all requirements of this Chapter, and the particular permit, and to pay any expense the City may incur by reason of doing anything required to be done by any applicant to whom a permit is based.

§1900.8 Failure to Comply.

The Council may, for failure of any person to comply with any requirement made of such person in writing under the provisions of such permit, as promptly as same can reasonably be done proceed to cause said requirement to be complied with, and the cost of such work shall be taxed against the property whereon the land fill is located, or the City may, at its option, proceed to collect such costs by an action against the person to whom such permit has been issued, and his superiors if a security exists.

§1900.9 Completion of Operation.

(a) All excavation and grading operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Building Inspector in writing of the date of completion. If additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the City and upon a satisfactory showing of need, the Council may grant an extension of time. If such extension is granted, it shall be for a definite period and the Building Inspector shall issue an extension permit. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the excavation operation within ninety (90) days and that failure to complete the operation was due to circumstances beyond the permit holder's control, such as teamster's strike, unusually inclement weather, illness or other such valid and reasonable excuse for non- completion. In the event request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with the other provisions of this Chapter relating to grading, leveling and seeding or sodding. What constitutes such "reasonable time" shall be determined by the City Building Inspector after inspecting the premises.

(b) At the completion of an excavation or grading project, the premises shall be graded, leveled, and seeded or sodded with grass. The grade shall be such elevation with reference to any abutting street or public way as the City Building Inspector shall prescribe in the permit. The site shall also conform to such prerequisites as the City Building Inspector may determine with reference to storm water drainage runoff and storm water passage or flowage so that the excavation cannot become a source of, or an aggravation to, storm water drainage conditions in the area. The City Building Inspector shall inspect the project following completion to determine if the applicant has complied with the conditions imposed as part of the permit.

§2000 - SIGNS

§2000.1 Compliance Required

§2000.1 Compliance Required.

No advertising signs shall be displayed or erected in said City, except in the following cases, and under the following conditions:

- (a) Signs displaying the name only of the property or premises upon which displayed, or of the owner or lessee thereof.
- (b) Signs not exceeding eight square feet in area, pertaining only to the sale, rental, or lease of the premises upon which displayed.
- (c) The following signs upon the securing of a special use permit for each such sign:
 - (1) Signs advertising the sale of a subdivision, and locate thereon or signs advertising the location of a permitted use.
 - (2) Directional and informational signs of a public or quasi-public nature, including signs or properties not situated adjacent to the street next to which such signs are located.
- (d) Non-commercial signs (meaning political or campaign signs) as regulated by Minnesota Statutes Section 211G.045. (*Section §2000.1 amended by Ordinance 92, March 6, 2006*)

§2100 - ESSENTIAL SERVICES

§2100.1 Purpose

§2100.2 Special Permit Required

§2100.3 Procedural Requirements

§2100.4 Conditional Use Permit Required

§2100.1 Purpose.

The purpose of this section is to provide for the installation of essential services such as telephone lines, pipelines, electric transmission lines and substations in such a manner that the health, safety and welfare of the City will not be adversely affected. Essential services should also be installed in cognizance of existing and projected demands for such services.

§2100.2 Special Permit Required.

All underground telephone lines, pipelines for local distribution, underground electric transmission lines, and overhead electric transmission lines and substations less than 3 KV, when installed in any public right-of-way in any zoning district, shall require a special permit approved by the City Council.

§2100.3 Procedural Requirements.

All underground telephone lines, pipelines for local distribution, underground transmission lines, and overhead electric transmission lines less than 3 KV, which are extended to serve more than one parcel and are proposed to be installed at location other than in public right-of-way, shall require a special permit issued by the City Council. Approval by the City Council shall be based upon the information furnished in the following procedural requirements:

- (a) Prior to the installation of any of the previous essential services, the owner of such service shall file with the Building Inspector and the Planning Commission, all maps and other pertinent information as deemed necessary for the City Council to review the proposed project.
- (b) The Building Inspector and the Planning Commission shall transmit the map and accompanying information to the City Council for their review and approval regarding the project's relationship to the Comprehensive Plan and parts thereof and/or City Code provisions.
- (c) The Building Inspector and Planning Commission shall report in writing to the City Council the findings as to the compliance of then proposed project with the Comprehensive Plan and City Code provisions.
- (d) In considering applications for the placement of essential services, as regulated in this Chapter, the aforesaid City staff shall consider the effect of the proposed project upon the health, safety and general welfare of the City, as existing and as anticipated; and the effect of the proposed project upon the Comprehensive Plan.
- (e) Upon receiving the approval of the City Council, the Building Inspector shall issue a permit for the installation and operation of the applicant's essential services. If the Building Inspector and Planning Commission's report recommends the denial of said permit causing the City Council to deny its issuance, the applicant may appeal.

§2100.4 Conditional Use Permit Required.

All transmission pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 3 KV shall be a conditional use in all districts subject to the requirements of §400 of this Chapter.

§2200 - MODEL HOMES

§2200.1 Purpose

§2200.2 Procedure

§2200.3 Special Requirements

§2200.1 Purpose.

The purpose of this section is to provide for the erection of model homes in new subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance. As model homes represent a unique temporary commercial use, special consideration must be given to the peculiar problems associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment.

§2200.2 Procedure.

The erection of a model home(s) shall require approval of the Council.

§2200.3 Special Requirements.

- (a) Temporary parking facilities equal to four (4) spaces per model home dwelling unit shall be provided. The overall design, drainage and surfacing of the temporary parking facility shall be subject to the approval of the City Building Inspector.
- (b) No model home shall incorporate outside lighting which creates a nuisance due to glare or intensity, as provided for in §1000.10 of this Chapter.
- (c) All criteria for conditional use consideration but not procedural requirements as contained in §400.2 of this Chapter shall be considered and satisfactorily met.

§2300 - ANIMALS

§2300.1 General

§2300.2 Keeping Animals

§2300.3 Care of Animals

§2300.1 General.

This section §2300 is intended to supplement and not to amend or modify the provisions of Ordinance 67 entitled "Dog, Cats, and Animals".

§2300.2 Keeping Animals.

The following animals may be kept in the City:

- (a) Domestic animals are an allowed use in all zoning districts. Permitted domestic animals shall consist of dogs, cats, birds, rabbits, small rodents and fish.
- (b) With the exception of animals as allowed, no other animals are allowed except by conditional use permit.
- (c) Animals may not be kept if they cause a nuisance or endanger the health or safety of the community.

§2300.2 Care of Animals.

All animals shall be subject to the following requirements:

- (a) The size, number, species, facilities for and location of animals kept shall be maintained so as not to constitute a danger or nuisance by means of odor, noise or other elements.
- (b) The person caring for any animal(s) shall be of sufficient age knowledge and experience to adequately and safely care for and control the animal(s).
- (c) Facilities for housing animal(s) shall be:
 - (1) Constructed of such material as is appropriate for the animal(s) involved.
 - (2) Maintained in good repair.
 - (3) Controlled as to temperature, ventilated and lighted compatible with the health and comfort of the animal(s).
 - (4) Of sufficient size to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition of debility, stress or abnormal behavior patterns.
 - (5) Cleaned as often as necessary to prevent contamination of the animal(s) contained therein and to minimize disease hazards and reduce odors.
- (d) Animals shall be provided wholesome, palatable food and water free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health.

Section 2400

[Reserved]

§2500 - COMMUNICATION RECEPTION/TRANSMISSION DEVICES

§2500.1 Permitted Uses

§2500.2 Conditional Use Permit

§2500.1 Permitted Uses.

Satellite dishes, television antennas, radio antennas and other such communication transmission/reception devices are permitted accessory uses within all zoning districts, provided that they meet the following conditions:

(a) Height. A ground mounted communication device height shall not exceed fifteen (15) feet unless approved as a conditional use permit by the City Council.

(b) Yards. The communication device shall not be located on lake side, not closer than five (5) feet from side or rear lot line or within street setback.

(c) Roofs. The communication device may be placed on the roof of any authorized structure on the premises. The height of the communications device shall not exceed six and one-half (6-1/2) feet above the peaks of the roof, unless approved by a conditional use permit by the City Council.

(d) Neighboring Property Impact. In cases where no building permit is required, the communication device shall be so located that in the event it falls, it will not fall on adjoining property.

(e) Building Permits. A building permit shall be required for the installation of any communication device which requires a conditional use permit, or for any device which has a structural surface exposure of greater than nine (9) square feet. Building permit applications shall be accompanied by a site plan and structural components data for the communication device, including details of anchoring. The Building Inspector must approve the plans before installation.

(f) Color/Content. Communication devices shall be of a neutral color and shall not be painted with scenes or contain letters or message which qualify as a sign.

(g) Lightning Protection. Each communication device shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code.

(h) Electrical Code. Communication device electrical equipment and connections shall be designed and installed in conformance with the National Electrical Code.

(i) Effective Date. The provisions of this section shall be applicable to all communication reception/transmission devices erected after 1 December 1993. All such structures existing prior to this date shall be addressed as legal non conforming uses.

§2500.2 Conditional Use Permit.

Communication reception transmission devices not qualifying as a permitted accessory use may be considered through conditional use provisions established by § 400 of this Chapter.

§2600 - PUBLIC PROPERTY/RIGHTS-OF-WAY

§2600.1 Coverage

§2600.2 Liability

§2600.1 Coverage.

The erection and/or placement of any structure, or permanent signage, overnight vehicle parking in the public right-of-way or on City property by any person, or group other than a governmental unit shall require the processing of a conditional use permit in accordance with §400 of this Chapter.

§2600.2 Liability.

As a condition of approval for the erection or placement of a structure in the public right-of-way, or on City property by any party other than a governmental unit, the applicant shall be required to hold harmless the City of Medicine Lake for any potential liability and shall demonstrate to the City proof of adequate liability insurance.

§2700 - PARK DEDICATION REQUIREMENTS

- 2700.1 Purpose
- 2700.2 Applicability
- 2700.3 Park Dedication Required

2700.1 Purpose.

The preservation and development of parks, playgrounds, trails, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City. Development of land creates a need for active or passive recreational land and facilities within the City. It is appropriate that each new development (or redevelopment) within the City contribute toward the City's park system in proportion to the burden it will place upon that system.

2700.2 Applicability.

All subdivisions, lot splits or development projects which create additional demand for active or passive recreation needs (parks, playgrounds, trails, and open space areas) shall either dedicate land for such purposes or pay a cash fee in lieu of land dedication. The dedication of land for parks, playgrounds, trails and open space or payment of cash in lieu of land shall be made at the time the land use application, final plat or developer agreement receives final approval from the City Council. The developer shall provide a title commitment or title insurance at the time of transfer of land. This dedication is in addition to any property required to be dedicated for streets, alleys or other right-of-way or utility easements. This ordinance will apply to all development or redevelopment proposals submitted after the date of adoption of this ordinance.

2700.3 Park Dedication Required.

For each subdivision or development the City shall determine whether land or cash or some combination of land and cash is the acceptable means to satisfy park, recreation and open space needs of the City of Medicine Lake. The total land dedication shall be equal to 10% of the net developable land area of the subdivision or development area. Cash paid in lieu of land dedication shall be on a per lot basis for new residential lots, a per new dwelling unit basis for multi-family developments and a per square feet of gross floor area basis for all non-residential development. Cash dedication shall be paid at the per unit fee as established from time to time by the City Council as part of the City's fee schedule. Cash payment received by the City shall be placed in a special fund by the City of Medicine Lake and used only for the purposes for which the money was obtained, and may not be used for ongoing operation or maintenance. (*Section 2700 amended by Ordinance 96, July 10, 2006*)

Section 2800

[Reserved]

Section 2900

[Reserved]

§3000 - GENERAL ZONING DISTRICT PROVISIONS

§3000.1 Establishments of Districts

§3000.2 Zoning District Boundaries

§3000.3 Map

§3000.1 Establishment of Districts.

The following zoning districts are hereby established within the City of Medicine Lake:

(a) Residential Districts.

(1) "R-1" Residential - Single Family District.

(2) "R-2" Residential - Single Family and Two Family District.

(b) Business District.

(1) "B-1" Neighborhood Business District.

(c) Special Districts.

(1) "PUD" Planned Unit Development District.

(2) "S" Shoreland Overlay District.

(3) "W" Wetland Systems Overlay District.

§3000.2 Zoning District Boundaries.

Zoning district boundary lines of this Chapter generally follow lot lines, the center of railroad rights-of-way lines, the center of street rights-of-way, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this Chapter.

(a) Appeals concerning the exact location of a zoning district boundary line shall be heard by the Council serving as the Board of Adjustment and Appeals.

§3000.3 Map.

The location and boundaries of the districts established by this text are hereby set forth on the Official Zoning Map. Said map shall be on file with the City Clerk, and hereinafter referred to as the "Zoning Map." Which map and all 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. (*Section §3000.3 amended by Ordinance 9, March 6,2006*).

§3100 - "R-1" RESIDENTIAL SINGLE FAMILY DISTRICT

- §3100.1 Purpose
- §3100.2 Permitted Uses
- §3100.3 Accessory Uses
- §3100.4 Conditional Uses
- §3100.5 Lot Requirements and Setbacks
- §3100.6 Maximum Building Height
- §3100.7 Maximum Lot Coverage

§3100.1 Purpose.

The purpose of the "R-1" Residential Single Family District is to provide for exclusive low density single family detached residential dwelling units and directly related, complementary uses.

§3100.2 Permitted Uses.

The following are permitted uses in an "R-1" District:

- (a) Single family detached dwellings.
- (b) Public parks and playgrounds.
- (c) Essential services.

§3100.3 Accessory Uses.

The following are permitted accessory uses in an "R-1" District:

- (a) All permitted accessory uses as allowed in the "R-1" Zoning District except the keeping of animals and buildings and structures related thereto.

§3100.4 Conditional Uses.

The following are conditional uses in an "R-1" District (Requires a conditional use permit based upon procedures; set forth in and regulated by §400 of this Chapter.):

- (a) Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:
 - (1) Compatibility with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
 - (2) Equipment is completely enclosed in a permanent structure with no outside storage.
 - (3) Adequate screening from neighboring uses and landscaping is provided in compliance with §1000.7 of this Chapter.
 - (4) The provisions of §400.2(f) of this Chapter are considered and satisfactorily met.
- (b) Residential Planned Unit Development, as regulated by this Chapter.

§3100.5 Lot Requirements and Setbacks.

The following minimum requirements shall be observed in an "R-1" District subject to additional requirements, exceptions and modifications set forth in this Chapter:

- (a) Lot Area. Twelve Thousand Five Hundred (12,500) square feet.
- (b) Average Lot Width. Interior lot – Fifty (50) feet; Corner lot - One Hundred (100) feet
- (c) Setbacks.
 - (1) Front yards: Fifty (50) feet minimum. For non-lake shore lots the line of sight shall also apply.
 - (2) Side yards: Seven (7) feet minimum for interior lots.
Thirty (30) feet minimum for corner lots.
 - (3) Rear yards:
 - a. Principal building: Fifty (50) feet minimum.
 - b. Accessory building: Per §1000.4 of this Chapter.
 - (4) Lakeside yards: As determined by the line of sight but not less than fifty (50) feet. (*Section §3100.5 amended by Ordinance 92, March 6, 2006.*)

§3100.6 Maximum Building Height.

- (a) Principal building: Thirty-five (35) feet.
- (b) Accessory building: Per §1000.4 of this Chapter.

§3100.7 Maximum Lot Coverage.

- Impervious Surface: Forty (40) percent maximum.

§3200 - "R-2" RESIDENTIAL SINGLE AND TWO FAMILY DISTRICT

- §3200.1 Purpose
- §3200.2 Permitted Uses
- §3200.3 Accessory Uses
- §3200.4 Conditional Uses
- §3200.5 Lot Requirements and Setbacks
- §3200.6 Maximum Building Height
- §3200.7 Maximum Lot Coverage

§3200.1 Purpose.

The purpose of the "R-2" Residential Single and Two Family District is to provide for low density one (1) and two (2) unit dwellings and directly related, complementary uses.

§3200.2 Permitted Uses.

The following are permitted uses in an "R-2" District:

- (a) All permitted uses as provided for in the "R-1" District.
- (b) Two family dwelling units.

§3200.3 Accessory Uses.

The following are permitted accessory uses in an "R-2" District:

- (a) All permitted accessory uses as allowed in an "R-1" District.

§3200.4 Conditional Uses.

The following are conditional uses in a "R-2" District. (Requires a conditional use permit based upon procedures; set forth in and regulated by §400 of this Chapter):

- (a) All conditional uses, subject to the same conditions as in an "R-1" District.

§3200.5 Lot Requirements and Setbacks.

The following minimum requirements shall be observed in an R-2 District subject to additional requirements, exceptions and modifications set forth in this Chapter.

- (a) Lot Area. Eighteen thousand (18,000) square feet minimum.
- (b) Average Lot Width. Seventy five (75) feet minimum for interior lots. One hundred (100) feet minimum for corner lots.
- (c) Setbacks:
 - (1) Front yards: Fifty (50) feet minimum for all lots. For non-lake shore lots the line of sight shall also apply.

(2) Side yards: Seven (7) feet minimum for interior lots.
Thirty (30) feet minimum for corner lots.

(3) Rear yards:

a. Principal building: Fifty (50) feet minimum.

b. Accessory building: Per §1000.4 of this Chapter.

(4) Lakeside yards: Fifty (50) feet minimum or as determined by the line of sight but not less than fifty (50) feet.

§3200.6 Maximum Building Height.

(a) Principal building: Thirty-five (35) feet.

(b) Accessory building: Per §1000.4 of this Chapter.

§3200.7 Maximum Lot Coverage.

Impervious Surface: Forty (40) percent maximum.

Section 3300

[Reserved]

§ 3400 - “B-1” Neighborhood Business District

- §3400.1 Purpose
- §3400.2 Permitted Uses
- §3400.3 Accessory Uses
- §3400.4 Lot Requirements and Setbacks
- §3400.5 Maximum Building Height
- §3400.6 Maximum Lot Coverage

§3400.1 Purpose.

The purpose of the “B-1” Neighborhood Business District is to provide for a small service area which may supply office and local retail sales uses.

§3400.2 Permitted Uses.

- (a) Restaurants.
- (b) On or off sale liquor establishments.
- (c) Office buildings.

§3400.3 Accessory Uses.

- (a) Accessory buildings.
- (b) Recreational uses including volleyball, tennis, and basketball courts.

§3400.4 Lot Requirements and Setbacks.

- (a) Lot Width: Two Hundred (200) feet.
- (b) Lot Area: Eighteen Thousand (18,000) square feet.
- (c) Setbacks:
 - (1) Front yards: Fifty (50) feet.
 - (2) Side yards: Twenty (20) feet.
 - (3) Rear yards:
 - a. Principal building: Fifty (50) feet.
 - b. Accessory building: Per §1000.4 of this Chapter.
 - (4) Lakeside yards: Not less than seventy-five (75) feet.

§3400.5 Maximum Building Height.

- (a) Principal building: Thirty-five (35) feet.
- (b) Accessory building: Per §1000.4 of this Chapter.

§3400.6 Maximum Lot Coverage.

Impervious Surface:

Forty (40) percent maximum.

§ 3500 - PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

§3500.1 Purpose

§3500.2 General Requirements and Standards

§3500.3 Submission Requirements

§3500.4 Procedure for Processing a Planned Unit Development

§3500.1 Purpose.

This section is established to provide comprehensive procedures and standards designed to allow greater flexibility in the development of neighborhoods or areas by incorporating a mixture of densities/intensities or use types when applied to a PUD Overlay District. The PUD process, by allowing deviation from the strict provisions of this Chapter related to setbacks, height, lot area, width and depth, yards, etc., by conditional use permit or the mix of uses by PUD zoning, is intended to encourage:

- (a) Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and siting of structures and by the conservation and more efficient use of land in such developments.
- (b) Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.
- (c) More convenience in location and design of development for service facilities.
- (d) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (e) A creative use of land and related physical development which allows a phased and orderly transition of land.
- (f) An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
- (g) A development pattern in harmony with the objectives of the Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- (h) A more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the City.

§3500.2 General Requirements and Standards.

- (a) Ownership. An application for PUD must be filed by the landowners or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
- (b) Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.
- (c) Sanitary Sewer Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Sewer Plan.

- (d) Compatibility. The proposed PUD shall be compatible with the adjacent land uses.
- (e) Common Open Space. Common open space at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.
- (f) Operating and Maintenance Requirements for PUD Common Open Space Facilities. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a pre-determined reasonable standard. Common open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City:
- (1) Dedicated to public, where a community-wide use is anticipated and the Council agrees to accept the dedication.
 - (2) Landlord control, where only use by tenants is anticipated.
 - (3) Property Owners Association, provided all of the following conditions are met:
 - a. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts, or common area, a declaration of covenants, condition and restrictions or an equivalent document and a set of flood plans such as specified by Minnesota Statutes §515A.2-10 through §515A.2-107, shall be filed with the City, said filing with the City to be made prior to the filing of said declaration or document or floor plans with the recording officers of Hennepin County, Minnesota.
 - b. The declaration of covenants, conditions and restriction or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
 - c. The declaration of covenants, conditions and restriction shall provide that an Owners Association or Corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
 - d. The declaration shall additionally, amongst other things, provide that in the event the Association or Corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the City incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the Association or Corporation, then the City shall have the right to assess each property its prorate share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.

- e. Membership must be mandatory for each owner and any successive buyer.
- f. The open space restrictions must be permanent and not for a given period of years.
- g. The Association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.
- h. Property owners must pay prorated share of the cost of the Association by means of an assessment to be levied by the Association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
- i. The Association must be able to adjust the assessment to meet changed needs.
- j. The by-laws and rules of the Association and all covenants and restrictions to be recorded must be approved by the Council prior to the approval of the final PUD plan.

(g) Staging of Public and Common Open Space. When a PUD provides for common or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

(h) Density. The maximum allowable density in a PUD overlay districts shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases the negotiated standard shall be consistent with the development policies as contained in the Comprehensive Plan. Whenever a PUD is to be developed in stages, such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred (100) percent of the proposed residential density of the entire PUD.

(i) Utilities. In any PUD, all utilities, including telephone, electricity, gas and cable shall be installed underground.

(j) Utility Connections.

(1) Water Connections. Where more than one property is served from the same service line, individual unit shut off valves shall be provided as required by the City.

(2) Sewer Connections. Where more than one unit is served by sanitary sewer lateral which exceeds three hundred (300) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the Property Owners Association or owner.

(k) Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

(1) Setbacks.

(1) The front and side yard restrictions of the periphery of the Planned Unit Development conditional use permit site at a minimum shall be the same as imposed in the base zoning districts. A PUD zoning district shall at minimum have a seventy-five (75) lake side setback, and thirty-five (35) foot street side setback and seven (7) foot side yard setbacks. As appropriate, the City Council may increase these standards.

(2) No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern.

(3) No building within the project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two buildings.

§3500.3 Submission Requirements.

Ten (10) copies of the following exhibits, analysis and plans shall be submitted to the Planning Commission and Council during the PUD process, at the times specified in §400 of this Chapter entitled "Conditional Use Permits".

(a) General Concept Stage.

(1) General Information:

- a. The landowner's name and address and such person's interest in the subject property.
- b. The applicant's name and address if different from the landowner.
- c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
- d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidences as the City Attorney may require to show the status of title or control of the subject property.

(2) Present Status.

- a. The address and legal description of the subject property.
 - b. A map depicting the existing development of the subject property and all land within three hundred (300) feet thereof which clearly indicates the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred (100) feet of the subject property.
- (3) A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the Comprehensive Plan and how the proposed PUD is to be designed, arranged and

operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.

(4) Site Conditions. Graphic reproductions of the existing site conditions at a scale of one (1) to one hundred (100) feet(1:100). All of the graphics should be the same scale as the final plan to allow easy cross reference.

- a. Contours - minimum two (2) foot intervals.
- b. Location, type and extent of tree cover.
- c. Slope analysis.
- d. Location and extent of water bodies, wetlands, streams and flood plains within three hundred (300) feet of the subject property.
- e. Significant rock outcroppings.
- f. Existing drainage patterns.
- g. Vistas and significant views.
- h. Soil conditions as they affect development. The use of overlays is recommended for clear reference.
- i. Water table and water supply analysis.

(5) Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

(6) A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

- a. Area devoted to uses.
- b. Area devoted to use by building type.
- c. Area devoted to common open space.
- d. Area devoted to public open space.
- e. Approximate area devoted to streets.
- f. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.

(7) When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open

space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

(8) When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

(9) General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

(10) Schematic utilities plans indicating placement of water, sanitary and storm sewers.

(11) The Building Inspector may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

(12) The Building Inspector may require the submission of additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

(b) Development Stage.

Development stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

(1) Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan.

(2) Ten (10) sets of preliminary plans, drawn to a scale of no less than one (1) inch equals one hundred (100) feet or scale requested by the Building Inspector containing at least the following information:

a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat therefore recorded in Hennepin County).

b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.

c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any.

d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all elements.

e. Location, designation and total area of all common open space.

- f. Location, designation and total area proposed to be conveyed or dedicated for public open space; including parks, playgrounds, school sites and recreational facilities.
 - g. Proposed lots and blocks, if any, and numbering system.
 - h. The location, use and size of structures and other land uses on adjacent properties.
 - i. Detailed sketches and provisions of proposed landscaping.
 - j. General grading and drainage plans for the developed PUD.
 - k. Any other information that may have been required by the Planning Commission and City in conjunction with their approval of the general concept plan.
- (3) An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
- (4) A tabulation indicating the number of residential dwellings units and expected population.
- (5) Preliminary architectural "typical" plans indicating use floor plan, elevations and exterior wall finishes of proposed buildings.
- (6) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easement rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan and structures.
- (7) Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.
- (8) A preliminary plat prepared in accordance with the Subdivision Regulations of the City.
- (9) Shoreland Management Plan as described in § 3600.11(a)(5), as may be necessary.
- (10) A Wetland Systems Impact Plan as described in § 3700.4(a), as may be necessary.
- (11) A Soil Erosion Control Plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
- (12) A statement summarizing all changes which have been made in any document, plan data or information previously submitted together with revised copies of any such document, plan or data.
- (13) Such other and further information as the Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

(14) The Planning Commission may excuse an applicant from submitting any specific item of information or document required in this section it finds to be unnecessary to the consideration of the specific proposal for PUD approval. (*Section §500.3 amended by Ordinance 92, March 6, 2006*).

(c) Final Plan Stage. After approval of a general concept plan for the PUD and approval of a development stage plan for a section of the proposed PUD, the applicant will submit the following material for review by the City staff prior to issuance of a building permit:

- (1) Proof of recording of any easements and/or restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
- (2) All certificates, seals and signatures required for the dedication of land and recordation of documents.
- (3) Final architectural working drawings of all structures.
- (4) Final plant and final engineering plans and specifications for streets, utilities and other public improvements, together with a City/Applicant Agreement for the installation of such improvements and financial guarantees for the completion of such improvements.
- (5) Any other plan, agreements, or specifications necessary for the City staff to review the proposed construction. All work must be in conformance with the Minnesota State Uniform Building Code.

§3500.4 Procedure for Processing a Planned Unit Development.

(a) General Processing Requirements. The PUD request shall be processed according to §300 or §400 of this Chapter as may be applicable, except as herein modified.

(b) Application Conference. Prior to filing of an application for a PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the Building Inspector. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys and other data.

(c) General Concept Plan.

(1) Purpose. The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing his/her basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed General Concept Plan represents the immediately significant elements for City review and comment:

- a. Overall maximum PUD density range.
- b. General location of major streets and pedestrian ways.
- c. General location and extent of public and common open space.

- d. General location of residential and non-residential land uses with approximate type and intensities of development.
- e. Staging and time schedule of development.
- f. Other special criteria for development.

(2) Schedule.

- a. Applicant shall meet with the Building Inspector to discuss the proposed developments.
- b. The applicant shall file the concept stage application together with all supporting data and filing fee as established by Council resolution.
- c. Within thirty (30) days after verification by the City that the required plan and supporting data is adequate, the request shall be processed in accordance with the applicable procedures and schedules as defined by §300 or §400 of this Chapter.

(3) Optional Submission of Development Stage Plan. In cases of single stage PUDs or where the applicant wishes to begin the first stage of a multiple stage PUD immediately, he may, at his option, initially submit Development Stage Plans for the proposed PUD. In such case, the Planning Commission and City Council shall consider such plans and grant or deny Development Stage Plan approval in accordance with the provisions of this section.

(4) Effect of Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing Development Stage and Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Chapter or any approval granted pursuant to it, a General Concept Plan which has been approved shall not be modified, revoked or otherwise impaired pending the application of Development Stage and Final Plans by any action of the City without the consent of the applicant.

(5) Limitation on General Concept Plan Approval. Unless Development Stage Plans covering at least ten (10) dwelling units or the area designated in the General Concept Plan as the first stage of the PUD, whichever is greater, has been filed within six (6) months from the date Council grants General Concept Plan approval, or in any case where the applicant fails to file Development Stage and Final Plans and to proceed with development in accordance with the provisions of this Chapter and of an approved General Concept Plan, the approval shall lapse. Upon request of the applicant, the City Council, at its discretion, may extend, for additional periods not in excess of six (6) months each, the filing deadline for any development stage plan, when for good cause shown such extension is necessary.

(d) Development Stage.

(1) Purpose. The purpose of the Development Stage Plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the Council and with which substantial compliance is necessary for the preparation of the Final Plan.

(2) Submission of Development Stage. Upon approval of the General Concept Plan, the applicant shall file with the Planning Commission a Development Stage Plan consisting of the information and submissions required by this Chapter for the entire PUD or for one or more stages thereof in accordance with a staging plan approved as part of the General Concept Plan. The Development Stage Plan shall refine, implement and be in substantial conformity with the approved General Concept Plan.

(3) Review and Action by Planning Commission.

a. Immediately upon receipt of a completed Development Stage Plan, said plan shall be referred to the following City staff and/or official bodies for the indicated action:

1. The City Attorney for legal review of all documents.
2. The City Building Inspector and/or consulting engineering firm for review of all engineering data and the City/Developer Agreement.
3. The Building Inspector for review of all building plans.
4. The Building Inspector or their agent for review of all plans for compliance with the intent, purpose and requirements of this Chapter and conformity with the General Concept Plan and Comprehensive Plan.
5. The Planning Commission for review and recommendation to the Council.
6. When appropriate, as determined by the Building Inspector to other special review agencies such as the Watershed Districts, Soil Conservation Services or other review agencies and governmental jurisdictions.

b. The review and action by City staff and/or official bodies or agencies so designated shall be completed within ninety (90) days of receipt of a completed development stage plan.

(4) Council Action. Within one hundred fifty (150) days of the receipt of a completed Development Stage Plan, the City Council shall act to deny or approve the request.

(5) PUD Enactment. Final approval of a PUD conditional use permit or PUD overlay district map amendment shall be considered granted only at the time of Development Stage Plan approval by the City Council.

(6) Limitation on Development Stage Plan Approval. Unless the Final Plan covering the area designated in the Development Stage Plan as the first stage of the PUD has been filed within six (6) months from the date Council grants Development Stage Plan for approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Chapter and/or an approved Development Stage Plan, the approval shall expire. Upon application by the applicant, the Council at its discretion may extend for not more than six (6)

months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary.

(7) Site Improvements. At any time following the approval of Development Stage Plan by the Council, the applicant may, pursuant to the applicable City Code provisions, apply for, and the City Building Inspector may issue, grading permits for the area within the PUD for which Development Stage Plan approval has been given.

(e) Final Plan.

(1) Purpose. The Final Plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City Code provisions as the land use regulation application to the PUD. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Development Stage Plan and shall conform to the Development Stage Plan in all respects.

(2) Schedule.

a. Upon approval of the Development Stage Plan, and within the time established in this Chapter, the applicant shall file with the Building Inspector a Final Plan consisting of the information and submissions required of this Chapter for the entire PUD or for one or more stages. This plan will be reviewed and approved or denied by City staff.

b. Within thirty (30) days of its approval, the applicant shall cause the Final Plan, or such portions thereof as are appropriate, to be recorded with the County Recorder of Registrar of Titles. The applicant shall provide the City with a signed copy verifying County recording within forty (40) days of the date of approval.

(3) Building and Other Permits. Except as otherwise expressly provided herein, upon receiving notice from the Building Inspector that the approved Final Plan has been recorded and upon application of the applicant pursuant to the applicable City Code provisions, all appropriate officials of the City may issue building and other permits to the applicant for development construction and other work in the area encompassed by the approved Final Plan provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and City Code provisions in which are applicable to the permit sought, have been satisfied.

(4) Limitation of Final Plan Approval. Within one (1) year after the approval of a Final Plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of this Chapter and other City Code provisions, applicable in the district in which it is located. In cases involving PUD rezoning, the Council shall forthwith adopt an ordinance repealing the PUD and all PUD approvals and re-establishing the zoning and other City Code provisions that would otherwise be applicable. The time limit established by this Item (4) may, at the discretion of the Council, be extended for not more than one (1) year.

(5) Inspections During Development.

a. Compliance with Overall Plan. Following Final Plan approval of a PUD, or a stage thereof, the Building Inspector shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.

b. If the Building Inspector finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plan as finally approved, the City shall: by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it deems necessary to compel compliance with the Final Plans as approved; or shall require the landowner or applicant to seek an amendment to the Final Plan.

§3600 - "S" SHORELAND OVERLAY DISTRICT

- §3600.1 Purpose
- §3600.2 District Application
- §3600.3 Boundaries
- §3600.4 Shoreland Management Classification
- §3600.5 Shoreland Overlay Districts
- §3600.6 Zoning Regulations and Development Provisions
- §3600.7 Shoreland Alterations
- §3600.8 Sewage Treatment and Water Supply
- §3600.9 Subdivisions
- §3600.10 Planned Unit Development
- §3600.11 Variances
- §3600.12 Effect of Permit
- §3600.13 Notification Procedures

§3600.1 Purpose.

The uncontrolled use of shoreland areas affects the public health, safety and general welfare by contributing to the pollution of public waters, causing over-crowding of surface waters and impairing the local tax base. The shorelands within the City of Medicine Lake are hereby designated as "S" Shoreland Overlay Districts and the requirements set forth in this Chapter shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to said classification.

§3600.2 District Application.

The "S" Shoreland Overlay District shall be applied to and superimposed (overlaid) 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 Overland District shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

§3600.3 Boundaries.

The boundaries of the Shoreland District are established within one thousand (1000) feet from the ordinary high water mark of the surfaced water depending on the size of the surface water as indicated on the Medicine Lake Zoning Map.

§3600.4 Shoreland Management Classification.

The protected waters of the City of Medicine Lake have been classified by the Commissioner of Natural Resources as a General Development Lake.

§3600.5 Shoreland Overlay Districts.

The shorelands of the City of Medicine Lake are hereby designated as Shoreland Overlay Districts. All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official Zoning Map of the City, and any subsequent changes thereto.

§3600.6 Zoning Regulations and Development Provisions.

(a) Setback requirements from the ordinary high water mark shall not apply to docks. Location of docks shall be controlled by applicable state and local regulations.

(b) Exceptions to the structure setback requirements as set forth in §3600.6 herein above may be allowed pursuant to §3600.10.

§3600.7 Shoreland Alterations.

(a) The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal of natural vegetation in the Shoreland Overlay District shall be subject to the following provisions:

- (1) Selective removal of natural vegetation is allowed, provided that sufficient vegetation cover remains to screen cars, dwellings, and other structures when viewed from the water.
- (2) Clear-cutting of natural vegetation is prohibited.
- (3) Natural vegetation shall be restored insofar as feasible after any construction project is completed to retard surface runoff and soil erosion.
- (4) The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.

(b) Grading and filling in shoreland areas or any alteration of these natural topography where the slope of the land is toward a protected water or watercourse leading to a protected water must be authorized by a grading and filling permit and is subject to the provisions of §1800 and §1900 of this Chapter. The grading and filling permit may be granted by the City subject to the conditions of §1800 and §1900 and the following:

- (1) No more than one-third (1/3) of the surface area of a lot shall be devoid of vegetative ground cover at any time.
- (2) Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.
- (3) Methods to prevent erosion and trap sediment shall be employed.
- (4) Fill shall not be placed in areas lower in elevation than the normal (ordinary) high water mark except for beach sand blankets as regulated by the DNR. *(Section §3600.7(b)(4) amended by Ordinance 78, April 7, 2003.)*
- (5) Fill shall be stabilized according to accepted engineering standards.
- (6) No grading or filling shall be permitted within twenty (20) feet of horizontal distance to the normal high water mark of water body. Sand beaches are exceptions to this provision under the following conditions:
 - a. The sand material shall be clean, free of pollutants and nutrients, inorganic sand or gravel.

- b. A sand beach shall be placed in the lesser of:
 - i. An area no wider than fifty (50) feet as measured at the rear lot line or ordinary high water mark and extending no more than twenty (20) feet landward of the ordinary high water mark, or
 - ii. An area no wider than two-thirds ($2/3^{\text{rd}}$) of the lot width as measured at the rear lot line or ordinary high water mark and extending not more than twenty (20) feet landward of the ordinary high water mark.
- c. Sand beaches shall not be placed in bluff impact zones.
- d. Sand beaches shall not be placed on slopes exceeding ten (10) percent. Slopes exceeding ten (10) percent may not be altered to allow for the placement of a sand beach. (*Section §3600.7 amended by Ordinance 78, April 7, 2003.*)

(c) Any work which will change or diminish the course, current, or cross section of a public water must be approved by the Department of Natural Resources before the work is begun. This includes construction of channels and ditches, lagooning, dredging of the lake bottom for the removal of muck, silt or weeds, and filling in the lake bed, including low lying marsh areas. Approval shall be construed to mean the issuance, by the Commissioner of the Department of Natural Resources, of a permit under the procedures of Minnesota Statute, 1974, §4 and other related statutes.

(d) Excavations on shorelands where the intended purpose is to connect to a public water, such as boat slips, canals, lagoons, and harbors, shall require a permit from the Building Inspector prior to commencement of construction. Such permit shall be obtained only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters. Approval will be given only if the proposed work is consistent with applicable State regulations for work in beds of public waters.

§3600.8 Sewage Treatment and Water Supply.

(a) Any premises intended for human occupancy shall be provided with hook-up to the municipal sewage treatment system. Private on-site sewage treatment facilities are prohibited.

(b) Water Supply. Public or private supplies of water for domestic purposes shall conform to Minnesota Department of Health standards for water quality. Public or municipal water supplies shall be used where available and where feasible. Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in areas subject to flooding shall be flood-proofed. No private wells shall be located closer than three (3) feet to the outside basement wall of a dwelling. The outside basement footings shall be continuous across the opening of the well alcove. No well shall be located closer than fifteen (15) feet from a property line.

(c) High Water Elevation. For lakes, ponds, or flowages, no structure, except docks, shall be placed at an elevation inconsistent with the minimum elevation requirements of the flood plain management regulations. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Inspector. Plans shall also be submitted to the Department of Natural Resources

and Bassett's Creek Watershed Management Association. Instances where flood plain elevations are not available, the lowest floor including basement, of structures shall be at a level at least one (1) foot above the 100 year flood elevation.

§3600.9 Subdivisions.

No land shall be subdivided which is held unsuitable by the City for the proposed use because of flooding, inadequate drainage, soil and rock formations, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

§3600.10 Planned Unit Development (PUD).

Altered zoning standards variances or conditional uses may be allowed as exceptions to this Chapter for PUD's provided preliminary plans have been submitted to the Commissioner of Natural Resources for recommendation to the City prior to their approval by the City and further provide:

- (a) Sewage collection facilities shall be installed which are connected to a municipal sanitary sewer.
- (b) Open space is preserved through the use of restrictive covenants, public dedications or other methods.
- (c) The following factors are carefully evaluated to ensure the increased density of development is consistent with the resource limitation of the protected water:
 - (1) Suitability of the site for proposed use.
 - (2) Physical and aesthetic impact of increased density.
 - (3) Level of current development.
 - (4) Amount of current development.
 - (5) Levels and types of water surface use and public accesses.
 - (6) Possible effects on overall public use.
- (d) The final plan for a Planned Unit Development shall not be modified, amended, repealed, or otherwise altered unless approved in writing by the developer and the municipality, after having received written approval from the Department of Natural Resources.
- (e) Shoreline recreation facilities, such as beaches, docks and boat launching facilities, shall be centralized for common utilization.

§3600.11 Variances.

- (a) Variances may be granted by the City Council upon application as required in §500 of this Chapter in extraordinary cases, but only when the proposed use is determined to be in the public interest and no variance shall be granted which the Council determines will or has a tendency to:

(1) Result in the placement of an artificial obstruction which will restrict the passage of storm and flood water in such manner as to increase the height of flooding, except obstructions approved by the Watershed Districts in conjunction with sound floodplain management.

(2) Result in incompatible land uses or which would be detrimental to the protection of surface and ground water supplies.

(3) Be not in keeping with land use plans and planning objectives for the City of Medicine Lake or which will increase or cause damage to life or property.

(4) Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation, and the marshes and wetlands within the City of Medicine Lake.

(5) No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Chapter. In granting any variance, the Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Chapter.

(b) In addition to the procedures and requirements for variances established in §500 of this Chapter, the Commissioner of Natural Resources shall be given a minimum of ten (10) day notice of any public hearing, and a review and written report must be obtained from the Minnesota Department of Natural Resources and any other governmental body or commission having jurisdiction for such changes, additions or modifications affecting a shoreland district. The Commissioner of Natural Resources shall be advised in writing within ten (10) days of all decisions made regarding variances.

§3600.12 Effect of Permit.

The granting of any permit, variance, or subdivision approval under provisions of this section shall in no way affect the owner's capability to obtain the approval required by any other statute, ordinance or legislation of any State agency or subdivision thereof. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of such permits nor from the necessity to apply for a permit as described herein.

§3600.13 Notification Procedures.

(a) A copy of the notice of a public hearing to consider a variance, inconsistent plat, ordinance or amendment, conditional use, rezoning in the Shoreland Overlay Districts shall be sent to the Commissioner of Natural Resources for receipt at least ten (10) days prior to such hearing.

(b) A copy of all amendments to this Chapter, all plats, and final decisions granting variances or conditional uses within the Shoreline Overlay Districts shall be sent to the Commissioner of Natural Resources for receipt within ten (10) days of the amendment or final action.

"W" WETLAND SYSTEMS OVERLAY DISTRICT

§3700.1 Purpose

§3700.2 District Application

§3700.3 Prohibited Uses

§3700.4 Development Regulations

§3700.1 Purpose.

The "W" Wetland Systems Overlay District is a district relating to low lands, marshes, wetlands, drainage ways, water bodies, water courses of irrigate alteration and the development of such lands and providing for them issuance of permits therefore, and specifically to:

- (a) Reduce danger to the health, safety and welfare of the residents of Medicine Lake by protecting surface and ground water supplies from the impairment which results from incompatible land uses and alterations, and by providing safe and sanitary drainage.
- (b) Restrict and control land development so it will not impede the flow of flood water or cause danger to life or property.
- (c) Designate suitable land uses that are compatible with the preservation of the natural vegetation and marshes which are a principal factor in the maintenance of constant rates of water flow through the year and which sustain species of wildlife and plant growth.
- (d) Regulate runoff of surface waters from developed areas to prevent pollutants such as motor oils, sand, salt and other foreign materials from being carried directly into the nearest natural stream, lake or other public or private waters.
- (e) Regulate the alteration of wetland systems to prevent excessive pollution, increased and rapid water runoff, excessive nutrient runoff pollution and to maintain the aesthetic appearance of the wetlands.
- (f) Prevent the development of structures in areas which will adversely affect the public passage and use of creeks, marshes, low lands and water courses within the City.

§3700.2 District Application.

- (a) The "W" Wetland Systems District shall be applied to and superimposed (overlaid) upon all residential, commercial, or industrial districts contained herein existing or amended by the text and map of this Chapter. The regulations and requirements imposed by the "W" Wetland Systems Overlay District shall be in addition to "S" Shoreland Overlay District and those established for the districts that jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.
- (b) The "W" Wetland Systems District within the City of Medicine Lake is defined and established to include those areas which include any water course, natural drainage system, waterbody, or wetland, that may be subject to periodic flooding, overflow, or seasonally high water tables. The district boundary lines shall be established at the edge of the aforesaid areas as depicted on the Medicine Lake Wetland Systems Map.

§3700.3 Prohibited Uses.

Except as may hereinafter be conditionally permitted, it shall be unlawful for any person to:

- (a) Place, deposit or permit to be deposited, fill or add any material including structures into, within or upon any water body, water course, or wetland or natural drainage system.
- (b) Dig, dredge, or in any other way alter or remove any material from water bodies, water courses, wetlands or natural drainage systems.
- (c) Erect structures for human habitation.
- (d) Create ponds, dam or relocate any water course, or change the natural drainage system.
- (e) Clear and/or cut trees or other vegetation.
- (f) Permanently store materials.
- (g) Erect signs.
- (h) Dispose in water materials, including but not limited to sewage, garbage, rubbish and other discarded materials.

§3700.4 Development Regulations.

- (a) Land owners desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any of the wetlands districts within the City of Medicine Lake shall first submit a conditional use permit application as regulated in § 400 of this Chapter and a plan of development, hereinafter referred to as a "Wetland Systems Impact Plan", which shall set forth proposed provision for sediment control, water management, maintenance of landscaped features, and any additional matters intended to improve or maintain the quality of the environment. Such a plan shall set forth proposed changes requested by the applicant and affirmatively disclosed what, if any, change will be made in the natural condition of the earth, including loss or change of earth ground cover, destruction of trees, grade changes and its effect, if any, upon lakes, streams, water courses and marshes, lowlands and wetlands in the area. The plan shall minimize tree removal, ground cover change, loss of natural vegetation and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the Wetland Systems Impact Plan shall be to eliminate as much as possible potential pollution, erosion and siltation.
- (b) High Water Elevation for lakes, ponds, or flowages, no structure, except docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than one (1) foot above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Inspector. Plans shall also be submitted to the Department of Natural Resources and Bassett's Creek Watershed Management Association.

Effect. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

[Originally] ADOPTED by the City Council of Medicine Lake this 12th day of October, 1999.

Thomas J. Schrader, Mayor

ATTEST: Julie Deitte, City Clerk

Amendments adopted (included in Amended Ord. 70):

Ordinance 78. Shoreland Alterations Sec. 3600.7 (Amendment 1):	Adopted 4/7/03
Ordinance 91. Accessory Structures Sec. 1000 (Amendment 2):	Adopted 9/12/05
Ordinance 92. General Revisions Sec. 100, 200, 300, 800, 1000, 1100, 1200, 1900, 2000, 3000, 3100 & 3500 (Amendment 3):	Adopted 3/6/06
Ordinance 93. Non-conformities Sec. 900 (Amendment 4):	Adopted 3/6/06
Ordinance 96. Park Dedication Sec. 2700 (Amendment 5):	Adopted 7/10/06

This ordinance is to repeal ordinance 61 of the City of Medicine Lake as adopted.

CITY OF MEDICINE LAKE
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 72

FRANCHISE ORDINANCE FOR RELIANT ENERGY MINNEGASCO

AN ORDINANCE GRANTING TO RELIANT ENERGY MINNEGASCO, A NATURAL GAS UTILITY, A DIVISION OF RELIANT RESOURCES CORPORATION, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN FACILITIES AND EQUIPMENT FOR THE TRANSPORTATION, DISTRIBUTION, MANUFACTURE AND SALE OF GAS ENERGY FOR PUBLIC AND PRIVATE USE AND TO USE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES; AND PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF.

THE CITY COUNCIL OF MEDICINE LAKE ORDAINS:

SECTION 1. DEFINITIONS. For purposes any part of parts of the Gas Facilities of this Ordinance, the following capitalized terms shall have the following meanings:

- 1.1 **City.** The City of Medicine Lake, County of Hennepin, State of Minnesota.
- 1.2 **City Utility System.** Facilities used for providing non-energy related public utility service owned or operated by the City or agency thereof, including sewer and water service, but excluding facilities for providing heating or other forms of energy.
- 1.3 **Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government that preempts all or part of the authority to regulate gas retail rates now vested in the Commission.
- 1.4 **Company.** Reliant Energy Minnegasco, a Division of Reliant Energy Resources Corporation, its successors and assigns, including successors to assignees of those portions of the Company that constitute any part or parts of the Gas Facilities subject to this franchise.
- 1.5 **Effective Date.** The date on which the ordinance becomes effective under Section 2.2.
- 1.6 **Gas.** Natural gas, manufactured gas, mixture of natural gas and manufactured gas or other forms of gas energy.
- 1.7 **Gas Facilities.** Gas transmission and distribution pipes, mains, lines, ducts, fixtures, and all necessary facilities, equipment and appurtenances owned, operated or otherwise used by the Company for the purpose of providing gas energy for public use.

1.8 **Non-Betterment Costs.** Costs incurred by the Company from relocation, removal or rearrangement of Gas Facilities that do not result in an improvement to the Facilities.

1.9 **Notice.** A writing served by a party or parties on another party or parties. Notice to Company must be mailed to:

Reliant Energy Minnegasco
V.P., Marketing & Customer Services
800 LaSalle Avenue
Minneapolis, MN 55402

Notice to City must be mailed to:

City of Medicine Lake
10609 S. Shore Drive
Minneapolis, MN 55441

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

1.11 **Public Ground.** Land owned or otherwise controlled by the City for parks, open space or similar public purpose.

SECTION 2. FRANCHISE.

2.1 **Grant of Franchise.** The City grants the Company, for a period of [twenty (20) years] from the Effective Date, the right to import, manufacture, transport, distribute and sell Gas for public and private use within and through the limits of the City. This right includes the provision of Gas that is (i) manufactured by the Company or its affiliates and delivered by the Company, (ii) purchased and delivered by the Company or (iii) purchased from another source by the retail customer and delivered by the Company. For these purposes, the Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Way and Public Ground subject to the provisions of this ordinance. The Company may do all things reasonably necessary or customary to accomplish these purposes, subject to other applicable ordinances, permit requirements and to further provisions of this ordinance.

2.2 **Effective Date.** This franchise is effective from and after its acceptance by the Company. Written acceptance or rejection of the franchise by the Company must be filed with the City Clerk within ninety (90) days after publication of this ordinance.

2.3 **Non exclusive Franchise.** This ordinance does not grant an exclusive franchise.

2.4 **Publication Expense.** The expense of publication of this ordinance must be paid by the Company.

- 2.5 **Default: Dispute Resolution.** If the City or Company asserts that the other party is in default in the performance of any obligation hereunder, the complaining party must notify the other party in writing of the default and the desired remedy. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within thirty (30) days after service of the notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of the mediator. If a mediator is not used or if the parties are unable to resolve the dispute within thirty (30) days after first meeting with the mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity.
- 2.6 **Continuation of Franchise.** If this franchise expires and the City and the Company are unable to agree on the terms of a new franchise, the existing franchise will remain in effect until a new franchise is agreed upon, or until 90 days after the City or the Company serves written Notice to the other party of their intention to allow the franchise agreement expire.

SECTION 3. CONDITIONS OF USE.

- 3.1 **Location of Facilities.** Gas Facilities must be located, constructed, installed and maintained so as not to interfere with the existing City Utility System or the safety and convenience of ordinary travel along and over Public Ways. Gas Facilities may be located on Public Grounds as determined by the City. The Company's construction, reconstruction, operation, repair, maintenance and location of Gas Facilities is subject to other ordinances and regulation of the City, with the requirements of such being no more restrictive than those applicable to other energy suppliers requiring the use of the Public Way.
- 3.2 **Field Location.** Upon request by the City, the company must provide field locations for any of its Gas Facilities within the period of time required by Minnesota State Statute 216D.
- 3.3 **Permit Required.** The Company may not open or disturb the surface of any Public Way or Public Ground without first having obtained a permit from the City, for which the City may impose a reasonable fee. The permit conditions imposed on the Company may not be more burdensome than those imposed on other utilities for similar facilities or work. The Company may, however open and disturb the surface of any Pubic Way or Public Ground without a permit if (i) an emergency exists requiring the immediate repair of Gas Facilities and (ii) the Company gives notice to the city before, if possible, commencement of the emergency repair. Within two business days after commencing the repair, the Company must apply for any required permits and pay the required fees.
- 3.4 **Restoration.** After completing work requiring the opening of a Public Way or Public Ground, the Company must restore the same, including paving and its foundation, to the condition formerly existing and maintain the paved surfaces in good condition for two years thereafter. The work must be completed as promptly as weather permits. If the Company does not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and restore the Public Way or Public Ground, the City may, after demand to the

Company to cure and the passage of a reasonable period of time not less than five calendar days following the demand, make the restoration at the expense of the Company. The Company must pay to the City the cost of such work done for or performed by the City, including administrative expense and overhead, plus ten percent of cost and administrative expense. This remedy is in addition to any other remedies available to the City for noncompliance with this section. Given the remedy outlined in this section 3.4 available to the City for noncompliance by the Company, the City hereby waives any requirement for the Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under separate existing or future ordinance of the City.

- 3.5 Company Protection of Gas Facilities in Public Ways.** The Company must take reasonable measures to prevent the Gas Facilities from causing damage to persons or property. The Company must take reasonable measures to protect the Gas Facilities from damage that could be inflicted on the Facilities by persons, property or the elements. The Company and the City will comply with all applicable laws and codes when performing work near the Gas Facilities.
- 3.6 Notice of Improvements.** The City must give the Company reasonable notice of plans for improvements to Public Ways or Public Ground. The notice must contain; (i) the nature and character of the improvements, (ii) the Public Ways or Public Grounds upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and, (v) if more than one Public Way or Public Ground is involved, the order in which the work is to proceed. The notice must be given to the Company a sufficient length of time in advance of the actual commencement of the work to permit the Company to make any necessary additions, alterations, or repairs to its Gas Facilities. If streets are at final width and grade and the City has installed underground sewer and water mains and service connections to the property line abutting the streets prior to a permanent paving or resurfacing of such streets, and the Company's main is located under such street, the City may require the Company to install gas service connections prior to such paving or resurfacing, if it is apparent that gas service will be required during the five years following the paving or resurfacing.

SECTION 4. RELOCATIONS.

- 4.1 Relocation of Gas Facilities in Public Ways.** If the City determines by the proper exercise of its police power to vacate a Public Way for a City improvement project, or to grade, regrade or change the alignment of any Public Way, or construct or reconstruct any City Utility System in any Public Way, the City may order the Company to relocate its Gas Facilities at the Company's own expense. The City must give the Company sufficient notice of plans to vacate for a City improvement project, or to grade, re-grade, or change the alignment of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five (5) years of a prior relocation of the same Gas Facilities, which was made at Company expense, the City will reimburse the company on a time and material basis for Non-Betterment Costs. If any subsequent relocation is required because of

the extension of a City Utility System to a previously unserved area, the City may require the Company to make the subsequent relocation at the Company's expense. Nothing in this ordinance requires the Company to relocate, remove, replace or reconnect its Facilities at the Company's expense where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement. The City will not require the removal of abandoned natural gas facilities in any case, unless these facilities are in direct conflict with a Public Way grade change or proposed City Utility System or City improvement. The provisions of this section 4.1 apply only to Gas Facilities constructed in reliance on this franchise and the Company does not waive its rights under an easement or prescriptive right in the Public Way.

- 4.2 **Relocation of Gas Facilities in Public Ground.** The City may, by the proper exercise of its police power, require the Company to relocate the Gas Facilities within or remove the Gas Facilities from Public Ground, upon a finding by City that the Gas Facilities have become or will become a substantial impairment of the public use or enjoyment to which the Public Ground is or will be put. The relocation or removal will be at the Company's expense. The provisions of this Section 4.2 apply only to Gas Facilities constructed in reliance on this franchise and the Company does not waive its rights under an easement or prescriptive right in the Public Ground. The City will not require the removal of abandoned natural Gas Facilities in Public Ground in any case, unless these facilities have become or will become a substantial impairment of the public use or enjoyment to which the Public Ground is or will be put.
- 4.3 **Vacation of Public Ways.** The City must give the Company at least three-weeks' Notice of the proposed vacation of a Public Way. Except where required for a City street or other improvement project or as otherwise provided in Section 4.1, the Vacation of a Public Way, after the installation of Gas Facilities, does not deprive the Company of its rights to operate and maintain the Gas Facilities until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to the Company by the City. If the vacation of Public Way does not require the relocation of existing Gas Facilities, the City shall reserve a utility easement to the Company, created by and within the document establishing the vacation, or the City will preserve a right-of-way in the manner permitted by law.
- 4.4 **Projects with Federal Funding.** Relocation, removal or rearrangement of any Gas Facilities made necessary because of the extension into or through the City of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46.

SECTION 5. DEFENSE AND INDEMNIFICATION.

- 5.1 **Terms.** The Company shall indemnify, keep and hold the City, its elected officials, officers, employees, and agents free and harmless from any and all claims and actions on account of injury or death of persons or damage to property occasioned by the construction,

maintenance, repair, removal, on or across the Public Way and the Public Ground of the City, unless such injury or damage is the result of negligence of the City, its elected officials, employees, officers, or agents. The City shall not be entitled to reimbursement for its costs incurred prior to notification to the Company of claims or actions and a reasonable opportunity for the Company to accept and undertake the defense.

- 5.2 **Litigation.** If such a suit is brought against the City under circumstances where the agreement in this Section 5 to indemnify applies, the Company at its sole cost and expense will defend the City in such suit if Notice thereof is promptly given to the Company within a reasonable period. If the Company is required to indemnify and defend, it will thereafter have control of such litigation, but the Company may not settle such litigation without the consent of the City, which consent will not be unreasonably withheld. This section is not as to third parties a waiver of any defense or immunity otherwise available to the City; and the Company, in defending any action on behalf of the City is entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 6. SUCCESSORS IN INTEREST.

- 6.1 This ordinance and the rights and obligations conferred hereby, is binding on and inures to the benefit of the City and its successors and on the Company and its successors and permitted assigns.

SECTION 7. FRANCHISE FEE.

- 7.1 **Separate Ordinance.** During the term of the franchise hereby granted, and in lieu of any permit, licensing, or other fees, charges, or costs imposed on the Company for providing gas service or performing work necessary to provide gas service in the City during the term of this franchise, the City may impose on the Company a franchise fee. In addition to the franchise fee, the Company shall be required to pay only such other fees, charges, costs or taxes which are generally required to be paid by other businesses or persons in the city. The franchise fee must be imposed by a separate ordinance adopted by the City Council, which ordinance may not be adopted until at least 60 days after Notice enclosing such proposed ordinance has been served upon the Company by certified mail. A fee imposed under this section does not become effective until 60 days after Notice enclosing the adopted ordinance has been served upon the Company by certified mail.
- 7.2 **Condition of Fee.** The separate ordinance imposing the fee shall not be effective against the Company unless it lawfully imposes a fee or tax of the same or greater equivalent amount on the sale and/or delivery of energy within the City by any other energy supplier, provided that, as to such supplier, the City has the authority to require a franchise fee or impose a tax. The Company may petition the City to exempt or reduce the franchise fee applicable to customers who bypass or pose an imminent threat of physically bypassing the Company's distribution system for economic reasons, including the existence of the franchise fee. The

City shall not unreasonably withhold such exemption or reduction in franchise fees for such customers.

7.3 Calculation of Fee. The City may impose the franchise fee: (i) as a combination of percentage of gross revenues received from customers in the Residential Customer Class for its utility operations within the City and as a flat meter fee per customer, for customers in non-residential customer classes, or (ii) as a flat meter fee per customer within the City, or (iii) as a fee based on units of gas delivered to any class of retail customers within the corporate limits of the City. The method of imposing the franchise fee: the percent of revenue rate, the flat rate and the per unit rate may differ for each customer class. If prior to the expiration of this ordinance, customers in Minnegasco's Residential Customer Class begin to purchase and/or transport gas from companies other than Minnegasco, the City may only impose the flat fee method (ii) or the units of gas method (iii), as a way of collecting fees. If the percentage of gross revenue method (i) has previously been implemented, it must be changed to method (ii) or method (iii).

7.4 Collection of the Fee. The franchise fee will be payable not less often than quarterly and based on any of the alternative formulas described in Section 7.3 during complete billing months of the period for which payment is to be made. The franchise fee formula may be changed by ordinance from time to time; however, each change must meet the same notice requirements and may not be made more often than annually. The fee may not exceed any amount that the Company may legally charge to its customers, prior to payment to the City, by imposing a surcharge equivalent to such fee in its rates of gas service. The Company may pay the City the fee based upon the surcharge billed, subject to subsequent reductions for uncollectibles or customer refunds. The Company agrees to make available for inspection by the City at reasonable times all records necessary to audit the Company's determination of the franchise fee payments.

SECTION 8. LIMITATION ON APPLICABILITY.

8.1 Limitations on Applicability. This Ordinance constitutes a franchise agreement between the City and the Company. No provision of this franchise inures to the benefit of any third person, including the public at large, so as to constitute any such person as a third-party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

SECTION 9. PREVIOUS FRANCHISES SUPERSEDED.

9.1 Previous Franchise superseded. This franchise supersedes and replaces previous franchises granted to the Company or its predecessors.

SECTION 10. AMENDMENTS.

10.1 **Amendments.** This ordinance may be amended at any time by the City. An amendatory ordinance becomes effective upon the filing of the Company's written consent thereto.

SECTION 11. SEVERABILITY.

11.1 **Severability.** If any portion of this franchise is found unenforceable for any reason, the validity of the remaining provisions will not be affected.

Passed and approved 1/3/03

Thomas J. Schrader, Mayor

ATTEST: Julie Deitte, Clerk

CITY OF MEDICINE LAKE
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 73

[Lawn Fertilizer & Control]

**AN ORDINANCE RELATING TO LAWN FERTILIZER
APPLICATION CONTROL**

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS:

SECTION 1. Lawn Fertilizer Application Control

Subd. 1. Purpose. The City has conducted studies and has reviewed existing data to determine the current and projected water quality of Medicine Lake. The data indicates that lake water quality may be maintained and improved if the City is able to regulate the amount of lawn fertilizer and other chemicals entering the lake as a result of storm water runoff or other causes. The purpose of this ordinance is to define regulations which will aid the City in managing and protecting its water resources which are enjoyed by its residents and other users.

Subd. 2. Definitions. For the purpose of this section, certain terms and words are defined as follows:

"Commercial Applicator" is a person who is engaged in the business of applying fertilizer for hire.

"Fertilizer" means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by Rule by the Minnesota Commissioner of Agriculture.

"Noncommercial Applicator" is a person who applies fertilizer during the course of employment, but who is not a commercial lawn Fertilizer applicator.

"Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

Subd. 3. Regulations for Commercial Lawn Fertilizer Applicators.

- A. License Required. No person, firm, corporation or franchise shall engage in the business of commercial lawn fertilizer applicator within the City unless a license has been obtained from the City of Medicine Lake or a designee as provided herein.

B. License Application Procedure. Applicants for a commercial lawn fertilizer applicator license shall be submitted to the City Medicine Lake or a designee. The application shall consist of the following:

1. Application Form. Application forms shall be provided by the City and shall include the following instructions:
 - a. Name, address and telephone number of applicant and any individuals authorized to represent the applicant.
 - b. Description of lawn fertilizer formula proposed to be applied on lawns within the City.
 - c. A time schedule for application of lawn fertilizer and identification of weather conditions acceptable for lawn fertilizer application.
2. Product Material Safety Data Sheet. A copy of Material Safety Data Sheet, including product chemical analysis of the intended lawn fertilizer, shall be submitted to the City along with the initial application for a license and, thereafter, at least seven days before fertilizer composition changes are implemented.
3. Minnesota State Licenses. A copy of all licenses required of the applicant by the State of Minnesota regarding the application of pesticides and fertilizers.
4. License Fee. The license fee shall be established from time to time by resolution of the City Council. The license shall expire on the 31st day of December. The license fee shall not be prorated.

C. Conditions of License. Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions which shall be specified on the license form:

1. Random Sampling. Commercial lawn fertilizer applicators shall permit the City to sample any commercial lawn fertilizer applications to be applied within the City at any time after issuance of the initial license.
2. Possession of License. The commercial lawn fertilizer license, or a copy thereof, shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the City.

3. Possession of Product Material Safety Data Sheet. A copy of product Material Data Safety Sheet of the lawn fertilizer used shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the City.
4. State Regulations. Licensee shall comply with the provisions of the Minnesota Fertilizer, Soil Amendment and Plant Amendment Law, as contained in Minnesota Statutes, Chapter 18C and amendments thereto. The licensee shall also comply with the provisions of the Pesticide Control as contained in Minnesota Statutes, Chapter 18B.

Subd. 4. General Regulations.

- A. Time of Application. Neither commercial applicators or noncommercial applicators may apply lawn fertilizer when the ground is frozen or when conditions exist which will promote or create runoffs.
- B. Sample Analysis Cost. The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the sample analysis indicates that phosphorous content exceeds the levels authorized herein.
- C. Fertilizer Content. No person, firm, corporation, franchise, or commercial or noncommercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, within the City of Medicine Lake which contains any amount of phosphorous or other compound containing phosphorous, such as phosphate, except:
 1. the naturally occurring phosphorous in undulterated natural or organic fertilizing products such as yard waste compost;
 2. or as otherwise provided in Subd. 5.
- D. Impervious Surfaces and Drainage Ways. No person shall apply fertilizer to impervious surfaces, areas within drainage ditches, or waterways.
- E. Buffer Zone. Fertilizers and pesticides shall not be applied:
 1. below the Ordinary High Water lines as established by the Minnesota Department of Natural Resources; or
 2. within ten (10) feet of any wetland or water resource
- F. Warning Signs for Pesticide Application. All commercial or noncommercial lawn fertilizer applicators who apply pesticides to turf areas must post or affix

warning signs on the property where the pesticides are applied. The warning signs shall comply with the following criteria and contain the following information:

1. The warning signs must project at least eighteen (18) inches above the top of the grass line. The warning signs must be of a material that is rain resistant for at least a forty-eight (48) hour period and must remain in place up to forty-eight (48) hours from the time of initial application.
2. The following information must be printed on the warning signs in contrasting colors and capitalized letters measuring at least one-half inch (1/2"), or in another format approved by the Minnesota Commissioner of Agriculture. The signs must provide the following information:
 - a. The name of the business, entity, or person applying the pesticide; and
 - b. The following language: "This area chemically treated. Keep children and pets off until (date of safe entry)" or a universally accepted symbol and text approved by the Minnesota Commissioner of Agriculture as recognized as having the same meaning or intent as specified in this subparagraph. The warning signs may include the name of the pesticide used.
3. The warning sign must be posted on a lawn or yard between two (2) feet and five (5) feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied and at or near the entrance to the property.

Subd. 5. Exemption and Notice Requirement. The prohibition against use of fertilizer containing any quantity of phosphorous under Subd. 4 shall not apply to:

- A. newly established or developed turf and lawn areas during first growing season; or
- B. turf and lawn areas which soil tests confirm are below phosphorous levels established by the University of Minnesota Extension Services. The lawn fertilizer application shall not contain an amount of phosphorous exceeding the amount of phosphorous and the appropriate application rate recommended in the soil test evaluation.

Phosphorous applied as lawn fertilizer pursuant to the aforementioned exemptions shall be watered into the soil where it is immobilized and generally protected from loss by runoff.

Any person, firm, corporation, franchise, or commercial or noncommercial applicator, including a homeowner or renter, shall notify the City of Medicine Lake at least 24 hours prior to applying lawn fertilizer containing phosphorous of the reason for using fertilizer containing phosphorous and the amount of phosphorous contained in the lawn fertilizer to be applied.

Subd. 6. Penalty. Any person violating this Section shall be guilty of a petty misdemeanor. The City may revoke a commercial applicator's license for repeat violations of this Section.

SECTION 2. This ordinance shall be effective upon publication.

Adopted by the City Council this 3rd day of April, 2000.

Thomas J. Schrader, Mayor

ATTEST: Julie Deitte, City Clerk

CITY OF MEDICINE LAKE
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 75

[Operation & Speed of Watercraft]

**AN ORDINANCE REGULATING THE OPERATION AND SPEED
OF WATERCRAFT ON MEDICINE LAKE**

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE ORDAINS:

SECTION 1. Medicine Lake: Special Provisions.

Subd. 1. Purpose. Pursuant to Minn. Stat. 86B.201-205, 459.20, and Minnesota Rules Parts 6110.3000–6110.3700, it is the purpose of this ordinance to regulate the operation and speed of watercraft on Medicine Lake.

Subd. 2. Definitions. The following words and phrases when used in this ordinance have the meanings set forth below:

"*Operate*" means to navigate or otherwise use a watercraft.

"*Persons*" includes an individual, partnership, corporation, or any body of persons whether incorporated or formed into an association or not.

"*Slow-no wake*" means the operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than 5 mph.

"*Watercraft*" has the meaning given in Minn. Stat. 86B.005, Subd. 8.

Subd. 3. Regulation. No person shall operate a watercraft at greater than slow-no wake speed on Medicine Lake whenever the water level exceeds 889.4 feet and remained at that level for at least three consecutive days. The slow-no wake restriction shall remain in place until the lake level drops to 889.4 feet or below for at least three consecutive days.

Subd. 4. Exemptions. Authorized resource management, emergency and enforcement personnel, when acting in the performance of their duties, shall be exempt from the provisions of this ordinance.

Subd. 5. Marking. The City Staff of Plymouth and Medicine Lake shall be responsible for informing the public, posting notification at all public accesses, and marking or buoying areas affected by this ordinance as necessary to give reasonable notice of the speed restriction of this section.

Subd. 6. Enforcement. Primary responsibility for the enforcement of this ordinance shall rest with the Hennepin County Sheriffs Department, including both licensed and special deputies. This, however shall not preclude its enforcement by other licensed peace officers.

Subd. 7. Penalties. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor.

SECTION 2. Effective Date. This ordinance becomes effective immediately upon its passage and approval by the Commissioner of the Department of Natural Resources.

SECTION 3. Ordinance 74 is hereby repealed.

ADOPTED by the City Council of Medicine Lake this 5th day of March, 2001.

Thomas J. Schrader, Mayor

ATTEST: July Deitte, City Clerk

CITY OF MEDICINE LAKE

Ordinance No. 76

Feeding of Waterfowl

An Ordinance to regulate the feeding of waterfowl

The City of Medicine Lake, Minnesota ordains:

Section 1. Purpose.

This ordinance is adopted to regulate and restrict the feeding of waterfowl which generates unacceptable and unmanageable concentrations of waterfowl detrimental to the health and safety of citizens, and; which may impair the property, lake and shore in addition to disrupting normal migratory behavior and fostering unintentional socialization towards humans.

Section 2. Definitions.

The following words and terms, wherever they occur in this Chapter, shall be interpreted as herein defined:

1. Waterfowl: As commonly known to include domestic and wild ducks, geese, cormorants, grebes and like avian species.
2. Lake: Medicine Lake, its wetlands, tributaries and harbor limits within the prescribed city limits of the City of Medicine Lake.
3. Intentional Feeding: Such feeding shall include any regular, habitual or occasional placement of foods such as whole corn, cracked corn or bread in a manner accessible to waterfowl for feeding purposes.

Section 3. Provisions.

Within the boundaries of the City of Medicine Lake, no person shall intentionally feed waterfowl.

Section 4. Exceptions.

1. Food placed with the sole intent of entrapping sick or injured waterfowl for re-transport and treatment at the University of Minnesota Wildlife Rehabilitation Center or like licensed facility.
2. Veterinarians, City animal control officers or county, state or federal game officials who, in the course of their duties, use food as a means of luring and capturing waterfowl for treatment or relocation.

Section 5. Administration and Enforcement.

This shall be administered and enforced by the duly authorized representatives of the City.

Section 6. Penalties.

Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor.

Section 7. Separability.

If any court of competent jurisdiction shall adjudge any provisions of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

Adopted by the City Council of Medicine Lake this 7th day of May, 2001.

Thomas J. Schrader, Mayor

ATTEST: Julie A. Deitte, City Clerk

ORDINANCE NO. 77

[Dogs, Cats and Animals]

DOGS, CATS, ANIMALS

An Ordinance to amend existing Ordinance No. 67 regulating the licensing and keeping of dogs, cats and other animals.

The City Council of the City of Medicine Lake do ordain as follows:

Section .01: **Purpose**

The purpose of this Chapter is to protect the health, safety and general welfare of the community and its people by establishing minimum standards for the care and maintenance of animals; by providing for their licensing, protection and the public's protection while under the control of an owner or guardian; by establishing density limits with regards to their occupancy; to provide for the public notice, protection and/or redemption of animals at large; to provide for the control, impoundment or destruction of animals deemed dangerous as may be warranted and to prescribe a means of recourse for those challenging such actions; to prescribe penalties for violations of such regulations; to provide recourse to those seeking relief from perceived or prescribed violations herein; to define powers and duties of the City Clerk, the City Council, Animal Warden, Animal Control Officer and those others acting as agent or agents for the City to carry forth the provisions of this Chapter, and; to provide for the repeal of prior ordinances or ordinances that may conflict.

Section .02: **Definitions**

- (A) "Owner" - means any person, firm or corporation or partnership owning, harboring or keeping a dog, cat or any animal whether or not a resident in the City.
- (B) "At large" - means any animal that is off the owner's property and is not restrained by leash or restrained by being secured in a building, run, or vehicle.
- (C) "Leash" - means a thong, cord or chain up to a maximum length of six (6) feet.
- (D) "Animal" - as used in this ordinance includes without limitations, livestock, rodents, dogs, cats, birds, reptiles and other animals.
- (E) "Livestock" - Farm animals kept for use, pleasure or profit including, without limitations, horses, mules, sheep, goats, cattle, swine and fowl.
- (F) "Dangerous Animal" - means any animal that has attacked, molested, bitten, confined or assaulted a person or domestic animal or which otherwise has

demonstrated that it poses a significant threat or risk or causing harm or injury to persons or domestic animals.

- (G) "Single Family Dwelling Unit" - means a single family dwelling owned or occupied by an owner of an animal as defined in Section .02(D).
- (H) "Multi-Unit Building" - means any combination of single family dwelling units either attached or detached under common ownership by an individual or entity.

Section .03: **License Required**

- (A) No owner or person shall own, harbor or keep a dog or cat over six (6) months of age within the City, unless a current license for such dog or cat has first been secured for the City.
- (B) An animal license shall be furnished at no cost. Applications for such licenses must be accompanied by a certificate of inoculation for rabies which is not more than eighteen (18) months old. Upon the receipt of the certificate of inoculation, the City shall execute a receipt in duplicate, its original of which shall be given to the person who makes application. The duplicate shall be retained in the records of the City. This receipt shall describe the dog or cat as to color, breed, age, sex and weight. Any owner shall produce, for inspection, the permit receipt upon request of the animal warden, police officer or City official.
- (C) An animal license for each dog or cat shall be requested by the owner from the City between the dates of the first day of April and the last day of June in each year, or within thirty (30) days after acquiring ownership or possession of any unlicensed dog or cat or within thirty (30) days after establishing residence in the City.
- (D) Late licensing charge. Licenses not obtained before the due dates will have a Five Dollar (\$5.00) late licensing charge. If a license has not been obtained within thirty (30) days after a dog or cat becomes six (6) months of age, then there be a Ten Dollar (\$10.00) late license charge.

Section .04: **Tags**

- (A) The City shall procure a sufficient number of metallic tags, and shall deliver one such tag to the person issued a license. It shall be the responsibility of the owner of the dog or cat for which said tag was obtained to permanently attach the tag to the collar of the dog or cat in a manner so that the tag may be readily seen on the animal. The tag is not transferable to any other dog or cat. If a tag is lost or stolen, the owner may obtain a new tag upon request.

Section .05: **Running At Large Prohibited**

(A) No animal including without limitation, dogs and cats, shall be permitted to run at large anywhere within the limits of the City of Medicine Lake. Any animal described in this subsection found running at large may be impounded by the Animal Warden or police officers. All animals shall be kept secured on a leash which is attached to a person at all times. The owner shall keep all animals in control and under restraint at all times, including when on leash, to prevent injury to others. Animals, when on their owners' property, are not required to be leashed.

(B) Animals in Parks

Animals shall be allowed in any public park in the City, except where posted.

(C) Unspayed Female Dogs and Cats

Every unspayed female dog or cat in heat shall be confined in a building or secured enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

Section .06: **Cleanup**

(A) Any person having the custody or control of any animal shall have the responsibility for cleaning up any feces of the animal immediately and to dispose of such feces in a sanitary manner. Cleanup equipment must be carried on the person in charge of the animal and must be displayed upon the request of a City official or law enforcement officer. No animal feces may be placed in a refuse container in the City Park unless contained within a plastic sealed container.

Section .07: **Dogs or Cats Disturbing the Peace**

(A) It is unlawful for any person to keep or harbor a dog or cat which barks, cries, squeals, howls or meows, excessively, continuously or in an untimely manner. The phrase "barks, cries, squeals, howls or meows, excessively, continuously or in an untimely manner" includes, but is not limited to, the creation of any noise by any dog or cat which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the dog or cat is being kept, and which noise occurs repeatedly over at least a five (5) minute period of time, with a thirty (30) second or less lapse of time between each animal noise during the five (5) minute period.

(B) Upon the receipt of a written complaint by two (2) or more persons residing in the vicinity of such a dog, a City Police Officer or Animal Warden shall notify the owner to abate the nuisance. For the purposes of this provision, members of the same family unit residing in the same dwelling shall be regarded as one (1)

person. A police officer, animal warden or City Official may act as the second or confirming complainant.

Section .08: **Number of Dogs or Cats**

- (A) An occupant of a single family dwelling unit shall not own, harbor or keep on or within said unit more than two (2) dogs over the age of six (6) months nor more than three (3) cats over the age of six (6) months and in no event more than four (4) animals (dogs and cats) in total per single family dwelling unit.
- (B) An occupant of a single family dwelling unit within a multi-unit building shall not own, harbor or keep more than one (1) dog over the age of six (6) months and one (1) cat over the age of six (6) months.

Section .09: **Impoundment**

- (A) The City Council shall, from time to time, designate a place as City Impoundment Facility or Pound for keeping and maintaining any dogs, cats or other animals which may be seized or impounded pursuant to this Ordinance.
- (B) At all times, Police Officers and the official Animal Warden, shall seize and impound any animals kept or harbored within the City without the tag provided for by this Ordinance or animals running at large. At all times, Police Officers and/or the Animal Warden may seize and impound any animal kept or harbored within the City that has been found to be or is suspected of attempting to cause injury, attempting to injure through aggression, diseased animals, injured animals, animals disturbing the peace, or any animals running at large. To enforce this Ordinance, Police Officers and the Animal Warden may enter on private property when they have reasonable cause to believe there is an animal kept, harbored or running at large in violation of this Ordinance.
- (C) It shall be unlawful for any person or persons to interfere with the Animal Warden or Police Officer engaged in taking an animal hereunder for impounding or refusing to surrender an animal to a Police Officer or Animal Warden for confinement as required.

Section .10: **Notice of Impounding**

- (A) Upon taking an impounding any animal with current tag whose ownership is known, the Clerk or other authorized person shall immediately notify the owner.
- (B) Upon taking and impounding any animal whose ownership is not known, the Clerk or other authorized person shall immediately post on the outside bulletin board of the Medicine Lake City Hall a notice of impounding.

Section .11: **Redemption or Release**

- (A) Any animal so impounded shall be kept for at least five (5) business days unless sooner reclaimed by the owner thereof. The owner of any impounded animal may reclaim the same by paying all impounding fees set by the City Council plus the cost at the animal pound plus obtaining a current license if no current license has been issued and paying late charges, if necessary.
- (B) If at the end of five (5) business days the animal has not been redeemed, it may be sold at private sale or disposed of by the pound keeper, provided that such animal has not bitten or been suspected of biting any person.

Section .12: **Impounding for Biting**

- (A) Any animal which is capable of transmitting rabies and which has bitten a person shall be taken up and impounded for at least ten (10) days, separate and apart from all other animals at a licensed veterinarian clinic or pet hospital under the care and supervision of a licensed veterinarian until it is determined whether or not said animal had or has rabies. For those animals for which the owner can provide current rabies vaccination and unless the bitten person requests impoundment of the animal at a licensed veterinarian clinic or pet hospital, the owner shall confine the animal for at least ten (10) days and shall obtain within seven (7) calendar days thereafter a certification from a licensed veterinarian that the animal is not rabid. If the animal is found to be rabid, it shall be destroyed. If it is found not to be rabid, it shall be vaccinated for rabies, if not already vaccinated, and returned to the owner, provided that owner shall first pay the cost of impounding and other fees.
- (B) If the owner does not pay such cost within five (5) days after he has been notified to claim or retrieve his animal, the animal may be disposed of as provided in Section .11(B).
- (C) The cost incurred by the City in carrying out the provisions of this Section shall be paid by the owner of such impounding animal.
- (D) Any animal which has been bitten by a known rabid animal shall be picked up and destroyed, provided, however, that such animal may be immediately killed if with reasonable effort it cannot first be taken up and impounded. If so picked up and impounded, the animal shall not be destroyed if the owner thereof makes provisions for a suitable quarantine for a period not less than six (6) months of unvaccinated animals, or for thirty (30) days, if proof of previous immunization is furnished and booster injections are given by a licensed veterinarian at the expense of the owner of such animal.

Section .13: **Destruction of Dangerous Animals**

- (A) After the owner of an animal is give notice and an opportunity for a hearing as provided in this subsection, the City Council is authorized to order the destruction or disposition of any animal which the City Council determines to be a Dangerous Animal.
- (B) The owner of the offending animal shall be notified in writing personally delivered or by certified mail, return receipt requested, as to the dates, times, places, and persons bitten, if any, of the right within ten (10) days to request a hearing before the City Council for a determination as to the dangerous nature of the animal and the disposition. If the owner does not request a hearing within ten days of said notice, the City shall make such order as the City Council deems proper. The City Council may order the Animal Warden to take the animal into custody for destruction in which case the owner shall immediately make the animal available to the Animal Warden.
- (C) If the Owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council at a date not more than three weeks after demand for said hearing. The records of the Animal Warden shall be admissible for consideration without foundation. After considering all evidence, the City Council shall make such order as the City Council deems proper, including, but not limited to, destruction of the Animal, if consistent with state and federal law, transfer of the animal to a zoo or other facility, and reimbursement by the owner of the reasonable costs of temporary impoundment and transportation of the Animal.

Section .14: **Severability**

- (A) If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section .15: **Penalties**

- (A) A violation of this ordinance shall be a misdemeanor punishable by a fine up to \$1,000.00 or ninety (90) days in prison, or both. Each day the violation of this ordinance continues shall be a separate violation.

Section .16: **Enforcement Procedures**

The City shall designate at least one (1) animal control officer or licensed police officer or agency for the purpose of enforcing the provisions of this Chapter and state law. Any person may call or deliver a complaint to such officer or officers stating the facts and circumstances of an alleged violation of this Chapter.

The officer may investigate such complaint. If a violation occurs in the presence of the officer, a citation may be issued. If a violation did not occur in the presence of the officer but probable cause of a violation exists, all reports, witness statements and evidence may be submitted to the Medicine Lake City Attorney's office for a determination of whether a formal complaint shall be issued. The officer may also issue a notice of the violation to the owner of the animal. Such notice of violation shall state the date and time of the issuance of the notice, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and a demand that the offense be abated within forty eight (48) hours after the issuance of the notice. If the person fails to abate the offense, then the officer may issue a citation to the person. The animal involved may also be subject to impoundment.

No person shall interfere with, hinder, or molest a City animal control officer or licensed peace officer enforcing this Chapter or State law. No person shall seek to release any animal in the custody of a City animal control officer or licensed peace officer except as herein provided.

Section .17: **Repeal of Prior Ordinances**

City Ordinances 54 and 67 are each hereby repealed in their entirety.

Section .18: **Effective Date**

This Ordinance shall take full force and effect thirty (30) days after the date of its publication.

Adopted by the City Council of Medicine Lake this 5th day of August, 2002.

Thomas J. Schrader, Mayor

ATTEST: Mary Knutson, City Clerk

City of Medicine Lake

Ordinance No. 86

[Floodplain Ordinance]

Floodplain Management Ordinance

THE CITY OF MEDICINE LAKE, MINNESOTA DOES ORDAIN AS FOLLOWS:

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 Chapters 103F and the City of Medicine Lake delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statute, Chapter 103F further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program. Therefore the City of Medicine Lake Minnesota does ordain as follows:

1.2 Statement of Purpose. The purpose of this Ordinance is to maintain the Community's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1.3 Warning of Disclaimer of Liability. This Ordinance does not imply that areas outside of the flood plain district or land uses permitted within such districts will be free from flooding and flood damages. This Ordinance shall not create liability on the part of the City of Medicine Lake or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made thereunder.

1.4 National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the Community's eligibility in the National Flood Insurance Program.

SECTION 2.0 GENERAL PROVISIONS

2.1 Adoption of Flood Insurance Study and [Flood Insurance Rate Map](#). The Flood Insurance Study, Volume 1 of 2 and Volume 2 of 2, Hennepin County, Minnesota, All Jurisdictions and the Flood Insurance Rate Map panels numbered 27053C0193 E and 27053C0331 E for the City of Medicine Lake dated September 2, 2004, as developed by the Federal Emergency Management

Agency, are hereby adopted by reference as the Official Flood Plain Zoning District Map and made a part of this Ordinance.

2.2 Lands to Which Ordinance Applies. This Ordinance shall apply to all lands designated as flood plain within the jurisdiction of the City of Medicine Lake Flood plain areas within the City of Medicine Lake shall encompass all areas designated as Zone A, Zone AE, Zone AO, or Zone AH as shown on the Flood Insurance Rate Map adopted in Section 2.1 of this Ordinance.

2.3 Interpretation. The boundaries of the flood plain district shall be determined by scaling distances on the Official Flood Plain Zoning District Map. Where interpretation is needed as to the exact location of the boundaries of the flood plain district, the Building Official shall make the necessary interpretation based on the ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance and the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the community shall: 1) Require a flood plain evaluation consistent with Section 4.3 of this Ordinance to determine a 100-year flood elevation for the site; or 2) base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain.

2.4 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.

2.41 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2.42 Basement – means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.43 Flood Fringe – that portion of the flood plain outside of the floodway.

2.44 Flood Plain – the channel or beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood. Flood plain areas within the City of Medicine Lake shall encompass all areas designated as Zone A, Zone AE, Zone AO, or Zone AH on the Flood Insurance Rate Map adopted in Section 2.1 of this Ordinance.

2.45 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain that are reasonably required to carry or store the regional flood discharge.

2.46 Lowest Floor – the lowest floor of the lowest enclosed area (including basement).

2.47 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”

- 2.48 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory flood plain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.
- 2.49 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- 2.50 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristics of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used on the Flood Insurance Rate Map.
- 2.51 Regulatory Flood Protection Elevation – The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 2.52 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 trailers/vehicles not meeting the exemption criteria specified in Section 12.1 of this Ordinance and other similar items.
- 2.53 Substantial Damage – means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 2.54 Substantial Improvement – within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

SECTION 3.0 CONFLICT WITH PRE-EXISTING ZONING REGULATIONS AND GENERAL COMPLIANCE

3.1 The Flood Plain District as Overlay Zoning District. The flood plain zoning district shall be considered an overlay zoning district to all existing land use regulations of the Community. The uses permitted in Sections 4.0 and 5.0 of this Ordinance shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this Ordinance shall apply in addition to other legally established regulations of the Community and where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

3.2 Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, repaired, maintained, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway and Flood Fringe, all uses not listed as permitted uses in Section 4.0 shall be prohibited. In addition, a caution is provided here that:

- 3.21 New manufactured homes, replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Ordinance and specifically Sections 4.0 and 12.0;
- 3.22 Modifications, repair and maintenance, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 9.0; and
- 3.23 As-built elevations for elevated structures must be certified by elevation surveys as stated in Section 7.0 of this Ordinance.

SECTION 4.0 PERMITTED USES, STANDARDS, AND FLOOD PLAIN EVALUATION CRITERIA

4.1 Permitted Uses in the Flood Plain. The following uses of land are permitted uses in the flood plain district:

- 4.11 Any use of land which does not involve a structure, a fence, an addition to the outside dimensions to an existing structure (including a fence) or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.

4.12 Any use of land involving the construction of new structures, a fence, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure (including a fence) or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the flood plain. These uses shall be subject to the development standards in Section 4.2 of this Ordinance and the flood plain evaluation criteria in Section 4.3 of this Ordinance for determining floodway and flood fringe boundaries.

4.13 Recreational vehicles are regulated by Section 12.0 of this Ordinance.

4.2 Standards for Flood Plain Permitted Uses.

4.22 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.

4.23 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 or if placed on fill to the regulatory flood protection elevation.

4.24 No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.

4.25 All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the lowest floor, including basement floor, is at or above the regulatory flood protection elevation. The finished fill elevation must be no lower than one foot below the regulatory flood protection elevation and shall extend at such elevation at least 15' beyond the limits of the structure, on a minimum of one side, constructed thereon.

4.26 All Uses. Uses that do not have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board of Adjustment shall specify

limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

- 4.27 Commercial and Manufacturing Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
- 4.28 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 systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.
- 4.29 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

4.3 Flood Plain Evaluation.

- 4.31 Upon receipt of an application for a permit for a use or other approval within the Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe.
- (a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - (b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

- (c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
- (d) 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.

4.32 The applicant shall be responsible to submit one copy of the above information to a designated engineer, licensed by the State, for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

- (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 and overbank areas.
- (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' 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.

4.33 The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of this Ordinance.

SECTION 5.0 UTILITIES, RAILROADS, ROADS AND BRIDGES IN THE FLOOD PLAIN DISTRICT

All utilities and transportation facilities, including railroad tracks, roads and bridges shall be constructed in accordance with state flood plain management standards contained in Minnesota Rules 1983 Parts 6120.5000 - 6120.6200.

SECTION 6.0 SUBDIVISIONS

6.1 No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the City of Medicine Lake Council for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. The City of Medicine Lake Planning Commission shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.

6.2 In the flood plain district, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in Section 4.31 of this Ordinance. The City of Medicine Lake Council shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in Sections 4.2, 4.3 and 5.0 of this Ordinance.

6.3 For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

6.4 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 7.0 ADMINISTRATION

7.1 Permit Required. A Permit issued by the Building Official shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building or structure or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam or fence prior to the change or extension of a nonconforming use, prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source, and prior to the placement of fill, excavation of materials or the storage of materials or equipment within the flood plain.

- (a) When private roads and driveways are constructed, rebuilt or maintained, access should be provided at a) the floodplain elevation, or b) the elevation of the primary road, whichever is higher, but not more than two (2) feet below floodplain elevation.

- (b) Fill for normal ground maintenance involving up to ten (10) non-compacted cubic yards will be allowed annually.

7.2 State and Federal Permits. Prior to granting a permit or processing an application for a variance, the Building Official shall determine that the applicant has obtained all necessary state and federal permits.

7.3 Certification of Lowest Floor Elevations. 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. The Building Official shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the flood plain district.

7.4 Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

7.5 Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

SECTION 8.0 VARIANCES

8.1 A 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 stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation and this Ordinance.

8.2 The Board of Adjustment 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. The City of Medicine Lake Council shall act as the Board of Adjustment. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations of the Community, and the criteria specified in the

respective enabling legislation which justified the granting of the variance. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

8.21 Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

8.22 Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

8.23 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

8.3 Variances from the provisions of this Ordinance may be authorized where the Board of Adjustment has determined the variance will not be contrary to the public interest and the spirit and intent of this Ordinance. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the regulatory flood protection elevation. Variances may be used to modify permissible methods of flood protection.

8.4 The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variance sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting a variance shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

8.5 Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in the City of Medicine Lake Official Controls and also Minnesota Statutes.

8.6 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The City of Medicine Lake shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

SECTION 9.0 NONCONFORMITIES

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined

in Section 2.54(b) of this Ordinance, shall be subject to the provisions of Sections 9.1 – 9.4 of this Ordinance.

9.1 No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

9.2 A structural alteration within the inside dimensions of a nonconforming use or structure is permissible provided it utilizes flood resistant materials so as not to result in increasing the flood damage potential of that use or structure. A structural addition to a structure must be elevated to the regulatory flood protection elevation in accordance with Section 4.25 of this Ordinance.

9.3 The cost of all structural alterations or additions both inside and outside of a structure 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 exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Section 4.0 of this Ordinance for new structures.

9.4 If any nonconforming use of a structure or land or nonconforming structure is substantially damaged, as defined by Section 2.53 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The City of Medicine Lake Council may issue a permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provisions of this Ordinance.

9.5 If a substantial improvement occurs, as defined in Section 2.54 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 inside dimensions of an existing nonconforming building, then the building addition (as required by Section 9.2 above) and the existing nonconforming building must meet the requirements of Section 4.0 of this Ordinance for new structures, depending upon whether the structure is in the floodway or flood fringe, respectively.

SECTION 10.0 PENALTIES FOR VIOLATION

A violation 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 variance) shall constitute a misdemeanor.

10.1 In responding to a suspected ordinance violation, the Zoning Administrator and the Community 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.

10.2 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.

10.3 The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance 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 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.

10.4 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 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 that existed prior to the violation of this Ordinance.

SECTION 11.0 AMENDMENTS

All amendments to this ordinance, including revisions to the Official Flood Plain Zoning District Map, shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. The flood plain designation on the Official Flood Plain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the regulatory flood protection elevation and is contiguous to lands outside of the flood plain. 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.

SECTION 12.0 TRAVEL TRAILERS AND TRAVEL VEHICLES

Recreational vehicles that do not meet the exemption criteria specified in Section 12.1 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 12.3-12.4 below.

12.1 Exemption. Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 12.2 below and further they meet the following criteria:

12.11 Have current licenses required for highway use.

12.12 Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.

12.13 The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

12.2 Areas Exempted For Placement of Recreational Vehicles:

12.21 Individual lots or parcels of record.

12.22 Existing commercial recreational vehicle parks or campgrounds.

12.23 Existing condominium type associations.

12.3 Recreational vehicles exempted in Section 12.1 lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Sections 4.0 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreation vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

12.4 New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

12.41 Any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation determined in accordance with the provisions of Section 4.3 of this Ordinance and proper elevated road access to the site exists in accordance with Section 4.0 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.

12.42 All new or replacement recreational vehicles not meeting the criteria of 12.41 above may, as an alternative, be allowed if in accordance with the following provisions. The applicant must submit an emergency plan for the safe evacuation

of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate that the provisions of Sections 12.11 and 12.12 of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 4.28 of this Ordinance.

REPEALER: Adoption of this Ordinance repeals Ordinance 83 “Floodplain Management Ordinance” of the City of Medicine Lake as adopted.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Adopted by the City of Medicine Lake City Council this 3rd day of January, 2005.

Mary Anne Young, Mayor

Attest: Chris Lentz, City Clerk

ORDINANCE NO. 88

[Gas Line Workers Certification]

**ESTABLISHING THE REQUIREMENT FOR PROPER LICENSURE OR
CERTIFICATION TO PERFORM WORK ON NATURAL GAS LINES
IN THE CITY OF MEDICINE LAKE**

The City Council of the City of Medicine Lake does ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to protect the public health, safety, and general welfare of residents and property owners of the City by limiting work on natural gas lines including installation and repair to those contractors or entities trained to perform such work.

Section 2. Proper Certification or Licensure Required. Any person, firm, or company wishing to conduct work on natural gas lines in the City of Medicine Lake must first demonstrate licensure by the State of Minnesota as a journeyman plumber. If work is to be done by someone who is not a journeyman plumber licensed through the State, a proper certification form from any other municipality within the State of Minnesota must be provided. Such certification may be in the form of a gas competency card or other official licensure program administered by a local municipality. Proof of certification or licensure must be provided to the City of Medicine Lake Building Official prior to commencing work.

Section 3. Applicability of Ordinance. This ordinance shall apply to all persons, firms, or companies performing new construction, rehabilitation or remodeling work involving the installation or modification of natural gas lines in the City of Medicine Lake.

Section 4. Penalties. Any person, firm or company failing to produce the proper certification or licensure to perform such work shall be subject to the violations as outlined in Section 800 Enforcement and Penalties of the City of Medicine Lake Zoning Code.

**Adopted by the City Council of the City of Medicine Lake this 11th day of
July, 2005.**

Mary Anne Young, Mayor

ATTEST: Chris Lentz, City Clerk

Ordinance No. 89

[Building Code Fees]

AN ORDINANCE ADOPTING A SCHEDULE FOR THE COLLECTION OF FEES FOR THE MINNESOTA STATE BUILDING CODE.

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1 and Medicine Lake Ordinance 80. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70. The fee schedule for associated building permits are as provided below and are based on the total value of all construction work including plumbing, electrical and mechanical systems, finish work and labor. Use ICC and State Building Codes & Standards Division square foot cost of construction for determining building valuation and State surcharge fees.

Building Permit Fees:

Total Valuation	Fee
\$1.00 to \$500.00	\$35.00
\$501.00 to \$2,000.00	\$37.15 for the first \$500.00 plus \$2.14 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof

Schedule for Non-Residential Mechanical, Plumbing Permit Fees:

Total Valuation	Fee
\$1.00 to \$300.00	Minimum \$35.00
\$301.00 to \$500.00	\$35 plus 5% of amount over \$300
\$501.00 to \$1,000.00	\$45 plus 2% of amount over \$500
\$1,001.00 to \$5,000.00	\$55 plus 1.50% of amount over \$1,000
\$5,001.00 to \$10,000.00	\$130 plus 1% of amount over \$5,000
\$10,001.00 to \$25,000.00	\$280 plus 1% of amount over \$10,000
\$25,001.00 to \$50,000.00	\$530 plus 2% of amount over \$25,000
\$50,001 and up	\$1,030 plus 1.50% of amount over \$50,000

Schedule for Residential Mechanical, Plumbing Permit Fees:

New	\$100
Replacement, remodeling and renovation work	\$50

Accessory Structures/Decks/Porches/Projects:

For the following structures/decks/porches/projects, determine the total valuation based on price per square foot and refer to the Building Fee Permit table for fee calculation.

Residential Decks	\$14 per sq ft
Sheds	\$17 per sq ft
Garage	\$22 per sq ft
Screen Porch	\$25 per sq ft
Three Season Porch	\$40 per sq ft
Basement Finish w/ bathroom	\$15 per sq ft
Basement Finish w/o bathroom	\$9 per sq ft

Maintenance Permits

	<u>Fee</u>
Re-roofing	\$70
Reside	\$70
Replacement windows	\$70

Fees Fixed By State Statute

	<u>Fee</u>
16B.665 Minor residential Improvements	\$15 or 5% of cost per statute
Minnesota Rule 1300.0160 Similar Plans	Maximum 25% plan review

<u>Sewer</u>	<u>Fee</u>
New or repair	\$50

Inspections and Other Fees:

- | | |
|--|---|
| 1. Inspections outside of normal business hours | \$50.00 per hr
(two hour minimum) |
| 2. Reinspection fees assessed under provisions of Section 1300.0210 | \$50.00 per hr |
| 3. Inspections for which no fee is specifically indicated | \$50.00 per hr
(one hour minimum) |
| 4. When submittal documents are required by Section 1300.0130, a plan review fee must be paid. The plan review fee for building permit documents shall be 65% of the building permit fee.
The plan review fee for mechanical and plumbing documents shall be 10% of the mechanical/plumbing permit fee. | |
| 5. Additional plan review required by changes, additions or revisions to plans. | \$50.00 per hr
(deferred submittals) |

Section 2. Fee Refunds. The Building Official may authorize refunding not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with the code. The Building Official may authorize refunding not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done.

Section 3. Repealer. Previously adopted ordinances are hereby repealed.

Section 4. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 11th day of July, 2005.

Mary Anne Young, Mayor
ATTEST: Chris Lentz, City Clerk

ORDINANCE NO. 90

[Rental Housing: Regulations]

LICENSURE AND REGULATION OF RENTAL HOUSING

The City Council of the City of Medicine Lake does ordain as follows:

Section 1. **Purpose.**

Subd. 1. The purpose of this ordinance is to protect the public health, safety, and the general welfare of the rental population of the City. These general objectives include, among others, the following:

- i. To maintain a quality of character and stability of rental dwelling units within the City;
- ii. To correct and prevent rental housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being, of persons occupying rental dwellings within Medicine Lake;
- iii. To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of rental buildings;
- iv. To provide minimum standards of light and ventilation necessary to health and safety;
- v. To prevent the overcrowding of rental dwellings by providing minimum space standards per occupant for each dwelling unit;
- vi. To provide minimum standards for the maintenance of existing rental buildings, and to thus prevent slums and blight;
- vii. To preserve the value of land and buildings throughout the City.

Subd. 2. With respect to rental disputes and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government. Neither in enacting

this ordinance, is it the intention of the City Council to interfere or permit interference with legal rights to personal injury.

Section 2. **Applicability of Ordinance.** Every rental dwelling unit and its premises used in whole or in part as a home or residence, or as an accessory structure thereof, for a single family or person, shall conform to the requirements of this ordinance, irrespective of when such building may have been constructed, altered, or repaired. Premises shall include accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the premises. this ordinance establishes minimum standards for erected rental dwelling units, accessory structures and related premises. All dwellings existing as of January 15, 1989, shall meet all of the requirements established by this ordinance, this Code, and all applicable Minnesota State Codes as may be amended from time to time.

Section 3. **Definitions.**

Subd. 1. **Accessory Structure.** A subordinate detached building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to conduct the primary use of such main building or use.

Subd. 2. **Approved.** The term "approved" when used in reference to the design and capabilities of physical systems of a dwelling shall mean having passed the inspection of the Compliance Official. The basis for passage of said inspection shall be an analysis of the effective State Codes and an analysis of the degree to which said systems meet the standards established by said codes. It shall be the objective of the Compliance Official, unless otherwise specified, to establish minimum qualifications for approval of such system, which qualifications can maintain substantial compliance with the effective State Codes and can be achieved in a reasonably economical and practical manner.

Subd. 3. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 4. **Compliance Official.** The City Council and his or her designated agents authorized to administer and enforce this ordinance.

Subd. 5. **Dwelling.** A building, or portion thereof, let for rent or lease designed or used predominantly for residential occupancy of a continued nature by one (1) family, two (2) families or multiple families, but not including hotels and motels.

Subd. 6. **Dwelling, Multiple (Apartment).** A building designed for three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

Subd. 7. **Dwelling, Single Family.** A dwelling unit designed exclusively for occupancy by one (1) family. (May be attached or detached.)

(a) **Attached**. A dwelling unit which is joined to one or more other dwelling units at one or more sides, by a party wall or walls.

(b) **Detached**. A dwelling unit not attached to another dwelling or structure.

Subd. 8. **Dwelling Unit**. A residential building or portion thereof intended for occupancy by one (1) family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

Subd. 9. **Family**. Two or more persons, related by blood or marriage including not more than one companion or boarder or a group of not more than four persons not so related occupying a dwelling unit and maintaining a common household unit using common cooking and kitchen facilities, as distinguished from a group occupying a hotel, boarding house, club, dormitory, fraternity or sorority house.

Subd. 10. **Flush Water Closet**. A toilet, with a bowl and trap made in one piece, which is connected to the City water and sewer system or other approved water supply and sewer supply.

Subd. 11. **Garbage**. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Subd. 12. **Habitable Building**. Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

Subd. 13. **Habitable Room**. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements, pantries, utility rooms of less than fifty (50) square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

Subd. 14. **Heated Water**. Water heated to a temperature of not less than one hundred twenty degrees (120°) Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.

Subd. 15. **Kitchen**. A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.

Subd. 16. **Occupant**. Any person (including owner or operator) sleeping, cooking, and eating in a dwelling unit or living and sleeping in a rooming unit.

Subd. 17. **Operator**. The owner or his agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

Subd. 18. **Owner**. Any person, firm or corporation who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care, or control of, any dwelling, dwelling units, or rooming unit within the City as title holder, employee or agent of the title holder or as trustee or guardian of the estate or person of the title holder. Any such person representing the actual title holder shall be bound to comply with the provisions of this ordinance to the same extent as the title holder.

Subd. 19. **Permissible Occupancy**. The maximum number of persons permitted to reside in a dwelling unit or rooming unit.

Subd. 20. **Person**. An individual, firm, partnership, association, corporation, or joint venture or organization of any kind.

Subd. 21. **Plumbing**. All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer, and gas lines.

Subd. 22. **Premises**. A platted lot or part thereof or unplatted parcel of land occupied by any dwelling or nondwelling structure, including any such building, accessory structure or other structure thereon.

Subd. 23. **Public Hall**. A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.

Subd. 24. **Refuse**. All putrescible and nonputrescible waste solids including garbage and rubbish.

Subd. 25. **Rental Dwelling**. A building or portion thereof let for rent or lease, designed or used predominantly for residential occupancy of a continued nature, including single family dwelling, attached or detached, and multiple family dwelling; but not including hotels and motels.

Subd. 26. **Rental Dwelling Unit**. A single residential accommodation let for rent or lease which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as a part of the building in which the dwelling is located.

Subd. 27. **Repair**. To restore to a sound and acceptable state of operation, serviceability, or appearance.

Subd. 28. **Rodent Harborage**. Any place where rodents can live, nest or seek shelter.

Subd. 29. **Rubbish.** Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, and similar materials.

Subd. 30. **Safety.** The condition of being reasonably free from danger and hazards which may cause accidents or disease.

Subd. 31. **Substandard Dwelling.** Any dwelling which does not conform to the minimum standards established by State Code.

Subd. 32. **Supplied.** Paid for, furnished by, provided by or under the control owner, operator or agent of a dwelling.

Subd. 33. **Meaning of Certain Words.** Whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

Section 4. **Licensing of Rental Units.** From and after January 15, 2005, no person shall operate a rental dwelling unit first without having obtained a license to do so from the City of Medicine Lake as hereinafter provided. Each such license shall be issued annually and shall expire on the 31st day of December following the issuance thereof. License renewals for the following years shall be filed on or before November 1st, prior to the license expiration date.

Section 5. **Conformance to Laws.** No license shall be issued or renewed unless the rental dwelling and its premises conform to the ordinances of City of Medicine Lake and the laws of the State of Minnesota.

Section 6. **License Fees.** License fees for renewals of licenses shall be due on December 1st, immediately prior to the license renewal date.

Subd. 1. The amount of license fees shall be set forth by Resolution of the Council. The licensee shall not be entitled to a refund of any license fee upon revocation or suspension of the license.

Subd. 2. The City Council shall by Resolution establish license fees and penalties for failure to pay fees pursuant to the terms of this ordinance.

Section 7. **Record Retention.** The registration application and all other documents pertinent to a premises shall be kept on file in the office of the Code official. A copy shall be furnished to the owner or other authorized person upon request.

Section 8. **License Not Transferable.** No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the Compliance Official within thirty (30) days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include

the name and address of the person succeeding to the ownership or control of such rental dwelling, or dwellings.

Section 9. Owner or Agent to Apply.

Subd. 1. License application or renewal shall be made by the owner of the rental units or his legally constituted agent. Application forms may be acquired from and subsequently filed with the Compliance Official.

Subd. 2. The applicant shall supply:

- (a) Name, address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
- (b) Name, address, and telephone number of designated resident agent, if any;
- (c) Name, address, and telephone number of management representative;
- (d) Name, address, and telephone number of vendee, if the dwelling is being sold through a contract for deed;
- (e) Legal address of the dwelling;
- (f) Type of dwelling;
- (g) Type and number of dwelling units within the dwelling;
- (h) Description of procedure through which tenant inquiries and complaints are to be processed.

Section 10. Resident Agent Required. No license shall be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside within the counties of Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, Washington, Sherburne, or Wright) unless such owner designates in writing to the Compliance Official the name of his or her resident agent (a person who does reside within the aforesaid referred counties) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City Ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service of process pursuant to law. The Compliance Official shall be notified in writing of any change of resident agent.

Section 11. Posting of License. Every license of a multiple rental dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein an occupancy rental card for the respective multiple rental dwelling.

Section 12. Inspection Access. The Compliance Official may set up a schedule of periodic inspections to insure compliance with this Chapter. The Compliance Official shall provide

reasonable notice to the owner or the owner's agent as to the date and time of the inspection. Each occupant of a dwelling unit shall give the owner or the owner's agent access to any part of such dwelling unit at reasonable times for the purpose of effecting inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Ordinance. No license shall be issued or renewed unless the owner of a rental unit agrees in his or her application to permit inspections. If any owner, owner's agent, occupant, or other person in charge of a rental dwelling or rental dwelling unit refuses to permit entry to the structure or premises under his or her control for inspection pursuant to this ordinance, the license issued pursuant to this Ordinance shall be subject to immediate revocation for such refusal and the Compliance Official may seek a court order authorizing inspection.

Section 13. **Revocation.**

Subd. 1. The City Council may revoke the registration of any premises. The bases for such revocation include, but are not limited to, the following circumstances:

- (a) The registration was procured by misrepresentation of material facts with regard to the premises or the ownership of the premises.
- (b) The applicant or one acting in his/her behalf made oral or written misstatements accompanying the application.
- (c) The applicant has failed to comply with any condition set forth in any other permits granted by the City of Medicine Lake.
- (d) The activities of the owner/agent create or have created a serious danger to the public health, safety or welfare.
- (e) The premises contains conditions that might injure or endanger the safety, health or welfare of any member of the public.

Subd. 2. **Notification.** Before revoking a registration, the Code Official shall notify the owner or the owner's agent in writing of the basis for the revocation and the date upon which the City Council shall review this request to revoke the registration. The notice required by this section shall be served upon the owner or the owner's agent at least twenty (20) days before the City Council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class mail at the address provided in the registration application. The Code official also shall post the notice in a conspicuous place at the premises at least seven (7) days before the City Council hearing.

Subd. 3. **Hearing.** The owner or the owner's representative, Code Official and any other person whose interests would be affected by revocation of the registration shall be given an opportunity to be heard.

Subd. 4. **Decision.** The City Council shall issue a written decision regarding the request for revocation no later than the third regularly scheduled City Council meeting following the date of the hearing.

Section 14. **Effect of Revocation.** If a registration is revoked by the City Council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant or, thereafter vacated, dwelling units, until such time as a valid rental registration is obtained for the premises. Issuance of a new registration after revocation shall be made in the manner provided for in Section 13.

Section 15. Occupancy Register Required.

Subd. 1. Every owner of three (3) or more licensed rental dwelling units in Medicine Lake shall keep, or cause to be kept, a current register of occupancy for each dwelling unit which provides the following information:

- (a) Dwelling unit address;
- (b) Number of bedrooms in dwelling unit;
- (c) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying each dwelling unit;
- (d) Dates renters occupied and vacated each dwelling unit;
- (e) A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this Ordinance; and
- (f) A similar chronological list of all corrections made in response to such requests and complaints.

Subd. 2. Such register shall be made available for viewing or copying by the Compliance Official at all reasonable times.

Section 16. **Maintenance of Shared or Public Areas.** Every owner of a rental dwelling shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

Section 17. **Maintenance of Occupied Areas.** Every occupant of a rental dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling unit and premises thereof that he occupies and controls.

Section 18. **Responsibility of Owner and Occupant for Storage and Disposal of Garbage and Rubbish.** Every owner of a rental dwelling shall supply facilities for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single family attached or detached

rental dwelling units, it shall be the responsibility of the occupant to furnish such facilities. Every occupant of a rental dwelling unit shall store and dispose of all his rubbish, garbage, and organic waste in a clean, sanitary and safe manner.

Section 19. **Responsibility for Storm and Screen Doors and Windows.** The owner of a rental dwelling unit shall be responsible for providing and hanging all screens and storm doors and storm windows whenever the same are required under the provisions of this ordinance, except where there is written agreement otherwise between the owner and occupant.

Section 20. **Responsibility for Pest Extermination.**

Subd. 1. Every occupant of a rental dwelling containing a single rental dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises.

Subd. 2. Every occupant of a rental dwelling unit in a dwelling containing more than one (1) rental dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

- (a) Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a rental dwelling in a reasonable rodent-proof or reasonable vermin-proof condition, extermination shall be the responsibility of the owner.
- (b) Whenever infestation shall exist in two (2) or more of the rental dwelling units in any dwelling, or in the shared or public parts of any rental dwelling containing two (2) or more rental dwelling units, extermination thereof shall be the responsibility of the owner.

Section 21. **Rodent Harborages Prohibited in Occupied Areas.** No occupant of a rental dwelling unit shall accumulate boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any rental dwelling or rental dwelling unit. Stored materials shall be stacked neatly in piles.

Section 22. **Rodent Harborages Prohibited in Public Areas.** No owner of a rental dwelling shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about shared or public areas of a rental dwelling or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles.

Section 23. **Prevention of Food for Rodents.** No owner or occupant of a rental dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

Section 24. **Sanitary Maintenance of Fixtures and Facilities.** Every occupant of a rental dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary

condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 25. **Removal of Snow and Ice.** The owner of a multiple family rental dwelling or dwellings shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises.

Subd. 1. Individual snowfalls of three (3) inches or more, or successive snowfalls accumulating to a depth of three (3) inches, shall be removed from parking lots and driveways within twenty-four (24) hours after cessation of the snowfall.

Subd. 2. Individual snowfalls of one (1) inch or more, or successive snowfalls accumulating to a depth of one (1) inch, shall be removed from steps and walkways within eight (8) hours after cessation of the snowfall.

Section 26. **Minimum Exterior Lighting.** The owner of a multiple family rental dwelling or dwellings shall be responsible for providing and maintaining effective illumination in all exterior parking lots, entrances and walkways.

Section 27. **Maintainence of Driving and Parking Areas.** The owner of a multiple family rental dwelling or dwellings shall be responsible for providing and maintaining in good condition surfaced and delineated parking areas and driveways for tenants.

Section 28. **Maintenance of Yards.** The owner of a multiple family rental dwelling or dwellings shall be responsible for providing and maintaining the yard or yards.

Section 29. **Minimum Standards for Basic Equipment and Facilities.** No person shall occupy as a rental occupant, or let to another rental occupancy, any rental dwelling or rental unit for the purpose of living, sleeping, cooking, and eating therein, which does not have basic facilities meeting the following requirements:

Subd. 1. **Kitchen Facilities.** Every rental dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked which shall have adequate movement and food preparation area and which shall be equipped with the following:

- (a) A kitchen sink in good working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to an approved sewer system.
- (b) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safekeeping, and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the rental dwelling unit and shall be of sound construction furnished with

surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

- (c) A stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food, which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Provided that such stove, refrigerator or similar devices need not be installed with a rental dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

Subd. 2. **Toilet Facilities.** Within every rental dwelling unit there shall be a nonhabitable room which is equipped with a flush water closet in good working condition. Such room shall have an entrance door which affords privacy. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to an approved sewer system.

Subd. 3. **Lavatory Sink.** Within every rental dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to an approved sewer system.

Subd. 4. **Bathtub or Shower.** Within every rental dwelling unit there shall be a nonhabitable room which is equipped with a bathtub or shower in good working condition. Such room shall have an entrance door which affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system, and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.

Section 30. **Door Locks.**

Subd. 1. No owner shall let to another for occupancy any rental dwelling or rental dwelling unit unless all exterior doors of the dwelling or dwelling units are equipped with safe, functioning locking devices. The use of double cylinder dead-bolt locks is limited for certain rental dwellings as provided for in Minnesota State Statute 16b.61 Subd. 3, Item (i).

Subd. 2. Multiple family rental dwellings shall be furnished with door locks as follows:

- (a) For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family rental dwellings having public entrances and hallways, an approved security system shall be maintained for each such multiple family building to control access.
 - (1) The security system shall consist of locked public building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units.
 - (2) Dead-latch type door locks shall be provided with lever knobs (or door knobs) on the inside of the building entrance doors and with key cylinders on the outside of building entrance doors.
 - (3) Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.
- (b) Every door that is designed to provide ingress or egress for a rental dwelling unit within a multiple family building shall be equipped with an approved lock that has a deadbolt lock that cannot be retracted by end pressure, provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.

Section 31. **Minimum Standards for Light and Ventilation.** No person shall occupy as a rental occupant or let to another for rental occupancy any rental dwelling or rental dwelling unit for the purpose of living therein which does not comply with the following requirements:

Subd. 1. **Habitable Room Light and Ventilation.** Except where there is supplied some other device affording approved light and ventilation, every habitable room shall have at least one (1) window facing directly outdoors of which a portion can be opened easily. The minimum total of openable window area in every habitable room shall be the greater of eight percent (8%) of the floor area of the room or five (5) square feet.

Subd. 2. **Nonhabitable Room Ventilation.** Every bathroom and water closet compartment, and every laundry and utility room shall be provided with natural ventilation by means of openable exterior openings. The minimum total openable window area shall be not less than three (3) square feet, except that no windows shall be required if such rooms are equipped with a ventilation system which is approved by the Compliance Official.

Section 32. **Electric Service, Outlets and Fixtures.**

Subd. 1. Every rental dwelling unit and all public and common areas shall be supplied with electric service, functioning over current protection devices, electric outlets and electric fixtures which are properly installed, which shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the ordinances, rule and regulations of the City of Medicine Lake and

by the laws of the State of Minnesota.

Subd. 2. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

- (a) Rental dwellings shall have at least the equivalent of sixty (60) ampere, three (3) wire electric service per rental dwelling unit as a condition of occupancy.
- (b) Rental dwelling units shall have a least one (1) branch electric circuit for each four hundred (400) square feet of dwelling unit floor area.
- (c) Every habitable room shall have at least one (1) floor or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof of total floor area, and in no case less than two (2) such electric outlets, provided, however, that one (1) ceiling or wall-type light fixture may be supplied in lieu of one required electric outlet.
- (d) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling or wall-type electric light fixture and every bathroom, kitchen, and laundry room shall contain at least one (1) electric convenience outlet.
- (e) Every public hall and stairway in every multiple family rental dwelling shall be lighted by approved natural or electric light at all times so as to provide effective illumination in all parts thereof. Every public hall and stairway in structures containing not more than two (2) rental dwelling units may be supplied with conveniently located light switches controlling an approved lighting system which may be turned on when needed, instead of full-time lighting.
- (f) A convenient switch or equivalent device for turning on a light in each rental dwelling unit shall be located near the point of entrance of such unit.
- (g) Calculations to determine service size:

$$\begin{array}{l} \text{Dwelling Square Footage x 3} \\ \quad \quad \quad 240 \qquad \qquad \qquad = ? @ 100\% = A \\ \text{Total Appliance AMP Load} \qquad \qquad = ? @ 40\% = B \end{array}$$

If A + B exceeds sixty (60), then one hundred (100) AMP service will be required as a minimum.

Section 33. **Minimum Thermal Standards.**

Subd. 1. No person shall occupy as a rental occupant, or let to another for rental occupancy, any rental dwelling or rental dwelling unit, for the purpose of living therein,

which does not have heating facilities which are properly installed, and which are maintained in safe and good working condition, and which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least sixty-eight degrees (68°) Fahrenheit at a distance of two (2) feet above floor level and three (3) feet from exterior walls at an outside temperature of minus twenty-five degrees (-25°) Fahrenheit.

Subd. 2. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this Section. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this Section and is prohibited.

Subd. 3. No owner or occupant shall install, operate or use a space heater employing a flame that is not vented outside the structure in an approved manner.

Section 34. **General Requirements Relating to Building Structure.** No person shall occupy as a rental occupant, or let to another for rental occupancy, any rental dwelling or rental dwelling unit for the purpose of living therein which does not comply with the following requirements:

Subd. 1. **Foundations, Exterior Walls and Roofs.** The foundations, exterior walls and exterior roof of rental dwellings shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair:

- (a) The foundation element shall adequately support the building at all points.
- (b) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portion of the walls or to the exterior spaces of the dwelling.
- (c) The roof shall be tight and have no defects which admit rain and roof drainage; shall be adequate to prevent rain water from causing dampness in the walls.
- (d) All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. If twenty-five percent (25%) or more of the exterior surface of such a wood surface is unpainted or determined by the Compliance Official to be paint blistered, the surface of the dwelling shall be painted. If twenty-five percent (25%) or more of the exterior surface of the painting of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.

Subd. 2. **Windows, Doors or Screens.** Every window, exterior door and hatchway of rental dwellings and rental dwelling units shall be substantially tight and shall be kept in sound condition and repair.

- (a) Every window, other than a fixed window or storm window, shall be capable of being easily opened.
- (b) Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin, and rodents from entering the building.
- (c) Every openable window or other device required by this Section shall be supplied with sixteen (16) mesh screens during the insect season.

Subd. 3. **Floors, Interior Walls and Ceilings.** Every floor, interior wall and ceiling of rental dwellings and rental dwelling units shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair.

- (a) Every floor shall be free of loose, warped, protruding, or rotted flooring materials.
- (b) Every interior wall and ceiling shall be free of holes, large cracks and loose plaster and shall be maintained in a tight weatherproof condition. Toxic paint and materials with a lasting toxic effect shall not be used.
- (c) Every toilet room and bathroom floor surface shall be capable of being easily maintained in a clean and sanitary condition.

Subd. 4. **Rodent Proof.** Every rental dwelling and accessory structure and the premises upon which are located shall be maintained in a rodent-free and rodent-proof condition. All openings in the exterior walls, foundations, basements, ground or first floors, and roofs which have a one half (1/2) inch diameter or larger opening shall be rodent-proofed in an approved manner. Interior floors or basements, cellars, and other areas in contact with the soil shall be paved with concrete or other rodent impervious material.

Subd. 5. **Accessory Structure Maintenance.** Accessory structures supplied by the owner, agent or tenant occupant on the premises of a rental dwelling shall be structurally sound and be maintained in good repair and appearance. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.

Subd. 6. **Safe Building Elements.**

- (a) Every foundation, floor, roof, exterior and interior wall, ceilings, and every appurtenance thereto of a rental dwelling shall be safe to use and capable of supporting loads that normal use may cause to be placed thereon.
- (b) Every stairway, inside and outside, of a rental dwelling and every porch or balcony shall be kept in safe condition and sound repair.

- (1) Every flight of stairs and every porch and balcony floor shall be free of deterioration.
 - (2) Every stairwell and every flight of stairs shall have handrails thirty four (34) to thirty eight (38) inches high, per applicable State Code, measured vertically from the nose of the stair tread to the top of the hand rail.
 - (3) All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than thirty (30) inches above grade or floor level, and roofs used for other than service of the building, shall be protected by a guard rail not less than forty-two (42) inches in height on or within public areas or thirty six (36) inches in height on or within individual dwelling units. Guard rail and stair railings constructed before 1995 shall have intermediate rails or an ornamental pattern such that a sphere six (6) inches in diameter cannot pass through; a sphere four (4) inches in diameter shall be the standard if constructed thereafter.
 - (4) Every handrail and balustrade shall be firmly fastened and maintained in good condition.
 - (5) No flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause a hazard.
 - (6) No flight of stairs shall have rotting, loose, or deteriorating supports.
 - (7) The treads and risers of every flight of stairs shall be uniform in width and height, per State Code.
 - (8) Stairways shall be capable of supporting a live load of three hundred (300) pounds per square foot of horizontal projection.
- (c) Every sleeping room below the fourth story shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.
- (1) All egress or rescue windows from sleeping rooms located at grade shall have a minimum net clear opening of five (5.0) square feet; five point seven (5.7) square feet for all other levels. The minimum net clear opening height dimension shall be twenty-four (24) inches. The minimum net clear opening width dimension shall be twenty (20) inches.

(2) Where windows are provided as a means of egress or rescue, they shall have a finished sill height not more than fortyeight (48) inches above the floor if installed prior to 1995; forty four (44) inches thereafter.

(d) All dwellings shall have incorporated into their design approved systems which serve to reduce the possibility of a dwelling fire and also effectively contain the fire in the event it does occur.

(e) Fire-warning Systems. Every dwelling unit and every guest room in a motel or lodging house used for sleeping purposes must be provided with smoke detectors conforming to UBC Standard #43-6 and Minnesota State Statute 299f.362. In dwelling units, detectors must be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detector must be placed at the center of the ceiling directly above the stairway. All detectors must be located in accordance with approved manufacturer's instructions. When actuated, the detector must provide an alarm in the dwelling unit or guest room.

Subd. 7. **Facilities to Function.** Every supplied facility, piece of equipment or utility required under City ordinances and every chimney flue shall be installed and maintained and shall function effectively in a safe, sound, and working condition.

Subd. 8. **Yard Cover.** Every yard of a premises on which a dwelling stands shall be provided with lawn or combined ground cover of vegetation, garden, hedges, shrubbery, and related decorative materials and such yard shall be maintained consistent with prevailing community standards.

Subd. 9. **Minimum Ceiling Height.** In order to qualify as habitable, rooms of rental dwellings and rental dwelling units shall have a clear ceiling height of not less than seven (7) feet, except that in attics or tophalf-stories used for sleeping, study, or similar activities, the ceiling height shall be not less than seven (7) feet, over at least one-half (1/2) of the floor area. In calculating the floor area of such rooms in attics or tophalf-stories, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

Subd. 10. **Access Through Sleeping Rooms and Bathrooms.** No rental dwelling unit shall have a room arrangement such that access to the unit itself or to a bathroom or water closet compartment intended for use by occupants of more than one dwelling unit can be gained only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar or to the exterior of any dwelling unit.

Section 35. **Discontinuance of Service of Facilities.** No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Ordinance to be

removed from or shut off from or discontinued for any occupied rental dwelling or rental dwelling unit let or occupied by him, except for such temporary interruptions as may be necessary when actual repairs or alterations are in process or during temporary emergencies.

Section 36. Maximum Density, Minimum Space, Use and Location Requirements.

The maximum permissible occupancy of any dwelling unit shall be determined as follows:

Subd. 1. For the first occupancy, two hundred fifty (250) square feet of habitable room floor space and for every additional occupancy thereof, at least one hundred twenty five (125) square feet of habitable room floor space.

Subd. 2. In no event shall the total number of occupants exceed two (2) times the number of habitable rooms, less kitchen, in the dwelling unit.

Section 37. One Family Per Dwelling Unit. Not more than one (1) family, except for temporary guests, shall occupy a rental dwelling unit.

Section 38. Unfit for Human Habitation.

Subd. 1. Any rental dwelling or rental dwelling unit, which is damaged decayed, delapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any rental dwelling, rental dwelling unit or rooming unit has been declared unfit for human habitation, the Compliance Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation and any operating license previously issued for such dwelling shall be revoked.

Subd. 2. It shall be unlawful for such rental dwelling or rental dwelling unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any such rental dwelling or rental dwelling unit.

Section 39. Secure Unfit and Vacated Dwelling. The owner of any rental dwelling or rental dwelling unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors, or windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this ordinance.

Section 40. Hazardous Building Declaration. In the event that a rental dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes.

Section 41. **Compliance Order.**

Subd. 1. Whenever the Compliance Official determines that any rental dwelling, or rental dwelling unit or the premises surrounding any of these, fails to meet the provisions of this ordinance, he or she may issue a Compliance Order setting forth the violations of the Ordinance and ordering the owner, occupant, operator, or agent to correct such violations.

Subd. 2. This Compliance Order shall:

- (a) Be in writing;
- (b) Describe the location and nature of the violations of this ordinance;
- (c) Establish a reasonable time for the correction of such violation and notify of appeal recourse;
- (d) Be served upon the owner or his agent of the occupant, as the case may require, and such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - (1) served upon him personally, or
 - (2) sent by registered mail to his last known address, or
 - (3) upon failure to effect notice through paragraphs (a) and (b) set out in this Section, posted at a conspicuous place in or about the dwelling which is affected by the notice.

Section 42. **Right of Appeal.** When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this ordinance, such person may appeal the compliance order to the City Council sitting as a Board of Appeals. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee of fifty (\$50.00) in cash or cashier's check, and must be filed with the Department of Planning and Inspection within five (5) business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health or property.

Section 43. **Board of Appeals Decision.** Upon at least five (5) business days' notice to the appellant of the time and place for hearing the appeal, and within thirty (30) days after said appeal is filed, the Board of Appeals shall hold a hearing thereon. The Board of Appeals may reverse, modify or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

Section 44. **Restrictions on Transfer of Ownership.** It shall be unlawful for the owner of any rental dwelling, or rental dwelling unit, upon whom a pending compliance order has been served

to sell, transfer, mortgage, lease or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the rental dwelling, or rental dwelling unit, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice upon him and shall be liable to all penalties and procedures provided by this ordinance.

Section 45. **Execution of Compliance Orders by Public Authority.** Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, as amended, but the assessment shall be payable in a single installment.

Section 46. **License Suspension or Revocation.** Every license issued under the provisions of this Ordinance is subject to suspension or revocation by the City Council should the licensed owner or his duly authorized agent fail to operate or maintain a licensed rental dwelling or unit therein consistent with the provisions of the ordinances of the City of Medicine Lake and the laws of the State of Minnesota. In the event that a license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner or his duly authorized agent to thereafter permit any new occupancy of a vacant or thereafter vacated rental unit until such time as a valid license may be restored by the City Council.

Section 47. **Posted to Prevent Occupancy.** Whenever any premises has been denied initial registration, had its registration revoked, or is unfit for human habitation, it shall be posted by the Code Official to prevent further occupancy. No person, other than the Code official or his representative, shall remove or alter any Posting. The Code official will post the date the premises shall be vacated and no person shall reside in, occupy or cause to be occupied that premises until the Code Official permits it.

Section 48. **Alternative Sanctions.** Notwithstanding the availability of the herein referred compliance procedures and the penalties, whenever the Compliance Official determines that any rental dwelling, or rental dwelling unit, or the premises surrounding any of these fails to meet the requirements set forth in this ordinance, the Compliance Official may issue a violation tag summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant.

Section 49. **Conflicts.** From and after January 15, 1989, any conflict between any provision of this ordinance, and any term of a contractual relationship between a landlord and a tenant shall be resolved in favor of this ordinance, which shall govern.

Section 50. **Penalties.**

Subd. 1. Any person who fails to comply with a compliance order after right of appeal has expired or a modified compliance order within the time set therein or violates any of the provisions of this ordinance by doing any act or omitting to do any act which constitutes a breach of any section of this ordinance shall, upon conviction thereof by lawful authority, be punished with the penalties set forth for misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense. The Code Official may post the premises by appropriate signs or notices prohibiting occupancy, and may act to cause the premises to be vacated or remain vacant until the Code violations are corrected.

Subd. 2. No provision of this ordinance designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this Ordinance, because of failure to perform such duty, unless the intention of the City Council to impose such penalty on such official or employee is specifically and clearly expressed in the section creating duty.

Section 51. **No Warranty by City.** By enacting and undertaking to enforce this ordinance, neither the City nor its Council, agents or employees warrant or guaranty the safety, fitness or suitability of any dwelling in the City. Owners and occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

Section 52. **Separability.** Every section, provision or part of this ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision or part of the Ordinance shall be held invalid, it shall not invalidate any other section, provision or part thereof.

Section 53. **Repealer.** City Ordinance #62 is hereby repealed. This ordinance shall supercede any other City ordinance inconsistent with the provisions found herein.

Adopted by the City Council of the City of Medicine Lake this 1st day of August, 2005.

Mary Anne Young, Mayor

ATTEST: Chris Lentz, City Clerk

Ordinance No. 94

[Adopting Minnesota State Building Code]

AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE. THIS ORDINANCE: PROVIDES FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; PROVIDES FOR AUTOMATIC SPRINKLER SYSTEM REQUIREMENTS; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH. THIS ORDINANCE SHALL PERPETUALLY INCLUDE THE MOST CURRENT EDITION OF THE MINNESOTA STATE BUILDING CODE WITH THE EXCEPTION OF THE OPTIONAL APPENDIX CHAPTERS. OPTIONAL APPENDIX CHAPTERS SHALL NOT APPLY UNLESS SPECIFICALLY ADOPTED.

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Codes Adopted by Reference. The Minnesota State Building code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building codes and Standards Divisions hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance as if fully set out herein.

Section 2. Application, Administration and Enforcement. The application, administration, and enforcement of code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statute 16B.62, Subdivision 1, when so established by this ordinance. The code enforcement agency of the City of Medicine Lake is the Building Official designated by the City of Medicine Lake to administer the code (Minnesota Statute 16B.65, Subdivision 1).

Section 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 16B.62, Subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in Ordinance 90. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

Section 4. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statute 16B.69).

Section 5. Automatic Sprinkler Systems. The regulation of automatic sprinkler systems shall be authorized in Minnesota Statutes 1306.0020, Subpart 3: New Buildings. Automatic sprinkler systems for new buildings, additions to existing buildings, or buildings in which the occupancy classification has changed must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030.E.1. Group R-1 and R-2 occupancies with 8,500 or more gross square feet of floor area or dwelling units or guestrooms on three or more floors; and attached R-3 occupancies and attached townhouses built to the International Residential code with 8,500 or more gross square feet of floor area. All floors, basements, and garages are included in this floor area threshold.

Section 6. Repealer. Previously adopted ordinances are hereby repealed.

Section 7. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 3rd day of April, 2006.

Mary Anne Young, Mayor

ATTEST: Chris Lentz, City Clerk

ORDINANCE NO. 95

[Sewer Ordinance 42 Amendments]

An Ordinance Amending Ordinance 42: Regulating Sewage Disposal, Connections, Permits, Licenses, etc. Related to the Municipal Sanitary Sewer System.

The Council of the City of Medicine Lake ordains as follows:

GENERAL:

The terms “Village” or “Village of Medicine Lake” shall also mean the “City” or “City of Medicine Lake.”

The term “Village of Plymouth, Plumbing Inspector” shall mean “City of Medicine Lake Building Inspector or duly authorized representative.”

SECTION 42.06 Certain Facilities Required - Owner's Duties.

~~(e) Where a public sanitary or combined sewer is not available under the provisions of subsection 42.06, the building sewer shall be connected on a private sewage disposal system complying with all requirements of Ordinance No. 42~~

SECTION 42.07 Regulation of the Operation of Private Facilities - Owner's Duties.

~~(a) Contents of septic tanks or cesspools may be pumped into the building sewer pipe at the property line, provided that a screen is placed at the inlet to said pipe to prevent obstructions from entering the system. Backfilling above the cover level of any cesspool, septic tank or similar tanks, or any building sewer, shall not commence until permission has been granted by the Inspector.~~

~~(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. All private facilities are prohibited except those of a temporary and portable nature serving incidentally to the primary use or facility. All effluents to be properly treated and disposed of off-site by the contracting service provider.~~

SECTION 42.09 Bond Required - Amount - Conditions. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village and deposited with the Village Clerk a corporate surety in the sum of ~~\$2,000.00~~ \$10,000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any laws of the Village pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, or excavating for plumbing as prescribed in this section. Such bond shall remain in force and must be executed for a period of one (1) year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

SECTION 42.10 Insurance Required - Amount - Filing. In addition to the corporate surety required in subsection 42.09 above, the person applying for such permit shall have deposited with the Village Clerk insurance policies insuring the Village of Medicine Lake and all persons who may be concerned against property damage in the sum of at least ~~\$25,000.00~~ \$250,000.00 and shall also deposit with said Village Clerk a policy of public liability insurance with a coverage of not less than ~~\$100,000.00~~ \$1,000,000.00 for each person and ~~\$300,000.00~~ \$2,000,000.00 for each accident.

SECTION 42.13 Fees & Surcharges.

(a) A permit and inspection fee of ~~Ten Dollars (\$10)~~ Fifty Dollars (\$50) for a residential building sewer permit and ~~Twenty Dollars (\$20)~~ Fifty Dollars (\$50) for a commercial and industrial building sewer permit shall be paid to the ~~Plymouth Village~~ Medicine Lake City Clerk at the time the application is filed. ~~Additional inspections for a residential building sewer shall require the payment of a Seven Dollar and Fifty Cent (\$7.50) fee, and such additional inspections for commercial and industrial building sewers shall require an additional Ten Dollars (\$10) fee.~~

(b) A surcharge of one hundred (\$100.00) dollars per month is hereby imposed and shall be mailed on or after July 10, 2006 to property owners who are not in compliance with this Ordinance or who have refused to allow their property to be inspected to determine if there is compliance. The surcharge shall be added every month until the property is in compliance. In the event a violation of this Ordinance is discovered upon inspection of new construction, the surcharge shall be paid to the City of Medicine Lake prior to the issuance of an Occupancy Permit. All properties found during periodic re-inspections to have violated this ordinance will be subject to the \$100.00 per month penalty for all months between the two most recent inspections. The imposition of such surcharge shall in no way limit the right of the City of Medicine Lake to seek an injunction in District Court ordering the property owner to disconnect the non-conforming connection to the sanitary sewer system or from pursuing any other legal remedies available.

SECTION 42.21 Certain Uses of Sewers Prohibited.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(1) No building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that any other source of discharge or drainage other than sanitary sewer shall connect with the sanitary sewer system inside or outside the building.

(2) Any person, firm or corporation having a roof, sump pump, swimming pool discharge, cistern overflow pipe or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same prior to May 1, 2006. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner.

(3) Effective May 10, 2006, all new residential construction having a sump pump basket shall have the sump pump installed in the sump pump basket with permanent fittings and discharged to the outside of the foundation wall as described below. Such work shall be completed prior to the final building inspection and issuance of a Certificate of Occupancy.

(4) All sump pumps shall have a discharge pipe installed to the outside wall of the building with one (1) inch inside minimum diameter. The pipe attachment must be a permanent fitting such as a PVC pipe with glued fittings. The discharge shall extend at least three (3) feet outside of the foundation wall. Discharge pipes from sump pumps shall be located no closer than four (4) feet from any property line, unless authorized by the City Engineer.

SECTION 42.26 Power and Authority of Inspectors.

(a) All Inspections. The Building Inspector and other duly authorized employees representatives of the Village City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling, and testing, in accordance with the provisions of this section. Any property found to violate this Ordinance shall make the necessary changes to comply with this Ordinance and such changes shall be verified by the Building Inspector or other duly authorized representative.

(b) Sump Pump Inspections. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow the Building Inspector or other duly authorized representative of the City to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to a surcharge herein provided. Each sump pump connection identified may be re-inspected periodically. In lieu of having the City inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this Ordinance.

SECTION 42.29 Liability for Damages Caused by Violation. Any person violating any of the provisions of this section shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation. In addition to liabilities incurred, any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$100.00 or by imprisonment in the workhouse not to exceed 30 days. Any person who violates any of the provisions of this Chapter shall be found guilty of a misdemeanor and shall upon conviction, be subject to a fine or imprisonment as provided for by Minnesota State Statutes as amended from time to time, plus the cost of prosecution in either case. Each day that a violation exists shall constitute a separate offense.

SECTION 42.32 Separability. Every section, provision or part of this ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision or part of the Ordinance shall be held invalid, it shall not invalidate any other section, provision or part thereof.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Adopted by the City of Medicine Lake City Council this 1st day of May, 2006.

Mary Anne Young, Mayor

ATTEST: Chris Lentz, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO 97
AN ORDINANCE AMENDING SECTION 1000 GENERAL BUILDING AND
PERFORMANCE REQUIREMENTS OF THE CITY OF MEDICINE LAKE ZONING
REGULATIONS**

The City of Medicine Lake does ordain:

Section 1000 GENERAL BUILDING AND PERFORMANCE REQUIREMENTS
is hereby amended by inserting the following subparts under 1000.22 Drainage and Utility
Easements.

**Adopted by the City Council of Medicine Lake this 10th day of September,
2007.**

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

Adopting the Minnesota State Building Code

AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE. THIS ORDINANCE: PROVIDES FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH. THIS ORDINANCE SHALL PERPETUALLY INCLUDE THE MOST CURRENT EDITION OF THE MINNESOTA STATE BUILDING CODE WITH THE EXCEPTION OF THE OPTIONAL APPENDIX CHAPTERS. OPTIONAL APPENDIX CHAPTERS SHALL NOT APPLY UNLESS SPECIFICALLY ADOPTED.

The City Council of the City of Medicine Lake hereby ordains as follows:

***Section 1.** The Minnesota State Building Code, pursuant to Minnesota Statutes, 16B.59 to 16B.75, includes all of the referenced amendments, rules and regulations and is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.*

Section 2. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance. The code enforcement agency of the City of Medicine Lake is the Building Official designated by the City of Medicine Lake to administer the code in accordance with (Minnesota Statute 16B.65, Subdivision 1).

Section 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality Ordinance 89. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

Section 4. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statutes 16B.69).

Section 5. Repealer. Previously adopted ordinances are hereby repealed.

Section 6. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 10th day of September, 2007.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

ELECTRIC FRANCHISE ORDINANCE

ORDINANCE NO. 99.

CITY OF MEDICINE LAKE, HENNEPIN COUNTY, MINNESOTA

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

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE, HENNEPIN COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

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

- 1.1 **City.** The City of Medicine Lake, County of Hennepin, State of Minnesota.
- 1.2 **City Utility System.** Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.
- 1.3 **Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all or part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.
- 1.4 **Company.** Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy its successors and assigns.
- 1.5 **Electric Facilities.** Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company for the purpose of providing electric energy for public use.
- 1.6 **Notice.** A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 414 Nicollet Mall, 5th Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Clerk, 10609 South Shore Drive, Medicine Lake, MN 55441. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

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

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

SECTION 2. ADOPTION OF FRANCHISE.

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

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

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

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

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

SECTION 3. LOCATION, OTHER REGULATIONS.

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

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

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

3.4 **Restoration.** After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two (2) years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five (5) days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

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

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

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

SECTION 4. RELOCATIONS.

4.1 **Relocation of Electric Facilities in Public Ways.** The Company shall comply with Minnesota Rules, part 7819.3100 and applicable City ordinances consistent with law. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Electric Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

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

4.3 **Projects with Federal Funding.** Relocation, removal, or rearrangement of any Company Electric Facilities made necessary because of the extension into or through City of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section

161.46, as supplemented or amended. It is understood that the right herein granted to Company is a valuable right. City shall not order Company to remove or relocate its Electric Facilities when a Public Way is vacated, improved or realigned because of a renewal or a redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation and the loss and expense resulting therefrom are first paid to Company, but the City need not pay those portions of such for which reimbursement to it is not available.

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

SECTION 5. TREE TRIMMING.

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

SECTION 6. INDEMNIFICATION.

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

6.2 **Defense of City.** In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf. This franchise agreement shall not be interpreted to constitute a waiver by the City of any of its defenses of immunity or limitations on liability under Minnesota Statutes, Chapter 466.

SECTION 7. VACATION OF PUBLIC WAYS.

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

SECTION 8. CHANGE IN FORM OF GOVERNMENT.

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

SECTION 9. FRANCHISE FEE.

9.1 **Fee Schedule.** During the term of the franchise hereby granted, and in lieu of any permit or other fees being imposed on Company, the City may impose on Company a franchise fee not to exceed five percent (5%) of the Company’s Gross Revenues, as hereinafter defined, by collecting the amounts calculated on a flat fee per meter/per class, per/month basis as indicated in a Fee Schedule set forth in a separate ordinance from each customer in the designated Customer Classification for service at each and every customer location, based on a Fee Schedule form similar to the following:

<u>Class</u>	<u>Fee Per Premise Per Month</u>
Residential	\$ __
Sm C & I – Non-Dem	\$ __
Sm C & I – Demand	\$ __
Large C & I	\$ __
Public Street Lighting	\$ __
Muni Pumping N/D	\$ __
Muni Pumping Dem	\$ __

In the event the City desires to collect a franchise fee as set forth above, the City shall give Company Notice to amend this franchise agreement to authorize collection of a franchise fee by separate ordinance in an amount and upon such terms and conditions as Company and City at that time are willing to incorporate in their electric franchise agreements, subject to the provisions of this Section 9. Upon receipt of such Notice, Company shall negotiate in good faith with City to so amend this franchise agreement in accordance with the following provisions.

9.2 **Separate Ordinance.** The franchise fee shall be imposed by separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until at least sixty (60) days after written notice enclosing such proposed ordinance has been served upon the Company

by certified mail, and written acceptance thereof by Company. No action by the City to implement a separate ordinance will commence until this Ordinance is effective. A separate ordinance which imposes a lesser franchise fee on the residential class of customers than an amount which in total collects at least two percent of the estimated total annual gross revenues from the residential class shall not be effective against Company unless the fee imposed on each other Customer Classification in the Fee Schedule is reduced so that the total annual amount estimated to be collected in any other Customer Classification shall not, as a percentage of the estimated total annual gross revenues in that Customer Classification, exceed the percentage being collected from the residential class.

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

9.3.1 "Customer Classification" shall refer to the classes listed on the Fee Schedule and as defined or determined in Company's electric tariffs on file with the Commission.

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

9.3.3 "Gross Revenue" means all sums, excluding any surcharge or similar addition to the Company's charges to customers for the purpose of reimbursing the Company for the cost resulting from the franchise fee, received by the Company from the sale of electricity to its retail customers within the corporate limits of the City.

9.4 **Collection of the Fee.** The franchise fee shall be paid based on the amount collected by Company during complete billing months during the period for which payment is to be made by imposing a surcharge ("additional fee") equal to the designated franchise fee for the applicable Customer Classification in all customer billings for metered service in each class. The payment shall be paid four times a year and due the last business day of the calendar month following the end of each quarter (payments being due January 31, April 30, July 31, and October 31 during each calendar year). The franchise fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and not occur more often than annually, and no change shall require a collection from any customer for metered service in excess of the amounts specifically permitted by this Section 10. The time and manner of collecting the franchise fee is subject to the approval of the Commission, which Company agrees to use its best efforts to obtain. No franchise fee shall be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customers in each applicable class of customers by imposing a surcharge in Company's applicable rate for electric service. Company may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any

information which would indicate the amount paid by any identifiable customer or customer or any other information regarding identified customers.

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

SECTION 10. PROVISIONS OF ORDINANCE.

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

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

SECTION 11. AMENDMENT PROCEDURE.

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

SECTION 12. PREVIOUS FRANCHISES SUPERSEDED.

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

Adopted by the City Council of Medicine Lake this 7th day of April, 2008.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 100**

**AN ORDINANCE AMENDING
SECTION 42.26
Power and Authority of Inspectors
FOR THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

Section 42.26 of the Medicine Lake Code is hereby amended by adding the following:

(c) Access to Property Authorized. In the case where a main sanitary sewer line is in need of inspection or repair, property owners shall be given 96 hours notice of the City's need to access property for inspection or repair work. Written notice shall be given by the Building Inspector or an authorized representative of the City. In the event that inspection or repair is to be done on an emergency basis, property owners shall be notified at the time of inspection. Such notice shall not be required to be given in writing.

Adopted by the City Council of Medicine Lake this 7th day of December, 2009.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 101**

AN ORDINANCE PROVIDING FOR SECURING VACANT BUILDINGS

THE CITY COUNCIL OF MEDICINE LAKE ORDAINS:

SECTION 1. DEFINITIONS

For the purposes of this ordinance, the following terms shall have the following meanings:

City. The City of Medicine Lake, County of Hennepin, State of Minnesota.

Neighborhood association. An organization recognized by the city as representing a neighborhood within the city.

Secure. Includes, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system consistent with Minn. Stat. § 463.251.

Unoccupied building. A building which is not being used for a legal occupancy.

Unsecured building. A building or a portion of a building that is open to entry by unauthorized persons without the use of tools.

Vacant building. A building or a portion of a building that meets one or more of the following conditions:

- (1) Unoccupied and foreclosed upon as identified by the county.
- (2) Unoccupied and windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired.
- (3) Unoccupied and doors to the premises are smashed through, broken off, unhinged, or continuously unlocked.
- (4) Unoccupied and gas, electric, or water service to the premises has been terminated.
- (5) Unoccupied and rubbish, trash, or debris has accumulated on the mortgaged premises.
- (6) Unoccupied and the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises.
- (7) Unoccupied and the premises are deteriorating and are either below or are in imminent danger of falling below minimum community standards for public safety and sanitation.

SECTION 2. SECURING VACANT BUILDINGS

In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured, and the building could be made safe by securing the building, the city council may order the building secured and shall cause notice of the order to be served consistent with Minn. Stat. § 463.251, subd. 2. The notice must be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for the parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice. The notice is served by delivery or mail. The notice must be in writing and must include, at a minimum, a statement that:

- (1) Informs the owner and the holder of any mortgage or sheriff's certificate of the requirements found in subdivision Minn. Stat. § 463.251, subd. 3 that the owner or holder of the certificate has fourteen (14) days to comply with the order or provide the council with a reasonable plan and schedule to comply with the order and that costs may be assessed against the property if the person does not secure the building.
- (2) Informs the owner and the holder of any mortgage or sheriff's certificate that, within fourteen (14) days of the ordering being served, the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous.
- (3) Notifies the holder of any sheriff's certificate of the holder's duty under Minn. Stat. § 582.031, subd. 1, paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in Minn. Stat. § 582.032, subd. 7.

Service by mail is completed upon mailing a copy of the order to the owner by first class mail at the last known address.

SECTION 3. RESPONDING TO THE NOTICE

The owner of the building or the holder of the sheriff's certificate of sale has fourteen (14) days after the order is served to do one of the following: 1) comply with the order; 2) provide the council with a reasonable plan and schedule to comply with an the order; or 3) request a hearing before the city council to challenge the council's determination that the property is vacant or unoccupied and hazardous. If the owner or holder of the sheriff's certificate fails to take one of these actions within the allotted time, the city council must have the building properly secured.

SECTION 4. EMERGENCY SECURING OF VACANT BUILDINGS

Pursuant to Minn. Stat. § 463.251, subd. 4, when the city building official, police chief, or fire chief determines that an emergency exists with respect to the health or safety of persons in the community and immediate boarding and securing of a building is required, and where immediate danger will exist to children, transients, or others members of the community without the

immediate boarding or securing of the building, the building official, police chief, or fire chief may waive all notice requirements herein and immediately board or otherwise secure the building, provided that:

(1) The conditions showing the existence of an emergency are documented in writing by the building official, police chief, fire chief, or their designees.

(2) Notice is mailed immediately by the department invoking this Section to the owner of record of the premises, the taxpayer identified in the property tax records for the parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice.

SECTION 5. COLLECTION OF COSTS

All costs incurred by the city for securing a vacant building under this ordinance may be charged against the real property as a special assessment pursuant to Minn. Stat. §§ 463.251, 463.21, and 463.151.

SECTION 6. NEIGHBORHOOD ASSOCIATIONS

The city council may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion.¹

SECTION 7. SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 8. EFFECTIVE DATE

This ordinance becomes effective upon passage and publication.

Adopted by the City Council of Medicine Lake this 7th day of December, 2009.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 102**

**AN ORDINANCE REGULATING THE CONDUCT OF PEDDLERS, SOLICITORS,
AND TRANSIENT MERCHANTS WITHIN THE CITY OF MEDICINE LAKE,
MINNESOTA**

THE CITY COUNCIL OF MEDICINE LAKE ORDAINS:

PREAMBLE

The City Council finds that hawkers, peddlers, solicitors and transient merchants, by virtue of the temporary nature of their business and lack of permanent location for their operations, present unique consumer protection issues. In order to protect the health, safety, and welfare of the community and pursuant to the authority granted by Minnesota Statutes, Section 329.15, the City of Medicine Lake herein licenses and regulates all hawkers, peddlers, solicitors and transient merchants operating within the City. The purpose of this chapter of the City Code is to prevent fraud and criminal activity, such as burglary, theft and assault and to protect the privacy of residents in their homes by requiring hawkers, peddlers, solicitors and transient merchants to be licensed and to impose restrictions on their operations with the City that are narrowly tailored to address the risks these operations pose to the public health, safety and welfare. It is not the purpose of this ordinance to burden interstate commerce or interfere with constitutionally protected rights under the First Amendment of the United States Constitution or Art. I, Section 3 of the Minnesota Constitution.

SECTION 1. 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 ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A person seeking a license pursuant to this Ordinance.

APPLICANT’S REPRESENTATIVE. An individual acting as a solicitor, peddler or transient merchant on behalf of a Licensee.

BUSINESS DAY. A business day shall mean a Monday, Tuesday, Wednesday, Thursday and Friday.

GOODS. “Goods” means any tangible thing of value, but does not include money, things in action or intangible personal property other than merchandise certificates or coupons. The term includes such chattels as are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part of such property whether nor not severable from such property. The term also includes merchandise certificates or coupons, issued by a retail seller, not redeemable in cash and to be used in their face amount in lieu of cash, in exchange for goods or services sold by such seller.

LICENSEE. A person who has received a license pursuant to this Ordinance.

NON-COMMERICAL DOOR-TO-DOOR ADVOCATE. A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

PEDDLER. 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 movement, 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 personal property that the person is carrying or otherwise transporting. For purpose of this ordinance, the term peddler shall have the same common meaning as the term hawker.

PERSON. Any natural individual, group, organization, corporation, partnership, or similar association.

PROFESSIONAL FUNDRAISER. Any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, politician, social, or other charitable organization.

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 considered regular business days.

SOLICITOR. 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 movement, 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. 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. For purposes of this ordinance, the term solicitor shall have the same meaning 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 in any one location for more than fourteen (14) consecutive days.

SECTION 2. EXCEPTIONS TO DEFINITIONS.

For the purpose of this chapter, the terms **PEDDLER**, **SOLICITOR**, and **TRANSIENT MERCHANT** shall not apply to:

- (A) Non-commercial door-to-door advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. Person engaging in non-commercial door-to-door advocacy shall not be required to register as a solicitor under Section 3.
- (B) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.

(C) 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 or milk.

(D) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.

(E) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

(F) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.

(G) Any person participating in an organized multi-person bazaar or flea market.

(H) Any person conducting an auction as a properly licensed auctioneer.

(I) Any officer of the court conducting a court-ordered sale.

(J) This ordinance does not apply to children age seventeen (17) and younger soliciting for school-sponsored activities or for charitable organizations.

Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by another city ordinance.

SECTION 3. 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 may be required by Minnesota Statutes 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 ordinance, no person shall conduct business within this jurisdiction as a peddler, solicitor or a transient merchant without first obtaining a city license.

(C) **Application.** An application for a city license to conduct business as a peddler, solicitor or transient merchant shall be made at least thirty (30) business days before the first day the applicant intends to begin operating within the city. Application for a license shall be made on a form approved provided by the city clerk. All applications shall be signed by the applicant or, if the applicant is not an individual, by a person authorized to sign on behalf of the applicant. All applications shall include the following information:

(1) The applicant's full legal name and if the applicant is an individual, a copy of the applicant's driver's license or other form of identification displaying a picture of the applicant.

(2) Any and all other names under which the applicant has or does conduct business.

(3) A "head shot" style color photograph of the applicant.

(4) If the applicant is an individual, the complete address and current telephone number of applicant's permanent residence. If the applicant is a person other than an individual, the complete address and current telephone number of the applicant's regular place of business.

The address provided pursuant to this subdivision will be the address all notices will be sent to the applicant from the city pursuant to this ordinance. If the applicant changes addresses during

the period of time during which the license is active, the applicant shall immediately provide the new address to the city clerk.

(5) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.

(6) Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.

(8) Whether the applicant is seeking a license as a peddler, solicitor or transient merchant.

(9) Whether the applicant is applying for an annual or daily license.

(10) The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days the applicant will be conducting business within the city, with a maximum of fourteen (14) days which are to be used within ninety (90) days of the date of the issuance of the license.

(11) 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 his or her business.

(12) A statement as to whether or not the applicant has been convicted with the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

(13) A list of the three (3) most recent locations where the applicant has conducted business as a peddler, solicitor or transient merchant.

(14) Proof of any required county license.

(15) Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.

(16) A general description of the items to be sold or services to be provided.

(17) Any and all additional information as may be deemed necessary by the City Clerk.

(18) The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

(D) Applications by persons other than an individual. If the applicant is a person other than an individual, the applicant may submit a single applicant to apply to all individuals who will act on behalf of the applicant pursuant to the license. In addition to the information required by applicants pursuant to Section 3 (C) (1-18), an applicant other than an individual also shall provide as part of the application for a license the following information:

(1) The full names, addresses and dates of birth of each person who will acting on the applicant's behalf pursuant to the license and a "head shot" style color photograph of each such person.

(E) Fee. All applications for a license under this chapter shall be accompanied by the fee established in the city licensing fee schedule as it may be amended from time to time.

(F) Procedure. Upon receipt of the application and payment of the license fee, the city clerk will, within two (2) business days, determine if the application is complete. An application will be considered complete if all required information is provided. If the city clerk determines that the application is incomplete, the city clerk must inform the applicant of the required, necessary information that is missing. If the application is complete, the city clerk shall order any

investigation, including background checks, necessary to verify the information provided with the application. Within twenty (20) business days of receiving a complete application the city clerk must issue the license unless grounds exist for denying the license application under Section 4, in which case the clerk must deny the request for a license. If the city clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal with twenty (20) days of the date of the request for a hearing. 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.

(G) **Duration.** An annual license granted under this ordinance shall be valid for one calendar year from the date of issuance. A daily license granted under this ordinance shall be valid only during the time period indicated on the license.

(H) **Professional fundraisers not exempt.** A professional fundraiser working on behalf of an otherwise exempt group or person shall not be exempt from the licensing requirements of this ordinance.

(I) **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 for any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

SECTION 4. LICENSE CERTIFICATE.

(A) Upon the granting of a license, the city clerk shall issue to the applicant a license certificate. If the applicant is a person other than an individual, the clerk shall issue a license certificate to each person identified by the applicant pursuant to Section 3(D)(1). Each license certificate shall contain a photograph of the applicant or the applicant's representative, the name and age of the applicant or the applicant's representative and the name of the licensee. On the license certificate shall be printed the word "solicitor," "peddler," or "transient merchant," the dates for which the license is valid, for transient merchants the address for which the license is valid and the license certificate number registered with the city clerk. Each applicant or applicant's representative shall have the license certificate on their person at all times while engaged in licensed activities.

(B) Every person required to possess a license certificate shall display the certificate when requested to do so by a prospective customer or by any City employee.

SECTION 5. LICENSE INELIGIBILITY.

The following shall be grounds for denying a peddler or transient merchant license:

(A) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.

(B) The failure of an applicant to truthfully provide any information requested by the city as part of the application process.

(C) The failure of an applicant to sign the license application.

(D) The failure of an applicant to pay the required fee at the time of application.

(E) A conviction with the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(F) The revocation with the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor or transient merchant.

(G) When an applicant has a questionable business reputation. Evidence of a questionable business reputation shall include, but is not limited to, the existence of more than three (3) complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office, or other similar business or consumer rights office or agency, with the preceding twelve (12) months, or three (3) complaints filed with the city against an applicant within the preceding five (5) years.

SECTION 6. 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) Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.

(2) Fraud, misrepresentation or false statements made during the course of the licensed activity.

(3) Subsequent conviction of any offense to which the granting of the license could have been denied under Section 4.

(4) Engaging in any prohibited activity as provided under Section 8 of this ordinance.

(5) Violation of any other provision of this ordinance.

(B) **Multiple persons under one license.** If a license is issued to a person other than an individual, the suspension or revocation of such a license shall serve as a suspension or revocation of each applicant's representative to conduct business as a peddler, solicitor or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) **Notice.** Prior to revoking or suspending any license issued under this chapter, the city shall provide a 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. 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.** Upon receiving the notice provided in part (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the city clerk within ten (10) calendar days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the

stated time frame, a hearing shall be scheduled within twenty (20) business days from the date of the request for the public hearing. Within three (3) 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 ordinance, 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 part (C) of this section.

(F) **Appeal.** Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

SECTION 7. LICENSE TRANSFERABILITY.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

SECTION 8. REGISTRATION.

(A) All persons exempt from the licensing requirements of this ordinance under Section 3 shall be required to register with the city prior to engaging in any activities in the city. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the city clerk shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferrable.

(B) Individuals that will be engaging in non-commercial door-to-door advocacy shall not be required to register.

SECTION 9. PROHIBITED ACTIVITIES.

No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

(A) Calling attention to his or her business or the 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 traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, 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 specific individual or the general public.

(D) Conducting business before 8 a.m. or after 8 p.m.

(E) Failing to provide proof of license, or registration, and identification when requested.

(F) Using the license or registration of another person.

(G) Alleging false or misleading statements about the products or services 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.

(H) Remaining on the property of another when requested to leave.

(I) Otherwise operating in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

SECTION 10. EXCLUSION BY PLACARD.

Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard:

(1) Stating “No Peddlers or Solicitors,” or “Peddlers and Solicitors Prohibited,” or other comparable statement.

No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

SECTION 11. PENALTY.

Any individual found in violation of any provision of this ordinance shall be a guilty of a misdemeanor.

SECTION 12. SEVERABILITY.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 13. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minnesota Statute, Section 412.191, Subdivision 4, as it may be amended from time to time, which meets the requirements of Minnesota Statute Section 331A.01, Subdivision 10, as it may be amended from time to time.

Adopted by the City Council of Medicine Lake this 7th day of December, 2009.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 103**

**AN ORDINANCE AMENDING ORDINANCE 70
SECTION 200.2 DEFINITIONS, ITEM 79 - LINE OF SITE SETBACK
FOR THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

The following section of Ordinance 70 is hereby amended to read as follows (new language is underlined and deleted language is ~~struckout~~):

Section 200.2 79. Line of Sight: a) for lakeside setbacks – an imaginary building line that connects the forward most parts of two adjacent principal buildings in relation to the ~~subject structure~~ Normal (Ordinary) High Water Mark and b) for non-lakeside front yard setbacks - an imaginary building line that connects the forward most parts of two adjacent principal buildings in relation to the front lot line which also delineates the public right-of-way.

Effective Date. This ordinance becomes effective upon passage and publication.

Adopted by the City Council of Medicine Lake this 2nd day of August, 2010.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 104**

**AN ORDINANCE AMENDING SECTION 200 AND 900 OF THE MEDICINE LAKE CITY CODE AS IT
RELATES TO NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

The City of Medicine Lake does ordain:

Section 1: City Code Section 200.2, Definitions is amended by adding the following and renumbering accordingly:

59. Expansion Permit: A permit which is granted by the City Council for the expansion or enlargement of a non-conforming structure in accordance with section 900.6.

Section 2: City Code Section 900 is amended as follows:

§900.3 Non-conformities in General

§900.4 Non-conforming uses

§900.5 Non-conforming structures

§900.6 Expansion Permit

§900.7 Non-conforming lots of record and construction of new dwellings

Section 3: City Code Section 900.2, subd. b is amended as follows:

- b) Structural Expansion: a change to a structure that increases the height or building footprint, envelope or shell.

Section 4: City Code Section 900.5, subd. a) is amended by adding the following after subpart (2) and renumbering accordingly:

- (3) Expansions to a non-conforming structure, where such expansion may violate the standards of this code, may be permitted through the granting of an expansion permit. An expansion permit would be considered so long as the expansion occurs within the existing horizontal degree of non-conformity.

Section 5: City Code Section 900.6 “Non-conforming lots of record and construction of new dwellings” is renumbered as Section 900.7:

Section 6: City Code Section 900.6 is added as follows:

§900.6 Expansion Permit

- a) Purpose. The purpose of this section is to provide for deviations from the literal provisions of this Chapter when its application would prevent reasonable expansion and to grant such expansion permits for non-conforming structures only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Chapter.
- b) The City Council shall serve as the Board of Adjustment and Appeals.

c) Review Criteria. An expansion permit may be granted, but is not required, after the City Council has determined that the applicant has proven that:

- (1) The proposed expansion meets the intent and purpose Comprehensive Plan.
- (2) There are special conditions or circumstances which prevent the expansion from being constructed in a conforming manner.
- (3) The expansion requested is the minimum necessary to accomplish the intended purpose of the applicant. The expansion will not intrude farther into the required setback beyond the distance of the existing structure.
- (4) The function and aesthetics of the expansion are consistent with the existing structure and use.
- (5) The expansion would not adversely affect or alter the essential character of the neighborhood.
- (6) The resulting drainage pattern does not adversely impact adjacent properties.
- (7) The expansion does not impair an adequate supply of light and air to adjacent property.
- (8) The expansion does not increase the danger of fire or endanger the public safety.
- (9) The expansion does not increase noise levels affecting adjacent properties.

d) Procedures.

- (1) Requests for expansion permit, as provided within this chapter, shall be filed with the Planning Commission on an official application form. Such application shall be accompanied by a fee as provided for by City Council Resolution. Such application shall also be accompanied by ten (10) copies of detailed written and graphic material fully explaining the proposed change, development, or use and a list of property owners located abutting or immediately neighboring of the subject property obtained from and certified by Hennepin County or the City. The request for an expansion permit shall be placed on the agenda of the first possible Planning Commission meeting occurring fourteen (14) days after the date of submission of the application. The request shall be considered officially submitted when all the informational requirements are complied with.
- (2) The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall be at least three (3) days prior to said hearing.
- (3) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this chapter.
- (4) The Planning Commission and City Council shall have the authority to request additional information from the applicant concerning physical or operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.
- (5) The applicant or representative thereof shall appear before the Planning Commission to answer question concerning the proposed expansion permit.

- (6) The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Commission's recommendation shall be presented to the Council.
- (7) Upon receiving the report and recommendation of the Planning Commission, the City Clerk shall place the report and recommendation on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- (8) The Council shall review the application and may at its option conduct a public hearing on the request.
- (9) The Council shall make finding of fact and approve or deny a request for an expansion permit within sixty (60) days after receipt of the application as provided by Minnesota Statute Section 15.99.
- (10) An expansion permit shall be by a majority vote of the Council.
- (11) All decisions by the Council involving an expansion permit shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Hennepin County District Court.
- (12) Whenever an expansion permit has been considered and denied by the City Council, a similar application and proposal for an expansion permit or other land use application affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by a majority of the full City Council.
- (13) If a request for an expansion permit receives approval of the City Council, the City Council may request the applicant to record such with the County Registrar of Titles. The applicant, immediately upon recording such, or as soon as reasonably possible, shall furnish the City proof of recording. No building permit for the property in question will be granted until such proof of recording is furnished to the City.

e) Lapse of Expansion Permit.

For all expansion permits granted after the effective date of this ordinance, if within one (1) year after granting an expansion permit the expansion as allowed by the expansion permit shall not have been initiated or utilized, then such expansion permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the Council. Such extension shall be requested in writing and filed with the Planning Commission at least thirty (30) days before the expiration of the original expansion permit 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 use the permitted in the expansion permit or appeal. Such petition shall be presented to the Council for decision.

f) Performance Security.

- (1) Upon approval of an expansion permit, the City shall be provided, where deemed necessary by the Council, with an irrevocable letter of credit, surety bond, cash escrow, certificate of deposit payable to the City, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the expansion permit and City Chapter provisions.

- (2) The security shall be in the amount equal to one hundred twenty-five (125) percent of the City Engineer's or Building Inspector's estimated costs of labor and materials for the proposed improvements or development.
- (3) The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the expansion permit and City regulations has been issued by the Building Inspector.
- (a) Failure to comply with the conditions of the expansion permit or appeal and City regulations shall result in forfeiture of the security.
- (b) Whenever a performance guarantee is imposed by the City, the applicant shall be required to enter into a performance agreement with the City. This agreement is to provide authorization to the City to utilize the posted security and complete stipulated work should the applicant fail to meet the terms and conditions of the permit. Said agreement shall hold harmless the City for completion of the work and address other matters as may be determined by the City Attorney.

g) Certified Survey Required.

A certified survey of the subject site in question shall be required to show present topography, boundary lines, and other significant features including structures, significant landscape features (such as trees with a diameter of more than twelve (12) inches). Survey to include features from the adjacent properties within twenty (20) feet of the subject property or a further distance as required to determine the line of sight setback, where it applies.

Effective Date. This ordinance becomes effective upon passage and publication.

Adopted by the City Council of Medicine Lake this 1st day of November, 2010.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 105**

**AN ORDINANCE ALLOWING FOR THE SUMMARY PUBLICATION AMENDING
SECTION 200 AND 900 OF THE MEDICINE LAKE CITY CODE AS IT RELATES TO
NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

SUMMARY OF ORDINANCE

This ordinance, as adopted, clarifies how an existing non-conforming building or structure may be expanded by adding a definition for expansion permit; clarifies when an expansion permit would be considered; and provides review criteria and procedures for obtaining an expansion permit.

A printed copy of the entire text of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk.

ADOPTED this 1st day of November, 2010 by the City Council of the City of Medicine Lake, Minnesota.

Mary Anne Young, Mayor
ATTEST: Nancy Pauly, City Clerk

City of Medicine Lake
a
Ordinance No. 106

AN ORDINANCE AMENDING SECTION 200 OF EXISTING ORDINANCE NO. 70 (ZONING REGULATIONS) AND INSERTING SECTION 1700 AS IT RELATES TO STORM WATER POLLUTION AND EROSION CONTROL

The City Council of the City of Medicine Lake does ordain as follows:

Section 1: Ordinance 70, Section 200.2, Definitions, is amended by adding the following new definitions, modifying existing definitions, and renumbering accordingly:

Applicant: The owner, their agent or person having legal control of, ownership and/or interest in land which the provisions of this Chapter are being considered for or reviewed, including permits, variances, amendments or appeals. The term "applicant" also includes agents, employees and others acting under the direction of the entity having legal control of, ownership and/or interest in said land.

Best Management Practices (BMPs): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

Buffer Strip: A protective vegetated strip located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through trapping sheet erosion, filtering pollutants, reducing channel erosion and providing adjacent habitat. The buffer strip begins at the "ordinary high water mark" for wetlands. This start point corresponds to the Minnesota Department of Natural Resources' definition of a "shoreline" in Minnesota Rules 6115.0030. Acceptable buffer vegetation includes preserving existing pre-development vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbance activities may be taking place at different times, or on different schedules, but under one proposed plan. "One proposed plan" is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land disturbance activities may occur.

Developer: Any person, group, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in development of land.

Development: All structures, land uses, land disturbance activities, and other modifications of the existing landscape above and below ground or water, on a single parcel, or on more than one parcel If covered by a single PUD or conditional use permit.

Discharge: The release, conveyance, channeling, runoff, or drainage of storm water, including snowmelt, from a development site.

Erosion: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control: Methods employed to prevent erosion, such as soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Exposed Soil Areas: All areas of the development site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface have been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, which are borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered “exposed soil,” until it meets the definition of “final stabilization.”

Filter Strips: A vegetated section of land designed to treat runoff as overland sheet flow from adjacent impervious surface areas. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Final Stabilization: All soil disturbance activities at the site have been completed and a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization.

Hydric Soils: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic Vegetation: Macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Illicit Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 1700.3 of this ordinance.

Illicit Connection: An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious Surface: A surface that has been compacted or covered with a layer of material that either prevents or retards infiltration of water into the soil, causing water to run off the surface in greater quantities and at a faster rate of flow than existed prior to development. It includes surfaces such as compacted sand, limerock or clay, as well as most conventionally surfaced streets, rooftops, sidewalks, parking lots, driveways, patios, and storage areas.

Land Disturbance Activity: Any manmade land change that may result in soil erosion from water, wind, ice or gravity and the movement of sediments into or upon waters or lands within this government's jurisdiction, including construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this ordinance, land disturbance activity does not mean:

- A.) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- B.) Additions or modifications to existing single-family structures, which result in increasing less than one thousand (1,000) square feet of exposed soil or impervious surface and/or is part of a larger "common plan of development or sale".
- C.) Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating less than one thousand (1,000) square feet of exposed soil or impervious surface.
- D.) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved Soil Erosion Control Plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

Municipal Separate Storm Sewer System (MS4): The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

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

Native Vegetation: The pre-settlement (already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region, which were not introduced as a result of European settlement or subsequent human introduction.

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

Permanent Cover: Long-term methods employed to prevent erosion and achieve “final stabilization”, such as grass, gravel, asphalt, and concrete.

Permit: Within the context of this ordinance, a “permit” is a written warrant or license granted for construction, zoning approval, subdivision approval, or to allow land disturbance activities.

Sediment: The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, ice or gravity, and has come to rest on the earth's surface either above or below water level.

Sedimentation: The process or action of depositing sediment.

Sediment Control: The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Soil: The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this ordinance, temporary stockpiles of clean sand, gravel, aggregate, concrete or bituminous materials (which have less stringent protection) are not considered “soil” stockpiles.

Stabilized: The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement or other material that prevents erosion. Simply sowing grass seed is not considered stabilization

Steep Slope: Any slope steeper than fifteen (15) percent (Fifteen (15) feet of rise for every one hundred (100) feet of horizontal run).

Storm Water: Under Minnesota Rule 7077.0105, subpart 41b, storm water “means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.” (According to the Code of Federal Regulations (CFR) under 40 CFR 122.26 [b][13], “Storm water means storm water runoff, snow melt runoff and surface runoff and drainage.”). Storm water does not include construction site dewatering.

Storm Water Pollution Control Plan: A joint storm water and erosion and sediment control plan that is a document containing the requirements of Section 1700.3, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.

Subdivision: Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17, defines subdivision as, “land that is divided for the purpose of sale, rent, or lease, including planned unit development.”

Temporary Protection: Short-term methods employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.

Vegetated or Grassy Swale: A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration. (*Commentary: Storm water controls using infiltration need protection against silt plugging, such as settling basins and manhole silt sumps. Otherwise silt plugging can result in failure rates as high as 80-90% in only five years.*)

Very Steep Slope: Any slope steeper than one foot of rise for each three feet of horizontal run (Thirty-three (33) percent slope).

Waters of the State: As defined in Minnesota Statutes section 115.01, subdivision 22 all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.”

Wet Detention or Retention Facility: A permanent man-made structure containing a permanent pool of water that is used for the temporary storage of storm water runoff.

Section 2: Ordinance 70, Section 1700 (Reserved) is added as follows:

1700.1 Purpose. The purpose of this ordinance is to control or prevent storm water pollution along with soil erosion and sedimentation within the City, including non-storm water discharges/connections to the municipal storm water system to the maximum extent practicable as required by federal and state law. It establishes standards and specifications for storm water conservation practices, planning activities and discharge/connection prohibitions, which minimize storm water pollution, soil erosion and sedimentation. This ordinance also establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

1700.2 Scope. Except where a variance is granted, any person, group, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity that involves more than 200 cubic yards of cut or fill or disturbs more than 10,000 square feet on any property within the City shall apply to the City for the approval of a Storm Water Pollution Control Plan (SWPCP). No land shall be disturbed until a SWPCP is approved by the City and conforms to the standards set forth herein. This ordinance also applies to all water discharged/connected to the storm water system that is generated on any developed and undeveloped lands unless explicitly exempted by the City as described in Section 1700.3.

1700.3 Storm Water Pollution Control Plan. Every applicant for a building permit or permit to allow a land disturbance activity must submit a storm water pollution control plan to the City. No building permit or permit to allow a land disturbance activity shall be issued until the City approves this plan. At a minimum these pollution control practices must conform to those in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas."

(a) General Policy on Storm Water Runoff Rates: Release rates from storm water treatment basins shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity. For discharges to wetlands, volume control is generally more important than discharge rate control.

(b) The Storm Water Pollution Control Plan and the Grading Plan: The storm water pollution control plan's mechanisms, the limit of disturbed

surface, and the location of buffer areas shall be marked on the approved grading plan, and identified with flags, stakes, signs etc. on the development site before work begins.

(c) Inspections of the Storm Water Pollution Control Plan's Mechanisms: Inspections shall be done weekly by either the City, developer or the developer's designated representative, and within twenty-four (24) hours after every storm or snow melt event large enough to result in runoff from the site (approximately 0.25 inches or more in twenty-four (24) hours). At a minimum, these inspections shall be done during active construction.

(d) Minimum Requirements of the Storm Water Pollution Control Plan. The plan shall contain or consider:

1. The name and address of the applicant and the location of the activity.
2. Project description including the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction involved.
3. Phasing of construction including time frames and schedules for the project's various aspects.
4. A map of the existing site conditions including existing topography, property information, steep and very steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, one hundred (100) year flood plain boundaries, locations of existing and future buffer strips.
5. A site plan that includes the location of the proposed land disturbance activity, stockpile locations, erosion and sediment control plan, construction schedule, and the plan for the maintenance and inspections of the storm water pollution control measures.
6. A site plan showing adjacent areas that might be affected by the land disturbance activity including neighboring streams, lakes, wetlands, flood plain, residential areas, roads, etc.
7. Designate the site's areas that have the potential for serious erosion problems.
8. Erosion and sediment control mechanisms that will be used to control erosion and sedimentation on the site, both during and after the construction process.
9. Describe how the site will be stabilized after construction is completed, including specifications, time frames or schedules.
10. Calculations: any that were made for the design of such items as sediment basins, wet detention basins, diversions, waterways, infiltration zones and other applicable practices.

(e) General Storm Water Pollution Control Plan Criteria. The plan shall

address the following:

1. Stabilizing all exposed soils and soil stockpiles and the related time frame or schedule.
2. Establishing permanent vegetation and the related time frame or schedule.
3. Preventing sediment damage to adjacent properties and sensitive natural areas such as streams, wetlands, lakes and natural vegetation.
4. Scheduling for erosion and sediment control practices.
5. Where permanent and temporary sedimentation basins will be located.
6. Engineering the construction and stabilization of steep and very steep slopes.
7. Measures for controlling the quality and quantity of storm water leaving a site.
8. Stabilizing all waterways and outlets.
9. Protecting storm sewers from the entrance of sediment.
10. What precautions will be taken to contain sediment, when working in or crossing water bodies.
11. Restabilizing utility construction areas as soon as possible.
12. Protecting paved roads from sediment and mud brought in from access routes.
13. The eventual discontinuation of temporary erosion and sediment control mechanisms.
14. How the temporary and permanent erosion and sediment controls will be maintained.
15. The disposal of collected sediment and floating debris.

(f) **Minimum Storm Water Pollution Control Mechanisms and Related Inspections:** These minimum control mechanisms are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control mechanisms are needed, they will be specified at the discretion of the City. The City will determine what actions are necessary.

1. All grading plans and building site surveys must be reviewed by the City for the effectiveness of erosion and sediment control mechanisms in the context of site topography and drainage.
2. Erosion and sediment control mechanisms must be properly installed by the developer before construction activity begins. Such mechanisms may be adjusted during dry weather to accommodate short-term activities, such as those allowing the passage of very large vehicles. As soon as this activity is finished or before the next runoff event, the erosion and sediment control mechanisms must be returned to the configuration specified by the City. A sediment control inspection must then be scheduled, and passed before a footing inspection will be done.

3. Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.
4. Easements. If a storm water pollution control plan involves directing some or all of the site's runoff, the applicant or the applicant's designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.
5. The scheduling of the site's activities to lessen their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.
6. Control runoff as follows (Either a and b or a and c):
 - a. Unless precluded by moderate or heavy snow cover (Mulching can still occur if a light snow cover is present.), stabilize all exposed inactive disturbed soil areas within one hundred (100) feet of any water of the state, or within one hundred (100) feet of any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) with sod, seed or weed free mulch. This must be done, if the applicant will not work the area for seven (7) days on slopes greater than three (3) feet horizontal to one (1) foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for slopes flatter than 10:1.
 - b. For disturbed areas greater than one (1) acre construct temporary or permanent sedimentation basins. Sedimentation basins must have a minimum surface area equal to at least 1% of the area draining to basin, and be constructed in accordance with accepted design specifications including access for operations and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel.
 - c. For disturbed areas less than one (1) acre sedimentation basins are encouraged, but not required, unless required by the City. The applicant shall install erosion and sediment controls at locations directed by the City. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along steep and very steep slopes. Silt fences are required along channel edges to reduce the amount of sediment reaching the channel. Silt fences, rock check dams, etc. must be regularly inspected and maintained.
7. Sediment basins related to impervious surface area. Where a project's ultimate development replaces surface vegetation with one (1) or more acres of cumulative impervious surface, and all runoff has not been accounted for in a local unit of government's existing storm water management plan or practice, the runoff must be discharged to a wet sedimentation basin prior to entering waters

of the state. At a minimum the work shall conform to the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas," and the current requirements found in the same agency's NPDES/SDS permits for storm water associated with construction activities.

8. Generally, sufficient silt fence shall be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence's pores.
9. Prohibition of illicit discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illicit discharge to the storm water system is prohibited except as described as follows:
 - a. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
 - b. Discharges or flow from firefighting, and other discharges specified in writing by the City as being necessary to protect public health and safety.
 - c. Discharges associated with dye testing; however this activity requires a verbal notification to the City prior to the time of the test.
 - d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water system.
10. Prohibition of illicit connections.
 - a. The construction, use, maintenance or continued existence of illicit connections to the storm water system is prohibited.
 - b. This prohibition expressly includes, without limitation,

illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- c. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- d. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.
- e. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City.

11. Industrial or construction activity discharges.

- a. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.
- b. The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the City at the same time the operator submits the original NOI to the EPA as applicable.
- c. The copy of the NOI may be delivered to the City in person or by mail.
- d. A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the NOI to do so to the City.

12. Temporary stockpiling of ten (10) or more cubic yards of excess soil on any lot or other vacant area shall not be allowed without issuance of a grading/excavating permit for the land disturbance activity in question.

13. For soil stockpiles greater than ten (10) cubic yards the toe of the

pile must be more than twenty-five (25) feet from a road, drainage channel or storm water inlet. If such stockpiles will be left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with silt fences or rock check dams.

- a. If for any reason a soil or non-soil stockpile of any size is located closer than twenty five (25) feet from a road, drainage channel or storm water inlet, and will be left for more than seven (7) days, it must be covered with tarps or controlled in some other manner.
 - b. All non-soil (clean sand, gravel, concrete or bituminous) must at a minimum have silt fencing or other effective sediment control mechanisms installed.
14. All sand, gravel or other mining operations taking place on the development site shall apply for a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System (NPDES) General Storm Water permit for industrial activities and all required Minnesota Department of Natural Resources permits.
 15. Temporary rock construction entrances, or equally effective means of preventing vehicles from tracking sediment from the site, may be required wherever vehicles enter and exit a site. Vehicle tracking of sediment from the site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate.
 16. Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available. Gravel entrances are to be used for deliveries only as per the development contract.
 17. Streets must be cleaned and swept whenever tracking of sediments occurs and before the site is left idle for weekends and holidays. A regular sweeping schedule should be established.
 18. Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.
 19. Catch basins. All newly installed and rehabilitated catch basins must be provided with a sump area for collecting coarse-grained material. Such basins must be cleaned when they are half filled with material.
 20. Roof drain leaders. All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not

natural wetlands) where the runoff can infiltrate. The discharge rate shall be controlled so that no erosion occurs in pervious areas.

21. Removal from the project's site of more than one (1) acre of topsoil shall not be done, unless written permission is given by the City. Excessive removal of topsoil from the project's site can cause significant current and future soil erosion problems.
22. Inspection and maintenance. All storm water management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in storm water runoff. The City or its designated representative shall inspect all storm water management facilities during construction, during the first year of operation and at least once every three (3) years thereafter. The City will keep all inspection records on file for a period of three (3) years. Inspection and maintenance easements. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purpose.
23. Follow-up inspections must be performed by the City on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant and/or builder to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, construction stop orders may be issued by the city, until all erosion and sediment control measures meet specifications. A second erosion and sediment control/grading inspection must then be scheduled and passed before the final inspection will be done.
24. All infiltration areas must be inspected to ensure that sediment from ongoing construction activity is not reaching infiltration areas, and that these areas are also being protected from soil compaction from the movement of construction equipment.

(g) Permanent Storm Water Pollution Controls Mechanisms.

1. The applicant shall install, construct, or pay the City fees for all permanent storm water management facilities necessary to manage increased runoff, so that the discharge rates from storm water treatment basins, such that the predevelopment twenty-four (24) hour two (2) year, ten (10) year, and one hundred (100) year peak storm discharge rates are not increased. These predevelopment rates shall be based on the last ten (10) years of how that land was used. Accelerated channel erosion must not occur as a result of the proposed land disturbance or development activity. An applicant may also make an in-kind or a monetary contribution to the

development and maintenance of community storm water management facilities designed to serve multiple land disturbance and development activities undertaken by one or more persons, including the applicant. All calculations and information used in determining these peak storm discharge rates shall be submitted along with the storm water pollution control plan.

2. The applicant shall consider reducing the need for permanent storm water management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g., settled) water without compromising the integrity or quality of the wetland or pond.
3. The following permanent storm water management practices must be investigated in developing the storm water management part of the storm water pollution control plan in the following descending order of preference:
 - a. Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces. Direct runoff to vegetated areas rather than to adjoining streets, storm sewers and ditches.
 - b. Flow attenuation of treated storm water by the use of open vegetated swales and natural depressions.
 - c. Storm water wet detention facilities (including percolation facilities); and
 - d. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (f) above. The applicant shall provide justification for the method selected.

(h) Minimum Design Standards for Storm Water Wet Detention Facilities. At a minimum these facilities must conform to the most current technology as reflected in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas" and the current requirements found in the same agency's NPDES permits for storm water associated with construction activities.

(i) Minimum Protection for Natural Wetlands.

1. Runoff must not be discharged directly into wetlands without appropriate quality and quantity runoff control, depending on the individual wetland's vegetation sensitivity.
2. Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the Board of Water and Soil Resources

rules that implement the Minnesota Wetland Conservation Act of 1991 including any and all amendments to it.

3. Work in and around wetlands must be guided by the following principles in descending order of priority:
 - a. Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland.
 - b. Minimize the impact by limiting the degree or magnitude of the wetland related activity.
 - c. Rectify the impact by repairing, rehabilitating, or restoring the affected wetland environment with one of at least equal public value.
 - d. Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the activity.

(j) Minimum Vegetated Buffer Protection for Rivers, Streams and Wetlands.

1. At a minimum, a vegetated buffer strip on each bank the width of one hundred (100) feet (forty (40) feet for most wetlands) for rivers, streams and outstanding resource value wetlands, shall be provided. If possible, such a buffer strip shall consist of predevelopment native vegetation. Ideally for rivers or streams, a shade tree canopy in the part of the buffer zone closest to the stream channel should be established. Buffer width shall be increased at least two (2) feet (four (4) feet for all wetlands) for every one (1) percent of slope of the surrounding land. Natural wetlands adjacent to rivers and streams are not counted as buffer strips. They are considered a natural resource worthy of protection in their own right. Therefore the widths of natural wetlands are not counted as part of the river or stream's buffer strip. Such wetlands rate their own forty-foot (40) plus vegetated buffer strip.
 - a. Detailed buffer design is usually site specific. Therefore the City can require a larger buffer than the minimum.
 - b. For newly constructed buffer sites the design criteria should follow common principles and the example of nearby natural areas. The site should be examined for existing buffer zones and mimic that slope structure and vegetation as much as possible. Buffer design and protection during construction should do any or all of the following: slow water runoff, trap sediment, enhance water infiltration, trap fertilizers, pesticides, pathogens, heavy metals, trap blowing snow and soil, and act as corridors for wildlife. How much stress is put on these functions will determine the buffer zone's final configuration.
 - c. The applicant or a designated representative shall maintain

the buffer strip for the first year. After that the City, or a party designated by the City, shall maintain the buffer strip.

- d. Buffer strips can be made into perpetual conservation easements.
 - e. Buffer strips shall be marked as such with permanent markers. :
 - f. The City may allow buffer area averaging in cases where averaging will provide additional protection to either the resource or environmentally valuable adjacent upland habitat, provided that the resource's total buffer area remains the same. This means that some sections of the buffer will be wider than normal. Care should be taken in averaging so that the buffer's usefulness is not short-circuited.
2. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
 3. Watercourses used solely for drainage, such as roadside ditches, are exempt from this provision. Minnesota Pollution Control Agency Class 7 limited resource (Waters not protected for aquatic habitat or recreational use) value waters are also exempt from this provision, unless the Class 7 water is directly tributary to either a Minnesota Department of Natural Resources designated trout stream or a state designated Outstanding Resource Value Water.
 4. Minimal width public recreational and educational trails in vegetated buffer strips are exempt from this provision provided that the buffer strip's width is increased by the width of the trail (i.e. A 10 foot wide trail in a 100 foot buffer strip increases the true width of the strip plus the trail to 110 feet.)

(k) Models/Methodologies/Computations for Performance Evaluation. Hydrologic models and design methodologies used for the determining runoff characteristics and analyzing storm water management structures must be approved by the City. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the City.

1700.4 Review. The City shall review the storm water pollution control plan. This review must be completed within seven (7) days of receiving the plan from the applicant.

(a) Permit Required. If the City determines that the storm water pollution control plan meets the requirements of this ordinance, the City shall issue a permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the storm water pollution control plan.

(b) Permit Denial. If the City determines that the storm water pollution control plan does not meet the requirements of this ordinance, the City shall not issue a permit for the land disturbance activity.

(1) All land use and building permits for the site in question must be suspended until the applicant has an approved storm water pollution control plan.

(c) Permit Suspension and Revocation. If the storm water pollution control plan is not being implemented the City can suspend or revoke the permit authorizing the land disturbance activity.

1700.5 Modification of Plan. An approved storm water pollution control plan may be modified on submission of a written application for modification to the City, and after written approval by the City. In reviewing such an application, the City may require additional reports and data.

(a) Records Retention. The City shall retain the written records of such modifications for at least three (3) years.

1700.6 Financial Securities. The applicant shall provide a financial security for the performance of the work described and delineated on the approved grading plan involving the storm water pollution control plan and any storm water and pollution control plan related remedial work. This security must be available prior to commencing the project.

(a) Form of the Security. The form of the security must be one of the following:

(1) By cash security deposited to the City for thirty percent (30%) of the total financial security in Section 1700.6, when less than one (1) acres of soil will be simultaneously exposed. When over one (1) acres of soil will be simultaneously exposed to erosion, then the cash security increases to fifty percent (50%) of the total financial

security in Section 1700.6.

(2) The remainder of the financial security shall be placed either with the City, a responsible escrow agent, or trust company, at the option of the City, money, an irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges that the funds are on deposit and guaranteed for payment. This security shall save the City free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil or other like material within the City. The type of security must be of a type acceptable to the City.

(3) The City may request a greater financial security, if the City considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable.

(4) If more soil is simultaneously exposed to erosion than originally planned, the amount of the security shall increase in relation to this additional exposure.

(b) Maintaining the Financial Security. If at any time during the course of the work this amount falls below 50% of the required deposit, the applicant shall make another deposit in the amount necessary to restore the deposit to the required amount within two (2) days. Otherwise the City may:

(1) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

(2) Revoke any permit issued by the City to the applicant for the site in question and another of the applicant's sites within the City's jurisdiction.

(c) Proportional Reduction of the Financial Security. When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security by one-third, if recommended in writing by the City. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security to two thirds of the initial amount, if recommended in writing by the City.

(d) Action against the Financial Security. The City may act against the

financial security, if any of the conditions listed below exist. The City shall use funds from this security to finance any corrective or remedial work undertaken by the City or a contractor under contract to the City and to reimburse the City for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

1. The applicant ceases land disturbance activities and/or filling and abandons the worksite prior to completion of the City approved grading plan.
2. The applicant fails to conform to any City approved grading plan and/or the storm water pollution control plan as approved by the City, or related supplementary instructions.
3. The techniques utilized under the storm water pollution control plan fail within one (1) year of installation.
4. The applicant fails to reimburse the City for corrective action taken under Section 1700.7.
5. Emergency action under either part 1700.6 (e) or any part of Section 1700.7.

(e) Emergency Action. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the City, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the City may be recovered from the applicant's financial security.

(f) Returning the Financial Security. Any unspent amount of the financial security deposited with the City for faithful performance of the storm water pollution control plan and any storm water and pollution control plan related remedial work must be released not more than one (1) full year after the completion of the installation of all such measures and the establishment of final stabilization.

1700.7 Notification of Failure of the Storm Water Pollution Control Plan and/or NPDES Permit. The City shall notify the applicant when the City is going to act on the financial securities part of this ordinance.

(a) Notification by the City. The initial contact will be to the party or parties listed on the application and/or the storm water pollution control plan as contacts. Except during an emergency action under Section 1700.6 (e), forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the City at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow

as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the City has been unable to establish contact, the City may proceed with the corrective work.

1. There are conditions when time is of the essence in controlling erosion. During such a condition the City may take immediate action, and then notify the applicant as soon as possible.

(b) Erosion Off-Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the City, the applicant does not repair the damage caused by erosion, the City may do the remedial work required and charge the cost to the applicant.

(c) Erosion into Streets, Wetlands or Water Bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

(d) Pollutants Discharged into Storm Water: Notwithstanding other requirements of the law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drainage system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Failure to provide notification of a release as provided above is a violation of this ordinance.

(d) Failure to Do Corrective Work. When an applicant fails to conform to any provision of Sections 1700.6 or 1700.7 within the time stipulated, the

City may take the following actions:

1. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
2. Suspend or revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.
3. Direct the correction of the deficiency by City staff or by a separate contract. The issuance of a permit for land disturbance activity and/or NPDES constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting erosion control deficiencies.
4. All costs incurred by the City in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the applicant's financial securities as described in Section 1700.6.
5. If there is an insufficient financial amount in the applicant's financial securities as described in Section 1700.6, to cover the costs incurred by the City, then the City may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of the assessment.

1700.8 Variance. In any case where, upon application of the responsible person or persons, the City finds that by reason of exceptional circumstances, strict conformity with this ordinance would be unreasonable, impractical, or not feasible under the circumstances; the City in its discretion may grant a variance there from upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purposes of this ordinance. Variances shall be processed according to Section 500 Administration - Variances of Ordinance 70.

1700.9 Enforcement. The City shall be responsible for enforcing this ordinance.

- (a) Penalties. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. All land use, building and NPDES permits shall be suspended until the applicant has corrected the violation. Each day

that a separate violation exists shall constitute a separate offense.

1700.10 Right of Entry and Inspection.

(a) Powers. The applicant shall promptly allow the City and their authorized representatives, upon presentation of credentials to:

1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys.
2. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.
3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site, and perform any additional duties as defined by state and federal law.
4. Inspect the storm water pollution control measures.
5. Sample and monitor any items or activities pertaining to storm water pollution control measures.
6. The City has the right to require the permitted site to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the facility at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
1. Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be born by the applicant.
7. Unreasonable delays in allowing the City access to a permitted facility is a violation of a storm water permit and of this ordinance.

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

1700.11 Abrogation and Greater Restrictions. This ordinance is not intended 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.

1700.12 Severability. The provisions of this ordinance are severable, and if any provision of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

1700.13 Effective Date. This ordinance will take effect and be in force after its passage and official publication.

Adopted by the City Council of Medicine Lake this 3rd day of October, 2011.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 107**

**AN ORDINANCE ALLOWING FOR THE SUMMARY PUBLICATION AMENDING
SECTION 200 AND INSERTING SECTION 1700 OF ORDINANCE 70 OF THE
MEDICINE LAKE CITY CODE AS IT RELATES TO STORM WATER POLLUTION
AND EROSION CONTROL**

The City Council of the City of Medicine Lake does ordain as follows:

Section 1: SUMMARY OF ORDINANCE No. 107

Ordinance 106, as adopted, adds new definitions and amends existing definitions of Section 200 of the city zoning code relating to storm water pollution and erosion control. The ordinance also inserts a new section under 1700 of Ordinance 70. Section 1700 titled Storm Water Pollution Erosion Control establishes guidelines, standards and procedures consistent with state statutes that help protect water quality by controlling or preventing storm water pollution, soil erosion and sedimentation to the municipal storm water system within the City. This ordinance includes regulating non-storm water discharges/connections to the municipal storm water system.

Section 2: AVAILABILITY OF FULL ORDINANCE

A printed copy of the entire text of the Ordinance is available for inspection by any person. Full copies are on file City Hall, 10609 South Shore Drive - Medicine Lake - MN - 55441 or can be requested of the City of Medicine Lake by contacting the general number at 763.542.9701.

ADOPTED this 3rd day of October, 2011 by the City Council of the City of Medicine Lake, Minnesota.

Mary Anne Young, Mayor
ATTEST: Nancy Pauly, City Clerk

City of Medicine Lake

Ordinance No. 108

AN ORDINANCE AMENDING SECTION 200 OF EXISTING ORDINANCE NO. 70 (ZONING REGULATIONS) AND INSERTING SECTION 1700 AS IT RELATES TO STORM WATER POLLUTION AND EROSION CONTROL

The City Council of the City of Medicine Lake does ordain as follows:

Section 1: Ordinance 70, Section 200.2, Definitions, is amended by adding the following new definitions, modifying existing definitions, and renumbering accordingly:

Applicant: The owner, their agent or person having legal control of, ownership and/or interest in land which the provisions of this Chapter are being considered for or reviewed, including permits, variances, amendments or appeals. The term "applicant" also includes agents, employees and others acting under the direction of the entity having legal control of, ownership and/or interest in said land.

Best Management Practices (BMPs): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

Buffer Strip: A protective vegetated strip located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through trapping sheet erosion, filtering pollutants, reducing channel erosion and providing adjacent habitat. The buffer strip begins at the "ordinary high water mark" for wetlands. This start point corresponds to the Minnesota Department of Natural Resources' definition of a "shoreline" in Minnesota Rules 6115.0030. Acceptable buffer vegetation includes preserving existing pre-development vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbance activities may be taking place at different times, or on different schedules, but under one proposed plan. "One proposed plan" is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land disturbance activities may occur.

Developer: Any person, group, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in development of land.

Development: All structures, land uses, land disturbance activities, and other modifications of the existing landscape above and below ground or water, on a single parcel, or on more than one parcel If covered by a single PUD or conditional use permit.

Discharge: The release, conveyance, channeling, runoff, or drainage of storm water, including snowmelt, from a development site.

Erosion: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control: Methods employed to prevent erosion, such as soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Exposed Soil Areas: All areas of the development site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface have been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, which are borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered “exposed soil,” until it meets the definition of “final stabilization.”

Filter Strips: A vegetated section of land designed to treat runoff as overland sheet flow from adjacent impervious surface areas. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Final Stabilization: All soil disturbance activities at the site have been completed and a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization.

Hydric Soils: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic Vegetation: Macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Illicit Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 1700.3 of this ordinance.

Illicit Connection: An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious Surface: A surface that has been compacted or covered with a layer of material that either prevents or retards infiltration of water into the soil, causing water to run off the surface in greater quantities and at a faster rate of flow than existed prior to development. It includes surfaces such as compacted sand, limerock or clay, as well as most conventionally surfaced streets, rooftops, sidewalks, parking lots, driveways, patios, and storage areas.

Land Disturbance Activity: Any manmade land change that may result in soil erosion from water, wind, ice or gravity and the movement of sediments into or upon waters or lands within this government's jurisdiction, including construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this ordinance, land disturbance activity does not mean:

- A.) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- B.) Additions or modifications to existing single-family structures, which result in increasing less than one thousand (1,000) square feet of exposed soil or impervious surface and/or is part of a larger "common plan of development or sale".
- C.) Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating less than one thousand (1,000) square feet of exposed soil or impervious surface.
- D.) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved Soil Erosion Control Plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

Municipal Separate Storm Sewer System (MS4): The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

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

Native Vegetation: The pre-settlement (already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region, which were not introduced as a result of European settlement or subsequent human introduction.

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

Permanent Cover: Long-term methods employed to prevent erosion and achieve “final stabilization”, such as grass, gravel, asphalt, and concrete.

Permit: Within the context of this ordinance, a “permit” is a written warrant or license granted for construction, zoning approval, subdivision approval, or to allow land disturbance activities.

Sediment: The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, ice or gravity, and has come to rest on the earth's surface either above or below water level.

Sedimentation: The process or action of depositing sediment.

Sediment Control: The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Soil: The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this ordinance, temporary stockpiles of clean sand, gravel, aggregate, concrete or bituminous materials (which have less stringent protection) are not considered “soil” stockpiles.

Stabilized: The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement or other material that prevents erosion. Simply sowing grass seed is not considered stabilization

Steep Slope: Any slope steeper than fifteen (15) percent (Fifteen (15) feet of rise for every one hundred (100) feet of horizontal run).

Storm Water: Under Minnesota Rule 7077.0105, subpart 41b, storm water “means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.” (According to the Code of Federal Regulations (CFR) under 40 CFR 122.26 [b][13], “Storm water means storm water runoff, snow melt runoff and surface runoff and drainage.”). Storm water does not include construction site dewatering.

Storm Water Pollution Control Plan: A joint storm water and erosion and sediment control plan that is a document containing the requirements of Section 1700.3, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.

Subdivision: Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17, defines subdivision as, “land that is divided for the purpose of sale, rent, or lease, including planned unit development.”

Temporary Protection: Short-term methods employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.

Vegetated or Grassy Swale: A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration. (*Commentary: Storm water controls using infiltration need protection against silt plugging, such as settling basins and manhole silt sumps. Otherwise silt plugging can result in failure rates as high as 80-90% in only five years.*)

Very Steep Slope: Any slope steeper than one foot of rise for each three feet of horizontal run (Thirty-three (33) percent slope).

Waters of the State: As defined in Minnesota Statutes section 115.01, subdivision 22 all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.”

Wet Detention or Retention Facility: A permanent man-made structure containing a permanent pool of water that is used for the temporary storage of storm water runoff.

Section 2: Ordinance 70, Section 1700 (Reserved) is added as follows:

1700.1 Purpose. The purpose of this ordinance is to control or prevent storm water pollution along with soil erosion and sedimentation within the City, including non-storm water discharges/connections to the municipal storm water system to the maximum extent practicable as required by federal and state law. It establishes standards and specifications for storm water conservation practices, planning activities and discharge/connection prohibitions, which minimize storm water pollution, soil erosion and sedimentation. This ordinance also establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

1700.2 Scope. Except where a variance is granted, any person, group, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity that involves more than 200 cubic yards of cut or fill or disturbs more than 10,000 square feet on any property within the City shall apply to the City for the approval of a Storm Water Pollution Control Plan (SWPCP). No land shall be disturbed until a SWPCP is approved by the City and conforms to the standards set forth herein. This ordinance also applies to all water discharged/connected to the storm water system that is generated on any developed and undeveloped lands unless explicitly exempted by the City as described in Section 1700.3.

1700.3 Prohibition of Illicit Discharges. Prohibition of illicit discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illicit discharge to the storm water system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
- (b) Discharges or flow from firefighting, and other discharges specified in writing by the City as being necessary to protect public health and safety.

(c) Discharges associated with dye testing; however this activity requires a verbal notification to the City prior to the time of the test. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water system.

1700.4 Notification of Pollutants Discharged into Storm Water.

Notwithstanding other requirements of the law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drainage system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Failure to provide notification of a release as provided above is a violation of this ordinance.

1700.5 Storm Water Pollution Control Plan. Every applicant for a building permit or permit to allow a land disturbance activity must submit a storm water pollution control plan to the City. No building permit or permit to allow a land disturbance activity shall be issued until the City approves this plan. At a minimum these pollution control practices must conform to those in the current version of the Minnesota Pollution Control Agency’s publication, “Protecting Water Quality in Urban Areas.”

(a) General Policy on Storm Water Runoff Rates: Release rates from storm water treatment basins shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity. For discharges to wetlands, volume control is generally more important than discharge rate control.

(b) The Storm Water Pollution Control Plan and the Grading Plan: The storm water pollution control plan’s mechanisms, the limit of disturbed

surface, and the location of buffer areas shall be marked on the approved grading plan, and identified with flags, stakes, signs etc. on the development site before work begins.

(c) Inspections of the Storm Water Pollution Control Plan's Mechanisms: Inspections shall be done weekly by either the City, developer or the developer's designated representative, and within twenty-four (24) hours after every storm or snow melt event large enough to result in runoff from the site (approximately 0.25 inches or more in twenty-four (24) hours). At a minimum, these inspections shall be done during active construction.

(d) Minimum Requirements of the Storm Water Pollution Control Plan. The plan shall contain or consider:

1. The name and address of the applicant and the location of the activity.
2. Project description including the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction involved.
3. Phasing of construction including time frames and schedules for the project's various aspects.
4. A map of the existing site conditions including existing topography, property information, steep and very steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, one hundred (100) year flood plain boundaries, locations of existing and future buffer strips.
5. A site plan that includes the location of the proposed land disturbance activity, stockpile locations, erosion and sediment control plan, construction schedule, and the plan for the maintenance and inspections of the storm water pollution control measures.
6. A site plan showing adjacent areas that might be affected by the land disturbance activity including neighboring streams, lakes, wetlands, flood plain, residential areas, roads, etc.
7. Designate the site's areas that have the potential for serious erosion problems.
8. Erosion and sediment control mechanisms that will be used to control erosion and sedimentation on the site, both during and after the construction process.
9. Describe how the site will be stabilized after construction is completed, including specifications, time frames or schedules.
10. Calculations: any that were made for the design of such items as sediment basins, wet detention basins, diversions, waterways, infiltration zones and other applicable practices.

(e) General Storm Water Pollution Control Plan Criteria. The plan shall

address the following:

1. Stabilizing all exposed soils and soil stockpiles and the related time frame or schedule.
2. Establishing permanent vegetation and the related time frame or schedule.
3. Preventing sediment damage to adjacent properties and sensitive natural areas such as streams, wetlands, lakes and natural vegetation.
4. Scheduling for erosion and sediment control practices.
5. Where permanent and temporary sedimentation basins will be located.
6. Engineering the construction and stabilization of steep and very steep slopes.
7. Measures for controlling the quality and quantity of storm water leaving a site.
8. Stabilizing all waterways and outlets.
9. Protecting storm sewers from the entrance of sediment.
10. What precautions will be taken to contain sediment, when working in or crossing water bodies.
11. Restabilizing utility construction areas as soon as possible.
12. Protecting paved roads from sediment and mud brought in from access routes.
13. The eventual discontinuation of temporary erosion and sediment control mechanisms.
14. How the temporary and permanent erosion and sediment controls will be maintained.
15. The disposal of collected sediment and floating debris.

(f) **Minimum Storm Water Pollution Control Mechanisms and Related Inspections:** These minimum control mechanisms are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control mechanisms are needed, they will be specified at the discretion of the City. The City will determine what actions are necessary.

1. All grading plans and building site surveys must be reviewed by the City for the effectiveness of erosion and sediment control mechanisms in the context of site topography and drainage.
2. Erosion and sediment control mechanisms must be properly installed by the developer before construction activity begins. Such mechanisms may be adjusted during dry weather to accommodate short-term activities, such as those allowing the passage of very large vehicles. As soon as this activity is finished or before the next runoff event, the erosion and sediment control mechanisms must be returned to the configuration specified by the City. A sediment control inspection must then be scheduled, and passed before a footing inspection will be done.

3. Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.
4. Easements. If a storm water pollution control plan involves directing some or all of the site's runoff, the applicant or the applicant's designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.
5. The scheduling of the site's activities to lessen their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.
6. Control runoff as follows (Either a and b or a and c):
 - (a) Unless precluded by moderate or heavy snow cover (Mulching can still occur if a light snow cover is present.), stabilize all exposed inactive disturbed soil areas within one hundred (100) feet of any water of the state, or within one hundred (100) feet of any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) with sod, seed or weed free mulch. This must be done, if the applicant will not work the area for seven (7) days on slopes greater than three (3) feet horizontal to one (1) foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for slopes flatter than 10:1.
 - (b) For disturbed areas greater than one (1) acre construct temporary or permanent sedimentation basins. Sedimentation basins must have a minimum surface area equal to at least 1% of the area draining to basin, and be constructed in accordance with accepted design specifications including access for operations and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel.
 - (c) For disturbed areas less than one (1) acre sedimentation basins are encouraged, but not required, unless required by the City. The applicant shall install erosion and sediment controls at locations directed by the City. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along steep and very steep slopes. Silt fences are required along channel edges to reduce the amount of sediment reaching the channel. Silt fences, rock check dams, etc. must be regularly inspected and maintained.
7. Sediment basins related to impervious surface area. Where a project's ultimate development replaces surface vegetation with one (1) or more acres of cumulative impervious surface, and all runoff has not been accounted for in a local unit of government's existing storm water management plan or practice, the runoff must be discharged to a wet sedimentation basin prior to entering waters

of the state. At a minimum the work shall conform to the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas," and the current requirements found in the same agency's NPDES/SDS permits for storm water associated with construction activities.

8. Generally, sufficient silt fence shall be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence's pores.
9. Temporary stockpiling of ten (10) or more cubic yards of excess soil on any lot or other vacant area shall not be allowed without issuance of a grading/excavating permit for the land disturbance activity in question.
10. For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or storm water inlet. If such stockpiles will be left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with silt fences or rock check dams.
 - (a) If for any reason a soil or non-soil stockpile of any size is located closer than twenty five (25) feet from a road, drainage channel or storm water inlet, and will be left for more than seven (7) days, it must be covered with tarps or controlled in some other manner.
 - (b) All non-soil (clean sand, gravel, concrete or bituminous) must at a minimum have silt fencing or other effective sediment control mechanisms installed.
11. All sand, gravel or other mining operations taking place on the development site shall apply for a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System (NPDES) General Storm Water permit for industrial activities and all required Minnesota Department of Natural Resources permits.
12. Temporary rock construction entrances, or equally effective means of preventing vehicles from tracking sediment from the site, may be required wherever vehicles enter and exit a site. Vehicle tracking of sediment from the site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate.
13. Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available. Gravel entrances are to be used for deliveries only as per the development contract.
14. Streets must be cleaned and swept whenever tracking of sediments occurs and before the site is left idle for weekends and holidays. A

regular sweeping schedule should be established.

15. Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.
16. Catch basins. All newly installed and rehabilitated catch basins must be provided with a sump area for collecting coarse-grained material. Such basins must be cleaned when they are half filled with material.
17. Roof drain leaders. All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not natural wetlands) where the runoff can infiltrate. The discharge rate shall be controlled so that no erosion occurs in pervious areas.
18. Removal from the project's site of more than one (1) acre of topsoil shall not be done, unless written permission is given by the City. Excessive removal of topsoil from the project's site can cause significant current and future soil erosion problems.
19. Inspection and maintenance. All storm water management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in storm water runoff. The City or its designated representative shall inspect all storm water management facilities during construction, during the first year of operation and at least once every three (3) years thereafter. The City will keep all inspection records on file for a period of three (3) years. Inspection and maintenance easements. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purpose.
20. Follow-up inspections must be performed by the City on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant and/or builder to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, construction stop orders may be issued by the city, until all erosion and sediment control measures meet specifications. A second erosion and sediment control/grading inspection must then be scheduled and passed before the final inspection will be done.
21. All infiltration areas must be inspected to ensure that sediment from ongoing construction activity is not reaching infiltration

areas, and that these areas are also being protected from soil compaction from the movement of construction equipment.

(g) Permanent Storm Water Pollution Controls Mechanisms.

1. The applicant shall install, construct, or pay the City fees for all permanent storm water management facilities necessary to manage increased runoff, so that the discharge rates from storm water treatment basins, such that the predevelopment twenty-four (24) hour two (2) year, ten (10) year, and one hundred (100) year peak storm discharge rates are not increased. These predevelopment rates shall be based on the last ten (10) years of how that land was used. Accelerated channel erosion must not occur as a result of the proposed land disturbance or development activity. An applicant may also make an in-kind or a monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbance and development activities undertaken by one or more persons, including the applicant. All calculations and information used in determining these peak storm discharge rates shall be submitted along with the storm water pollution control plan.
2. The applicant shall consider reducing the need for permanent storm water management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g., settled) water without compromising the integrity or quality of the wetland or pond.
3. The following permanent storm water management practices must be investigated in developing the storm water management part of the storm water pollution control plan in the following descending order of preference:
 - a. Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces. Direct runoff to vegetated areas rather than to adjoining streets, storm sewers and ditches.
 - b. Flow attenuation of treated storm water by the use of open vegetated swales and natural depressions.
 - c. Storm water wet detention facilities (including percolation facilities); and
 - d. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (f) above. The applicant shall provide justification for the method selected.

(h) Minimum Design Standards for Storm Water Wet Detention Facilities.

At a minimum these facilities must conform to the most current

technology as reflected in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas" and the current requirements found in the same agency's NPDES permits for storm water associated with construction activities.

(i) Minimum Protection for Natural Wetlands.

1. Runoff must not be discharged directly into wetlands without appropriate quality and quantity runoff control, depending on the individual wetland's vegetation sensitivity.
2. Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the Board of Water and Soil Resources rules that implement the Minnesota Wetland Conservation Act of 1991 including any and all amendments to it.
3. Work in and around wetlands must be guided by the following principles in descending order of priority:
 - a. Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland.
 - b. Minimize the impact by limiting the degree or magnitude of the wetland related activity.
 - c. Rectify the impact by repairing, rehabilitating, or restoring the affected wetland environment with one of at least equal public value.
 - d. Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the activity.

(j) Minimum Vegetated Buffer Protection for Rivers, Streams and Wetlands.

1. At a minimum, a vegetated buffer strip on each bank the width of one hundred (100) feet (forty (40) feet for most wetlands) for rivers, streams and outstanding resource value wetlands, shall be provided. If possible, such a buffer strip shall consist of predevelopment native vegetation. Ideally for rivers or streams, a shade tree canopy in the part of the buffer zone closest to the stream channel should be established. Buffer width shall be increased at least two (2) feet (four (4) feet for all wetlands) for every one (1) percent of slope of the surrounding land. Natural wetlands adjacent to rivers and streams are not counted as buffer strips. They are considered a natural resource worthy of protection in their own right. Therefore the widths of natural wetlands are not counted as part of the river or stream's buffer strip. Such wetlands rate their own forty-foot (40) plus vegetated buffer strip.
 - a. Detailed buffer design is usually site specific. Therefore

- the City can require a larger buffer than the minimum.
- b. For newly constructed buffer sites the design criteria should follow common principles and the example of nearby natural areas. The site should be examined for existing buffer zones and mimic that slope structure and vegetation as much as possible. Buffer design and protection during construction should do any or all of the following: slow water runoff, trap sediment, enhance water infiltration, trap fertilizers, pesticides, pathogens, heavy metals, trap blowing snow and soil, and act as corridors for wildlife. How much stress is put on these functions will determine the buffer zone's final configuration.
 - c. The applicant or a designated representative shall maintain the buffer strip for the first year. After that the City, or a party designated by the City, shall maintain the buffer strip.
 - d. Buffer strips can be made into perpetual conservation easements.
 - e. Buffer strips shall be marked as such with permanent markers. . :
 - f. The City may allow buffer area averaging in cases where averaging will provide additional protection to either the resource or environmentally valuable adjacent upland habitat, provided that the resource's total buffer area remains the same. This means that some sections of the buffer will be wider than normal. Care should be taken in averaging so that the buffer's usefulness is not short-circuited.
2. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
 3. Watercourses used solely for drainage, such as roadside ditches, are exempt from this provision. Minnesota Pollution Control Agency Class 7 limited resource (Waters not protected for aquatic habitat or recreational use) value waters are also exempt from this provision, unless the Class 7 water is directly tributary to either a Minnesota Department of Natural Resources designated trout stream or a state designated Outstanding Resource Value Water.
 4. Minimal width public recreational and educational trails in

vegetated buffer strips are exempt from this provision provided that the buffer strip's width is increased by the width of the trail (i.e. A 10 foot wide trail in a 100 foot buffer strip increases the true width of the strip plus the trail to 110 feet.)

(k) Models/Methodologies/Computations for Performance Evaluation. Hydrologic models and design methodologies used for the determining runoff characteristics and analyzing storm water management structures must be approved by the City. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the City.

1700.6 Review. The City shall review the storm water pollution control plan. This review must be completed within seven (7) days of receiving the plan from the applicant.

(a) Permit Required. If the City determines that the storm water pollution control plan meets the requirements of this ordinance, the City shall issue a permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the storm water pollution control plan.

(b) Permit Denial. If the City determines that the storm water pollution control plan does not meet the requirements of this ordinance, the City shall not issue a permit for the land disturbance activity.

(1) All land use and building permits for the site in question must be suspended until the applicant has an approved storm water pollution control plan.

(c) Permit Suspension and Revocation. If the storm water pollution control plan is not being implemented the City can suspend or revoke the permit authorizing the land disturbance activity.

1700.7 Modification of Plan. An approved storm water pollution control plan may be modified on submission of a written application for modification to the City, and after written approval by the City. In reviewing such an application, the City may require additional reports and data.

(a) Records Retention. The City shall retain the written records of such modifications for at least three (3) years.

1700.8 Financial Securities. The applicant shall provide a financial security for the performance of the work described and delineated on the approved grading plan involving the storm water pollution control plan and any storm water and pollution control plan related remedial work. This security must be available prior to commencing the project.

(a) Form of the Security. The form of the security must be one of the following:

(1) By cash security deposited to the City for thirty percent (30%) of the total financial security in Section 1700.6, when less than one (1) acres of soil will be simultaneously exposed. When over one (1) acres of soil will be simultaneously exposed to erosion, then the cash security increases to fifty percent (50%) of the total financial security in Section 1700.6.

(2) The remainder of the financial security shall be placed either with the City, a responsible escrow agent, or trust company, at the option of the City, money, an irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges that the funds are on deposit and guaranteed for payment. This security shall save the City free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil or other like material within the City. The type of security must be of a type acceptable to the City.

(3) The City may request a greater financial security, if the City considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable.

(4) If more soil is simultaneously exposed to erosion than originally planned, the amount of the security shall increase in relation to this additional exposure.

(b) Maintaining the Financial Security. If at any time during the course of the work this amount falls below 50% of the required deposit, the applicant shall make another deposit in the amount necessary to restore the deposit to the required amount within two (2) days. Otherwise the City may:

(1) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

(2) Revoke any permit issued by the City to the applicant for the site in question and another of the applicant's sites within the City's jurisdiction.

(c) Proportional Reduction of the Financial Security. When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security by one-third, if recommended in writing by the City. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the City can reduce the total required amount of the financial security to two thirds of the initial amount, if recommended in writing by the City.

(d) Action against the Financial Security. The City may act against the financial security, if any of the conditions listed below exist. The City shall use funds from this security to finance any corrective or remedial work undertaken by the City or a contractor under contract to the City and to reimburse the City for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

1. The applicant ceases land disturbance activities and/or filling and abandons the worksite prior to completion of the City approved grading plan.
2. The applicant fails to conform to any City approved grading plan and/or the storm water pollution control plan as approved by the City, or related supplementary instructions.
3. The techniques utilized under the storm water pollution control plan fail within one (1) year of installation.
4. The applicant fails to reimburse the City for corrective action taken under Section 1700.7.
5. Emergency action under either part 1700.6 (e) or any part of Section 1700.7.

(e) Emergency Action. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the City, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the City may be recovered from the applicant's financial security.

(f) Returning the Financial Security. Any unspent amount of the financial security deposited with the City for faithful performance of the storm water pollution control plan and any storm water and pollution control plan related remedial work must be released not more than one (1) full year after the completion of the installation of all such measures and the

establishment of final stabilization.

1700.9 Notification of Failure of the Storm Water Pollution Control Plan and/or NPDES Permit. The City shall notify the applicant when the City is going to act on the financial securities part of this ordinance.

(a) Notification by the City. The initial contact will be to the party or parties listed on the application and/or the storm water pollution control plan as contacts. Except during an emergency action under Section 1700.6 (e), forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the City at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the City has been unable to establish contact, the City may proceed with the corrective work.

1. There are conditions when time is of the essence in controlling erosion. During such a condition the City may take immediate action, and then notify the applicant as soon as possible.

(b) Erosion Off-Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the City, the applicant does not repair the damage caused by erosion, the City may do the remedial work required and charge the cost to the applicant.

(c) Erosion into Streets, Wetlands or Water Bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

(d) Failure to Do Corrective Work. When an applicant fails to conform to any provision of Sections 1700.6 or 1700.7 within the time stipulated, the City may take the following actions:

1. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
2. Suspend or revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within

the City's jurisdiction.

3. Direct the correction of the deficiency by City staff or by a separate contract. The issuance of a permit for land disturbance activity and/or NPDES constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting erosion control deficiencies.
4. All costs incurred by the City in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the applicant's financial securities as described in Section 1700.6.
5. If there is an insufficient financial amount in the applicant's financial securities as described in Section 1700.6, to cover the costs incurred by the City, then the City may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of the assessment.

1700.10 Variance. In any case where, upon application of the responsible person or persons, the City finds that by reason of exceptional circumstances, strict conformity with this ordinance would be unreasonable, impractical, or not feasible under the circumstances; the City in its discretion may grant a variance there from upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purposes of this ordinance. Variances shall be processed according to Section 500 Administration - Variances of Ordinance 70.

1700.11 Enforcement. The City shall be responsible for enforcing this ordinance.

- (a) Penalties. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. All land use, building and NPDES permits shall be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

1700.12 Right of Entry and Inspection.

- (a) Powers. The applicant shall promptly allow the City and their authorized representatives, upon presentation of credentials to:

1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys.
2. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.
3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site, and perform any additional duties as defined by state and federal law.
4. Inspect the storm water pollution control measures.
5. Sample and monitor any items or activities pertaining to storm water pollution control measures.
6. The City has the right to require the permitted site to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the facility at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
1. Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be born by the applicant.
7. Unreasonable delays in allowing the City access to a permitted facility is a violation of a storm water permit and of this ordinance.

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

1700.13 Abrogation and Greater Restrictions. This ordinance is not intended 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.

1700.14 Severability. The provisions of this ordinance are severable, and if any provision of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

1700.15 Effective Date. This ordinance will take effect and be in force after its passage and official publication.

Adopted by the City Council of the City of Medicine Lake this 9th day of January, 2012.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 109**

**AN ORDINANCE ALLOWING FOR THE SUMMARY PUBLICATION AMENDING
SECTION 200 AND INSERTING SECTION 1700 OF ORDINANCE 70 OF THE
MEDICINE LAKE CITY CODE AS IT RELATES TO STORM WATER POLLUTION
AND EROSION CONTROL**

The City Council of the City of Medicine Lake does ordain as follows:

Section 1: SUMMARY OF ORDINANCE No. 109

Ordinance 108, as adopted, adds new definitions and amends existing definitions of Section 200 of the city zoning code relating to storm water pollution and erosion control. The ordinance also inserts a new section under 1700 of Ordinance 70. Section 1700 titled Storm Water Pollution Erosion Control establishes guidelines, standards and procedures consistent with state statutes that help protect water quality by controlling or preventing storm water pollution, soil erosion and sedimentation to the municipal storm water system within the City. This ordinance includes regulating non-storm water discharges/connections to the municipal storm water system.

Section 2: AVAILABILITY OF FULL ORDINANCE

A printed copy of the entire text of the Ordinance is available for inspection by any person. Full copies are on file City Hall, 10609 South Shore Drive - Medicine Lake - MN - 55441 or can be requested of the City of Medicine Lake by contacting the general number at 763.542.9701.

ADOPTED this 9th day of January, 2012 by the City Council of the City of Medicine Lake, Minnesota.

Mary Anne Young, Mayor
ATTEST: Nancy Pauly, City Clerk

**City of Medicine Lake
Ordinance No. 110**

**AN ORDINANCE PROHIBITING DISPOSAL OF SNOW ON PUBLIC
PROPERTY**

The City Council of the City of Medicine Lake does ordain as follows:

- Section 1:** Purpose: This ordinance is adopted in order to protect the general health, safety and welfare of the residents of the City of Medicine Lake.
- Section 2:** Placement of snow on public property prohibited: No person shall deposit any snow upon public property including the navigable areas of streets, alleys, sidewalks/trails and parks. Failure to adhere to this provision will result in the city moving the snow and the expense of removal will be charged to the violator.
- Section 3:** Placement of snow on private property: All snow shall be stored on the property from which it is moved. Snow, other than that which is incidental by machinery and does not create a nuisance, destruction of, or problems with the use of the adjacent property, shall not be deposited on adjacent private property or across any public right of way without the consent of the adjacent or affected property owner.
- Section 4:** Penalty: Any person who violates any provision of this ordinance shall, upon conviction, be punished by a fine of not more than \$1,500.00.
- Section 5:** Effective Date: This ordinance will take effect and be in force after its passage and official publication.

**Adopted by the City Council of Medicine Lake this 2nd day of April,
2012.**

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

City of Medicine Lake

Ordinance No. 111

AN ORDINANCE ADOPTING THE 2006 ADDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ®, AUTHORIZING THE ESTABLISHMENT OF AN INSPECTION SCHEDULE AND PROCESS, ESTABLISHING FEES AND REPEALING ORDINANCE 90.

The City Council of the City of Medicine Lake does ordain as follows:

Section 1. Title. These regulations shall be known as the Property Maintenance Code of the City of Medicine Lake, hereinafter referred to in this ordinance as the code.

Section 2. Purpose. The City finds that providing for the public health, safety and welfare of its citizens warrants the existence of a property maintenance inspection program. This ordinance of the City of Medicine Lake adopts the 2006 edition of the International Property Maintenance Code ®, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Medicine Lake; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 90 of the City of Medicine Lake and all other ordinance and parts of the ordinances in conflict therewith.

Section 3. Codes adopted by reference. In order to best fulfill the purpose of this chapter, the 2006 International Property Maintenance Code ® is adopted by reference and incorporated into the City Code in whole as if it was set out in full, subject to the amendments contained in Section 4 of this ordinance.

Section 4. Sections and revisions. The following sections of the International Property Maintenance Code ®) are hereby revised:

- (a) Section 101.1. These regulations shall be known as the Property Maintenance Code of the City of Medicine Lake, hereinafter referred to in this ordinance as the code.
- (b) Section 102.3 Application to other codes. Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota State Building Code (MSBC) and all its parts, established pursuant to M.S. 16B.59 to 16B.75, as adopted by the City. Nothing in this code shall be construed to cancel, modify or set aside any provision of the MSBC, the City of Medicine Lake Building Code as adopted through ordinance 94, the Minnesota State Fire Code (SFC), the Minnesota

State Plumbing Code (MSPC), the State Mechanical Code (SMC) or the Minnesota State Energy Code (MSEC)

- (c) Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be listed in Chapter 8, those listed in the MSBC, and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.
- (d) Section 103.1 General. The City of Medicine Lake City Council is responsible for administering the provisions of this code, and the executive official in charge thereof shall be known as the code official.
- (e) Section 103.2 Appointment. The Code Official shall be appointed by the Medicine Lake City Council.
- (f) Section 103.5 Fees. The fees for activities and services performed by the building official serving as the code official in carrying out its responsibilities under this code shall be set by ordinance on an annual basis.
- (g) Section 111.1 Application for Appeal. Add Section 111.1.1. The Medicine Lake City Council shall serve as the Board of Appeals for this ordinance.
- (h) Section 111.2 Membership of Board. Not Adopted.
- (i) Section 302.4 Weeds. Not Adopted
- (j) Section 302.8 Motor vehicles. Not Adopted
- (k) Section 304.14 Delete: During the period from [date] to [date]
- (l) Section 307 Rubbish and Garbage. Not Adopted
- (m) Section 602.3 Insert: Dates shall be from September 15 through May 15.
- (n) Section 602.4 Insert: Dates shall be from September 15 through May 15.

Section 5. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with International Property Maintenance Code. The code shall be enforced within the corporate limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance. The code enforcement agency of the City of Medicine Lake is the Property Maintenance Official. This code shall be enforced by the Minnesota Certified Building Official designated by the City of Medicine Lake to administer the code (Minnesota statute 16B.65) subdivision 1.

Section 6. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by ordinance annually by the municipality. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

Section 7. Violations and Penalties. A violation of the code is a misdemeanor. (Minnesota statutes 16B.69)

Section 8. Repealer. Ordinance No. 90 entitled [Rental Housing: Regulations] Licensure and Regulation of Rental Housing of the City of Medicine Lake and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 7th day of May, 2012.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 112**

**AN ORDINANCE ALLOWING FOR THE SUMMARY PUBLICATION UPDATING
ORDINANCE 70 (ZONING REGULATIONS) OF THE MEDICINE LAKE CITY CODE
TO REFLECT SECTION AMENDMENTS ADOPTED SINCE MARCH 6, 2006.**

The City Council of the City of Medicine Lake does ordain as follows:

Section 1: SUMMARY OF ORDINANCE No. 112

Ordinance 112, as adopted, amends and expands on existing sections of Ordinance 70 (Zoning Regulations) to incorporate ordinance amendments adopted by the City since March 6, 2006. The updated ordinance also reflects non-substantive formatting changes intended to enhance the consistency and readability of the document. Footnotes have been added where substantive changes have been made to the ordinance per the amendments referenced below.

Section 2: SUMMARY OF INCORPORATED AMENDMENTS

Ordinance 112 amends and expands existing sections of Ordinance 70, incorporating language from the follow Ordinances:

Ordinance No. 108, regarding Storm Water Pollution and Erosion Control (Adopted on January 9, 2012): Ordinance 108, as adopted, adds new definitions and amends existing definitions of Section 200 of the city zoning code relating to storm water pollution and erosion control. The ordinance also inserts a new section under 1700 of Ordinance 70. Section 1700 titled Storm Water Pollution Erosion Control establishes guidelines, standards and procedures consistent with state statutes that help protect water quality by controlling or preventing storm water pollution, soil erosion and sedimentation to the municipal storm water system within the City. This ordinance includes regulating non-storm water discharges/connections to the municipal storm water system.

Ordinance No. 104, regarding Non-Conforming Building Expansion Permitting Process (Adopted on November 1, 2010): Ordinance 104, as adopted, clarifies how an existing non-conforming building or structure may be expanded by adding a definition for expansion permit; clarifies when an expansion permit would be considered; and provides review criteria and procedures for obtaining an expansion permit. The ordinance adds a definition for “Expansion Permit” to Section 200 of the city zoning code. The ordinance also amends Section 900 titled Non-Conforming Buildings, Structures, and Uses by amending language in Sections 900.2 and 900.5; renumbering Section 900.6 titled Non-Conforming Lots of Record and Construction of New Dwellings as Section 900.7; and inserting a new Section 900.6 titled Expansion Permit.

Ordinance No. 103, regarding Line of Site Definition (Adopted on August 2, 2010): Ordinance 103, as adopted, amends and adds to the definition for Line of Sight in Section 200 of the city zoning code to clarify Line of Site for lakeside setbacks and non-lakeside front yard setbacks.

Section 3: AVAILABILITY OF FULL ORDINANCE

A printed copy of the entire text of the ordinance amendments summarized above as well as the full text of Ordinance 70 are available for inspection by any person. Full copies are on file at City Hall, 10609 South Shore Drive - Medicine Lake - MN - 55441 or can be requested of the City of Medicine Lake by contacting the general number at 763.542.9701.

ADOPTED this 7th day of October, 2013 by the City Council of the City of Medicine Lake, Minnesota.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk

CITY OF MEDICINE LAKE

Ordinance No.
113

Feeding of Waterfowl
and other wild animals

**An Ordinance to regulate the feeding of waterfowl
and other wild animals**

The City of Medicine Lake, Minnesota ordains:

Section 1. Purpose.

This ordinance is adopted to regulate and restrict the feeding of waterfowl and certain wild animals which generate unacceptable and unmanageable nuisances detrimental to the health and safety of citizens, and; which may impair the property, lake and shore in addition to disrupting normal migratory behavior and fostering unintentional socialization towards humans.

Section 2. Definitions.

The following words and terms, wherever they occur in this Chapter, shall be interpreted as herein defined:

1. Waterfowl: As commonly known to include domestic and wild ducks, geese, cormorants, grebes and like avian species.
2. Lake: Medicine Lake, its wetlands, tributaries and harbor limits within the prescribed city limits of the City of Medicine Lake.
3. Wild animal: Wild animals shall include any animal, which is not normally domesticated in this state, including but not limited deer, feral cats, foxes, coyotes, deer, groundhogs, opossums, raccoons, skunks, turkeys, turtles and waterfowl.
4. Intentional Feeding: Such feeding shall include any regular, habitual or occasional placement of foods such as whole corn, cracked corn or bread in a manner accessible to waterfowl for feeding purposes.

Section 3. Provisions.

Within the boundaries of the City of Medicine Lake, no person shall intentionally feed wild animals or waterfowl.

Section 4. Exceptions.

1. Food placed with the sole intent of entrapping sick or injured waterfowl for re- transport and treatment at the University of Minnesota Wildlife Rehabilitation Center or like licensed facility.
2. Veterinarians, City animal control officers or county, state or federal game officials who, in the course of their duties, use food as a means of luring and capturing waterfowl for treatment or relocation.
3. The feeding of songbirds is permitted under the following conditions:
 - Feeding occurs from a bird feeder that is designed to prevent other wildlife, including squirrels or waterfowl, from eating from the bird feeder, and
 - The bird feeder does not become an attractive nuisance to other wildlife or waterfowl, and
 - Songbird feeding does not attract songbirds in such numbers that they become a nuisance or that they damage property, and
 - The storage of songbird feed must be done in a sealed container and in a manner that rodents are not attracted to the feed, and
 - Songbird feeding occurs on private property owned or controlled by the person responsible for the bird feeder.

Section 5. Administration and Enforcement.

This shall be administered and enforced by the duly authorized representatives of the City.

Section 6. Penalties.

Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor.

Section 7. Separability.

If any court of competent jurisdiction shall adjudge any provisions of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

Section 8. Repealer

Ordinance 76 is hereby repealed in its entirety.

Section 9. Effective date.

This ordinance will take effect and be in force after its passage and official publication.

Adopted by the City Council of Medicine Lake this 7th day of October, 2013.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 114**

AN ORDINANCE PROVIDING FOR SECURING VACANT BUILDINGS

THE CITY COUNCIL OF MEDICINE LAKE ORDAINS:

SECTION 1. DEFINITIONS

For the purposes of this ordinance, the following terms shall have the following meanings:

City. The City of Medicine Lake, County of Hennepin, State of Minnesota.

Secure. Includes, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system consistent with Minn. Stat. § 463.251.

Unoccupied building. A building which is not being used for a legal occupancy.

Unsecured building. A building or a portion of a building that is open to entry by unauthorized persons without the use of tools.

Vacant building. A building or a portion of a building that meets one or more of the following conditions:

- (1) Unoccupied and foreclosed upon as identified by the county.
- (2) Unoccupied and windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired.
- (3) Unoccupied and doors to the premises are smashed through, broken off, unhinged, or continuously unlocked.
- (4) Unoccupied and gas, electric, or water service to the premises has been terminated.
- (5) Unoccupied and rubbish, trash, or debris has accumulated on the premises.
- (6) Unoccupied and the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises.
- (7) Unoccupied and the premises are deteriorating and are either below or are in imminent danger of falling below minimum community standards for public safety and sanitation.

SECTION 2. SECURING VACANT BUILDINGS

In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured, and the building could be made safe by securing the building, the city council may order the building secured and shall cause notice of the order to be served consistent with Minn. Stat. § 463.251, subd. 2. The notice must be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for the parcel, the holder of the mortgage, contract for deed or sheriff's certificate. The notice is served by delivery or mail. The notice must be in writing and must include, at a minimum, a statement that:

- (1) Informs the owner and the holder of any mortgage, contract for deed or sheriff's certificate of the requirements found in subdivision Minn. Stat. § 463.251, subd. 3 that the owner or holder of the certificate has fourteen (14) days to comply with the order or provide the council with a reasonable plan and schedule to comply with the order and that costs may be assessed against the property if the person does not secure the building.
- (2) Informs the owner and the holder of any mortgage, contract for deed or sheriff's certificate that, within fourteen (14) days of the ordering being served, the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous.
- (3) Notifies the holder of any sheriff's certificate of the holder's duty under Minn. Stat. § 582.031, subd. 1, paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in Minn. Stat. § 582.032, subd. 7.

Service by mail is completed upon mailing a copy of the order to the owner by first class mail at the last known address.

SECTION 3. RESPONDING TO THE NOTICE

The owner of the building or the holder of the sheriff's certificate of sale has fourteen (14) days after the order is served to do one of the following: 1) comply with the order; 2) provide the council with a reasonable plan and schedule to comply with the order; or 3) request a hearing before the city council to challenge the council's determination that the property is vacant or unoccupied and hazardous. If the owner or holder of the sheriff's certificate fails to take one of these actions within the allotted time, the city council must have the building properly secured.

SECTION 4. EMERGENCY SECURING OF VACANT BUILDINGS

Pursuant to Minn. Stat. § 463.251, subd. 4, when the city building official, sheriff's deputy, or fire chief determines that an emergency exists with respect to the health or safety of persons in the community and immediate boarding and securing of a building is required, and where immediate danger will exist to children, transients, or others members of the community without the immediate boarding or securing of the building, the building official, sheriff's deputy, or fire

chief may waive all notice requirements herein and immediately board or otherwise secure the building, provided that:

(1) The conditions showing the existence of an emergency are documented in writing by the building official, sheriff's deputy, fire chief, or their designees.

(2) Notice is mailed immediately by the department invoking this Section to the owner of record of the premises, the taxpayer identified in the property tax records for the parcel, the holder of the mortgage, contract for deed or sheriff's certificate.

SECTION 5. COLLECTION OF COSTS

All costs incurred by the city for securing a vacant building, including, but not limited to, attorney and lien enforcement costs, under this ordinance may be charged against the real property as a special assessment pursuant to Minn. Stat. §§ 463.251, 463.21, and 463.151.

SECTION 6. SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 7. EFFECTIVE DATE

This ordinance becomes effective upon passage and publication.

Adopted by the City Council of Medicine Lake this 2nd day of December, 2013.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 115**

AN ORDINANCE AMENDING ORDINANCE NO. 24

“NUISANCES”

The City Council of the City of Medicine Lake ordains as follows:

The following section of Ordinance 24 is hereby amended to read as follows:

Section 02. Public Nuisance Affecting Health

The following are hereby declared to be nuisances affecting health:

9. All noxious weeds, as that term is defined by Minnesota Statute §18.77 and the Minnesota Department of Agriculture’s Prohibited Noxious Weed List, or any weeds or non-ornamental grass which are twelve (12) inches or more in height upon public or private property;

The following language is hereby appended to Ordinance 24, constituting a wholly new section:

Section 09. Noxious Weed Abatement

A person in violation of Section 02-9 regarding noxious weeds and other excessive growth of weeds or grasses will be deemed to have created a public health hazard, which is subject to abatement by the property owner, or if un-remedied, by the city or its contractors.

1. Upon notification by the city, by mail and/or personal delivery, the property owner will have twenty-one (21) days to cut down offending weeds or grasses to a height no greater than 4 inches; or in the case of prohibited noxious weeds (as defined by Minn. Stats. §18.77), to treat with herbicides or otherwise remove all areas of infestation consistent with eradication methods recommended by the Minnesota Department of Agriculture for the removal and disposal of noxious weeds.
2. If the owner or occupant fails to abate the areas in question within twenty-one days of notification, the city by and through its authorized personnel, may enter upon such property and abate the nuisance, including contracting with a private entity to do so. Any expenses incurred by the city in the process of abatement, including administrative fees, shall be the responsibility of the property owner to be paid within thirty (30) days after completion of abatement work. If unpaid after thirty (30) days, abatement costs may be assessed against the property as provided by Minn. Stats. §429.101.
3. Passed by the City Council of the City of Medicine Lake on this 3rd day of August, 2015.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk

**City of Medicine Lake
Ordinance No. 116**

**AN ORDINANCE ADOPTING A SCHEDULE FOR THE COLLECTION OF
BUILDING PERMIT FEES.**

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 326B.121 and Medicine Lake Ordinance 98. The fee schedule for associated building permits are as provided below and are based on the total value of all construction work including plumbing, electrical and mechanical systems, finish work and labor. Use ICC and State Building Codes & Standards Division square foot cost of construction for determining building valuation and State surcharge fees. In addition to the listed permit fees, a surcharge fee as stipulated by Minnesota statute 326B.148, shall be collected on all permits issued for work governed by this code.

Section 2. Building Permit Fees.

**Residential “Major” Buildings -
Based on Total Valuation**

	Fee
\$1 to \$500	\$23.00
\$501 to \$2,000	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001 to \$25,000	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001 to \$50,000	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001 to \$100,000	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001 to \$500,000	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof

**Residential “Major” Buildings -
Based on Total Valuation Fee**

Other Inspections and Fees:

Inspections outside of normal business hours	\$47.00 per hour*
Reinspection fees assessed under provisions of Section 305.8	\$47.00 per hour*
Inspections for which no fee is specifically indicated	\$47.00 per hour* (minimum charge – one-half hour)
Additional plan review required by changes, additions or revisions to plans	\$47.00 per hour*
For use of outside consultants for plan checking and inspections, or both	Actual costs **

** Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.*

*** Actual costs include administrative and overhead costs.*

Residential “Minor” Buildings Fee

Reroof	\$75
Reside	\$75
Replace Windows	\$75
Fence	\$50
Shed	120-300 square feet: \$75
Demo	\$100 per structure
Drain Tile	\$75

Residential Buildings Fee

Residential Plumbing	\$50 minimum + \$5 per fixture
Residential Mechanical	\$50 for each furnace, a/c, HRV, gas fireplace, in-floor heat system, continuous-run fan

Section 3. Fee Refunds.

The Building Official may authorize refunding not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with the code. The Building Official may authorize refunding not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done.

Section 4. Repealer. Previously adopted ordinances are hereby repealed.

Section 5. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 14th day of September, 2015.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk

**City of Medicine Lake
Ordinance No. 117**

**AN ORDINANCE ADOPTING A SCHEDULE FOR THE COLLECTION OF
LAND USE RELATED FEES**

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to comply with Minnesota State Statutes, 426.353, Subd. 4, which states that a municipality may prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering an application for the amendment to an official control established pursuant to sections 462.351 – 462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Fees as prescribed must be by ordinance.

Section 2. Land Use Fees.

Permit/Application Type	Fee	Escrow
Subdivision - Preliminary / Final Plat		
Minor (less than 3 lots)	\$400	\$2,000
Major (4 or more lots)	\$400	\$3,000
Planned Unit Development	\$400	project specific
Conditional Use Permit	\$250	\$1,000
Variance	\$250	\$500
Zoning Ordinance Amendment (text and/or map)	\$400	\$3,000
Amendment to Comprehensive Plan (text and/or map)	\$500	\$3,000
Storm Water Management Plan	\$250	\$2,000
Land Filling / Excavation Permit (Fee waived if in conjunction with a stormwater management plan)	\$250	\$500
Rental Housing Inspection (Fee includes main inspection and follow up. Additional follow up will be billed at an hourly rate)	\$125 per unit	-

Project specific escrow amounts require a minimum deposit of \$5,000 at the time of submittal. The total escrow required is estimated based on the size, location and complexity of the project. Additional funds may be required from time to time and shall be estimated based on a preliminary review of the project.

Escrow funds will be used to reimburse the City for professional fees accrued during the review process of the application. These professional fees may be born by the City Planning or Engineering consultant, Building Official or City Attorney or other professional advice as needed from time to time.

Section 3. Repealer. Previously adopted ordinances are hereby repealed.

Section 4. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 14th day of September, 2015.

Gary Holter, Mayor
ATTEST: Nancy Pauly, City Clerk

ORDINANCE NO. 118

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE, ORDAINS AS FOLLOWS:

SECTION 1. Ordinance 112, Zoning Regulations of the City of Medicine Lake, Section 1000 General Building and Performance Requirements, Sub-part 1000.2 Dwelling Unit Restrictions, is amended by adding the following:

(e) OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593: Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Medicine Lake opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 22nd day of August, 2016, by the City Council of the City of Medicine Lake, Minnesota.

By: Gary Holter

Mayor

ATTEST: Nancy Pauly

City Clerk

City of Medicine Lake

Ordinance No. 119

[Floodplain Ordinance]

Floodplain Management Ordinance

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE, MINNESOTA DOES ORDAIN AS FOLLOWS:

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 Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Medicine Lake, Minnesota, does ordain as follows.

1.2 Statement of Purpose.

- 1.21 This ordinance regulates development in the flood hazard areas of the City of Medicine Lake. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- 1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- 1.23 The ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational

opportunities, provide aesthetic benefits and enhance community and economic development.

SECTION 2.0 GENERAL PROVISIONS

2.1 How to Use This Ordinance. This ordinance adopts the floodplain maps applicable to the City of Medicine Lake and includes two floodplain districts: Floodway and Flood Fringe; within these districts the standards in Sections 4 or 5 will apply, depending on the location of a property.

2.2 Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of the City of Medicine Lake shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway or Flood Fringe Districts.

2.21 The Floodway and Flood Fringe Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

2.3 Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the offices at City Hall.

Effective Flood Insurance Rate Map panels:

27053C0193F

27053C0331F

2.4 Base Flood Elevations. Base Flood Elevations for regional flood events are determined by referencing the Flood Insurance Study, referred to in 2.3 above, and hydraulic models developed and maintained by the BCWMC. This method of identifying flood hazard areas is consistent with the standards established by the Minnesota Department of Natural Resources.

2.5 Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions as determined by survey, the flood elevations shall be the governing factor. The Zoning Administrator shall interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and Board of Adjustment and to submit technical evidence.

2.6 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.7 Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Medicine Lake or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

2.8 Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

2.9 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted according to common usage and so as to give this ordinance its most reasonable application

2.91 Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

- 2.92 Base Flood Elevation. The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.
- 2.93 Basement. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 2.94 BCWMC. The Bassett Creek Watershed Management Commission
- 2.95 Conditional Use. A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
- (a) Certain conditions as detailed in the zoning ordinance exist.
 - (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- 2.96 Critical Facilities. Facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
- 2.97 Development. Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 2.98 Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

- 2.99 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.
- 2.910 Flood Frequency. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- 2.911 Flood Fringe. The portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.
- 2.912 Flood Insurance Rate Map. An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- 2.913 Flood Prone Area. Any land susceptible to being inundated by water from any source (see “Flood”).
- 2.914 Floodplain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- 2.915 Floodproofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 2.916 Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- 2.917 Lowest Floor. The lowest floor of the lowest enclosed area (including basement).
- 2.918 Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required

utilities. The term “manufactured home” does not include e the term “recreational vehicle.”

- 2.919 New Construction. Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.
- 2.920 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 floodplain 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.
- 2.921 One Hundred Year Floodplain. Lands inundated by the “Regional Flood” (see definition).
- 2.922 Principal Use Structure. All uses or structures that are not accessory uses or structures.
- 2.923 Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- 2.924 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 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- 2.925 Regulatory Flood Protection Elevation (RFPE). An elevation not less than two feet above the elevation of the regional flood. It is the

elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.

- 2.926 Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- 2.927 Special Flood Hazard Area. A term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- 2.928 Start of Construction. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 2.929 Structure. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.22 of this ordinance and other similar items.
- 2.930 Substantial Damage. Means damage of any origin sustained by a structure where the cost of restoring the structure to before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.931 Substantial Improvement. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

2.10 **Detachments.** The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City of Medicine Lake after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts.

3.11 Floodway District. The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Section 2.3, as well as portions of other lakes, wetlands, and basins within Zones AE (that do not have a floodway delineated) that are located at or below the ordinary high

water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in Section 2.3, but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3.13 Reserved for General Floodplain District (GF).

3.2 Applicability. Within the floodplain districts established in this ordinance, the use, size, type and location of development shall comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 4.0 and 5.0 are prohibited. In addition, critical facilities, as defined in Section 2.96, are prohibited in all floodplain districts.

3.3 General Rules and Prohibitions Affecting Uses.

3.31 No use shall be permitted or conditionally permitted unless the proposed use conforms to the land use plans and underlying zoning requirements of the City and the watershed management plan, goals, and policies of the BCWMC.

3.32 No use shall be permitted, which acting alone or in combination with existing or anticipated uses, would adversely affect the efficiency or the capacity of the floodway or regional floodplain or increase the Floodplain elevation or flood damages.

(a) In connection with any proposed activity or development, or placement of an obstruction in the Floodway District or the Flood Fringe District, there must be no net loss in floodway or regional floodplain (1% chance) storage and in increase in Floodplain elevations, consistent with the BCWMC watershed

management plan and policies, as may be amended from time to time.

- 3.33 No existing land use, obstruction, or structure within the Floodplain shall be altered in size or scope, except in accordance with the provisions of this ordinance.

SECTION 4.0 FLOODWAY DISTRICT (FW)

4.1 Permitted Uses. The following uses, subject to the standards set forth in Section 4.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- 4.11 Open space uses, including but not limited to picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, hunting and fishing areas.
- 4.12 Residential lawns, gardens.
- 4.13 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

4.2 Standards for Floodway Permitted Uses.

- 4.21 The use shall have a low flood damage potential.
- 4.22 The use shall not obstruct flood flows or cause any increase in flood elevations and shall not involve structures, obstructions, or storage of materials or equipment or other obstructions that would collect debris or restrict flood flows.

4.3 Conditional Uses. The following uses shall be allowed as conditional uses following the standards and procedures set forth in Section 10.4 of this ordinance and further subject to the standards set forth in Section 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.

- 4.31 Marinas, boat rentals, permanent docks, piers, wharves, and water control structures.

4.4 Standards for Floodway Conditional Uses.

- 4.41 All Uses. A conditional use shall not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
- 4.42 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

SECTION 5.0 FLOOD FRINGE DISTRICT

5.1 Permitted Uses. Provided that such uses shall not adversely affect the efficiency or restrict the capacity of the channels or floodways of any tributary to the main stream or other drainage facility or system, the following uses are permitted in the Flood Fringe District to the extent that they are not prohibited by any other City Code provision and provided they do not involve new structures, fill, fences, dams, storage of materials, or equipment:

- 5.11 Open space uses, including but not limited to picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, hunting and fishing areas.
- 5.12 Residential lawns, gardens, parking areas, and play areas.
- 5.13 Non-residential parking areas.
- 5.14 Signs and signals delineating or accessory to parks, trails and other permitted uses as described above in this Subdivision.
- 5.15 Single family homes and associated accessory structures existing prior to the effective date of this ordinance. Any improvements to existing single family homes and associated accessory structures must meet the requirements of this ordinance.

5.2 Standards for Flood Fringe Permitted Uses:

- 5.21 The use shall have a low flood damage potential.

- 5.22 The use shall not obstruct flood flows or cause any increase in flood elevations and shall not involve structures, obstructions, or storage of materials or equipment or other obstructions that would collect debris or restrict flood flows.
- 5.23 Non-residential parking areas shall meet the following provisions:
- (a) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood; and
 - (b) Vegetated buffers meeting City and BCWMC requirements must be established around wetlands, streams, and water bodies.

5.3 Conditional Uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance.

- 5.31 Marinas, boat rentals, permanent docks, piers, wharves, and water control structures.

5.4 Standards for Flood Fringe Conditional Uses.

- 5.41 All Uses. A conditional use shall not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
- 5.42 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

SECTION 6.0 RESERVED FOR GENERAL FLOODPLAIN DISTRICT

SECTION 7.0 LAND DEVELOPMENT STANDARDS

7.1 In General. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Medicine Lake.

7.2 Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

- 7.21 All lots within the floodplain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- 7.22 All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The 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.
- 7.23 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- 7.24 If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
 - (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (c) Adequate drainage is provided to reduce exposure of flood hazard.

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.

7.31 Standards for Uses Removed from the Special Flood Hazard Area.

- (a) All structures, including accessory structures, shall be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at the same elevation at least 15 feet beyond the outside limits of the structure.
- (b) The cumulative placement of fill or similar material on a parcel shall be prohibited, unless the fill is specifically intended to elevate a structure in accordance with Section 7.31(a) of this ordinance.
- (c) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- (d) All service utilities, including ductwork, shall be elevated or water-tight to prevent infiltration of floodwaters.
- (e) 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.
- (f) All fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (g) All new principal structures shall have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or shall have a flood warning /emergency evacuation plan acceptable to the City Council.

- (h) Manufactured homes and recreational vehicles shall meet the standards of Section 9 of this ordinance.

7.32 The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the following standards:

- (a) 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, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards.
- (b) Design and Certification. The structure's design and as-built condition shall be certified by a registered professional engineer 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 shall 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.
- (c) Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages shall be designed to internally flood and the design plans shall stipulate:
 - (1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be

equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

- (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

7.33 Additional Standards. The standards of Section 3.32 (a) shall apply.

7.4 Building Sites. If a proposed building is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

- 7.41 Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 7.42 Constructed with materials and utility equipment resistant to flood damage;
- 7.43 Constructed by methods and practices that minimize flood damage; and
- 7.44 Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 8.0 PUBLIC UTILITIES, RAILROADS, 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 floodplain shall be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

8.2 Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities shall be elevated to the regulatory flood protection elevation

where failure or interruption of these 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 Water Supply and Sewage Treatment Systems. Where public utilities are not provided: 1) On-site water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they shall not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

SECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES

9.1 Manufactured Homes. New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

- 9.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.
- 9.12 If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.
 - (a) New and replacement manufactured homes shall be elevated in compliance with Section 7.3 of this ordinance and shall be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not 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.
 - (b) New or replacement manufactured homes in existing manufactured home parks shall meet the vehicular access requirements for subdivisions in Section 7.22.

9.2 Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain shall meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium-type associations.

9.22 Criteria for Exempt Recreational Vehicles.

- (a) The vehicle shall have a current license required for highway use.
- (b) The vehicle shall be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) The vehicle and associated use shall be permissible in any pre-existing, underlying zoning district.
- (e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District shall be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.
- (f) An accessory structure shall constitute a minimal investment.

9.23 Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a

minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and flood proofing requirements of Section 7.3 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

SECTION 10.0 ADMINISTRATION

10.1 Zoning Administrator. A Zoning Administrator or other official designated by the City Council shall administer and enforce this ordinance.

10.2 Permit Requirements.

10.21 Permit Required. A permit shall be obtained from the Zoning Administrator prior to conducting the following activities:

- (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
- (b) The use or change of use of a building, structure, or land.
- (c) The construction of a dam, fence, or on-site septic system.
- (d) The change or extension of a nonconforming use.
- (e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- (f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- (g) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
- (h) Any other type of “development” as defined in this ordinance.

- 10.22 Application for Permit. Permit applications shall be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application shall include the following as applicable.
- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 - (b) Location of fill or storage of materials in relation to the stream channel.
 - (c) Copies of any required municipal, county, state or federal permits or approvals.
 - (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- 10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- 10.24 Certification. The applicant is 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. Floodproofing measures shall be certified by a registered professional engineer or registered architect.
- 10.25 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 floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
- 10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator shall notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

- 10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

10.3 Variances.

- 10.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 500: Variances, of the City of Medicine Lake Zoning Regulations, as may be amended.
- 10.32 Adherence to State Floodplain Management Standards. A variance shall not allow a use that is not allowed 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.
- 10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency shall be satisfied:
- (a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- 10.34 Flood Insurance Notice. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- 10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
- (a) The potential 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;
 - (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
 - (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - (e) The importance of the services to be provided by the proposed use to the community;
 - (f) The requirements of the facility for a waterfront location;
 - (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - (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 Land Use 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

- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- 10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR) and BCWMC. The City of Medicine Lake shall submit hearing notices for proposed variances to the DNR and BCWMC sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist and BCWMC representative.
- 10.37 Submittal of Final Decisions to the DNR and BCWMC. A copy of all decisions granting variances shall be forwarded to the DNR and BCWMC within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist and BCWMC representative.
- 10.38 The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variance sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting a variance shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- 10.39 Record-Keeping. The Zoning Administrator shall maintain a record of all variance actions, including justification for their issuance, and shall report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

10.4 Conditional Uses.

- 10.41 Review Procedures. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 400: Conditional use Permits, of the City of Medicine Lake Zoning Regulations.
- 10.42 Conditions Attached to Conditional Use Permits. The (Governing Body) may attach such conditions to the granting 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, dikes, levees, and other protective measures.
 - (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- 10.43 Submittal of Hearing Notices to the Department of Natural Resources (DNR) and BCWMC. The Zoning Administrator shall submit hearing notices for proposed conditional uses to the DNR Commissioner and to the BCWMC sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- 10.44 Submittal of Final Decisions to the DNR and BCWMC. A copy of all decisions granting conditional uses must be forwarded to the DNR and BCWMC within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 11.0 NONCONFORMITIES

11.1 Continuance of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance, including historic structures, as defined in Section 2.931(b) of this ordinance, may be continued subject to the following conditions:

- 11.11 A nonconforming use, structure, or occupancy shall not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

- 11.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.
- 11.13 If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure shall meet the standards of Section 7.3 of this ordinance for new structures. The cost of all structural alterations and additions shall include all costs such as construction materials and a reasonable cost placed on all manpower or labor.
- 11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises shall conform to this ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
- 11.15 If any nonconformity is substantially damaged, as defined in Section 2.930 of this ordinance, it may 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 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively, as well as Section 7.3.
- 11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.926 of this ordinance, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- 11.17 Any substantial improvement, as defined in Section 2.931 of this ordinance, to a nonconforming structure requires that the existing structure and any additions shall meet the requirements of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District and Section 7.3.

SECTION 12.0 PENALTIES AND ENFORCEMENT

12.1 Violation Constitutes a Misdemeanor. Violation 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) constitute a misdemeanor and will be punishable as defined by law.

12.2 Other Lawful Action. Nothing in this ordinance restricts the City of Medicine Lake from taking such other lawful action as is necessary to prevent or remedy any violation. 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 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 that existed prior to the violation of this Ordinance.

12.3 Enforcement. Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 800: Enforcement and Penalties of the City of Medicine Lake Ordinance No. 112: Zoning Regulations, adopted October 7, 2013, as may be amended. In responding to a suspected ordinance violation, the Zoning Administrator and the City of Medicine Lake 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 City of Medicine Lake shall 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.

SECTION 13.0 AMENDMENTS

13.1 Floodplain Designation: Restrictions on Removal. The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

13.2 Amendments Require DNR Approval. All amendments to this ordinance shall be submitted to and approved by the Commissioner of the Department of Natural

Resources (DNR) prior to adoption. The Commissioner shall approve the amendment prior to community approval.

13.3 Map Revisions Require Ordinance Amendments. The floodplain district regulations shall be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.

SECTION 14.0 REPEALER

Adoption of this Ordinance repeals Ordinance 86 “Floodplain Management Ordinance” of the City of Medicine Lake as adopted.

SECTION 15.0 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

ADOPTED this 3rd day of October, 2016, by the City Council of the City of Medicine Lake, Minnesota.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. - 120**

AN ORDINANCE AMENDING ORDINANCE NO. 21 REGULATING PARKING WITHIN PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF MEDICINE LAKE, MN.

The City Council of the City of Medicine Lake ordains as follows:

The following section of Ordinance 21 is hereby amended to read as follows (new language is underlined and deleted language is ~~struckout~~):

Section .03: **Parking Regulations**

~~Every vehicle parked upon any street with a curb shall be parked parallel to the curb and with the right hand wheels of such vehicle within twelve inches of the curb. On other streets a vehicle shall be parked to the right of the main traveled portion thereof and parallel thereto and in such a manner as not to interfere with the free flow of traffic. This shall not apply, however, to any vehicle disabled upon any street, but any police officer of the village may require the person in charge thereof to move it to a place of safety; and if such movement is not made or if any motor vehicle is left alone or abandoned in any such position, the officer may provide for the removal of such vehicle to the nearest convenient garage or other place of safe keeping. Under this ordinance the Village Council shall have the power to designate "No Parking" areas and such areas shall be properly posted with "No Parking" signs. Parking of private vehicles shall be prohibited within the public right-of-way of any public street and city parks except where such parking is authorized by the City of Medicine Lake.~~

Section .06: **Penalty**

Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine or by imprisonment.

Adopted by the City Council of Medicine Lake this 7th day of November, 2016.

Gary Holter, Mayor

ATTEST: Nancy Pauly, City Clerk

City Clerk

**City of Medicine Lake
Ordinance No. 121**

**AN ORDINANCE AMENDING ORDINANCE 15. PROVIDING FOR THE
ESTABLISHMENT AND GOVERNMENT OF A VOLUNTEER FIRE
DEPARTMENT FOR THE VILLAGE OF MEDICINE LAKE, MN**

The City Council of the City of Medicine Lake does ordain as follows:

The following section of Ordinance 15 is hereby amended to read as follows (new language is underlined and deleted language is ~~struckout~~):

Section 1: **Purpose of ordinance** - The following section of Ordinance 15 is hereby amended to read as follows (new language is underlined and deleted language is ~~struckout~~):

Section 1. The Department shall be equipped with such apparatus and accessories as may be required from time to time to maintain its efficiency.

Section 5. The Chief shall be appointed by the Council for an indefinite period of time, ~~and his~~. The Chief's tenure of office shall depend upon ~~his~~ good conduct and efficiency, and the Chief shall be removed only for just cause and after a fair and impartial hearing before the Council.

Section 6. The Chief of Department shall be held solely accountable to the Mayor only. All other department and ~~company operation~~ operation officers shall be held accountable to the Chief of Department only.

Section 8. The active membership of the Department shall consist of such persons as may be appointed by the Chief, or by the Council with the approval of the Chief, and shall be able bodied ~~male citizens residing within the city, who can read and write the English Language understandingly, and who are of good moral character, preferably property owners whose business activities are chiefly within the confines of the city, and who have telephones in their homes~~ volunteers who are 18 years old, have a valid driver's license, and who present a high level of moral character.

Section 21. Any person violating the provisions Sections 14-15-16-17-18-19 or 20 shall, upon conviction in the Police Court of this city, or before a Justice of the Peace, pay a fine not less than ~~\$10.00 or more than \$100.00~~ and no more than \$500.00.

Section 2: Grammatical and Spelling Corrections. This ordinance includes grammar and spelling errors that may be necessary for the proper interpretation of this ordinance 15 if they do not conflict with its obvious intent and do not affect its scope and operation.

Section 3: Effective Date. This ordinance will take effect and be in force after its passage and official publication.

ADOPTED this 4th day of December, 2017 by the City Council of the City of Medicine Lake, Minnesota.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 122**

**AN ORDINANCE LIMITING THE TIME ALLOWED TO COMPLETE EXTERIOR
WORK AFTER THE ISSUANCE OF A BUILDING PERMIT**

THE CITY COUNCIL OF MEDICINE LAKE ORDAINS:

PREAMBLE

The City Council finds that the lack of a time limit for completion of exterior work after issuance of a building permit allows the permit holder to leave work unfinished indefinitely, creating building sites that are potentially hazardous and aesthetically objectionable, endangering the health and safety of citizens and visitors to Medicine Lake and impairing the property values of other residents of Medicine Lake. To prevent such circumstances and to provide the City Council with an effective means of compelling the completion of exterior work after the issuance of a building permit, the City Council finds it necessary and appropriate to limit the time period for completion of work after issuance of a building permit.

SECTION 1. 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 ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. Means the municipality of Medicine Lake.

CITY BUILDING OFFICIAL. Means the person designated by the City to accept applications for a Permit and to issue a Permit.

CODE. Means the Minnesota State Building Code as defined in Minn. Stat. 326B.103.

PERMIT. Means a building permit issued by the City Building Official to perform or have performed work in the City that is subject to the provisions of the Code.

SECTION 2. PERMIT TIME LIMIT. A Permit to perform exterior work that is subject to the provisions of the Code shall terminate on the date that is 9 months after the date the Permit is issued.

SECTION 3. PENALTY FOR FAILURE TO COMPLETE WORK. A Permit holder who fails to complete the work or have the work completed before the Permit terminates is in violation of this ordinance.

SECTION 4. PENALTY FOR VIOLATION. Any individual found in violation of any provision of this ordinance shall be a guilty of a misdemeanor.

SECTION 5. SEVERABILITY. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 6. EFFECTIVE DATE. This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minnesota Statute, Section 412.191, Subdivision 4, as it may be amended from time to time, which meets the requirements of Minnesota Statute Section 331A.01, Subdivision 10, as it may be amended from time to time.

Adopted by the City Council of Medicine Lake this 1st day of July, 2019.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

Ordinance No. 123

**AN ORDINANCE ADOPTING A SCHEDULE FOR THE COLLECTION OF
LAND USE RELATED FEES FOR 2019**

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to comply with Minnesota State Statutes, 426.353, Subd. 4, which states that a municipality may prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering an application for the amendment to an official control established pursuant to sections 462.351 – 462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Fees as prescribed must be by ordinance.

Section 2. Land Use Fees.

Permit/Application Type	Fee	Escrow
Subdivision - Preliminary / Final Plat		
Minor (less than 3 lots)	\$400	\$2,000
Major (4 or more lots)	\$400	\$3,000
Planned Unit Development	\$400	project specific
Conditional Use Permit	\$250	\$1,000
Variance	\$250	\$1,000
Zoning Ordinance Amendment (text and/or map)	\$500	\$3,000
Amendment to Comprehensive Plan (text and/or map)	\$500	\$3,000
Storm Water Management Plan	\$250	\$3,000
Land Excavation /Filling/Grading Permit (Fee waived if in conjunction with a stormwater management plan)	\$250	\$500
Road and Driveway Permits	\$50	-
Rental Housing Application Fee	\$30	-
	\$125 per unit	-
Rental Housing Inspection Fee (Fee includes main inspection and follow up. Additional follow up will be billed at an hourly rate)		

Construction Management Plan Escrows:

- Two Thousand Five Hundred (\$2,500) Dollars for a demo permit or construction of an accessory building,
- Two Thousand (\$2,000) Dollars for a remodel which includes new additional space
- Four Thousand (\$4,000) Dollars for new single or two-family construction. An escrow is

required for both a demolition permit and a building permit.

Project specific escrow amounts require a minimum deposit of \$5,000 at the time of submittal. The total escrow required is estimated based on the size, location and complexity of the project. Additional funds may be required from time to time and shall be estimated based on a preliminary review of the project.

Escrow funds will be used to reimburse the City for professional fees accrued during the review process of the application. These professional fees may be born by the City Planning or Engineering consultant, Building Official or City Attorney or other professional advice as needed from time to time.

Section 3. Repealer. All previously adopted ordinances related to land use application fees are hereby repealed.

Section 4. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 1st day of July, 2019.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 124**

**AN ORDINANCE AMENDING ORDINANCE 112
ZONING REGULATIONS
FOR THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

The following sections of Ordinance 112 are hereby amended to read as follows (new language is underlined and deleted language is ~~struck out~~):

200 - RULES AND DEFINITIONS

Section 200.2 Definitions

(3) Accessory, Building or Use Structure: A subordinate building or structure ~~or use~~ which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or ~~main principal~~ use.

(4) Accessory, Use: A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

(25) Building Setback: The minimum horizontal distance between the building and any ~~combination of the following: the~~ lot line or the ordinary high water mark (OHW) elevation for properties abutting Medicine Lake, or roadway pavement edge.

(39) Conditions of Approval: Stipulations that are directly related and bear a rough proportionality to the impact of an action or request requiring a land use approval from the Planning Commission or City Council. Conditions are typically applied in the case of a variance request or a conditional use permit.

(45) Curb Level: The elevation of the established curb in front of a building measured at the center of such front. Where no curb level has been established, the City ~~Building Inspector~~ Zoning Administrator shall determine a curb level or its equivalent for the purpose of this Chapter.

(49) Design Guidelines: A set of guidelines defining parameters to be followed in a site or building design and development.

(66) Escrow Fund: A separate fund or account held by the city used to cover expenses incurred by the city in processing and administering land use applications or to hold funds as a guarantee/security ensuring stipulations and conditions are adhered to.

(98) Line of Sight: a) For lakeside setbacks - An imaginary building line that connects the forward most parts of two adjacent principal buildings in relation to the Normal (Ordinary) High Water Mark and b) for non lakeside street side front yard setbacks — an imaginary building line that connects the forward most parts of two adjacent principal buildings in relation to the street side front lot line which also delineates the public right of way. The line of sight affects the lake side setback of lakeshore property and the front setback of non lakeshore property.

(159) Public Works: Any improvement facility or service, together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy, or similar essential services.

(160) Public Works Superintendent: The official responsible for reviewing and administering land use and development applications affecting road permits, street parking, and other public infrastructure and utilities.

(216) Yard, Front (Street side): A yard extending along the full width of a ~~front~~ lot line abutting a public street between side lot lines and from the front lot line to the front building line in depth.

(217) Yard, Front (Lakeside): Any yard extending along the full width of a lot at ~~abutting~~ the ordinary highwater line (OHW) between side lot lines and from the OHW to the building setback line.

(222) Zoning Administrator: The official designated by the City Council who is responsible for administering and enforcing the zoning code.

400 - ADMINISTRATION - CONDITIONAL USE PERMITS

Section 400.6 Performance Security

- (b) The security shall be in the amount equal to one hundred twenty-five (125) percent of the ~~City Engineer's or City Building Inspector's~~ estimated costs of labor and materials for the proposed improvements or development and shall be approved by the Zoning Administrator. Said project can be handled in stages upon the discretion of the ~~City Engineer and Building Inspector~~ Zoning Administrator.
- (c) The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and regulations of the City has been issued by the ~~City Building Inspector~~ Zoning Administrator.

500 - ADMINISTRATION - VARIANCES

Section 500.1 General Provisions and Standards

- (2) A variance from the terms of this Chapter shall not be granted unless it can be demonstrated that:
 - a. ~~Undue hardship~~ Practical difficulties will result if the variance is denied. ~~Undue hardship~~ Practical difficulties shall exist under the following circumstances:
 - 1. The applicant for the variance establishes that there are practical difficulties in complying with this chapter. "Practical difficulties," as used in connection with the granting of a variance, means that all of the following must be found to apply:
 - i. Reasonableness: The property owner proposes to use the land in a reasonable manner for a use permitted in the zone where the land is located, but the proposal is not permitted by other official controls;

- ii. Uniqueness: The plight of the landowner is due to circumstances unique to the property and that are not created by the landowner; and
- iii. Essential Character: The variance, if granted, will not alter the essential character of the neighborhood.

- 2. Economic considerations alone do not constitute practical difficulties. There are special conditions and circumstances which are peculiar to the land, structure or building involved.

~~Undue hardship caused by the special conditions and circumstances may not be solely economic in nature.~~

~~The property in question cannot be put to reasonable use if used under the conditions allowed by this ordinance. Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant may show that it would like to use the property in a reasonable manner that is prohibited by the ordinance. "Practical difficulties" may justify a variance, including functional and aesthetic concerns.~~

- ~~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, or deny the applicant the ability to put the property in question to a reasonable use.~~
- ~~c. The special conditions and circumstances causing the undue hardship 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.~~
- b. The request is not a use variance.
- c. Variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.
- ~~g. Variance requested will not alter the essential character of the locality.~~

- (4) Should the Council find that the conditions outlined heretofore apply to the proposed lot or parcel, the Council may grant a variance from the strict application of this Chapter so as to relieve such difficulties ~~or hardships~~ to the degree considered reasonable, provided such relief may be granted without impairing the intent of this Chapter. The Planning Commission shall have the power to advise and recommend such conditions related to the variance regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable in the interest of the intent and purpose of this Chapter.

Section 500.2 Procedures

Request for variances, as provided within this chapter, shall be filed with the Planning Commission on an official application form. Such application shall be accompanied by a fee as provided for by City Council ~~Resolution~~. Such application shall also be accompanied by ~~ten (10) copies of an~~ electronic file submittal with detailed written and graphic material fully explaining the proposed change, development, or use ~~and a list of property owners located abutting or immediately neighboring of the subject property obtained from and certified by Hennepin County or the City~~. The request for variance shall be placed on the agenda of the first possible Planning Commission meeting occurring fourteen (14) days after the date of submission of the application. The request shall be considered officially submitted when all the informational requirements are complied with.

- (d) The Zoning Administrator, Planning Commission, and City Council shall have the authority to request additional information from the applicant concerning physical or operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.

Section 500.4 Performance Security

- (a) Upon approval of a variance, the City shall be provided, where deemed necessary by the Council, with an irrevocable letter of credit, surety bond, cash in an escrow fund, certificate of deposit payable to the City, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance and City Chapter provisions.
- (b) The security shall be in the amount equal to one hundred twenty-five (125) percent of the ~~City Engineer's or Building Inspector's~~ estimated costs of labor and materials for the proposed improvements or development and shall be approved by the Zoning Administrator.
- (c) The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance and City regulations has been issued by the ~~Building Inspector~~ Zoning Administrator.

Section 500.5 Certificate of Survey Required

A certified survey of the subject site in question shall be required to show present topography, boundary lines, and other significant features including structures, easements, significant landscape features (such as trees with a diameter of more than twelve (12) inches, wetlands, regulatory flood plain elevation, ordinary high water line). Survey ~~to~~ shall include features from the adjacent properties within twenty (20) feet of the subject property or sufficient to determine line of site setbacks.

800 - ENFORCEMENT AND PENALTIES

Section 800.1 Enforcement

This Chapter shall be administered and enforced by the ~~Building Inspector~~ Zoning Administrator who is appointed by the City Council. The ~~Planning Commission~~ Zoning Administrator may institute in the name of the City of Medicine Lake any appropriate actions or proceedings against a violator as provided by statute, charter, ordinance or regulation.

1000 - GENERAL BUILDING AND PERFORMANCE REQUIREMENTS

Section 1000.3 Platted and Unplatted Property

- (a) Any person desiring to improve property shall submit to the ~~Building Inspector~~ Zoning Administrator a Certificate of Survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to City regulations.

Section 1000.4 Accessory Buildings, Uses and Equipment

- (e) Single Family Detached Uses
(1) b. Side Yard: 3 7 feet
c. Rear Yard: 3 7 feet

Section 1000.6 Fences

- (b) Locations. All boundary line fences shall be located entirely upon the private property of the person constructing such fence. The ~~Building Inspector~~ Zoning Administrator may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit to establish the boundary lines of a person's property by a survey thereof to be made by a registered land surveyor. In the event of disputed boundary line, the fence shall be at least three feet from the midpoint of the disputed lines.

Section 1000.16 Outside Storage, Residential, and Commercial and Industrial Uses

- (b) (6) A site plan documenting the location and grading of the storage operation shall be submitted and shall be subject to the approval of the City ~~Building Inspector~~ Zoning Administrator.

1100 - GENERAL YARD, LOT AREA AND BUILDING REQUIREMENTS

Section 1100.4 Building Type and Construction

- (c) (8) Architecturally treated cement board

Section 1100.5 Yards

(a) The following shall not be considered as encroachments on yard setback requirements:

- (1) Awnings, balconies, chimneys, flues, leaders, sills pilasters, lintels, ornamental features, cornices, buttresses, eaves, gutters, and the like provided they do not project more than two (2) feet into the yard and are no closer than 5 feet to the property line.

Section 1100.10 Single Family Dwellings

All single family detached homes shall:

- (c) Have a composition, slate, copper, shingled or tiled roof. In addition, metal tile and standing seam metal roof coverings may be allowed by approval of the Zoning Administrator, provided they meet the standards adopted by the Minnesota State Residential Code.

1200 – OFF-STREET PARKING REQUIREMENTS

Section 1200.4 General Provisions

Subpart (g) Stall, Aisle, and Driveway Design subpart (5) Surfacing of all areas intended to be utilized for parking space and driveways shall be surfaced with ~~bituminous, crushed rock or asphalt,~~ concrete, or pavers of a similar hard surface, to control dust and drainage. Driveways and stalls of five or more vehicles shall be surfaced with asphalt, ~~crushed rock or concrete,~~ or pavers of a similar hard surface. Runoff from gravel driveways in the forms of silt or sand must be kept from flowing down city streets or into waterways. ~~Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicle shall be submitted to the Planning Commission for its review and the final drainage plan shall be subject to its written approval.~~

Section 1200.6 Location

- (c) There shall be no exterior storage, long term (30 or more days) off-street parking of vehicles, or parking of recreational vehicles or travel trailers within ~~fifteen~~ ten (10) feet of any ~~street surface~~ street side property line (also the road right-of-way line).

1500 - SITE/BUILDING PLAN REVIEW

Section 1500.2 Plan Required

In addition to other plan requirements outlined in this Chapter, site and construction plans will be required and shall be submitted to and approved by the Building Inspector and Zoning Administrator prior to the issuance of any building permit.

Section 1500.3 Council Action

Except in the case of minor projects, additions or alterations as determined by the ~~Building Inspector~~ Zoning Administrator, all building and site plans for multiple family or commercial construction shall be subject to review by the Planning Commission and approval by the Council.

Section 1500.5 Enforcement

The ~~Building Inspector~~Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this section has been officially documented by the ~~Building Inspector~~Zoning Administrator.

1800 - LAND FILLING OPERATIONS

Section 1800.3 Technical Reports

- (a) The ~~Public Works Superintendent~~ ~~Building Inspector~~ shall process all land fill permit applications. Such applications, when determined to be necessary by the ~~Public Works Superintendent~~ ~~Building Inspector~~ and all those for more than fifty (50) cubic yards shall be forwarded to the Planning Commission. Where watersheds, flood plains and/or wetlands are in question, the Minnesota Department of Natural Resources and Bassett’s Creek Watershed Management Organization shall also be contacted. These technical advisors shall be instructed by the Planning Commission to prepare reports for the Council.

Section 1800.4 Issuance of Permit

- (a) Unless sent to the Planning Commission for review and comment, the ~~Public Works Superintendent~~ ~~Building Inspector~~ shall determine as to whether, and when, and under what conditions a land fill permit for less than fifty (50) cubic yards shall be issued.
- (b) Upon receiving information and reports from the Planning Commission, the Council shall make its determination as to whether, and when, and under what conditions such permit for a land fill greater than fifty (50) cubic yards is to be issued to the applicant by the ~~Public Works Superintendent~~ ~~Building Inspector~~.

Section 1800.5 Conditions of Operation.

- (c) Unless expressly extended by permit, the hours of operation shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

Section 1800.6 Security

The Council may require either the applicant or the owner or user of the property on which the land fill is occurring to post as security in such form and sum as the ~~Public Works Superintendent~~ ~~Building Inspector~~ and/or City Engineer Shall determine, with sufficient surety provided to the Planning Commission, conditioned to pay to the City the extraordinary cost and expense of repairing, from time to time, any ~~highways~~, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel in transporting fill material, the amount of such cost and expense to be determined by the ~~Public Works Superintendent~~ ~~City Building Inspector~~; and conditioned further to comply with all requirements of this Chapter, and the particular permit, and to pay any expense the City may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

Section 1800.8 Completion of Operation

- (a) All land fill operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Public Works Superintendent ~~Building Inspector~~ in writing of the date of completion. If additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the Planning Commission and upon a satisfactory showing of need, the Council may grant an extension of time. If such extension is granted, it shall be for a definite period and the Public Works Superintendent ~~Building Inspector~~ shall issue an extension permit. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the land fill operation within ninety (90) days and that failure to complete the operation was due to circumstances beyond the permit holder's control such as shortage of fill material, teamster's strike, unusually inclement weather, illness or other such valid and reasonable excuse for non-completion. In the event a request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with the other provisions of this Chapter relating to grading, leveling and seeding or sodding. What constitutes such "reasonable time" shall be determined by the Public Works Superintendent ~~Building Inspector~~ after inspection of the premises.
- (b) At the completion of a land fill operation, the premises shall be graded, leveled, and seeded or sodden with grass. The grade shall be such elevation with reference to any abutting street or public way as the Public Works Superintendent ~~Building Inspector~~ shall prescribe in the permit. The site shall also conform to such prerequisites as the Public Works Superintendent ~~Building Inspector~~ may determine with reference to storm water drainage runoff and storm water passage or flowage so that the land fill cannot become a source of, or an aggravation to, storm water drainage conditions in the area.
- (c) The Public Works Superintendent ~~Building Inspector~~ shall inspect the project following completion to determine if the applicant has complied with the conditions required thereto. Failure of such compliance shall result in the withholding of any building permits for the site and notice of such withholding shall be filed in the office of the City Clerk for the purpose of putting subsequent purchasers on notice.

1900 - LAND EXCAVATION/GRADING

Section 1900.4 Technical Reports

- (a) The Public Works Superintendent ~~Building Inspector~~ shall immediately upon receipt of such applications forward a copy thereof to the City Council. Where watersheds and/or wetlands are in question, the Minnesota Department of Natural Resources and Bassett's Creek Watershed Management Organization shall also be contacted. These technical advisors shall be instructed by the Public Works Superintendent ~~Building Inspector~~ to prepare reports for the Council.

Section 1900.5 Issuance of Permit

Upon receiving information and reports from the Public Works Superintendent ~~Building Inspector~~, the Council shall make its determination as to whether, and when, and under what conditions such permit for an excavation or grading is to be issued to the applicant by the Public Works Superintendent ~~Building Inspector~~.

Section 1900.7 Security

The Council may require either the applicant or the Owner or user of the property on which the excavation or grading is occurring to post a security in such form and sum as the Council shall determine, with sufficient surety provided to the City, conditioned to pay to the City the extraordinary cost and expense of repairing, from time to time, and highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel in transporting excavated material, the amount of such cost and expense to be determined by the Public Works Superintendent ~~City Building Inspector~~; and conditioned further to comply with all requirements of this Chapter, and the particular permit, and to pay any expense the City may incur by reason of doing anything required to be done by any applicant to whom a permit is based.

Section 1900.9 Completion of Operation

- (a) All excavation and grading operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Public Works Superintendent ~~Building Inspector~~ in writing of the date of completion. if additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the City and upon a satisfactory showing of need, the Council may grant an extension of time. If such extension is granted, it shall be for a definite period and the Public Works Superintendent ~~Building Inspector~~ shall issue an extension permit. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the excavation operation within ninety (90) days and that failure to complete the operation was due to circumstances beyond the permit holder's control, such as teamster's strike, unusually inclement weather, illness or other such valid and reasonable excuse for non- completion. In the event request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with the other provisions of this Chapter relating to grading, leveling and seeding or sodding. What constitutes such "reasonable time" shall be determined by the ~~City~~ Public Works Superintendent ~~Building Inspector~~ after inspecting the premises.
- (b) At the completion of an excavation or grading project, the premises shall be graded, leveled, and seeded or sodded with grass. The grade shall be such elevation with reference to any abutting street or public way as the ~~City~~ Public Works Superintendent ~~Building Inspector~~ shall prescribe in the permit. The site shall also conform to such prerequisites as the Public Works Superintendent ~~City Building Inspector~~ may determine with reference to storm water drainage runoff and storm water passage or flowage so that the excavation cannot become a source of, or an aggravation to, storm water drainage conditions in the area. The Public Works Superintendent ~~City Building Inspector~~ shall inspect the project following completion to determine if the applicant has complied with the conditions imposed as part of the permit.

3100 - "R-1" RESIDENTIAL SINGLE FAMILY DISTRICT

Section 3100.3 Accessory Uses

The following are permitted accessory uses in an "R-1" District:

~~All permitted accessory uses as allowed in the "R-1" Zoning District except the keeping of animals and buildings and structures related thereto.~~

- (a) Accessory buildings and structures as regulated by Section 1000 of this Chapter.

- (b) Accessory uses incidental and customary to the uses listed as permitted or conditionally permitted or conditional in this section.
- (c) Home occupations and home offices as regulated by Section 1600 of this Chapter.
- (d) Keeping of animals subject to Section 2300 of this Chapter.
- (e) Off street Parking as regulated by Section 1200 of this Chapter.
- (f) Recreational vehicles and equipment parking and storage as regulated by Section 1200.4 subpart (f).

Section 3100.5 Lot Requirements and Setbacks

- (c) Setbacks:
 - (1) Yard Front yards (Streetside): Fifty (50) feet minimum. ~~For non-lake-shore lots the line of sight shall also apply.~~
 - (4) Yard Front (Lakeside) yards: ~~As determined by the line of sight but not less than fifty (50) feet.~~ Fifty (50) feet minimum or the line of sight whichever is greater.

3200 - "R-2" RESIDENTIAL SINGLE AND TWO FAMILY DISTRICT

Section 3200.5 Lot Requirements and Setbacks

(c) Setbacks:

(1) Yard Front yards (Streetside): Fifty (50) feet minimum. ~~For non-lake-shore lots the line of sight shall also apply.~~

(4) Yard Front (Lakeside) yards: ~~Fifty (50) feet minimum or as determined by the line of sight but not less than fifty (50) feet.~~ Fifty (50) feet minimum or the line of sight whichever is greater.

3500 - PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Section 3500.3 Submission Requirements

(a) (11) The ~~Building Inspector~~ Zoning Administrator may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

(12) The ~~Building Inspector~~ Zoning Administrator may require the submission of additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

(b) (2) Ten (10) sets of preliminary plans, drawn to a scale of no less than one (1) inch equals one hundred (100) feet or scale requested by the ~~Building Inspector~~ Zoning Administrator containing at least the following information:

Section 3500.4 Procedure for Processing

(b) Application Conference. Prior to filing of an application for a PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the ~~Building Inspector~~ Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys and other data.

(c)(2)a. Applicant shall meet with the ~~Building Inspector~~ Zoning Administrator to discuss the proposed developments.

(d)(3)a. 2. The City ~~Building Inspector~~ Zoning Administrator and/or consulting engineering firm for review of all engineering data and the City/Developer Agreement.

(d)(3)a.4. The ~~Building Inspector~~ Zoning Administrator or their agent for review of all plans for compliance with the intent, purpose and requirements of this Chapter and conformity with the General Concept Plan and Comprehensive Plan.

- (d)(3)a.6. When appropriate, as determined by the ~~Building Inspector~~ Zoning Administrator to other special review agencies such as the Watershed Districts, Soil Conservation Services or other review agencies and governmental jurisdictions.
- (d)(7) Site Improvements. At any time following the approval of Development Stage Plan by the Council, the applicant may, pursuant to the applicable City Code provisions, apply for, and the City ~~Building Inspector~~ Zoning Administrator may issue, grading permits for the area within the PUD for which Development Stage Plan approval has been given.
- (e)(2)a. Upon approval of the Development Stage Plan, and within the time established in this Chapter, the applicant shall file with the ~~Building Inspector~~ Zoning Administrator a Final Plan consisting of the information and submissions required of this Chapter for the entire PUD or for one or more stages. This plan will be reviewed and approved or denied by City staff.
- (e)(3) Except as otherwise expressly provided herein, upon receiving notice from the ~~Building Inspector~~ Zoning Administrator that the approved Final Plan has been recorded and upon application of the applicant pursuant to the applicable City Code provisions, all appropriate officials of the City may issue building and other permits to the applicant for development construction and other work in the area encompassed by the approved Final Plan provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and City Code provisions in which are applicable to the permit sought, have been satisfied.
- (e)(5)a. Compliance with Overall Plan. Following Final Plan approval of a PUD, or a stage thereof, the ~~Building Inspector~~ Zoning Administrator shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.
- (e)(5)b. If the ~~Building Inspector~~ Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plan as finally approved, the City shall: by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it deems necessary to compel compliance with the Final Plans as approved; or shall require the landowner or applicant to seek an amendment to the Final Plan.

3600 - "S" SHORELAND OVERLAY DISTRICT

Section 3600.7 Shoreland Alterations

- (c) Excavations on shorelands where the intended purpose is to connect to a public water, such as boat slips, canals, lagoons, and harbors, shall require a permit from the ~~Building Inspector~~ Zoning Administrator prior to commencement of construction. Such permit shall be obtained only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters. Approval will be given only if the proposed work is consistent with applicable State regulations for work in beds of public waters.

Section 3600.8 Sewage Treatment and Water Supply

- (c) High Water Elevation. For lakes, ponds, or flowages, no structure, except docks, shall be placed at an elevation inconsistent with the minimum elevation requirements of the flood plain management regulations. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Zoning Administrator ~~Building Inspector~~. Plans shall also be submitted to the Department of Natural Resources and Bassett’s Creek Watershed Management Association. Instances where flood plain elevations are not available, the lowest floor including basement, of structures shall be at a level at least one (1) foot above the 100 year flood elevation.

3700 "W" WETLAND SYSTEMS OVERLAY DISTRICT

Section 3700.4 Development Regulations

- (b) High Water Elevation for lakes, ponds, or flowages, no structure, except docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than one (1) foot above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the ~~Building Inspector~~ Zoning Administrator. Plans shall also be submitted to the Department of Natural Resources and Bassett’s Creek Watershed Management Association.

Effective Date. This ordinance becomes effective upon passage and publication.

Adopted by the City Council of Medicine Lake this 6th day of November, 2019.

Scott Marks, Mayor
ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 125**

**AN ORDINANCE CREATING SECTION 1300 OF THE ZONING CODE REGULATING RESIDENTIAL
DRIVEWAYS AND OFF STREET PARKING AREA FOR THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

The following language shall be incorporated into Ordinance 112 Zoning Regulations as Section 1300 Driveway Regulations.

DRIVEWAY REGULATIONS

§ 1300.0 Purpose and Intent

The City of Medicine Lake finds that the design of private driveways can have a significant impact on storm water runoff, community image, and parking within the City. To prevent storm water runoff from negatively affecting adjacent property and to ensure that private parking does not interfere with the public's use of the street right-of-way in a safe manner, the City Council finds it necessary and appropriate to provide standards regulating private driveways that access the public right-of-way.

§ 1300.1 Permit Required.

- a) No person shall construct, reconstruct, or expand any driveway access to any city street right-of-way without first obtaining a permit from the City Public Works Superintendent. The City Public Works Superintendent may issue the permit upon review of the application and recommendation by the Zoning Administrator and/or City Engineer and payment of a fee as established by City Council ordinance.
- b) A permit shall be issued if the proposed driveway project complies with the standards identified in Section 1300.2. Driveway and Parking Standards. If the standards identified below cannot be met, a variance may be sought pursuant to the standards and procedures found in Section 900 of the Zoning Code. Any driveway project approved should be constructed so as to have minimal impact on adjacent property. Efforts shall be taken to keep all runoff from the driveway project area on the subject property until it can outflow to a public drainageway.
- c) A permit is not required for the normal care and maintenance of an existing impervious surface so long as the square footage of the surface is not increased.

§ 1300.2 Driveway and Parking Standards.

- a) **Access.** One driveway shall be allowed and required for each residential parcel of land improved with a residence.

- b) **Local Street Connection.** Each driveway shall abut a local street unless otherwise permitted by the Zoning Administrator in the case of a written shared driveway agreement between the owners of the properties sharing the driveway.
- c) **Driveway Width.** Driveways shall have a maximum width of 20 feet at the property line/right of way line and for a distance of 10 feet from the property line.
- d) **Placement Standards and Setbacks.** Driveways and parking areas shall meet accessory structure setbacks for side yard setbacks. Parking areas shall be setback a minimum of 10 feet from the street side property line (see section 1200 Off Street Parking Requirements). No driveways or parking areas shall be placed within bluff and shore impact zones.
- e) **Materials.** All residential driveways shall connect to a garage or other parking area on the lot and the entire length shall be paved from the property line/public right of way to the garage or parking area with asphalt, concrete or pavers of a similar hard surface.

§ 1300.3 Exceptions.

Any driveway existing at the time of adoption of this ordinance is considered a legally non-conforming driveway. Improvements to, or reconstruction of legally non-conforming driveways are exempt from the standards listed in section 1300.2 provided they do not increase the degree of non-conformity.

§ 1300.4 Effective Date

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minnesota Statute, Section 412.191, Subdivision 4, as it may be amended from time to time, which meets the requirements of Minnesota Statute Section 331A.01, Subdivision 10, as it may be amended from time to time.

Adopted by the City Council of Medicine Lake this 6th day of November, 2019.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

CITY OF MEDICINE LAKE
ORDINANCE NO. 126
(as amended by Ordinance 138)

AN ORDINANCE GOVERNING THE LICENSURE AND REGULATIONS OF RENTAL HOUSING

THE CITY OF MEDICINE LAKE ORDAINS:

SECTION 1. PURPOSE. It is the purpose of this ordinance to protect the public health, safety, and welfare of citizens of the City who have, as their place of abode, a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all Dwellings in the City.

SECTION 2. DEFINITIONS. For the purposes of Ordinance 126 the terms defined in this Section shall have the meanings given them in the subdivisions which follow:

Subd. 1. **Rental Dwelling.** As used in this ordinance the term "Rental Dwelling" shall mean any building which is let or rent to one or more persons who are not the legal Owner of record thereof, pursuant to the terms of a written or unwritten lease or agreement.

Subd. 2. **Operate.** As used in this ordinance, the term "operate" means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling.

Subd 3. **Code Official.** Shall be the Rental licensing official as designated by the City Council

Subd 4. **Owner.** A Person or Persons holding title to a property or otherwise having the legal right to determine occupancy of the property, as recorded in the official state, county, or City records.

Subd 5. **Person.** An individual, corporation, firm, association, company, partnership, organization, trustee, trust, or any other group acting as a unit.

Sub 6. **Qualifying Relative.** The Owner's parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece. This relationship may be either by blood, marriage, or persons involved in a significant romantic relationship, or who share a child.

Subd 7. **Let or Rent.** The act of an Owner, in exchange for compensation, to allow occupancy of a Dwelling or portion of a Dwelling by one or more Persons who are not the Owner of the Dwelling pursuant to the terms of a written or oral lease or agreement.

SECTION 3. LICENSE REQUIRED. No person shall operate, Let or Rent, a rental Dwelling in the City without first having obtained a license. The license is issued every three years and is valid only for the original purchaser until the date of expiration. Licenses issued during the 3-year period will be prorated for fees.

SECTION 4. APPLICATION FOR LICENSES. Applications for licenses shall be made in writing on forms provided by the City and accompanied by the fee amounts as established by the Council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

Subd. 1. Name, business or residence address and telephone number of the Owner of the Dwelling. If the Owner is a partnership, the name of the partnership, the name, residence address of the managing partner, and the full name and address of all partners. If the Owner is a corporation, the name and address of the corporation, and the name and address of the chief operating officer; in cases where the Owner of a Dwelling resides outside of the seven-county metropolitan area consisting of the following counties: Hennepin, Anoka, Washington, Ramsey, Dakota, Scott, and Carver; the Owner's agent/contact person shall reside within the seven-county area.

Subd. 2. If the Owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, and telephone number of such agent.

Subd. 3. Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address and telephone number, and a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the Owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the Owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the Owner of the Dwelling or an agent identified in subsection (2) above.

Subd. 4. Street address of the Dwelling.

Subd. 5. Number and kind of units within the rental dwelling (Dwelling units, tenement units, rooming units, or others). For each unit, specify the floor number, and the unit number and/or letter and/or designation.

Subd. 6. In the event that any of the information required to be provided by this Section changes, the applicant or licensee shall, within ten days, notify in writing the Code Official

of the change. However, if the natural person designated in Subdivision 3 changes, the licensee or applicant shall file an entirely new application within ten days. Furthermore, for just cause, the Code Official may request that an applicant or licensee complete and file a new or replacement application for any rental Dwelling, giving the licensee or applicant a minimum of ten days to comply.

Subd. 7. Section 13 shall apply to a dwelling as if the Dwelling has a rental license in the instance where the Dwelling was rented without a license as required by Section 3 but is within 365 days of filing an application for a license. If there have been three or more instances of conduct deemed to be disorderly under Section 13 during the 365 days prior to filing the application, the rental Dwelling license shall not be issued until a minimum of 365 days have elapsed since the last violation. If there have been one or two instances of disorderly conduct during the prior 365 days, the license may be issued but the instances of disorderly conduct shall apply to the license.

SECTION 5. TEMPORARY LICENSES.

The Code Official may issue a temporary license to the Owner of a rental Dwelling who has submitted an application and paid a prorated license fee. A temporary license shall authorize the continued occupancy of rental Dwelling units in actual existence, pending issuance of a rental Dwelling license. A temporary license shall authorize the continued occupancy of Dwelling units converted to rental usage, which shall be inspected pursuant to Section 10. A temporary license indicates only that the Owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in Section 12. A temporary license is not a determination that the building complies with the housing maintenance code or minimum standards set forth in Section 12.

SECTION 6. MANDATORY TRAINING.

The Owner or property manager of a rental Dwelling may be required to complete a Crime Free Housing training program that has been approved by the City Council if there is a violation of Code Section 13. Refresher courses may be required when there are additional violations of this Code prior to license renewal.

SECTION 7. LICENSE RENEWAL.

Notwithstanding the application signature requirements of Section 5, renewals of the license as required by this Code may be made by filling out the required renewal form available through the City-to the Owner, operator or agent of a rental Dwelling and mailing said form together with the required registration fee to City Hall

SECTION 8. TENANT REGISTER.

The licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of apartments within the apartment house or rental home.

In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the City of any change of the identity, address or telephone numbers of such persons. The register must be available for the inspection by the City at all times.

SECTION 9. LICENSE FEES.

Rental license fees are set forth in City Fee Schedule

SECTION 10. INSPECTIONS REQUIRED.

Pursuant to this Section, scheduled inspections are required to determine the condition of rental Dwellings located within the City for the purpose of enforcing the rental licensing standards. The-designated representative may enter, examine, and survey at all reasonable times all rental Dwellings and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises.

SECTION 11. NOTICES.

Whenever a notice is required to be sent to or served upon the licensee of a rental Dwelling under this Section, notice shall be deemed sufficient if sent certified mail to the Owner or Owner's designated agent at the address specified in the last license application filed with the City. If a notice sent to the address specified in the last license application is returned, and the Owner or Owner's agent cannot be found, then notice shall be sent to the person designated in the last license application as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building.

SECTION 12. MAINTENANCE STANDARDS.

Every rental Dwelling shall maintain the standards in Ordinance 37 Public Health Housing Code in addition to any other requirement of the ordinance of the City or special permits issued by the City, or the laws of the State of Minnesota.

SECTION 13. RENTAL DWELLING LICENSES.

Conduct on licensed premises.

Subd. 1. It shall be the responsibility of the rental license holder to take appropriate action, with the assistance of the City, to prevent conduct by tenants or their guests on the licensed premises, which is hereby deemed to be disorderly, in violation of any of the following statutes or ordinances:

Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling.

Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto.

Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances.

Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages.

Minnesota Rules: 7030 Noise Pollution Control Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and Section 930 of this Code, which prohibit the unlawful possession, transportation, sale, or use of a weapon.

Minnesota Statutes, Section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

Failure to comply with dangerous dog requirements in violation of Section 13 of Ordinance 77 or Minnesota Statutes Chapter 347.

Indecent exposure in violation of Minnesota Statutes, Section 617.23.

Assault, as defined by Minnesota Statutes, Sections 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.

Public nuisance, as defined by Ordinance 24 or Minnesota Statutes, Sections 609.74—609.745.

The unlawful sale, furnishing, use, or possession of intoxicating liquor or malt liquor in violation of Minnesota law or Ordinance 10

Criminal damage to property in violation of Minnesota Statutes 609.595.

The unlawful sale or possession of small amounts of marijuana in violation of Minnesota Statutes, Section 152.027 subd. 4.

The unlawful possession or use of drug paraphernalia in violation of Minnesota Statutes, Section 152.092.

Contributing to the delinquency or status as a juvenile.

Failure to restrain a domestic animal in violation of Section 5 of Ordinance 77

Cruelty to animals in violation of Minnesota law.

Excess number of domestic animals in violation of Section 8 of Ordinance 77

Illegal possession of a wild animal in violation of Ordinance 113.

Illegal open burning in violation of Ordinance 46

Illegal refuse in violation of Zoning Code.

Abandoned or junk vehicles in violation of Minnesota law.

Illegal exterior storage in violation of the Zoning Code

Illegal parking or storage of recreational vehicles in violation of the Zoning Code

Illegal parking or storage of vehicles in violation of the Zoning Code.

False report to public officer Minnesota Statute Section 609.505

Three cumulative renter violations in a 365-day period of other City Codes or State Statutes on the premises or on the adjacent rights-of-way. These violations include, but are not limited to, parking.

Subd. 2. A determination that the licensed premises have been used in a disorderly manner as described in Subdivision 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.

Subd. 3. Upon determination utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in Subdivision 1, the City shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action with the assistance of the City to prevent further violations.

Subd. 4. If another instance of disorderly use of the licensed premises at the same specific Dwelling or unit occurs within 365 days of an incident for which a notice in Subdivision 3 was given, the City shall notify the licensee by certified mail of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City within seven days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding 365 days.

Subd. 5. If another instance of disorderly use of the licensed premises at the same specific Dwelling or unit occurs within 365 days after the second of any two previous instances of disorderly use for which notices were sent to the licensee pursuant to this Section, the rental Dwelling license for the premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a

license under this Section shall be initiated by the City in the manner described in Section 410.45, and shall proceed according to the procedures established in Sections 14 and 15 .

Subd. 6. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or the tenant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless the licensee diligently pursues them. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the City within ten days of receipt of the violation notice. Further, an action to deny, revoke, suspend, place on probation, or not renew a license based upon violations of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

Subd 7. No person, firm, partnership, corporation, or other similar entity may Rent, Let, lease, or sublease any Dwelling or Dwelling unit for fewer than one hundred eighty (180) consecutive days.

SECTION 14. REVOCATION, SUSPENSION, OR PROBATION.

Subd. 1. Every license or permit issued under this ordinance is subject to the right, which is hereby expressly reserved, to suspend, revoke, or place on probation the same should the license holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain rental Dwellings contrary to the provisions of this ordinance or any other ordinance of the City or any special permit issued by the City or the laws of the State of Minnesota.

Subd. 2. The license may be suspended, revoked, or placed in a probation status by the Council after a written notice is sent to the license holder specifying the ordinance or law violations with which they are charged. This notice shall also specify the date for hearing before the Council, which shall not be less than ten days from the date of the notice.

Subd. 3. At such hearing before the Council, the license holder or their attorneys may submit and present witnesses on their behalf.

Subd. 4. After a hearing the Council may suspend, revoke, or place on probation the license if they deem it necessary to protect the public health, safety, or general welfare.

Subd 5. If a licensee is found to have violated the Rental Ordinance, the licensee shall, in addition to any other remedy, pay to the City, all costs incurred by the City to enforce the Ordinance, whether incurred in an administrative, criminal, or civil action. Further, as a condition of the future validity of his/her license, the licensee would be required to reimburse the City for all costs related to the investigation and enforcement of the ordinance, including reasonable attorney's fees, regardless of whether a Court ordered them to be paid. All fees shall be due and payable by the Owner to the city within 30 days of written demand by the City.

SECTION 15. SUMMARY ACTION.

- Subd. 1. When the condition of the rental Dwelling of any license holder or their agent, representative, employee, or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the Code Official shall have the authority to summarily condemn or close off such area of the rental Dwelling.
- Subd. 2. Any person aggrieved by a decision of the Code Official to cease business or revoke or suspend the license or permit shall be entitled to appeal to the Council immediately, by filing a Notice of Appeal. The Code Official shall schedule a date for hearing before the Council and notify the aggrieved person of the date.
- Subd. 3. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.
- Subd. 4. The decision shall not be voided by the filing of such appeal. Only after the Council has held its hearing will the decision be affected.

SECTION 16. APPLICABLE LAWS.

Licenses shall be subject to all the ordinances of the City and the State of Minnesota relating to rental Dwellings; and this ordinance shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

SECTION 17. REPEALER.

Adoption of this Ordinance repeals Ordinance 90 Rental Housing Regulations; Licensure and Regulation of Rental Housing of the City of Medicine Lake as adopted.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

ADOPTED this 3rd day of February, 2020 by the City Council of the City of Medicine Lake, Minnesota.

SECTION 19: EFFECTIVE DATE

Amended by Ordinance 138, Adopted 5th day of December 2022. This Ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.

Scott Marks, Mayor

ATTEST: Therese Polum, City Clerk

CITY OF MEDICINE LAKE

ORDINANCE NO. 126

AN ORDINANCE GOVERNING THE LICENSURE AND REGULATIONS OF RENTAL HOUSING

THE CITY OF MEDICINE LAKE ORDAINS:

SECTION 1. PURPOSE. It is the purpose of this ordinance to protect the public health, safety and welfare of citizens of the City who have as their place of abode a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all rental dwellings in the City.

SECTION 2. DEFINITIONS. For the purposes of Ordinance 126 the terms defined in this Section shall have the meanings given them in the subdivisions which follow:

Subd. 1. **Rental Dwelling.** As used in this ordinance the term "rental dwelling" shall mean any rental dwelling with one or more living units. "Rental dwelling" does not include hotels, motels, hospitals and homes for aged.

Subd. 2. **Operate.** As used in this ordinance, the term "operate" means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling.

Subd 3. **Code Official.** Shall be the Rental licensing official as designated by the City Council

SECTION 3. LICENSE REQUIRED. No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling in the City without first having obtained a license. The license is issued every three years and is valid only for the original purchaser until the date of expiration. Licenses issued during the 3 year period will be prorated for fees.

SECTION 4. APPLICATION FOR LICENSES. Applications for licenses shall be made in writing on forms provided by the City and accompanied by the fee amounts as established by the Council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

- Subd. 1. Name, business or residence address and telephone number of the owner of the dwelling. If the owner is a partnership, the name of the partnership, the name, residence address of the managing partner, and the full name and address of all partners. If the owner is a corporation, the name and address of the corporation, and the name and address of the chief operating officer; in cases where the owner of a dwelling resides outside of the seven-county metropolitan area consisting of the following counties: Hennepin, Anoka, Washington, Ramsey, Dakota, Scott, and Carver; the owner's agent/contact person shall reside within the seven-county area.
- Subd. 2. If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, and telephone number of such agent.
- Subd. 3. Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address and telephone number, and a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.
- Subd. 4. Street address of the dwelling.
- Subd. 5. Number and kind of units within the rental dwelling (dwelling units, tenement units, rooming units or others). For each unit, specify the floor number, and the unit number and/or letter and/or designation.
- Subd. 6. In the event that any of the information required to be provided by this Section changes, the applicant or licensee shall, within ten days, notify in writing the Code Official of the change. However, if the natural person designated in Subdivision 3 changes, the licensee or applicant shall file an entirely new application within ten days. Furthermore, for just cause, the Code Official may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of ten days to comply.
- Subd. 7. Section 13 shall apply to a dwelling as if the dwelling has a rental license in the instance where the dwelling was rented without a license as required by Section 3 but is within 365 days of filing an application for a license. If there have been three or more instances of conduct deemed to be disorderly under Section 13 during the 365 days prior to filing the application, the rental dwelling license shall not be issued until a minimum of 365 days have elapsed since the last violation. If there have been one or two instances of disorderly conduct during the prior 365 days, the license may be issued but the instances of disorderly conduct shall apply to the license.

SECTION 5. TEMPORARY LICENSES.

The Code Official may issue a temporary license to the owner of a rental dwelling who has submitted an application and paid a prorated license fee. A temporary license shall authorize the continued occupancy of rental dwelling units in actual existence, pending issuance of a rental dwelling license. A temporary license shall authorize the continued occupancy of dwelling units converted to rental usage, which shall be inspected pursuant to Section 10. A temporary license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in Section 12. A temporary license is not a determination that the building complies with the housing maintenance code or minimum standards set forth in Section 12.

SECTION 6. MANDATORY TRAINING.

The owner or property manager of a rental dwelling may be required to complete a Crime Free Housing training program that has been approved by the City Council if there is a violation of Code Section 13. Refresher courses may be required when there are additional violations of this Code prior to license renewal.

SECTION 7. LICENSE RENEWAL.

Notwithstanding the application signature requirements of Section 5, renewals of the license as required by this Code may be made by filling out the required renewal form available through the City to the owner, operator or agent of a rental dwelling and mailing said form together with the required registration fee to City Hall

SECTION 8. TENANT REGISTER.

The licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of apartments within the apartment house or rental home.

In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the City of any change of the identity, address or telephone numbers of such persons. The register must be available for the inspection by the City at all times.

SECTION 9. LICENSE FEES.

Rental license fees are set forth in City Fee Schedule

SECTION 10. INSPECTIONS REQUIRED.

Pursuant to this Section, scheduled inspections are required to determine the condition of rental dwellings located within the City for the purpose of enforcing the rental licensing standards. The-designated representative may enter, examine and survey at all reasonable times all rental dwellings and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises.

SECTION 11. NOTICES.

Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this Section, notice shall be deemed sufficient if sent certified mail to the owner or owner's designated agent at the address specified in the last license application filed with the City. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person designated in the last license application as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building.

SECTION 12. MAINTENANCE STANDARDS.

Every rental dwelling shall maintain the standards in Ordinance 37 Public Health Housing Code in addition to any other requirement of the ordinance of the City or special permits issued by the City, or the laws of the State of Minnesota.

SECTION 13. RENTAL DWELLING LICENSES.

Conduct on licensed premises.

Subd. 1. It shall be the responsibility of the rental license holder to take appropriate action, with the assistance of the City, to prevent conduct by tenants or their guests on the licensed premises which is hereby deemed to be disorderly, in violation of any of the following statutes or ordinances:

Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;

Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;

Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;

Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;

Minnesota Rules: 7030 Noise Pollution Control Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and Section 930 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;

Minnesota Statutes, Section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

Failure to comply with dangerous dog requirements in violation of Section 13 of Ordinance 77 or Minnesota Statutes Chapter 347.

Indecent exposure in violation of Minnesota Statutes, Section 617.23.

Assault, as defined by Minnesota Statutes, Sections 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.

Public nuisance, as defined by Ordinance 24 or Minnesota Statutes, Sections 609.74—609.745.

The unlawful sale, furnishing, use, or possession of intoxicating liquor or malt liquor in violation of Minnesota law or Ordinance 10

Criminal damage to property in violation of Minnesota Statutes 609.595.

The unlawful sale or possession of small amounts of marijuana in violation of Minnesota Statutes, Section 152.027 subd. 4.

The unlawful possession or use of drug paraphernalia in violation of Minnesota Statutes, Section 152.092.

Contributing to the delinquency or status as a juvenile.

Failure to restrain a domestic animal in violation of Section 5 of Ordinance 77

Cruelty to animals in violation of Minnesota law.

Excess number of domestic animals in violation of Section 8 of Ordinance 77

Illegal possession of a wild animal in violation of Ordinance 113.

Illegal open burning in violation of Ordinance 46

Illegal refuse in violation of Zoning Code.

Abandoned or junk vehicles in violation of Minnesota law.

Illegal exterior storage in violation of the Zoning Code

Illegal parking or storage of recreational vehicles in violation of the Zoning Code

Illegal parking or storage of vehicles in violation of the Zoning Code.

False report to public officer Minnesota Statute Section 609.505

Three cumulative renter violations in a 365-day period of other City Codes or State Statutes on the premises or on the adjacent rights-of-way. These violations include, but are not limited to, parking.

- Subd. 2. A determination that the licensed premises have been used in a disorderly manner as described in Subdivision 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.
- Subd. 3. Upon determination utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in Subdivision 1, the City shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action with the assistance of the City to prevent further violations.
- Subd. 4. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within 365 days of an incident for which a notice in Subdivision 3 was given, the City shall notify the licensee by certified mail of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City within seven days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding 365 days.
- Subd. 5. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within 365 days after the second of any two previous instances of disorderly use for which notices were sent to the licensee pursuant to this Section, the rental dwelling license for the premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a license under this Section shall be initiated by the City in the manner described in Section 410.45, and shall proceed according to the procedures established in Sections 14 and 15 .
- Subd. 6. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or the tenant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless the licensee diligently pursues them. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the City within ten days of receipt of the violation notice. Further, an action to deny, revoke, suspend, place on probation, or not renew a license based upon violations of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

SECTION 14. REVOCATION, SUSPENSION, OR PROBATION.

Subd. 1. Every license or permit issued under this ordinance is subject to the right, which is hereby expressly reserved, to suspend, revoke, or place on probation the same should the license holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain rental dwellings contrary to the provisions of this ordinance or any other ordinance of the City or any special permit issued by the City or the laws of the State of Minnesota.

Subd. 2. The license may be suspended, revoked, or placed in a probation status by the Council after a written notice is sent to the license holder specifying the ordinance or law violations with which they are charged. This notice shall also specify the date for hearing before the Council, which shall not be less than ten days from the date of the notice.

Subd. 3. At such hearing before the Council, the license holder or their attorneys may submit and present witnesses on their behalf.

Subd. 4. After a hearing the Council may suspend, revoke, or place on probation the license if they deem it necessary to protect the public health, safety or general welfare.

SECTION 15. SUMMARY ACTION.

Subd. 1. When the condition of the rental dwelling of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the Code Official shall have the authority to summarily condemn or close off such area of the rental dwelling.

Subd. 2. Any person aggrieved by a decision of the Code Official to cease business or revoke or suspend the license or permit shall be entitled to appeal to the Council immediately, by filing a Notice of Appeal. The Code Official shall schedule a date for hearing before the Council and notify the aggrieved person of the date.

Subd. 3. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.

Subd. 4. The decision shall not be voided by the filing of such appeal. Only after the Council has held its hearing will the decision be affected.

SECTION 16. APPLICABLE LAWS.

Licenses shall be subject to all of the ordinances of the City and the State of Minnesota relating to rental dwellings; and this ordinance shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

SECTION 17. REPEALER.

Adoption of this Ordinance repeals Ordinance 90 Rental Housing Regulations; Licensure and Regulation of Rental Housing of the City of Medicine Lake as adopted.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

ADOPTED this 3rd day of February, 2020 by the City Council of the City of Medicine Lake, Minnesota.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

Ordinance No. 127

AN ORDINANCE ADOPTING A SCHEDULE FOR THE COLLECTION OF LAND USE RELATED FEES FOR 2020

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to comply with Minnesota State Statutes, 426.353, Subd. 4, which states that a municipality may prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering an application for the amendment to an official control established pursuant to sections 462.351 –462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Fees as prescribed must be by ordinance.

Section 2. Land Use Fees.

Permit/Application Type	Fee	Escrow
Road and Driveway Permits	\$50	Project specific
Land Excavation /Filling/Grading Permit (Fee waived if in conjunction with a stormwater management plan)	\$250	\$500
Storm Water Management Plan	\$250	\$3,000
Conditional Use Permit	\$250	\$1,000
Variance	\$250	\$1,000
Subdivision - Preliminary / Final Plat	\$400	\$2,000
Minor (less than 3 lots)	\$400	\$3,000
Major (4 or more lots)		
Planned Unit Development	\$400	project specific
Zoning Ordinance Amendment (text and/or map)	\$500	\$3,000
Amendment to Comprehensive Plan (text and/or map)	\$500	\$3,000
Construction Management Plan Escrows:		
• Demolition Permit		\$2500
• Remodel which includes new additional space		\$2000
• New single or two-family construction (if no Demolition escrow, otherwise, \$1500 if demo Escrow paid and unused)		\$4000
• Construction of an accessory building		\$2500
Pre-planning contract with City Planner		\$500
Rental Housing inspection and 3yr License (inspection includes primary and one follow up Appointment. Additional inspection appointments are charged an hourly rate as designated by Plymouth)	\$215	
• Multi-unit property will be \$30/unit/year for Licensing + \$125 inspection fee + \$10/unit.		

Project specific escrow amounts require a minimum deposit of \$5,000 at the time of submittal. The total escrow required is estimated based on the size, location and complexity of the project. Additional funds may be required from time to time and shall be estimated based on a preliminary review of the project.

Escrow funds will be used to reimburse the City for professional fees accrued during the review process of the application. These professional fees may be born by the City Planning or Engineering consultant, Building Official or City Attorney or other professional advice as needed from time to time.

Section 3. Building Permit Fees.

See Exhibit A attached.

Section 4. Repealer. All previously adopted ordinances related to land use application fees and building permit fees are hereby repealed.

Section 5. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

ADOPTED this 3rd day of February, 2020 by the City Council of the City of Medicine Lake, Minnesota.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

**EXHIBIT A – CITY OF MEDICINE LAKE
BUILDING PERMIT FEES 2020**

The following **Residential** work requires payment of the fees indicated:

- a) Re-roofing; Re-siding; Fireplaces **1 and 3**
- b) Room additions; Porches; Decks; Garages;
Basement Finishes; Pools; Remodeling: **1, 2 and 3**
- c) New Single Family Dwellings **1, 2 and 3**

The following **Multi-Family** and **Non-Residential** work requires payment of the fees indicated:

- a) New or additions to Multi-Family, Commercial, Industrial, Public and all other non-residential structures served with Municipal Sewer and/or Water **1, 2, 3, 4 and 5**
- b) Remodeling existing structure **1, 2 and 3**
- c) Finishing off vacant tenant space **1, 2 and 3**

NOTE: If space is to be finished into a more intense use, fees under 4 and 5 may also be required.

All fees are paid at the time of permit issuance. Please be advised that there are separate fees which make up the overall "permit fee". They are as follows: Building Permit, Plan Review, State Surcharge, SAC's, and REC's. A description of the fees and how they are calculated is listed below.

1. BUILDING PERMIT FEE

This amount is calculated from the fee schedule below and is based on the total value of all construction work including plumbing, electrical and mechanical systems, finish work and labor, even if you are doing the work yourself. **Please note: Valuations will be adjusted by the City when the proposed valuation indicated on the application form is under estimated or in error.**

<u>TOTAL VALUATION</u>	<u>PERMIT FEE</u>
\$1.00 to \$500.00	\$40.00
\$501.00 to \$2,000.00	\$40.00 for the first \$500.00 plus \$2.25 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$73.75 for the first \$2,000.00 plus \$14.75 each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$413.00 for the first \$25,000.00 plus \$10.75 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$681.75 for the first \$50,000.00 plus \$7.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$1056.75 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3456.75 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5956.75 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof.

2. PLAN REVIEW

This amount is **65%** of the Building Permit Fee. Multiply .65 x the Building Permit Fee which you calculated in #1 on page 1. Do not use the original building valuation amount.

3. STATE SURCHARGE

This amount is based on the table below. For valuation use the same building valuation amount as you used for #1.

<u>BUILDING VALUATION</u>	<u>SURCHARGE FEE</u>
One Million or less	.0005 x Valuation
\$1,000,001 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,001 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,001 to \$4,000,000	\$1200 + .0002 x (Value - \$3,000,000)
\$4,000,001 to \$5,000,000	\$1400 + .0001 x (Value - \$4,000,000)
Greater than \$5,000,000	\$1500 + .00005 x (Value - \$5,000,000)

4. SAC (STATE) SEWER AVAILABILITY CHARGE: CURRENT RATE IS \$2,485.00 PER UNIT

- a) For construction of single family dwellings: One (1) unit is charged.
- b) For construction of multi-family buildings: One (1) unit is charged for each dwelling unit.
- c) For construction of non-residential buildings: Units are calculated according to the current guidelines of the Metropolitan Council Environmental Services. It will save time if you contact them directly for their written SAC Determination. MCES telephone number is (651) 602-1000.

5. REC (CITY) RESIDENTIAL EQUIVALENT CONNECTION CHARGE

WREC (Water)	CURRENT RATE IS \$1,407.00 per unit.
SREC (Sewer)	CURRENT RATE IS \$549.00 per unit.

- a) For construction of single family dwellings: One (1) unit is charged.
- b) For construction of multi-family buildings: One (1) unit is charged for each dwelling unit.
- c) For construction of non-residential buildings: Units are calculated by the following:
 - (1) Determine number of SAC units per item 4.c. above; and
 - (2) Multiply number of SAC units by 1.39. (Round off to nearest whole number.)

Mechanical Permit Fee Schedule	
New	Alterations or Miscellaneous
A. Permit Fee: 1.5% x Job Cost, (when job cost is \$1,000,000 or less)	A. Permit Fee: 1.5% x Job Cost, (when job cost is \$1,000,000 or less)
B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)	B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)
Total Fee (A + B)	Total Fee (A + B)

Plumbing Fixtures & Alterations

- A. Permit Fee: 2% x Job Cost (\$45.00 min)
- B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)

Total Fee: (A + B)

City of Medicine Lake

ORDINANCE NO. 128

[Signs Moratorium]

**AN INTERIM ORDINANCE TEMPORARILY ESTABLISHING A MORATORIUM ON
SIGNS**

**THE CITY OF MEDICINE LAKE, MINNESOTA DOES HEREBY ORDAIN AS
FOLLOWS:**

Section 1.0 Statutory Authorization, Findings of Fact and Purpose.

1.1 Statutory Authorization. The City of Medicine Lake (the "City") has the authority to establish moratoriums to regulate, restrict, or prohibit any use in all or part of the City. In particular, pursuant to [Minnesota Statutes Section 462.355, Subd 4](#), the City is authorized to adopt a planning moratorium on uses while the City is conducting studies or has authorized a study to be conducted, or has scheduled a hearing to consider the adoption or amendment of the comprehensive plan or official zoning controls.

1.2 Findings of Fact and Purpose. City staff have recently received inquiries regarding sign standards in the City of Medicine Lake. The City's zoning code has a few provisions that apply to signs, but little controls regarding the effect of signs on safety and aesthetics in the city. As a result of these important zoning issues, the City desires to conduct a study for the purposes of considering possible amendments to the City's official controls to address the issues relating to signs. The City finds that this Interim Ordinance is necessary to protect the planning and the health, safety, and welfare of its residents.

Section 2.0 Definition.

For the purposes of this Interim Ordinance, the term "sign" shall be defined as mentioned in the zoning code, which is the definition below.

Sign: Any letter, word, symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication whether painted, pasted, printed, affixed or constructed which is displayed outdoors for informational or communicative purposes. It shall include, but not be limited to, the following types and purposes of signs: advertising, area identification, business, directional, flashing, free standing, illuminated, institutional, nameplate, pylon, rotating, swinging, temporary and traffic control.

Section 3.0 Prohibition.

In accordance with the findings set forth in Section 1.2, a zoning moratorium is established on signs within the City.

During the effective period of this Interim Ordinance, no new signs shall be established in the City and applications for building permits or zoning approvals for signs will not be processed, approved, or accepted by the City. This Ordinance also prohibits the further consideration of and approval of any pending license or zoning applications for signs.

Section 4. Study.

The City hereby authorizes a study of all issues related to the regulation of signs.

Section 5. Enforcement.

The City may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction.

Section 6. Severability.

Every section, provision of this Ordinance is declared separable from every section, provision or part of this Ordinance. If any section, provision, or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Section 7. Duration.

This Interim Ordinance shall take effect immediately upon adoption and publication and shall be effective until the earlier of the following dates:

- (a) six months from its effective date, or
- (b) The date upon which the City reaffirms, amends, or repeals its ordinances and official controls related to signs.

Section 8. Effective

This Ordinance shall take effect and be in full force from and after its adoption and publication, as provided by law.

Passed by the City Council of the City of Medicine Lake, Minnesota, on this 1st of June, 2020

Adopted by the City Council of Medicine Lake this 1st day of June, 2020.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 129**

**AN ORDINANCE AMENDING SECTIONS 1000, 1800, AND 1900 OF THE ZONING
CODE REGULATING DRAINAGE AND EROSION CONTROL IN THE CITY OF MEDICINE
LAKE**

The City of Medicine Lake does ordain:

Section 1: Purpose

The City of Medicine Lake has regulations in place that affect the altering of land for the purpose of protecting individual property and public property from damage created by changes in topography that affect storm water runoff. With increasing severity and frequency of rain events and with the continued interest of Medicine Lake property owners to improve property, the City finds it necessary to provide additional regulations governing site grading.

Section 2: Proposed Amendments to the Zoning Code

The following language shall be incorporated into the Zoning Regulations. Changes are reflected by ~~strikeouts~~ for deletions and underline for new inserted text.

§1000.9 Drainage Plans.

- (a) No land shall be developed and no use shall be allowed that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facility subject to the review and approval of the ~~City Council~~ City Engineer and in accordance with storm drainage plans as may be established by the City.
- (b) Any change in grade that exceeds 1% slope toward an adjacent property within 7 feet of the property line may require installation of stormwater BMPs as determined by the City Engineer.
- (c) In the case of all residential subdivisions, business developments, the drainage plans including necessary spot elevations shall be submitted to the ~~City Planning Commission~~ City Engineer for its review and the final drainage plan shall be subject to its written approval. In the case of such uses, no modifications in grade and drainage flow through fill, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and have received written approval from the City.

§1800.2 Application and Required Information.

- (a) Any person desiring a permit hereunder shall present an application on such forms as shall be provided by the ~~Planning Commission~~ Public Works Superintendent requiring the following information:
- (9) A site plan showing the proposed finished grade (one foot contours and spot elevations) and landscape plan prepared by a professional qualified to prepare such plans. Erosion control measures shall be provided in such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the land fill is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth.

§1800.3 Technical Reports.

- (a) The Public Works Superintendent shall process all land fill permit applications. Such applications, when determined to be necessary by the ~~Planning Commission~~ City Engineer and all those for more than fifty (50) cubic yards shall be forwarded to the City Engineer. Where ~~watersheds~~ flood plains and/or wetlands are in question, the Minnesota Department of Natural Resources and Bassett's Creek Watershed Management Organization shall also be contacted. ~~These technical advisors shall be instructed by the Planning Commission to prepare reports for the Council.~~

§1800.4 Issuance of Permit.

- (a) Unless sent to the ~~Planning Commission~~ City Engineer for review and comment, the Public Works Superintendent shall determine as to whether, and when, and under what conditions a land fill permit for less than fifty (50) cubic yards shall be issued.
- (a) ~~Upon receiving information and reports from the Planning Commission, the Council~~ The City Engineer shall make its determination as to whether, and when, and under what conditions such permit for a land fill greater than fifty (50) cubic yards is to be issued to the applicant by the Public Works Superintendent.

§1800.8 Completion of Operation.

- (a) All land fill operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Public Works Superintendent in writing of the date of completion. If additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the ~~Planning Commission~~ Public Works Superintendent and upon a satisfactory showing of need, the ~~Council~~ Public Works Superintendent may grant an extension of time. If such extension is granted, it shall be for a definite period and the Public Works Superintendent shall issue an extension permit.

§1900.3 Application for Permit.

- (a) Any person desiring a permit hereunder shall present an application on such form as shall be provided by the ~~Planning Commission~~ Public Works Superintendent requiring the following information:

- (9) A site plan showing the proposed finished grade (one foot contours and spot elevations) and landscape plan shall be prepared by a professional qualified to prepare such plans. Erosion control measures shall be provided in such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the excavation is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth.

§1900.4 Technical Reports.

- (a) The Public Works Superintendent shall immediately upon receipt of such applications forward a copy thereof to the City ~~Council~~ Engineer. Where flood plains and/or wetlands are in question, the Minnesota Department of Natural Resources and Bassett's Creek Watershed Management Organization shall also be contacted. ~~These technical advisors shall be instructed by the Public Works Superintendent to prepare reports for the Council.~~
- (d) Filing fees in excess of the actual incurred expenses shall be refunded to the applicant. When the expenses incurred in the review of the application exceed the fee, such excess expenses shall be billed to the applicant.

§1900.5 Issuance of Permit.

Upon receiving information and reports from the City Engineer, the Public Works Superintendent ~~the Council~~, shall make its determination as to whether, and when, and under what conditions such permit for an excavation or grading is to be issued to the applicant by the Public Works Superintendent.

§1900.6 Conditions of Permit.

- (a) The ~~Council~~ Public Works Superintendent, as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit is issued, or the owner or user of the property on which the excavation or grading is located to:

Section3: Effective Date.

This ordinance becomes effective upon passage and publication.

Adopted by the City Council of Medicine Lake this 6th day of July, 2020.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 130**

**AN ORDINANCE REPEALING AND REPLACING SECTION 2000 SIGNS AND
AMENDING SECTION 200.2 DEFINITIONS OF THE ZONING CODE**

THE CITY OF MEDICINE LAKE ORDAINS:

Section 1: **Title:** City of Medicine Lake Zoning Code Section 2000 Signs

Section 2: **Definitions:** Section 200.2 of the Zoning Code shall be amended by adding the following definitions as the pertain to the sign code:

- (1) Holiday Decorations - See ‘Seasonal Decorations’
- (2) Lighting, Unshielded - Any fixture that allows light to be emitted above the horizontal plane directly from the lamp or indirectly from the fixture or a reflector.
- (3) Seasonal Decorations - Noncommercial signs or other materials temporarily displayed on traditionally accepted civic, patriotic, and/or religious holidays.
- (4) Sight Visibility Triangle - The triangular area formed by a diagonal line connecting two points located on intersecting street right of way lines (or a right-of-way line and the curb or edge of a driveway)
- (5) Sign - A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (6) Sign, Abandoned - Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.
- (7) Sign, Advertising - A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
- (8) Sign, Animated - Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement.
- (9) Sign Area – The entire area within a continuous perimeter enclosing the extreme limits of a sign.
- (10) Sign, Attached - A sign attached to or painted on a building
- (11) Sign, Billboard - A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

- (12) Sign, Construction - A temporary sign providing information about future development or current construction on a site and the parties involved in the project.
- (13) Sign Copy Area - The area of a sign that is used for display purposes excluding the minimum frame and supports. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle, circle, or other applicable shape large enough to frame the display.
- (14) Sign, Directional - Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit, and one-way.
- (15) Sign, Discontinued-See ‘Sign, Abandoned’
- (16) Sign Face - The area or display surface used for a message or visual representation.
- (17) Sign, Fence- A sign attached to or painted on a fence.
- (18) Sign, Freestanding – A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.
- (19) Sign, Flashing – An illuminated sign which has a light source not constant in intensity or color at all times while the sign is in use.
- (20) Sign, Garage Sale - A sign with a message advertising the resale of personal property that has been used by the resident.
- (21) Sign, Holiday - A temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local, or religious holidays and contains no commercial message.
- (22) Sign, Identification - A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.
- (23) Sign, Illuminated - Any sign directly lighted by any electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.
- (24) Sign, Information - A sign that provides a service, direction, or courtesy information intended to assist the public and is not displayed for the general purpose of advertising products or services. Information signs shall include the location of business facilities (e.g., store entrances, walk-up windows, self-service operations) and courtesy information (hours of operation, menus, credit cards accepted, restrooms, “no solicitors”). Information signs shall not include fuel price signs or traffic directional signs, nor shall they be part of any sign whose primary function is business identification.

- (25) Sign, Internally Illuminated – A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
- (26) Sign, Monument - A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
- (27) Sign, Noncommercial – A sign which has no commercial content.
- (28) Sign, Off-Premise - Any sign advertising goods, products, or services, not located or sold on the premises on which the sign is located.
- (29) Sign, On-Premise - Any sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is installed and maintained.
- (30) Sign, Permanent - A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
- (31) Sign, Political – A temporary sign identifying and urging voter support for a particular election issue, political party, or candidate.
- (32) Sign, Public Information - Any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local governmental authorities.
- (33) Sign, Real Estate - A temporary sign that relates to the advertising of a subdivision or major development or construction activities on a site.
- (34) Sign, Revolving – See ‘Sign, Rotating’
- (35) Sign, Roof- A sign erected upon and above a roof structure and wholly supported by the roof structure placed upon a roof.
- (36) Sign, Rotating - A sign which in its entirety or in part moves in a revolving or similar manner. Such motion does not include methods of changing copy.
- (37) Sign, Sandwich Board - A sign which is a self-supporting A-shaped or freestanding temporary sign with two visible sides that are typically situated adjacent to a business.
- (38) Sign, Temporary - A sign not intended or designed for permanent display.
- (39) Sign, Warning – A sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising.

Section 3: Repeal and Replace: Section 2000 of the Medicine Lake Zoning Code shall be repealed in its entirety and replaced as follows:

§2000 - SIGNS

§2000.1 Purpose

The purpose of this sign ordinance is to maintain public safety and an attractive built environment by encouraging appropriate design, scale, and placement of signs. The regulations encourage the orderly placement of signs, to assure information displayed on any sign is clearly visible for its intended purpose, and to allow the fair and consistent enforcement of sign regulations by the City of Medicine Lake.

§2000.2 Exceptions

These provisions of this ordinance shall apply to all signs except:

- (a) Inside Signs, including signs visible through windows or transparent doors
- (b) Temporary holiday signs and related decorations
- (c) Temporary holiday lights that are projecting lights and are only projected on the property or buildings they are located on.
- (d) Signs erected by or as required by a governmental unit.

§2000.3 Permit Required

No sign shall be erected, altered, reconstructed, maintained or moved in the City without first securing a permit from the City. The speech content of the sign shall not be considered when approving or denying a sign permit; however, the content must be submitted to properly evaluate the signage area, design and placement. A proposed sign with a structure requiring a building permit or electrical permit must obtain those permits in addition to a sign permit.

- (a) Exemptions - The following types of signs are allowed without a permit but otherwise subject to the regulations of this chapter.
 - (1) Signs which are associated with public and quasi-public organization functions which are clearly of a temporary nature.
 - (2) Signs not exceeding two (2) square feet in copy area and bearing only property numbers, postal box numbers or names of occupants of premises.
 - (3) Legal notices, identification, public information or directional signs erected by governmental bodies.
 - (4) Temporary special event signs
 - (5) Sandwich board signs
 - (6) Temporary signs painted or mounted to the interior or exterior of the windows.
 - (7) Temporary real estate signs.
 - (8) Political signs.

- (9) Garage Sale signs.
- (10) Construction signs.

§2000.4 General Provisions

- (a) Location and setbacks: Freestanding signs shall be allowed in the B-1 district or by Planned Unit Development. All freestanding signs shall be set back a minimum of 10 feet from the greater of either a property line or edge of pavement of an existing street or trail. No private sign, other than public utility signs, is allowed within or suspended above or affixed to:
 - (1) The public right-of-way of any street,
 - (40) Other property, or
 - (41) Utility or telephone poles.
- (e) Number of Free Standing signs: Parcels shall be limited to one free standing sign per driveway access.
- (f) Size. No individual single-faced sign shall exceed 15 square feet in total copy area. The maximum sign copy area of a double-faced sign shall not exceed two (2) times the allowed square footage of a single faced sign. Total square footage of cumulative sign copy area for a parcel shall not exceed 60 square feet.
- (g) Height. No sign shall measure more than 7 feet from the average grade at the base of the sign to its upper most point of the structure. (grade shall not be raised with fill or other material in order to increase the height of the sign structure.)
- (h) Safety. No sign shall be allowed that hinders the safety of persons. Specifically, no sign is allowed that prevents egress or ingress from any door, window or fire escape no sign is allowed that interferes with the proper functioning of traffic or which constitutes a traffic hazard; no sign is allowed within a sight distance triangle which is structurally unsafe or which endangers life or property.
- (i) Lighting.
 - (1) Internally illuminated signs shall be allowed within the City of Medicine Lake provided they are set to a timer that controls illumination to be limited to the hours between dusk and 11:00 p.m. and 6:00 a.m. to dawn. All internal illuminated lighting shall be dark sky compliant per manufactures specifications.
 - (2) Illuminated sign lighting shall be diffused or indirect so as not to direct rays of light into adjacent property or into any public street or right-of-way. All lights aimed at a sign must minimize the amount of light missing the sign (lights may be equipped with shields/hoods if needed), and should shine from above instead of from below when practical. The lights should be LED and have a correlated color temperature (CCT) of 3,000 Kelvin (K) or lower.
- (j) Pre-Existing Non-Conforming Signs. All non-conforming signs in existence prior to the enactment of this ordinance shall be allowed to be replaced, restored, or rebuilt as necessary to remain the same

as they were before enactment of the ordinance. But any change beyond the established structural dimensions shall be in compliance with the requirements of this ordinance, unless a variance is granted.

- (k) Address Signs. In all zoning districts, one (1) sign shall be required for each business or residence which states the name and/or address of the business, industry, or occupant of the site and is attached to the building, site, sign, and/or mailbox.
- (l) Political Signs. Political signs are allowed in any district on private property with consent of the property owner, subject to the following restrictions:
 - (1) Pursuant to [Minn. Stats. § 211B.045](#), all noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state election.
 - (42) Political signs shall be removed and/or replaced as they become torn, faded, or otherwise damaged.
 - (43) Political signs shall be removed within ten days following the election.
- (m) Temporary Special Event Signs. Temporary special event signs will be permitted in conjunction with the events happening on private property. Such signs shall be exempt from permits and fees but shall be subject to the following:
 - (1) Directional off-premises event signs can be placed on private property providing that the property owners consent is obtained prior to the placement of such signs.
 - (44) Temporary special event signs placed in the right-of-way (ROW) shall be placed a minimum of five feet from the street pavement or curb and shall not obstruct visibility at intersections.
 - (45) Temporary special event signs shall be removed as soon as possible following the event or no later than 24 hours following the event.
- (n) Garage Sale Signs. Signs for garage sales, Boutiques, craft sales, and other sales events of handcrafted or non-handcrafted merchandise taking place on private property shall be subject to all temporary special event signage provisions mentioned in subsection (m) of this section.
- (o) Sandwich Board Signs. Sandwich board signs are permitted subject to the following regulations:
 - (1) The maximum sign copy area shall be 12 square feet per side with the maximum height being four feet.
 - (46) No more than two signs may be placed by any single owner or tenant at any given time.
 - (47) Sandwich board signs shall not be illuminated, shall not contain moving parts, and (unless located on private property) only be displayed during business operating hours or events.
 - (48) Signs of this type must be placed in a location where they will not impede foot traffic or free ingress or egress from any door, window or fire escape.

- (p) Real Estate Development Sale Signs. A real estate development project sign advertising lots, or property for sale, shall be located on premises by permit, and sign shall be removed within one week upon the closing of the sale of the property. The sign copy area shall be a maximum of seventy-five (32) square feet each side, located at the site of the subdivision, set back ten (10) feet from the lot lines, and not within right-of-way.
- (q) Traffic Hazard - Signs shall not:
- (1) Be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or
 - (49) Make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbol or character in such a manner as to interfere with, mislead, or confuse vehicle operators.
- (r) Signs in Disrepair. The City may order the maintenance/repair, modification, or removal of any sign that is not maintained in accordance with the requirements of these regulations. Upon failure to comply with such order within the time specified, the City Council may declare the sign a public nuisance and direct that the nuisance be abated.

§2000.5 Prohibited Signs

The following signs and sign-types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign-type which is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign.

- (a) Billboards.
- (s) Revolving signs; rotating signs.
- (t) Flashing signs.
- (u) Animated signs.
- (v) Roof signs.
- (w) Abandoned- and discontinued signs.
- (x) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
- (y) Signs that have unshielded illuminating devices.
- (z) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
- (aa) Any sign attached to a building or wall surface.
- (bb) Any sign prohibited by state or federal law.
- (cc) Any sign located on real property without the permission of the property owner.

(dd) Any sign which displays nudity, profanity, or other (reasonably) offensive material.

(ee) Advertising or permanent signs painted on or affixed to outside of windows.

(ff) Holiday lights or seasonal decorations that are projecting off of the property they are installed on.

Section 4: Severability. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 5: Effective Date. This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance.

Adopted by the City Council of Medicine Lake this 3rd day of August, 2020.

Scott Marks, Mayor

ATTEST: Nancy Pauly, City Clerk

Ordinance No. 131

AN ORDINANCE ADOPTING A SCHEDULE FOR THE COLLECTION OF LAND USE RELATED FEES FOR 2021

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to comply with Minnesota State Statutes, 426.353, Subd. 4, which states that a municipality may prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering an application for the amendment to an official control established pursuant to sections 462.351 –462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Fees as prescribed must be by ordinance.

Section 2. Land Use Fees.

Permit/Application Type	Fee	Escrow
Road and Driveway Permits	\$50	Project specific
Land Excavation /Filling/Grading Permit (Fee waived if in conjunction with a stormwater management plan)	\$250	\$500
Storm Water Management Plan	\$250	\$3,000
Conditional Use Permit	\$250	\$1,000
Variance	\$250	\$1,000
Silt Fence Inspection	\$100	
Sign Permit	\$150	
Subdivision - Preliminary / Final Plat		
Minor (less than 3 lots)	\$400	\$2,000
Major (4 or more lots)	\$400	\$3,000
Planned Unit Development	\$400	project specific
Zoning Ordinance Amendment (text and/or map)	\$500	\$3,000
Amendment to Comprehensive Plan (text and/or map)	\$500	\$3,000
Construction Management Plan Escrows:		
• Demolition Permit		\$2500
• Remodel which includes new additional space		\$2000
• New single or two-family construction (if no Demolition escrow, otherwise, \$1500 if demo Escrow paid and unused)		\$4000
• Construction of an accessory building		\$2500
Pre-planning contract with City Planner		\$500

Rental Housing inspection and 3yr License
(inspection includes primary and one follow up
Appointment. Additional inspection appointments
are charged an hourly rate as designated by Plymouth) \$215

- Multi-unit property will be \$30/unit/year for
Licensing + \$125 inspection fee + \$10/unit.

Project specific escrow amounts require a minimum deposit of \$5,000 at the time of submittal. The total escrow required is estimated based on the size, location and complexity of the project. Additional funds may be required from time to time and shall be estimated based on a preliminary review of the project.

Escrow funds will be used to reimburse the City for professional fees accrued during the review process of the application. These professional fees may be born by the City Planning or Engineering consultant, Building Official or City Attorney or other professional advice as needed from time to time.

Section 3. Building Permit Fees.

See Exhibit A attached.

Section 4. Repealer. All previously adopted ordinances related to land use application fees and building permit fees are hereby repealed.

Section 5. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

ADOPTED this 4th day of January, 2021 by the City Council of the City of Medicine Lake, Minnesota.

Scott Marks, Mayor
ATTEST: Nancy Pauly, City Clerk

**EXHIBIT A – CITY OF MEDICINE LAKE
BUILDING PERMIT FEES 2020**

The following **Residential** work requires payment of the fees indicated:

- a) Re-roofing; Re-siding; Fireplaces **1 and 3**
- b) Room additions; Porches; Decks; Garages;
Basement Finishes; Pools; Remodeling: **1, 2 and 3**
- c) New Single Family Dwellings **1, 2 and 3**

The following **Multi-Family** and **Non-Residential** work requires payment of the fees indicated:

- a) New or additions to Multi-Family, Commercial, Industrial, Public and all other non-residential structures served with Municipal Sewer and/or Water **1, 2, 3, 4 and 5**
- b) Remodeling existing structure **1, 2 and 3**
- c) Finishing off vacant tenant space **1, 2 and 3**

NOTE: If space is to be finished into a more intense use, fees under 4 and 5 may also be required.

All fees are paid at the time of permit issuance. Please be advised that there are separate fees which make up the overall "permit fee". They are as follows: Building Permit, Plan Review, State Surcharge, SAC's, and REC's. A description of the fees and how they are calculated is listed below.

1. BUILDING PERMIT FEE

This amount is calculated from the fee schedule below and is based on the total value of all construction work including plumbing, electrical and mechanical systems, finish work and labor, even if you are doing the work yourself. **Please note: Valuations will be adjusted by the City when the proposed valuation indicated on the application form is under estimated or in error.**

<u>TOTAL VALUATION</u>	<u>PERMIT FEE</u>
\$1.00 to \$500.00	\$40.00
\$501.00 to \$2,000.00	\$40.00 for the first \$500.00 plus \$2.25 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$73.75 for the first \$2,000.00 plus \$14.75 each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$413.00 for the first \$25,000.00 plus \$10.75 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$681.75 for the first \$50,000.00 plus \$7.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$1056.75 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3456.75 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5956.75 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof.

2. PLAN REVIEW

This amount is **65%** of the Building Permit Fee. Multiply .65 x the Building Permit Fee which you calculated in #1 on page 1. Do not use the original building valuation amount.

3. STATE SURCHARGE

This amount is based on the table below. For valuation use the same building valuation amount as you used for #1.

<u>BUILDING VALUATION</u>	<u>SURCHARGE FEE</u>
One Million or less	.0005 x Valuation
\$1,000,001 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,001 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,001 to \$4,000,000	\$1200 + .0002 x (Value - \$3,000,000)
\$4,000,001 to \$5,000,000	\$1400 + .0001 x (Value - \$4,000,000)
Greater than \$5,000,000	\$1500 + .00005 x (Value - \$5,000,000)

4. SAC (STATE) SEWER AVAILABILITY CHARGE: CURRENT RATE IS \$2,485.00 PER UNIT

- a) For construction of single family dwellings: One (1) unit is charged.
- b) For construction of multi-family buildings: One (1) unit is charged for each dwelling unit.
- c) For construction of non-residential buildings: Units are calculated according to the current guidelines of the Metropolitan Council Environmental Services. It will save time if you contact them directly for their written SAC Determination. MCES telephone number is (651) 602-1000.

5. REC (CITY) RESIDENTIAL EQUIVALENT CONNECTION CHARGE

WREC (Water)	CURRENT RATE IS \$1,407.00 per unit.
SREC (Sewer)	CURRENT RATE IS \$549.00 per unit.

- a) For construction of single family dwellings: One (1) unit is charged.
- b) For construction of multi-family buildings: One (1) unit is charged for each dwelling unit.
- c) For construction of non-residential buildings: Units are calculated by the following:
 - (1) Determine number of SAC units per item 4.c. above; and
 - (2) Multiply number of SAC units by 1.39. (Round off to nearest whole number.)

Mechanical Permit Fee Schedule	
New	Alterations or Miscellaneous
A. Permit Fee: 1.5% x Job Cost, (when job cost is \$1,000,000 or less)	A. Permit Fee: 1.5% x Job Cost, (when job cost is \$1,000,000 or less)
B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)	B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)
Total Fee (A + B)	Total Fee (A + B)

Plumbing Fixtures & Alterations

- A. Permit Fee: 2% x Job Cost (\$45.00 min)
- B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)

Total Fee: (A + B)

**City of Medicine Lake
Ordinance No. 132**

**AN ORDINANCE AMENDING ORDINANCE 77: DOGS, CATS, ANIMALS AS
IT RELATES TO LICENSING AND ENFORCEMENT**

The City Council of the City of Medicine Lake does ordain as follows:

Section 1: Purpose: This ordinance is adopted in order to protect the general health, safety and welfare of the residents of the City of Medicine Lake and to clarify certain administrative requirements including eliminating requirements to have dogs, cats, and other animals licensed.

Section 2: Amendments: Deleted text is reflected by a ~~strikeout~~. Added text is reflected by underline. The following sections of Ordinance 77 are amended as follows:

Section 01: Purpose The purpose of this Chapter is to protect the health, safety and general welfare of the community and its people by establishing minimum standards for the care and maintenance of animals; by providing for their ~~licensing~~, protection and the public's protection while under the control of an owner or guardian; by establishing density limits with regards to their occupancy; to provide for the public notice, protection and/or redemption of animals at large; to provide for the control, impoundment or destruction of animals deemed dangerous as may be warranted and to prescribe a means of recourse for those challenging such actions; to prescribe penalties for violations of such regulations; to provide recourse to those seeking relief from perceived or prescribed violations herein; to define powers and duties of the City Clerk, the City Council, ~~Animal Warden, Animal Control Officer~~ Hennepin County Sheriff and those others acting as agent or agents for the City to carry forth the provisions of this Chapter, and; to provide for the repeal of prior ordinances or ordinances that may conflict.

~~Section 03: License Required~~ *Section 03 is deleted in its entirety and subsequent sections renumbered.*

~~Section 04 03: Tags (A) The City shall procure a sufficient number of metallic tags, and shall deliver one such tag to the person issued a license.~~ It shall be the responsibility of the owner of the dog or cat or other animal for which said tag was obtained to permanently attach the a tag to the collar of the dog or cat or other animal in a manner so that the tag may be readily seen on the animal. An electronic chip shall serve the purpose of the tag. The tag shall provide owner contact information and name of

animal if available. The tag is not transferable to any other dog or cat. If a tag is lost or stolen, the owner may obtain a new tag upon request.

Section 05 04: Running At Large Prohibited (A) No animal including without limitation, dogs and cats, shall be permitted to run at large anywhere within the limits of the City of Medicine Lake. Any animal described in this subsection found running at large may be impounded by the ~~Animal Warden or police officers~~ Hennepin County Sheriff. All animals shall be kept secured on a leash which is attached to a person at all times. The owner shall keep all animals in control and under restraint at all times, including when on leash, to prevent injury to others. Animals, when on their owners' property, are not required to be leashed.

Section 09 08: Impoundment (B) ~~At all times, Police Officers and the official Animal Warden shall seize and impound any animals kept or harbored within the City without the tag provided for by this Ordinance or animals running at large.~~ At all times, The Hennepin County Sheriff ~~Police Officers and/or the Animal Warden~~ may seize and impound any animal kept or harbored within the City that has been found to be or is suspected of attempting to cause injury, attempting to injure through aggression, diseased animals, injured animals, animals disturbing the peace, or any animals running at large. To enforce this Ordinance, the Hennepin County Sheriff ~~Police Officers and the Animal Warden~~ may enter on private property when they have reasonable cause to believe there is an animal kept, harbored or running at large in violation of this Ordinance. (C) It shall be unlawful for any person or persons to interfere with the ~~Animal Warden or Police Officer~~ Hennepin County Sheriff engaged in taking an animal hereunder for impounding or refusing to surrender an animal to a ~~Police Officer or Animal Warden~~ Hennepin county Sheriff for confinement as required.

Section 3: Effective Date: This ordinance will take effect and be in force after its passage and official publication.

ADOPTED this 2nd day of August, 2021 by the City Council of the City of Medicine Lake, Minnesota.

Chris Heim, Acting Mayor
ATTEST: Nancy Pauly, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 133**

**CenterPoint Energy
Gas Franchise Ordinance**

CITY OF MEDICINE LAKE, HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE GRANTING CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY MINNESOTA GAS (“CENTERPOINT ENERGY”), ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN FACILITIES AND EQUIPMENT FOR THE TRANSPORTATION, DISTRIBUTION, MANUFACTURE AND SALE OF GAS ENERGY FOR PUBLIC AND PRIVATE USE AND TO USE THE PUBLIC GROUNDS OF THE CITY OF MEDICINE LAKE, HENNEPIN COUNTY, MINNESOTA, FOR SUCH PURPOSE; AND, PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE, HENNEPIN COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

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

City. The City of Medicine Lake, County of Hennepin, State of Minnesota.

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

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

Company. CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas (“CenterPoint Energy”) its successors and assigns including all successors or assigns that own or operate any part or parts of the Gas Facilities subject to this Franchise.

Gas Facilities. Gas transmission and distribution pipes, lines, ducts, fixtures, and all necessary equipment and appurtenances owned or operated by the Company for the purpose of providing Gas Energy for retail or wholesale use.

Notice. A writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to CenterPoint Energy, Minnesota Division Vice President, 505 Nicollet Mall, Minneapolis, Minnesota 55402. Notice to the City shall be mailed to City of Medicine Lake, 10609 South Shore Drive, Medicine Lake, 55441. Any party may change its respective address for the purpose of this Ordinance by written Notice to the other parties.

Ordinance. This gas franchise ordinance, also referred to as the Franchise.

Public Ground. Land owned or otherwise controlled by the City for utility easements, park, trail, walkway, open space or other public property, which is held for use in common by the public or for public benefit.

Public Way. Any highway, street, alley or other public right-of-way within the City as defined by Minn. Stat. 237.162, subd. 3.

SECTION 2. ADOPTION OF FRANCHISE.

2.1 **Grant of Franchise.** City hereby grants Company, for a period of twenty (20) years from the date this Ordinance is passed and approved by the City, the right to import, manufacture, distribute and sell Gas Energy for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future and also the right to transport Gas Energy through the limits of the City for use outside of the City limits. For these purposes, Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Ways and Public Grounds, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to a public right-of-way ordinance or permit requirements adopted consistent with state law.

2.2 **Effective Date; Written Acceptance.** This Franchise shall be in force and effect from and after the passage of this Ordinance and publication as required by law and its acceptance in writing by Company. If the Company does not file a written acceptance with the City within 60 days after the date the City Council adopts this Ordinance, or otherwise informs the City, at any time, that the Company does not accept this franchise, the City Council by resolution may revoke this franchise, seek its enforcement in a court of competent jurisdiction or pursue other remedies in law or in equity.

2.3. **Service and Gas Rates.** The terms and conditions of service and the rates to be charged by Company for Gas Energy in City are subject to the exclusive jurisdiction of the Commission.

2.4. **Publication Expense.** Company shall pay the expense of publication of this Ordinance.

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

2.6. **Continuation of Franchise.** If the City and the Company are unable to agree on the terms of a new franchise by the time this Franchise expires, this Franchise will remain in effect until a new franchise is agreed upon, or until ninety (90) days after the City or the Company serves written Notice to the other party of its intention to allow Franchise to expire. However, in no event shall this franchise continue for more than one year after expiration of the 20-year term set forth in Section 2.1.

SECTION 3. LOCATION, OTHER REGULATIONS.

3.1. **Location of Facilities.** Gas Facilities shall be located, constructed, and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System. Gas Facilities may be located on Public Grounds in a location to be mutually agreed by the City and the Company. The construction, operation, repair, maintenance, location and relocation of Gas Facilities shall be subject to reasonable regulations of the City consistent with authority granted the City to manage its Public Ways and Public Grounds under state law, to the extent not inconsistent with a specific term of this Franchise.

3.2. **Street Openings.** Company shall not open or disturb the surface of any Public Way or Public Ground for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb the surface of any Public Way or Public Ground without a permit if (i) an emergency exists requiring the immediate repair of Gas Facilities and (ii) Company gives telephone, email or similar Notice to the City before commencement of the emergency repair, if reasonably possible. Within two (2) business days after commencing the repair, Company shall apply for any required permits and pay any required fees.

3.3. **Restoration.** After undertaking any work requiring the opening of any Public Way or Public Ground, the Company shall restore the Public Ways or Public Grounds in accordance with Minnesota Rules, 7819.1100 and reasonable regulations as may be imposed by the City pursuant to an ordinance or permit requirements adopted consistent with state law, to the extent not inconsistent with a specific term of this Franchise. shall restore the Public Ground to as good a condition as formerly existed, and shall maintain the surface in good condition for six (6) months thereafter. All work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five (5) days, the right to make the restoration of the Public Ways or Public Grounds at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. The Company shall not be required to post a construction performance bond.

3.4. **Avoid Damage to Gas Facilities.** The Company must take reasonable measures to prevent the Gas Facilities from causing damage to persons or property. The Company must take reasonable measures to protect the Gas Facilities from damage that could be inflicted on the Gas Facilities by persons, property, or the elements. Per Minnesota Statute 216D.05, the City must take protective measures when it performs work near the Gas Facilities.

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

3.6. **Mapping Information.** If requested by City, the Company must promptly provide complete and accurate mapping information for any of its Gas Facilities in accordance with the requirements of Minnesota Rules 7819.4000 and 7819.4100.

3.7. **Emergency Response.** As emergency first-responders, when a public safety concern exists both the City and Company shall respond to gas emergencies within the City without additional direct fee or expense to either City or Company.

SECTION 4. RELOCATIONS.

4.1. **Relocation in Public Ways.** The Company and City shall comply with the provisions of Minnesota Rules 7819.3100.

4.2. **Relocation in Public Grounds.** City may require Company at Company's expense to relocate or remove its Gas Facilities from Public Ground upon a finding by City that the Gas Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground. Nothing in this Section 4.2 shall be construed so as to invalidate or impair any existing company easements in Public Ground. If Company is required to relocate from an existing easement City shall provide an easement for the relocated facilities that is, in the City's sole discretion, the equivalent of the easement serving the facilities being relocated.

4.3. **Projects with Federal Funding.** Relocation, removal, or rearrangement of any Company Gas Facilities made necessary because of the extension into or through City of a federally aided highway project shall be governed by the provisions of Minnesota Statutes §§ 161.45 and 161.46.

SECTION 5. INDEMNIFICATION.

5.1. **Insurance.** The Company is required to maintain Commercial General Liability Insurance on an occurrence basis protecting it from claims for damages for bodily injury, including death, and for claims for property damage, which may arise from operations under this Ordinance.

The City shall be included as an additional insured on Company's Commercial General Liability insurance policy.

5.2. **Indemnity of City.** Company shall indemnify and hold the City harmless from any and all liability, on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Gas Facilities located in the Public Ways and Public Grounds. The City shall not be indemnified for losses or claims occasioned through its own negligence or otherwise wrongful act or omission except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work.

5.3. **Defense of City.** In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written Notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such Notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City. The Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf. This Franchise agreement shall not be interpreted to constitute a waiver by the City of any of its defenses of immunity or limitations on liability under Minnesota Statutes, Chapter 466.

SECTION 6. VACATION OF PUBLIC WAYS AND PUBLIC GROUNDS.

The City shall give Company at least two weeks prior written Notice of a proposed vacation of a Public Ways or Public Ground. The City and the Company shall comply with Minnesota Rules 7819.3100 and 7819.3200 with respect to any request for vacation.

SECTION 7. CHANGE IN FORM OF GOVERNMENT.

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

SECTION 8. FRANCHISE FEE.

8.1. **Form.** During the term of the franchise hereby granted, and in addition to permit fees being imposed or that the City has a right to impose, the City may charge the Company a franchise fee. The franchise fee will be collected on a flat fee basis, or by some other method that is mutually acceptable to both City and Company for each retail customer account within the corporate limits of the City. The amount of the fee collected may differ for each customer class. The City will use a formula that provides a stable and predictable amount of fees, without placing the Company at a competitive disadvantage. Such fee shall not exceed any amount that the Company may legally charge to its customers prior to payment to the City and be consistent with the Minnesota Public Utility Commission's March 23, 2011 Order establishing franchise fee filing requirements in Docket No. E,G999/CI-09-970. If the Company claims that the City required fee formula is discriminatory or otherwise places the Company at a competitive disadvantage, the Company will provide a formula that will produce a substantially similar fee amount to the City. If the City and Company are unable to agree, the disagreement shall be subject to the Dispute Resolution provisions of this Ordinance.

8.2. **Separate Ordinance.** The franchise fee shall be imposed by separate ordinance duly adopted by the City Council. The effective date of the franchise fee ordinance shall be no less than ninety (90) days after written Notice enclosing a copy of the duly adopted and approved ordinance has been served upon the Company by Certified mail. The Company is not required to collect a franchise fee if the terms of the fee agreement are inconsistent with this franchise or state law, provided the Company notifies the City Council of the same within the ninety (90) day period.

8.3. **Condition of Fee.** The separate ordinance imposing the fee shall not be effective against the Company unless it lawfully imposes a fee of the same or substantially similar amount on the sale of energy within the City by any other energy supplier, provided that, as to such supplier, the City has the authority or contractual right to require a franchise fee or similar fee through an agreed-upon franchise.

8.4. **Collection of Fee.** The franchise fee shall be payable not less than quarterly during complete billing months of the period for which payment is to be made. The franchise fee formula may be changed from time to time, however, the change shall meet the same Notice and acceptance requirements and the fee may not be changed more often than annually. Such fee shall not exceed any amount that the Company may legally charge to its customers prior to payment to the City and be consistent with Minnesota Public Utility Commission's March 23, 2011 Order establishing franchise fee filing requirements in Docket No. E,G999/CI-09-970. Such fee is subject to subsequent reductions to account for uncollectibles and customer refunds incurred by the Company. The Company shall not be responsible to pay City fees that Company is legally precluded from collecting pursuant to Commission rules or order. The Company agrees to make available for inspection by the City at reasonable times all records necessary to audit the Company's determination of the franchise fee payments.

8.5. **Continuation of Franchise Fee.** If this franchise expires and the City and the Company are unable to agree upon terms of a new franchise, the franchise fee, if any being imposed by the City at the time

this franchise expires, will remain in effect until a new franchise is agreed upon. However, the franchise fee will not remain in effect for more than one (1) year after the franchise expires as stated in Section 2.6 of this Franchise. If for any reason the franchise terminates, the franchise fee will terminate at the same time.

SECTION 9. ABANDONED FACILITIES.

The Company shall comply with Minnesota Statutes 216D.01 et seq., and Minnesota Rules, Part 7819.3300 as it may be amended from time to time, and reasonable regulations as may be imposed by the City pursuant to an ordinance or permit requirements adopted consistent with state law, to the extent not inconsistent with a specific term of this Franchise, with respect to abandoned facilities in Public Ways. The Company shall maintain records describing the exact location of all abandoned and retired Gas Facilities within the City, produce such records at the City's request and comply with the location requirements of Minnesota Statutes § 216D.04 with respect to all Gas Facilities, including abandoned and retired Facilities.

SECTION 10. SAFETY AND INFRASTRUCTURE REPORTING.

Upon request from either party, the Company and the City shall meet at a mutually convenient time to discuss items of concern or interest relating to the Company's safety and service reliability in the previous year, compared to other service areas, infrastructure plans for the coming year and other matters raised by the City or the Company. Upon request, the Company shall provide data that identifies aging infrastructure within the City that may need replacement and the Company's plans for replacement.

SECTION 11. PROVISIONS OF ORDINANCE.

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

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

SECTION 12. AMENDMENT PROCEDURE.

Either party may propose at any time that this Franchise Ordinance be amended. Franchise Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within ninety (90) days after the effective date of the amendatory ordinance. This amendatory procedure is subject, however, to the City's police power and franchise rights under Minnesota Statutes, Sections 216B.36 and 301B.01, which rights are not waived hereby.

Adopted by the City Council of Medicine Lake this 6th day of December, 2021.

Scott Marks, Mayor

ATTEST: Therese Polum, City Clerk

Ordinance No. 134

AN ORDINANCE ADOPTING A SCHEDULE FOR THE COLLECTION OF LAND USE RELATED FEES FOR 2022

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to comply with Minnesota State Statutes, 426.353, Subd. 4, which states that a municipality may prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering an application for the amendment to an official control established pursuant to sections 462.351 –462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Fees as prescribed must be by ordinance.

Section 2. Land Use Fees.

Permit/Application Type	Fee	Escrow
Road and Driveway Permits	\$50	Project specific
Land Excavation /Filling/Grading Permit (Fee waived if in conjunction with a stormwater management plan)	\$250	\$1000
Storm Water Management Plan	\$250	\$3,000
Conditional Use Permit	\$250	\$1,000
Variance	\$250	\$1,000
Silt Fence Inspection	\$100	
Sign Permit	\$150	
Subdivision - Preliminary / Final Plat		
Minor (less than 3 lots)	\$400	\$2,000
Major (4 or more lots)	\$400	\$3,000
Planned Unit Development	\$400	project specific
Zoning Ordinance Amendment (text and/or map)	\$500	\$3,000
Amendment to Comprehensive Plan (text and/or map)	\$500	\$3,000
Construction Management Plan Escrows:		
• Demolition Permit		\$2500
• Remodel which includes new additional space		\$2000
• New single or two-family construction (if no Demolition escrow, otherwise, \$1500 if demo Escrow paid and unused)		\$4000
• Construction of an accessory building		\$2500
• Land Excavation and Grading		\$1000
Pre-planning contract with City Planner		\$500

Rental Housing inspection and 3yr License
(inspection includes primary and one follow up
Appointment. Additional inspection appointments
are charged an hourly rate as designated by Plymouth) \$215

- Multi-unit property will be \$30/unit/year for
Licensing + \$125 inspection fee + \$10/unit.

Project specific escrow amounts require a minimum deposit of \$5,000 at the time of submittal. The total escrow required is estimated based on the size, location and complexity of the project. Additional funds may be required from time to time and shall be estimated based on a preliminary review of the project.

Escrow funds will be used to reimburse the City for professional fees accrued during the review process of the application. These professional fees may be born by the City Planning or Engineering consultant, Building Official or City Attorney or other professional advice as needed from time to time.

Section 3. Building Permit Fees.

See Exhibit A attached.

Section 4. Repealer. All previously adopted ordinances related to land use application fees and building permit fees are hereby repealed.

Section 5. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

ADOPTED by the City Council of Medicine Lake this 3rd day of January, 2022 by the City Council of the City of Medicine Lake, Minnesota.

Scott Marks, Mayor
ATTEST: Therese Polum, City Clerk

**EXHIBIT A – CITY OF MEDICINE LAKE
BUILDING PERMIT FEES 2022**

The following **Residential** work requires payment of the fees indicated:

- a) Re-roofing; Re-siding; Fireplaces **1 and 3**
- b) Room additions; Porches; Decks; Garages;
Basement Finishes; Pools; Remodeling: **1, 2 and 3**
- c) New Single Family Dwellings **1, 2 and 3**

The following **Multi-Family** and **Non-Residential** work requires payment of the fees indicated:

- a) New or additions to Multi-Family, Commercial, Industrial, Public and all other non-residential structures served with Municipal Sewer and/or Water **1, 2, 3, 4 and 5**
- b) Remodeling existing structure **1, 2 and 3**
- c) Finishing off vacant tenant space **1, 2 and 3**

NOTE: If space is to be finished into a more intense use, fees under 4 and 5 may also be required.

All fees are paid at the time of permit issuance. Please be advised that there are separate fees which make up the overall "permit fee". They are as follows: Building Permit, Plan Review, State Surcharge, SAC's, and REC's. A description of the fees and how they are calculated is listed below.

1. BUILDING PERMIT FEE

This amount is calculated from the fee schedule below and is based on the total value of all construction work including plumbing, electrical and mechanical systems, finish work and labor, even if you are doing the work yourself. **Please note: Valuations will be adjusted by the City when the proposed valuation indicated on the application form is under estimated or in error.**

<u>TOTAL VALUATION</u>	<u>PERMIT FEE</u>
\$1.00 to \$500.00	\$40.00
\$501.00 to \$2,000.00	\$40.00 for the first \$500.00 plus \$2.25 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$73.75 for the first \$2,000.00 plus \$14.75 each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$413.00 for the first \$25,000.00 plus \$10.75 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$681.75 for the first \$50,000.00 plus \$7.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$1056.75 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3456.75 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5956.75 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof.

2. PLAN REVIEW

This amount is **65%** of the Building Permit Fee. Multiply .65 x the Building Permit Fee which you calculated in #1 on page 1. Do not use the original building valuation amount.

3. STATE SURCHARGE

This amount is based on the table below. For valuation use the same building valuation amount as you used for #1.

<u>BUILDING VALUATION</u>	<u>SURCHARGE FEE</u>
One Million or less	.0005 x Valuation
\$1,000,001 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,001 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,001 to \$4,000,000	\$1200 + .0002 x (Value - \$3,000,000)
\$4,000,001 to \$5,000,000	\$1400 + .0001 x (Value - \$4,000,000)
Greater than \$5,000,000	\$1500 + .00005 x (Value - \$5,000,000)

4. SAC (STATE) SEWER AVAILABILITY CHARGE: CURRENT RATE IS \$2,485.00 PER UNIT

- a) For construction of single family dwellings: One (1) unit is charged.
- b) For construction of multi-family buildings: One (1) unit is charged for each dwelling unit.
- c) For construction of non-residential buildings: Units are calculated according to the current guidelines of the Metropolitan Council Environmental Services. It will save time if you contact them directly for their written SAC Determination. MCES telephone number is (651) 602-1000.

5. REC (CITY) RESIDENTIAL EQUIVALENT CONNECTION CHARGE

WREC (Water)	CURRENT RATE IS \$1,407.00 per unit.
SREC (Sewer)	CURRENT RATE IS \$549.00 per unit.

- a) For construction of single family dwellings: One (1) unit is charged.
- b) For construction of multi-family buildings: One (1) unit is charged for each dwelling unit.
- c) For construction of non-residential buildings: Units are calculated by the following:
 - (1) Determine number of SAC units per item 4.c. above; and
 - (2) Multiply number of SAC units by 1.39. (Round off to nearest whole number.)

Mechanical Permit Fee Schedule	
New	Alterations or Miscellaneous
A. Permit Fee: 1.5% x Job Cost, (when job cost is \$1,000,000 or less)	A. Permit Fee: 1.5% x Job Cost, (when job cost is \$1,000,000 or less)
B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)	B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)
Total Fee (A + B)	Total Fee (A + B)

Plumbing Fixtures & Alterations

- A. Permit Fee: 2% x Job Cost (\$45.00 min)
- B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)

Total Fee: (A + B)

**CITY OF MEDICINE LAKE
ORDINANCE NO. 135**

**AN ORDINANCE REPEALING AND REPLACING SECTIONS 3600 OF THE ZONING
CODE REGULATING SHORELANDS IN THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

Section 1. Purpose

The City of Medicine Lake finds it necessary to modify its shoreland ordinance to conform to Minnesota Rules and Statutes governing shorelands of public water bodies.

Section 2. Proposed Amendments to the Zoning Code

Section 3600 of the zoning code is hereby repealed in its entirety and replaced as follows:

§3600-Shoreland Ordinance

§3600.1 Purpose, Statutory Authorization, and Policy

0 General Provisions and Definitions

0 Administration

0 Shoreland Classification System and Land Uses

§3600.5 Special Land Use Provisions

0 Dimensional and General Performance Standards

0 Performance Standards for Public and Private Facilities

0 Vegetation and Land Alterations

0 Subdivision/Platting Provisions

0 Planned Unit Developments (PUDs)

§3600.1 Purpose, Statutory Authorization, and Policy

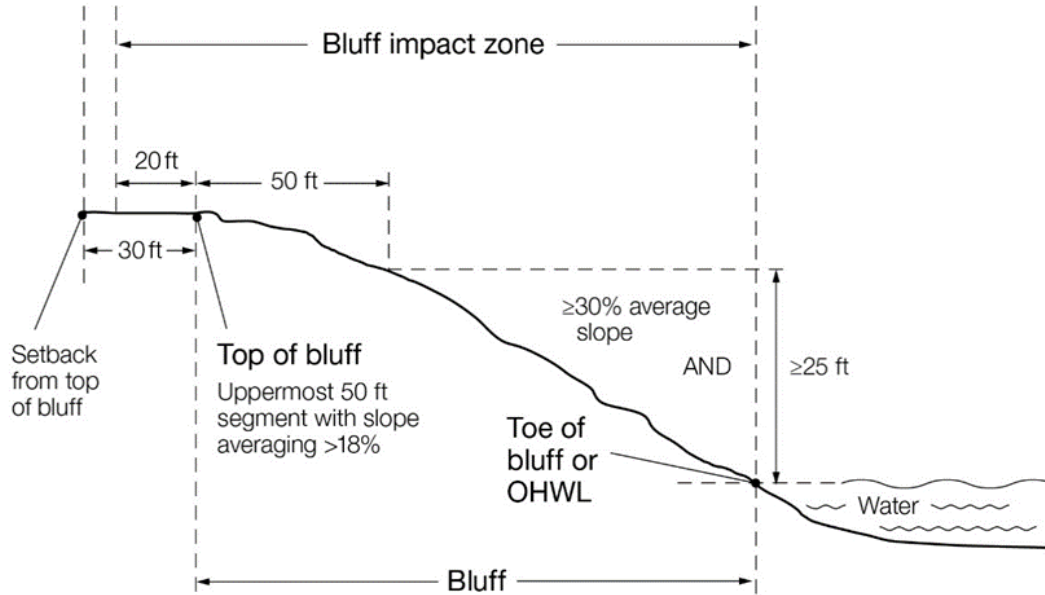
- (a) Purpose. The uncontrolled use of shoreland areas affects the public health, safety and general welfare by contributing to the pollution of public waters, causing over-crowding of surface waters and impairing the local tax base. The shorelands within the City of Medicine Lake are hereby designated as “S” Shoreland Overlay Districts and the requirements set forth in this Chapter shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to said classification.
- (b) Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 – 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- (c) Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural

environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Medicine Lake.

§3600.2 General Provisions and Definitions

- (a) Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section §3600.4(a) of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 – 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- (b) Enforcement. The City of Medicine Lake is responsible for the administration and enforcement of this ordinance. Any violation 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 constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section §3600.3(a) of this ordinance.
- (c) Severability. If any section, clause, 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.
- (d) Abrogation 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.
- (e) Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally. Definitions in this section are unique to Section 3600. All other definitions should refer to section 200.2 of the zoning ordinance.
 - (1) Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - a. Part or all of the feature is located in a shoreland area;
 - b. The slope must drain toward the waterbody.
 - c. The slope rises at least 25 feet above the toe of bluff;
 - d. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and

Bluff, Bluff Impact Zone, Top and Toe of Bluff



- (2) **Bluff impact zone:** A bluff and land located within 20 feet of the top of a bluff.
- (3) **Bluff, Toe of:** The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level (OHWL), whichever is higher.
- (4) **Bluff, Top of:** For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- (5) **Buffer:** A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).
- (6) **Commercial planned unit developments:** Developments 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.
- (7) **Commercial use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (8) **Commissioner:** The commissioner of the Department of Natural Resources (DNR).
- (9) **Controlled access lot:** A lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.
- (10) **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.
- (11) **Dwelling site:** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

- (12) Industrial use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- (13) Intensive vegetation clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (14) Ordinary high water level (OHWL): 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. For Medicine Lake, the ordinary high water level is 889.3 (NAVD88 datum), or 889.1 (NGVD 1929 datum, as shown on most DNR records)
- (15) Residential planned unit development: A use where the nature of residency is nontransient 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 development, a development must contain at least five dwelling units or sites.
- (16) Sewage treatment system: “Sewage treatment system” has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.
- (17) 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.
- (18) Shore impact zone: Land located between the ordinary high water level (OHWL) of a public water and a line parallel to it at a setback of 25 feet.
- (19) Shore recreation facilities: Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.
- (20) 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 Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (21) Steep slope: Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
- (22) Suitability analysis: An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

- (23) Variance: “Variance” means the same as that defined in Minnesota Statutes Section 462.357 Subd. 6 (2).
- (24) Water-dependent use: The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.
- (25) Wetland: “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.

§3600.3 Administration

- (a) Purpose. The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.
- (b) Permits. A permit is required for the construction of buildings or building additions (including construction of decks and signs) and those grading and filling activities not exempted by Section §3600.8(c) of this ordinance.
- (c) Application materials. Application for permits and other zoning applications such as variances shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this ordinance.
- (d) Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section §3600.3(a) of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section §3600.2(b) of this ordinance.
- (e) Variances. Variances may only be granted in accordance with Section 462.357 and are subject to the following: A variance may not circumvent the general purposes and intent of this ordinance.
- (f) Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:
- (1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - (2) The visibility of structures and other facilities as viewed from public waters is limited;
- (g) Mitigation.
- (1) In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - a. Advanced storm water runoff management treatment;
 - b. Reducing impervious surfaces;
 - c. Increasing setbacks from the ordinary high water level (OHWL);
 - d. Restoration of wetlands;

- e. Limiting vegetation removal and/or riparian vegetation restoration;
 - f. Provisions for the location, design, and use of structures, water supply systems, watercraft launching and docking areas, and parking areas; and
 - g. Other conditions the zoning authority deems necessary.
- (2) In evaluating plans to construct roads, driveways, structures, or other improvements on steep slopes, conditions 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 shall be attached to permits.
- (h) Nonconformities.
- (1) All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
 - (2) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this zoning ordinance. Any deviation from these requirements must be authorized by a variance.
- (i) Notifications to the Department of Natural Resources.
- (1) All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Medicine Lake will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
 - (2) All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
 - (3) All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
 - (4) Any request to change the shoreland management classification of public waters within the City of Medicine Lake must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
 - (5) Any request to reduce the boundaries of shorelands of public waters within the City of Medicine Lake must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different

classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

- (j) Mandatory EAW. An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300.

§3600.4 Shoreland Classification System and Land Uses

(a) Shoreland Classification System.

- (1) Purpose. To ensure that shoreland development on the public waters of the City of Medicine Lake is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.
- (2) The shoreland area for the waterbody listed in Section §3600.4a (3) is defined in Section §200.2 and is shown on the Official Zoning Map.
- (3) Lakes are classified as either General Development, Recreational Development, or Natural Environment. Medicine Lake has one General Development Lake, as shown below.

Lake Classification	DNR Public Waters I.D. #
General Development	
Medicine Lake	27010400

- (4) Rivers and Streams are classified as either Urban, Agricultural, Transition, Forested, or Reserve. The City of Medicine Lake does not have any rivers or streams.

(b) Land Uses.

- (1) Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.
- (2) Shoreland district land uses listed in Sections §3600.4b (3) are regulated as:
 - a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
 - b. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section §3600.3(f) of this ordinance and any additional conditions listed in this ordinance; and
 - c. Not permitted uses (N). These uses are prohibited.
- (3) Land uses for lake classifications:

Land Uses	General Development
Single residential	P
Duplex	P
Residential PUD	C

Land Uses	General Development
Water-dependent commercial - As accessory to a residential planned unit development	C
Commercial	P
Commercial PUD - Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 0 of this ordinance are satisfied.	C
Parks & historic sites	C
Public, semipublic	P
Industrial	N
Water Oriented Uses	N

§3600.5 Special Land Use Provisions

(a) Commercial, Industrial, Public, and Semipublic Use Standards.

- (1) Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
 - a. The use complies with provisions of Section 0;
 - b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - c. 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; and
 - d. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
 - (1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - (2) Signs placed within the shore impact zone are:
 - I. No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - II. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

- (3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
- (2) Commercial, industrial, public, and semi-public uses that are not water-dependent 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 ordinary high water level (OHWL) setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

§3600.6 Dimensional and General Performance Standards

- (a) Purpose. To establish dimensional and performance standards that protect shoreland resources from impacts of development.
- (b) Lot Area and Width Standards. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in Section §3600.6b (4), subject to the following standards:
 - (1) Only lands above the ordinary high water level (OHWL) of a public water body can be used to meet lot area and width standards;
 - (2) Lot width standards must be met at both the ordinary high water level (OHWL) of a public water body and at the building line;
 - (3) Residential subdivisions with dwelling unit densities exceeding those in Section §3600.6b (4) are allowed only if designed and approved as residential PUDs under Section 0 of this ordinance; and
 - (4) Lake Minimum Lot Area and Width Standards:

General Development – Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	12,500	50	12,500	50
Duplex	18,000	75	18,000	75

- (c) Placement, Height, and Design of Structures.
 - (1) Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located the greater of 50’ from the Ordinary High Water Level (OHWL) or as determined by the line of site.
 - a. OHWL Setbacks. Structures and impervious surfaces must meet setbacks from the OHWL.
 - b. Setbacks of decks. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level (OHWL) if all of the following criteria are met:

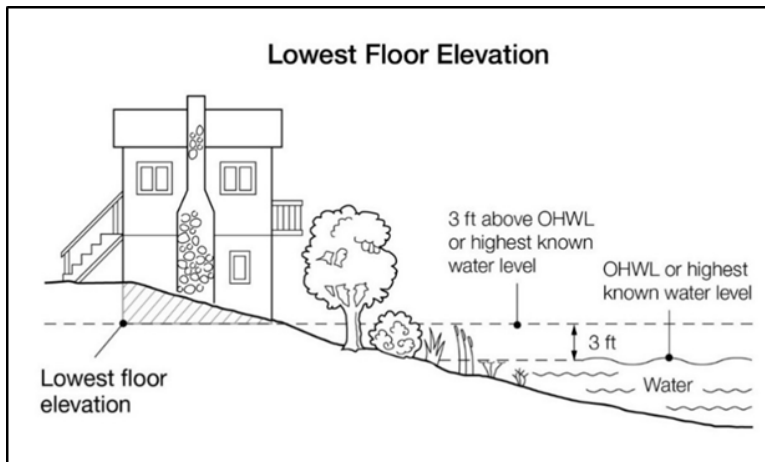
- (1) The structure existed on the date the structure setbacks were established;
- (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level (OHWL) setback of the structure;
- (3) The deck encroachment meets the standards as established in section 1100.5 (a) (2); and
- (4) The deck is constructed primarily of wood or similar material, and is not roofed or screened.

c. Additional structure setbacks. Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	30

d. Bluff Impact Zones. Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

- (2) Height of Structures. All structures must not exceed 35 feet in height.
- (3) Lowest Floor Elevation. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined by



placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level (OHWL), whichever is higher. If the structure is floodproofed instead of elevated under items, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).

- (4) Water Supply and Sewage Treatment.
 - a. Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
 - b. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system.

§3600.7 Performance Standards for Public and Private Facilities

- (a) Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:
- (1) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
 - (2) 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;
 - (3) Private facilities must comply with the grading and filling provisions of Section §3600.8(c) of this ordinance; and
 - (4) For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they 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) 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, lifts, and landings must meet the following design requirements:
- (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
 - (2) 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-space recreational uses, and planned unit developments;
 - (3) Canopies or roofs are not allowed on stairways, lifts, or landings;
 - (4) 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;
 - (5) 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; and
 - (6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of subitems §3600.7b (1) to §3600.7b (5) and the requirements of Minnesota Rules, Chapter 1341.

§3600.8 Vegetation and Land Alterations

- (a) Purpose. Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

(b) Vegetation Management.

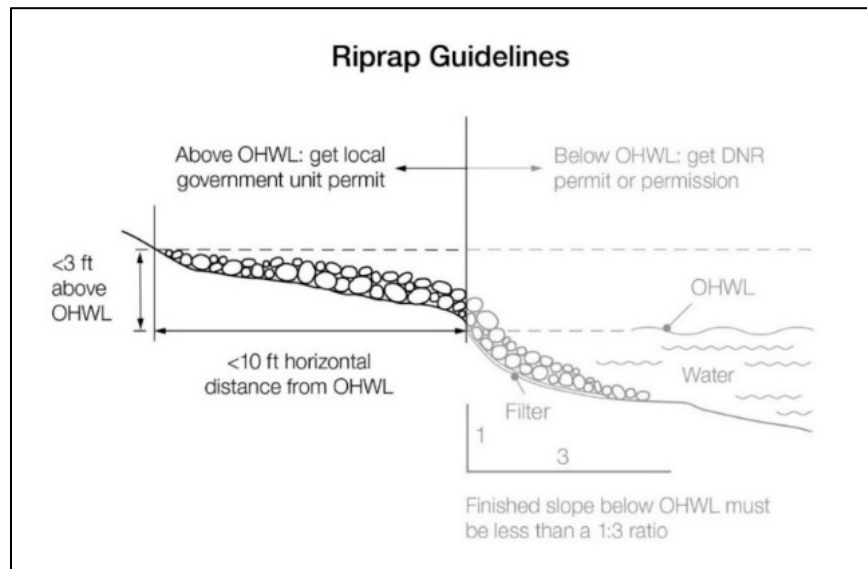
- (1) Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - a. Vegetation alteration necessary for the construction of structures under validly issued permits for these facilities;
 - b. The construction of public roads and parking areas if consistent with Section §3600.7(a) of this ordinance;
- (2) Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited.
- (3) Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b. Existing shading of water surfaces is preserved;
 - c. Cutting debris or slash shall be scattered and not mounded on the ground; and
 - d. Perennial ground cover is retained.
- (4) Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- (5) Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

(c) Grading and Filling.

- (1) Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section §3600.7(a) of this ordinance.
- (2) Permit Requirements.
 - a. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section §3600.8c (3) of this ordinance must be incorporated into the permit.
 - b. For all other work, including driveways not part of another permit, a grading and filling permit is required for:
 - (1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones;
 - (2) the movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.

- (3) Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or watercourse leading to a public water must be authorized by a grading and filling permit and is subject to the provisions of §1800 and §1900 of this Chapter. The grading and filling permit may be granted by the City subject to the conditions of §1800 and §1900 and the following:
- a. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
 - b. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - (1) Limiting the amount and time of bare ground exposure;
 - (2) Using temporary ground covers such as mulches or similar materials;
 - (3) Establishing permanent vegetation cover as soon as possible;
 - (4) Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - (6) Not placing fill or excavated material in a manner that creates unstable slopes. 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 percent or greater;
 - (7) Fill or excavated material must not be placed in bluff impact zones;
 - (8) Sand beaches shall be permitted under the following conditions:
 - a. The sand material shall be clean, free of pollutants and nutrients, inorganic sand or gravel.
 - b. A sand beach shall be placed in the lesser of:
 - i. An area no wider than fifty (50) feet as measured at the rear lot line or ordinary high water level (OHWL) and extending no more than twenty (20) feet landward of the ordinary high water level (OHWL), or
 - ii. An area no wider than two-thirds (2/3rd) of the lot width as measured at the rear lot line or ordinary high water level (OHWL) and extending not more than twenty (20) feet landward of the ordinary high water level (OHWL).
 - c. Sand beaches shall not be placed in bluff impact zones.

- d. Sand beaches shall not be placed on slopes exceeding ten (10) percent. Slopes exceeding ten (10) percent may not be altered to allow for the placement of a sand beach.
 - e. Any work which will change or diminish the course, current, or cross section of a public water must be approved by the Department of Natural Resources before the work is begun. This includes construction of channels and ditches, lagooning, dredging of the lake bottom for the removal of muck, silt or weeds, and filling in the lake bed, including low lying marsh areas. Approval shall be construed to mean the issuance, by the Commissioner of the Department of Natural Resources, of a permit under the procedures of Minnesota Statute, 1974, §4 and other related statutes.
- (9) Any alterations below the ordinary high water level (OHWL) of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
- (10) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
- a. the finished slope does not exceed three feet horizontal to one foot vertical;
 - b. the landward extent of the riprap is within ten feet of the ordinary high water level; and
 - c. the height of the riprap above the ordinary high water level does not exceed three feet.



- (4) Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit from the DNR and must comply with [Minnesota Rules, Chapter 6115](#).

(d) Stormwater Management.

(1) General Standards:

- a. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized as soon as possible and appropriate facilities or methods used to retain sediment on the site.
- c. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

(2) Specific Standards:

- a. Impervious surfaces of lots must not exceed 40 percent of the lot area.
- b. 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 district or the Minnesota Stormwater Manual, as applicable.
- c. New constructed stormwater outfalls to public waters must be consistent with [Minnesota Rules, part 6115.0231](#).

§3600.9 Subdivision/Platting Provisions

- (a) Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
- (b) Land suitability. Each lot created through subdivision, including planned unit developments authorized under Section 0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- (c) Consistency with other controls. Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
- (d) Information requirements.
 - (1) Topographic contours at two-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics.

- (2) The surface water features required in [Minnesota Statutes, section 505.021, Subd. 1](#), to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
 - (3) Adequate soils information to determine suitability for building and 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;
 - (4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
 - (5) Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 - (6) A line or contour representing the ordinary high water level (OHWL), the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- (e) Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- (f) Platting. All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a and 505. No permit for construction of buildings shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

§3600.10 Planned Unit Developments (PUDs)

- (a) Purpose. To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
- (b) Types of PUDs Permissible. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section §3600.6(b) of this ordinance is allowed if the standards in this Section are met.
- (c) Processing of PUDs. Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance 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 in Section §3600.10(e). Approval cannot occur until all applicable environmental reviews are complete.
- (d) Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the application request:
 - (1) Site plan and/or plat showing:
 - a. Locations of property boundaries;
 - b. Surface water features;

- c. Existing and proposed structures and other facilities;
 - d. Land alterations;
 - e. Sewage treatment and water supply systems (where public systems will not be provided);
 - f. Topographic contours at ten-foot intervals or less; and
 - g. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
- (2) A property owners association agreement (for residential PUD's) with mandatory membership, and consistent with Section §3600.10(f) of this ordinance.
- (3) Deed restrictions, covenants, permanent easements or other instruments that:
- a. 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 Section §3600.10(f) of this ordinance.
- (4) A master plan/site plan describing the project and showing floor plans for all commercial structures.
- (5) Additional documents necessary to explain how the PUD will be designed and will function.
- (e) Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.
- (1) Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level (OHWL) at the following intervals, proceeding landward:

	Sewer (ft)
General Development Lakes – 1st tier	200
General Development Lakes – all other tiers	200

- (2) Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level (OHWL) of public waters.
- (3) Step 3. Determine Base Density:
- a. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.
 - b. For commercial PUDs:

- (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
- (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
 - (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - I. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - II. For recreational vehicles, campers or tents, use 400 sf.
- (2) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section §3600.10e (3b(1)).

Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio
	General Development Lakes w/Sewer – all tiers
< 200	.040
300	.048
400	.056
500	.065
600	.072
700	.082
800	.091
900	.099
1,000	.108
1,100	.116
1,200	.125
1,300	.133
1,400	.142
> 1,500	.150

- (3) Multiply the suitable area within each tier determined in Section §3600.10e (2) by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.
- (4) Divide the total floor area or dwelling site area for each tier calculated in Section §3600.10e (3b(3)) by the average inside living floor area for dwelling units or dwelling site area determined in §3600.10e (3b(1)). This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.
- c. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
- d. All PUDs with densities at or below the base density must meet the design standards in Section §3600.10(f).

(4) Step 4. Determine if the Site can Accommodate Increased Density:

- a. The following increases to the dwelling unit or dwelling site base densities determined Section §3600.10e (3) are allowed if the design criteria in Section §3600.10(f) of this ordinance are satisfied as well as the standards in Section §3600.10e (4), item b:

Shoreland Tier	Maximum density increase within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

- b. Structure setbacks from the ordinary high water level (OHWL):
 - (1) Are increased to at least 50 percent greater than the minimum setback; or
 - (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

(f) Design Criteria. All PUDs must meet the following design criteria.

(1) General Design Standards.

- a. All residential planned unit developments must contain at least five dwelling units or sites.
- b. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section §3600.6(4) of this ordinance. Sewage treatment systems

must meet the setback standards of Section §3600.6d (1), item (1)a of this ordinance.

- c. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
- d. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections §3600.6:
- e. Shore recreation facilities:
 - (1) Must be centralized and located in areas suitable for them based on a suitability analysis.
 - (2) 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).
 - (3) 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.
- f. 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.
- g. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

(2) Open Space Requirements.

- a. Open space must constitute at least 50 percent of the total project area and must include:
 - (1) Areas with physical characteristics unsuitable for development in their natural state;
 - (2) Areas containing significant historic sites or unplatted cemeteries;
 - (3) Portions of the shore impact zone preserved in its natural or existing state as follows:
 - I. For existing residential PUD's, at least 50 percent of the shore impact zone
 - II. For new residential PUDs, at least 70 percent of the shore impact zone.
 - III. For all commercial PUD's, at least 50 percent of the shore impact zone.
- b. Open space may include:
 - (1) 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;

- (2) Non-public water wetlands.
- c. Open space shall not include:
 - (1) Dwelling sites or lots, unless owned in common by an owners association;
 - (2) Dwelling units or structures, except water-oriented accessory structures or facilities;
 - (3) Road rights-of-way or land covered by road surfaces and parking areas;
 - (4) Land below the OHWL of public waters; and
 - (5) Commercial facilities or uses.
- (3) Open Space Maintenance and Administration Requirements.
 - a. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:
 - (1) Commercial uses (for residential PUD's);
 - (2) Vegetation and topographic alterations other than routine maintenance;
 - (3) Construction of additional buildings or storage of vehicles and other materials; and
 - (4) Uncontrolled beaching of watercraft.
 - b. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:
 - (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
 - (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling 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.
- (4) Erosion Control and Stormwater Management.
 - a. Erosion control plans must be developed and must be consistent with the provisions of Section §3600.8(c) of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
 - b. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier

of general development lakes with an approved stormwater management plan and consistency with Section 0 of this ordinance.

- (g) Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:
- (1) Proposed conversions must be evaluated using the same procedures for residential PUDs involving 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, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
 - c. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
 - (4) Existing dwelling unit or dwelling site densities that exceed standards in Section §3600.10(e) of this ordinance 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.

Section3: Effective Date.

This ordinance becomes effective upon passage and publication.

Passed by the City Council of Medicine Lake on this 1st day of August, 2022.

Scott Marks, Mayor

ATTEST: Therese Polum, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 136**

**AN ORDINANCE AMENDING SECTIONS 3700 OF THE ZONING CODE REGULATING WETLANDS
WITHIN THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

Section 1: Purpose

The City of Medicine Lake has established regulations to development activities that have the potential to impact wetlands and intends to be consistent with federal and state laws and policy.

Section 2 Proposed Amendments to the Zoning Code

The following changes shall be incorporated into section 3700 of the zoning code. Changes are reflected by ~~strikeouts~~ for deletions and underline for new inserted text.

Subpart 3700.4 Development Regulations is deleted as follows:

- (b) ~~High Water Elevation for lakes, ponds, or flowages, no structure, except docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than one (1) foot above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Inspector. Plans shall also be submitted to the Department of Natural Resources and Bassett Creek Watershed Management Commission.~~

The following sections are added to Subpart 3700.4 as follows:

- (c) Buffers.
- (1) Native or natural vegetation buffers must be established or preserved in accordance with this chapter and the requirements in Appendix B of the BCWMC's Requirements for Improvements and Development Proposals document, as revised.
 - (2) Buffers are required for projects containing more than one acre of new or redeveloped impervious area. Average minimum buffer widths (measured from the delineated wetland edge) are required according to the [MnRAM classification](#):
 - a. Preserve: 75 feet average and minimum of 50 feet.
 - b. Manage 1: 50 feet average and minimum of 30 feet.
 - c. Manage 2 or 3: 25 feet average and a minimum of 15 feet.
 - (3) The following standards shall guide the creation or restoration of buffers to achieve the goals and policies of the City's Surface Water Management Plan. The Zoning Administrator may modify or waive standards depending on each project site and goals for the water body.

- a. The use of a meandering buffer strip to maintain a natural appearance is encouraged in areas of flat topography.
- b. An access corridor, not to exceed 20 feet in width or 20 percent of the buffer edge, whichever is less, is permitted.
- c. Accessory structures intended to provide access to wetlands such as stairways and docks are permitted in the access corridor.
- d. The City may require that the buffer may be placed in a conservation easement.
- e. Monuments identifying the conservation easement, designed in accordance with City standards, should be placed every 100 feet to delineate the buffer edge and at intersections with property lines.
- f. Buffer strip vegetation should be appropriate to the goals for the water body. Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is preferred.
- g. Buffer areas must be planted with native plants if disturbed as part of the project (plantings must be comprised of at least 75% native species).
- h. Soil in the buffer areas disturbed as part of the project shall be amended, as necessary, to ensure that the soil has an organic content of not less than 10 percent and not more than 35 percent.
- i. Buffers must be kept free of all structures and features, including fences and play equipment.
- j. Buffer vegetation must not be cultivated, cropped, pastured, mowed, fertilized, subject to the placement of mulch or yard waste, or otherwise disturbed, except for periodic cutting or burning that promotes the health of the buffer, actions to address disease or invasive species, mowing for purposes of public safety, temporary disturbance for placement or repair of buried utilities, or other actions to maintain or improve buffer quality and performance.

Section 3: Effective Date.

This ordinance becomes effective upon passage and publication.

Passed by the City Council of Medicine Lake on this 1st day of August, 2022.

Scott Marks, Mayor

ATTEST: Therese Polum, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 137**

**AN ORDINANCE AMENDING SECTIONS 1700.5 STORM WATER POLLUTION CONTROL PLAN OF
THE ZONING CODE WITHIN THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

Section 1: Purpose

The City of Medicine Lake regulates development activities that have the potential to create impacts affecting water quality and it is the intent of the city to ensure regulations that are consistent with federal and state laws and policy.

Section 2 Proposed Amendments to the Zoning Code

The following changes shall be incorporated into section 1700.5 of the zoning code as it relates to water quality performance standards. Changes are reflected by ~~strikeouts~~ for deletions and underline for new inserted text.

Subpart 1700.5 Development Regulations:

Every applicant for a building permit or permit to allow a land disturbance activity must submit a storm water pollution control plan to the City. No building permit or permit to allow a land disturbance activity shall be issued until the City approves this plan. At a minimum these pollution control practices must conform to those in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas." The plan must also meet water quality performance standards consistent with the Bassett Creek Water Management Commission's (BCWMC) Watershed Management Plan adopted September of 2015 and BCWMC Requirements for Improvements and Development Proposals.

Section 3: Effective Date.

This ordinance becomes effective upon passage and publication.

Passed by the City Council of Medicine Lake on this 1st day of August, 2022.

Scott Marks, Mayor

Attest: Therese Polum, City Clerk

**CITY OF MEDICINE LAKE
ORDINANCE NO. 138**

**AN ORDINANCE AMENDING ORDINANCE 126 GOVERNING THE LICENSURE AND REGULATIONS
OF RENTAL HOUSING WITHIN THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

Section 1: Purpose

It is the purpose of this ordinance ~~The City of Medicine Lake governs and regulates the act of renting housing within the City limits to protect the public health, safety, and welfare of citizens of the City who have, as their place of abode, a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all Dwellings in the City. The City finds it necessary from time to time to amend its regulations to address changing trends and methods of renting housing.~~

Section 2 Proposed Amendments to Ordinance 126

The following changes shall be incorporated into Ordinance 126. Changes are reflected by ~~strikeouts~~ for deletions and underline for new inserted text.

Section 2. Definitions:

Subd. 1. **Rental Dwelling.** As used in this ordinance the term "rental dwelling" shall mean any building which is let or rent to one or more persons who are not the legal owner of record thereof, pursuant to the terms of a written or unwritten lease or agreement. ~~rental dwelling with one or more living units. "Rental dwelling" does not include hotels, motels, hospitals, and homes for aged.~~

Subd 4. **Owner.** A Person or Persons holding title to a property or otherwise having the legal right to determine occupancy of the property, as recorded in the official state, county, or City records.

Subd 5. **Person.** An individual, corporation, firm, association, company, partnership, organization, trustee, trust, or any other group acting as a unit.

Subd 6. **Qualifying relative.** The owner's parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece. This relationship may be either by blood, marriage, or persons involved in a significant romantic relationship or who share a child.

Subd 7. **Let or Rent.** The act of an Owner. In exchange for compensation, to allow occupancy of a Dwelling or portion of a Dwelling by one or more Persons who are not the owner of the Dwelling pursuant to the terms of a written or oral lease or agreement.

SECTION 3. License Required.

No person, ~~firm, partnership, corporation, or other legal entity~~ shall operate, Let or Rent a Rental Dwelling in the City without first having obtained a license. The license is issued every three years and is valid only for the original applicant until the date of expiration. Licenses issued during the 3-year period will be prorated for fees.

Section 13. Rental Dwelling Licenses

Subd 7. No person, firm, partnership, corporation or other similar entity may Rent, Let, lease or sublease any Dwelling or Dwelling unit for fewer than one hundred eight (180) consecutive days.

Section 14. Revocation, Suspension, or Probation

Subd 5. If a licensee is found to have violated the Rental Ordinance, the licensee shall, in addition to any other remedy, pay to the City all costs incurred by the City to enforce the ordinance, whether incurred in an administrative, criminal, or civil action. Further, as a condition of the future validity of his/her license, the licensee would be required to reimburse the City for all costs related to the investigation and enforcement of the ordinance, including reasonable attorney's fees, regardless of whether a Court ordered them to be paid. All fees shall be due and payable by the property owner to the city within 30 days of written demand by the city.

Section3: Effective Date.

This ordinance becomes effective upon passage and publication.

Passed by the City Council of Medicine Lake on December 5, 2022.

Scott Marks, Mayor

ATTEST: Therese Polum, City Clerk

Ordinance No. 139

AN ORDINANCE ADOPTING A SCHEDULE FOR THE COLLECTION OF LAND USE RELATED FEES FOR 2023

THE CITY COUNCIL OF THE CITY OF MEDICINE LAKE HEREBY ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to comply with Minnesota State Statutes, 426.353, Subd. 4, which states that a municipality may prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering an application for the amendment to an official control established pursuant to sections 462.351 –462.364 or an application for a permit or other approval required under an official control established pursuant to those sections. Fees as prescribed must be by ordinance.

Section 2. Land Use Fees.

Permit/Application Type	Fee	Escrow
Road and Driveway Permits	\$50	Project specific
Land Excavation /Filling/Grading Permit (Fee waived if in conjunction with a stormwater management plan)	\$250	\$1000
Storm Water Management Plan	\$250	\$3,000
Conditional Use Permit	\$250	\$1,000
Variance	\$250	\$1,000
Silt Fence Inspection	\$100	
Sign Permit	\$150	
Subdivision - Preliminary / Final Plat		
Minor (less than 3 lots)	\$400	\$2,000
Major (4 or more lots)	\$400	\$3,000
Planned Unit Development	\$400	project specific
Zoning Ordinance Amendment (text and/or map)	\$500	\$3,000
Amendment to Comprehensive Plan (text and/or map)	\$500	\$3,000
Construction Management Plan Escrows:		
• Demolition Permit		\$2500
• Remodel which includes new additional space		\$2000
• New single or two-family construction (if no Demolition escrow, otherwise, \$1500 if demo Escrow paid and unused)		\$4000
• Construction of an accessory building		\$2500
• Land Excavation and Grading		\$1000
Pre-planning contract with City Planner		\$500

Rental Housing inspection and 3yr License
(Inspection includes primary and one follow up
Appointment. Additional inspection appointments
are charged an hourly rate as designated by Plymouth) \$215

- Multi-unit property will be \$30/unit/year for
Licensing + \$125 inspection fee + \$10/unit.

Project specific escrow amounts require a minimum deposit of \$5,000 at the time of submittal. The total escrow required is estimated based on the size, location and complexity of the project. Additional funds may be required from time to time and shall be estimated based on a preliminary review of the project.

Escrow funds will be used to reimburse the City for professional fees accrued during the review process of the application. These professional fees may be born by the City Planning or Engineering consultant, Building Official or City Attorney or other professional advice as needed from time to time.

Section 3. Building Permit Fees.

See Exhibit A attached.

Section 4. Repealer. All previously adopted ordinances related to land use application fees and building permit fees are hereby repealed.

Section 5. Effective Date of Ordinance. This Ordinance shall take effect upon its adoption and publication.

Adopted by the City Council of Medicine Lake this 5th day of December, 2022 by the City Council of the City of Medicine Lake, Minnesota.

Scott Marks, Mayor
ATTEST: Therese Polum, City Clerk

**EXHIBIT A – CITY OF MEDICINE LAKE
BUILDING PERMIT FEES 2023**

The following **Residential** work requires payment of the fees indicated:

- a) Re-roofing; Re-siding; Fireplaces **1 and 3**
- b) Room additions; Porches; Decks; Garages;
Basement Finishes; Pools; Remodeling: **1, 2 and 3**
- c) New Single Family Dwellings **1, 2 and 3**

The following **Multi-Family** and **Non-Residential** work requires payment of the fees indicated:

- a) New or additions to Multi-Family, Commercial, Industrial, Public and all other non-residential structures served with Municipal Sewer and/or Water **1, 2, 3, 4 and 5**
- b) Remodeling existing structure **1, 2 and 3**
- c) Finishing off vacant tenant space **1, 2 and 3**

NOTE: If space is to be finished into a more intense use, fees under 4 and 5 may also be required.

All fees are paid at the time of permit issuance. Please be advised that there are separate fees which make up the overall "permit fee". They are as follows: Building Permit, Plan Review, State Surcharge, SAC's, and REC's. A description of the fees and how they are calculated is listed below.

1. BUILDING PERMIT FEE

This amount is calculated from the fee schedule below and is based on the total value of all construction work including plumbing, electrical and mechanical systems, finish work and labor, even if you are doing the work yourself. **Please note: Valuations will be adjusted by the City when the proposed valuation indicated on the application form is under estimated or in error.**

<u>TOTAL VALUATION</u>	<u>PERMIT FEE</u>
\$1.00 to \$500.00	\$40.00
\$501.00 to \$2,000.00	\$40.00 for the first \$500.00 plus \$2.25 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$73.75 for the first \$2,000.00 plus \$14.75 each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$413.00 for the first \$25,000.00 plus \$10.75 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$681.75 for the first \$50,000.00 plus \$7.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$1056.75 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3456.75 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5956.75 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof.

2. PLAN REVIEW

This amount is **65%** of the Building Permit Fee. Multiply .65 x the Building Permit Fee which you calculated in #1 on page 1. Do not use the original building valuation amount.

3. STATE SURCHARGE

This amount is based on the table below. For valuation use the same building valuation amount as you used for #1.

<u>BUILDING VALUATION</u>	<u>SURCHARGE FEE</u>
One Million or less	.0005 x Valuation
\$1,000,001 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,001 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,001 to \$4,000,000	\$1200 + .0002 x (Value - \$3,000,000)
\$4,000,001 to \$5,000,000	\$1400 + .0001 x (Value - \$4,000,000)
Greater than \$5,000,000	\$1500 + .00005 x (Value - \$5,000,000)

4. SAC (STATE) SEWER AVAILABILITY CHARGE: CURRENT RATE IS \$2,485.00 PER UNIT

- a) For construction of single family dwellings: One (1) unit is charged.
- b) For construction of multi-family buildings: One (1) unit is charged for each dwelling unit.
- c) For construction of non-residential buildings: Units are calculated according to the current guidelines of the Metropolitan Council Environmental Services. It will save time if you contact them directly for their written SAC Determination. MCES telephone number is (651) 602-1000.

5. REC (CITY) RESIDENTIAL EQUIVALENT CONNECTION CHARGE

WREC (Water)	CURRENT RATE IS \$1,407.00 per unit.
SREC (Sewer)	CURRENT RATE IS \$549.00 per unit.

- a) For construction of single family dwellings: One (1) unit is charged.
- b) For construction of multi-family buildings: One (1) unit is charged for each dwelling unit.
- c) For construction of non-residential buildings: Units are calculated by the following:
 - (1) Determine number of SAC units per item 4.c. above; and
 - (2) Multiply number of SAC units by 1.39. (Round off to nearest whole number.)

Mechanical Permit Fee Schedule	
New	Alterations or Miscellaneous
A. Permit Fee: 1.5% x Job Cost, (when job cost is \$1,000,000 or less)	A. Permit Fee: 1.5% x Job Cost, (when job cost is \$1,000,000 or less)
B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)	B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)
Total Fee (A + B)	Total Fee (A + B)

Plumbing Fixtures & Alterations

- A. Permit Fee: 2% x Job Cost (\$45.00 min)
- B. State Surcharge Fee: .0005 x Job Cost (when job cost is \$1,000,000 or less)

Total Fee: (A + B)

**CITY OF MEDICINE LAKE
ORDINANCE NO. 140**

**AN ORDINANCE DECLARING NUISANCES AND ESTABLISHING A PROGRAM FOR THE PREVENTION OF
SHADE TREE DISEASE AND PEST CONTROL WITHIN THE CITY OF MEDICINE LAKE.**

The City of Medicine Lake does ordain:

Section 1. Purpose.

The health of the shade trees within the city limits is threatened by shade tree diseases and pests. It has further determined that the loss of shade trees growing upon public and private property would substantially depreciate the value of property within the City of Medicine Lake and impair the safety, good order, general welfare and convenience of the public. The purpose of this Ordinance is to control and prevent the spread of these diseases and pests within the City of Medicine Lake. This Ordinance is enacted for that purpose, and conforms to the policies and procedures embodied in Minnesota Statutes, Chapter 89, as amended, and rules promulgated there under.

Section 2. Definitions.

For purposes of this Ordinance, the following definitions apply:

- A. "Commissioner" means the Commissioner of the State Department of Agriculture.
- B. "Forestry" means the science, art, and profession of managing forests.
- C. "Forester" means the person contracted by the City to complete the duties as described in this Ordinance or her/his duly authorized agents.

Section 3. Duties of the Forester.

- A. It is the duty of the Forester to coordinate, under the direction and control of the City Public Works and Park Commissioner, all activities of the municipality relating to the control and prevention of Shade Tree Disease.
- B. The Forester shall recommend to the City Public Works and Park Commissioner, and Council the details of a program for the control of Shade Tree Disease, and perform the duties incident to such a program adopted by the Council.
- C. It is unlawful for any person to prevent, delay, or interfere with the Forester or City Public Works and Park Commissioner or duly authorized agents while they are engaged in the performance of duties imposed by this Ordinance.

Section 3. Shade Tree Disease Program.

It is the intention of the City Council to conduct a Shade Tree Control Program pursuant to the authority granted by Minnesota Statutes Chapter 89, as amended. This program is directed specifically at the

control and elimination of Shade Tree Diseases and pests and is undertaken at the recommendation of the City Public Works and Parks Commissioner and in conformance with rules promulgated by the same.

Section 4. Declaration of Shade Tree Diseases and Pests.

The Council may by ordinance declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minn. Stat. § 89.001, to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action.

Subd. 1. **Nuisances Declared.** The following are public nuisances whenever they may be found within the City of Medicine Lake:

- A. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Ophiostoma Nova-Ulmi* or *Ophiostoma Ulmi* or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hyluigopinus Rufipes* (Marsh).
- B. Any dead elm tree or part thereof, including 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.
- C. Any living or standing oak tree, or part thereof infected to any degree with oak wilt disease (Scientific name for the fungus is *Bretziella fagacearum*).
- D. Any dead oak tree or part thereof, including logs, branches, stumps, firewood, or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide.
- E. Any other shade tree with an epidemic disease.
- F. Any shade tree or shrub which is host to an insect and/or pest that threatens the health of the tree, including, but not limited to, the Gypsy moth, Asian Long-horned beetle, and Emerald Ash borer.
- G. Any tree or shrub which in the opinion of the Forester, has become or threatens to become a hazard so as to adversely affect public safety, whether such tree or shrub shall be on public or private property.

Subd. 2. **Abatement.** It is unlawful for any person to permit any public nuisance as defined in Subdivision 1 to remain on any premises owned or controlled by that person within City limits. Such nuisances may be abated in the manner prescribed by Section 6 of this Ordinance.

Section 5. Inspection and Investigation.

Subd. 1. **Frequency of Inspection.** The City Public Works and Parks Commissioner shall order the Forester to inspect all premises and places within the City as often as practical to determine whether any condition described in Section 4 exists thereon. The Forester shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles or oak wilt, or other Shade Tree Disease and pests or hazardous trees and shrubs.

Subd. 2. **Entry on Private Premises.** The Forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned the Forester under this Section. Such inspections shall be preceded by a legal notice published once annually in the City's legal newspaper and on the City's official web site informing all property owners within the City to destroy and dispose of tree materials declared a nuisance.

Subd. 3. **Diagnosis.** The Forester shall identify diseased trees according to generally accepted field diagnosis procedures such as wilting, yellowing of leaves and/or staining of cambial wood under tree bark. Confirmation of field diagnosis, when ordered by the Forester shall be completed by a Tree Disease laboratory approved by the Minnesota State Department of Natural Resources. The Forester shall assess potential hazardous trees. A hazard tree is a tree that has structural defects in the roots, stem, or branches that may cause the tree or part thereof to fail, where such failure may cause personal injury or property damage to a target. A "target" includes, but is not limited to, people, vehicles, buildings, and property, etc. Trees without targets are not considered hazards even if they are likely to fail and can be considered beneficial in habitat protection.

Section 6. Abatement of Shade Tree Disease Nuisances.

In abating the nuisances defined in Section 4, the Forester shall cause the infected tree, shrub or wood to be removed, burned, debarked, trenched or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of disease and pests. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and procedures as may be established by the Commissioner of Agriculture.

Section 7. Procedure for Removal of Infected Trees and Wood.

Subd. 1. **Findings.** Whenever the Forester finds with reasonable certainty that the infestation defined in this Section exists in any tree, shrub or wood in any public or private place in the City, the Forester shall proceed as follows: If the Forester finds that danger of infestation of other trees is imminent, or a potentially hazardous condition is identified, the Forester shall notify the City Council. The City Council or their designated officer, shall notify the property owner by mail and by leaving a notice on the property that the nuisance will be abated within a specified time, not more than 30 calendar days from the date of mailing of such notice. After the expiration of the time limited by the notice, the City may abate the nuisance, the costs of which will be assessed against the benefiting property as provided in Section 7, Subd. 4.

Subd. 2. **Records.** The City Public Works and Parks Commissioner shall keep a record of the costs of abatements ordered under this Subsection and shall report to the Council 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.

Subd. 3. **Notice; Hearing.** The Council shall publish notice of its intention to meet to consider the adoption of a special assessment roll in accordance with the report provided by the City

Public Works and Parks Commissioner. The notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the properties affected, action proposed, and the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the proposed assessments. The Council shall thereafter adopt a resolution confirming the original resolution with such modification as it considers for the levy of special assessments.

Subd. 4. **Assessment.** Following the public hearing provided for in Section 7 Subd. 3., the Council may then spread the charges or any portion thereof against the property involved as a special assessment under pertinent State statutes for certification to the County Auditor and collection the following year along with current taxes.

Section 8. Interference Prohibited.

It is unlawful for any person to prevent, delay or interfere with the Forester or his/her agents while they are engaged in the performance of duties imposed by this Ordinance.

Subd. 9. Severability.

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

Section 10. Effective Date

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Passed by the City Council of Medicine Lake on April 3, 2023.

Chris Heim, Mayor

Attest: Therese Polum, City Clerk