CITY OF DASSEL, MINNESOTA CODE OF ORDINANCES

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AMERICAN LEGAL PUBLISHING CORPORATION432 Walnut Street
Cincinnati, Ohio 45202-3909 (800) 445-5588

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§ 10.01 TITLE OF CODE.

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

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

§ 10.02 RULES OF INTERPRETATION.

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

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

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

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

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

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

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

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

§ 10.04 CAPTIONS.

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

§ 10.05 DEFINITIONS.

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

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

CITY. The City of Dassel, Minnesota. The term ***CITY*** when used in this code may also be used to refer to the City Council and its authorized representatives.

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

COUNTY. Meeker County, Minnesota.

MAY. The act referred to is permissive.

MONTH. A calendar month.

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

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

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

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

SHALL. The act referred to is mandatory.

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

STATE. The State of Minnesota.

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

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

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 SEVERABILITY.

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

§ 10.07 REFERENCE TO OTHER SECTIONS.

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

§ 10.08 REFERENCE TO OFFICES.

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

§ 10.09 ERRORS AND OMISSIONS.

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

§ 10.10 OFFICIAL TIME.

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

§ 10.11 REASONABLE TIME.

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

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

§ 10.12 ORDINANCES REPEALED.

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

§ 10.13 ORDINANCES UNAFFECTED.

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

§ 10.14 EFFECTIVE DATE OF ORDINANCES.

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

§ 10.15 REPEAL OR MODIFICATION OF ORDINANCE.

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

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

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

§ 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

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

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

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

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

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

§ 10.19 ADOPTION OF STATUTES AND RULES BY REFERENCE.

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

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General Provisions

§ 10.99 GENERAL PENALTY.

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

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

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

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

Cross-reference:

Administrative Offenses, see Chapter 35

TITLE III: ADMINISTRATION

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City Council

CHAPTER 30: CITY COUNCIL AND CITY OFFICIALS

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CITY COUNCIL

§ 30.01 MEETINGS. The regular meetings of the City Council shall be held on the third Monday of each month at 6:00 p.m. in the City Hall. If a regular meeting falls on a day considered as a legal holiday, the meeting shall be held on the next regular business day. (Am. Ord. 3/18/13)

§ 30.02 ORDER OF BUSINESS.

1. **Call to Order & Pledge of Allegiance**
2. **Roll Call**
3. **Approval of Minutes**
4. **Open Forum** - Citizens to be Heard
5. **Additions or Omissions to Agenda**
6. **Public Hearing(s)**
7. **Consent Agenda**
8. **Council & Committee Reports**
9. **Departmental Reports**
10. **Claims for Payment**
11. **Old Business**
12. **New Business**
13. **Adjourn**

§ 30.03 SPECIAL MEETINGS.

Special meetings may be held at any time upon the call of the Mayor or two of the Council members, but notice of the meetings shall be given to all members of the Council, and no other business than specified in the notice shall be transacted at such special meeting. The notice calling a special meeting of the Council shall be read at such meeting and entered in full upon the minutes by the Administrator-Clerk-Treasurer. Written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting to all of the members of the Council and to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.
(`74 Code, Chapter 2.01, § 3)

§ 30.04 COMMITTEE APPOINTMENTS.

The mayor shall, at the first regular meeting of the Council in each year, appoint the committees necessary to carry out the business of the coming year.

(`74 Code, Chapter 2.01, § 4)

§ 30.05 COMMITTEE DUTIES.

It shall be the duty of the various committees to exercise a general supervision over the affairs pertaining to their department, to investigate the condition of the same and to report from time to time to the Council. (`74 Code, Chapter 2.01, § 5)

§ 30.06 CLAIMS.

All claims against the city shall be in writing and every claim shall be filed with the Administrator-Clerk-Treasurer at least two days before the regular meeting at which such claim is to be acted upon by the Council. (`74 Code, Chapter 2.01, § 6)

CITY OFFICERS

§ 30.20 COMBINATION OF THE OFFICES OF CITY ADMINISTRATOR, CITY CLERK, AND CITY TREASURER.

(A) Pursuant to the authority granted by M.S. § 412.591, subd. 2, as it may be amended from time to time, the offices of Administrator, Clerk, and Treasurer, in the City of Dassel, Meeker County, Minnesota are combined in the office of Administrator-Clerk-Treasurer.

(B) Beginning with the year in which this section becomes effective and each year thereafter, there shall be an audit of the city's financial affairs by the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the State Auditor.
(`74 Code, Chapter 2.021) (Am. Ord. 2.021, passed 7-21-75)

§ 30.21 MAYOR.

The Mayor of the City Council shall by virtue of his or her office preside over the meetings of the Council, but in his or her absence any Council member whom the Council may elect shall preside and he or she shall have and exercise all the powers of a presiding officer. He or she shall be the general custodian of all public property of the city; he or she shall see to it that all officers perform their duties and that the ordinances of the city are enforced. (`74 Code, Chapter 2.02, § 1)

§ 30.22 ADMINISTRATOR-CLERK-TREASURER.

(A) *Bond*. The City Administrator-Clerk-Treasurer shall, before entering upon the duties of the his or her office, give a bond required by statute to be approved by the City Council, in the amount the Council may determine, for the faithful performance of his or her duties as prescribed by the laws of this state and the ordinances of this city.

Responsibilities. The Administrator-Clerk-Treasurer's responsibilities are limited to those of ministerial operation and function of the city and all policy-making decisions are to be made and entrusted with the City Council.

(B) Duties. The Administrator-Clerk-Treasurer's duties shall consist of but are not limited to the following:

(1) Keep the minute book noting thereon all proceedings of the Council;

(2) Record in full all ordinances passed by the City Council in the ordinance book. Be responsible for the enforcement and administration of the city ordinances. Prepare and keep the city ordinances codified;

(3) Assume all duties provided for by him or her by state laws, city ordinances, and city resolutions;

(4) Enter in an account book all money transactions of the city, including the date and reasons for receipt or payment of all funds. Make reports on the financial condition and the needs of the city. Prepare estimates for the annual budget and to submit them to Council;

(5) Exercise supervisory and ministerial control over all city departments and divisions created by law or by the Council;

(6) Attend all meetings of the Council and participate in the discussion but not voting;

(7) Recommend to the Council such measures as he or she may deem necessary for the welfare of the people and the sufficient administration of the affairs of the city;

(8) If so directed, he or she shall prepare an administrative code for adoption by the City Council;

(9) Act as chief purchasing agent for the city, but before ratifying any purchase confirm such purchase with the City Council;

(10) Be charged with the ministerial operation of the city business in accordance with the decisions of the Council;

(11) Act as Zoning Administrator and attend all Planning and Zoning Commission meetings, keep records of the minutes, and keep and maintain zoning ordinances and zoning maps;

(12) Keep and maintain accurate and true copies of the city map;

(0) If so directed, seek, apply, and obtain all federal and state appropriations and funds necessary for carrying out the City Council's policies;
(`74 Code, Chapter 2.02, § 2)

(1) He or she shall exhibit from time to time as the Council may demand an accurate statement of all funds in his or her hands as such Treasurer;
(`74 Code, Chapter 2.02, § 4)

(2) Collect, receipt for and safely keep all moneys belonging to the city; he or she shall promptly enter in a book provided for that purpose an account of all moneys received and disbursed by him or her in his or her official capacity, showing sources and objects thereof, with the date of each transaction; he or she shall retain in his or her office all cancelled orders paid by him or her, but the orders drawn upon each fund shall be kept separate. Prior to January 15 of each year, the Administrator-Clerk-Treasurer shall make out and file for public inspection an itemized account of his or her receipts and disbursements with the sources and objects of each;
(`74 Code, Chapter 2.02, § 5)

(3) Perform other duties that may be assigned from time to time by the City Council.

(D) *Financial report*. Immediately after completing the report of the Administrator-Clerk-Treasurer's annual account of all receipts and disbursements of his or her office during the year, the Administrator-Clerk-Treasurer shall prepare a detailed statement of the financial affairs of the city showing all moneys received, the sources from which received, dates and amounts thereof; all moneys paid, to whom issued and for what purpose; all moneys remaining in the treasury; and all other items necessary to accurately show the financial condition of the city. He or she shall file such statements in his or her office for public inspection and he or she shall publish the same before February 28 in each year in a newspaper published in the city, provided that such paper shall be designated by the Council. (`74 Code, Chapter 2.02, § 3)

§ 30.23 OTHER OFFICERS.

At the first regular meeting in the month of January, the Council shall appoint a Health Officer, a City Attorney, a City Engineer and a City Assessor. The officers shall hold their offices at the will of the Council and until their successors have been appointed and shall have been qualified. The Council shall fix the salary or compensation of the officers and may change the same at any time during the year. The officers shall report to and be supervised by the Administrator-Clerk-Treasurer. Additional language will be proposed to the Council for the Public Works Director and Nursing Home Administrator at a later date.
(Am. Ord. - -, passed 1-21-03)

§ 30.24 DUTIES OF OTHER OFFICERS.

The Health Officer, Fire Marshal, Public Works Director and Nursing Home Administrator shall perform the duties required of him or her by the Administrator-Clerk-Treasurer pursuant to a job description approved by and amended from time to time by the City Council.
(`74 Code, Chapter 2.02, § 8)

§ 30.25 CITY OFFICER SALARIES.

The salaries of all city employees shall be determined from time to time by the City Council.

§ 30.26 CITY COUNCIL SALARIES.

The compensation of the Mayor and the compensation of each Council member shall be established from time to time by City Council ordinance, pursuant to M.S. § 415.11, as it may be amended from time to time. No change in salary shall take effect until after the next succeeding city election.

Section

CHAPTER 31: POLICE DEPARTMENT AND FIRE DEPARTMENT

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POLICE DEPARTMENT

§ 31.01 DEPARTMENT CREATED.

(A) The City Council establishes a City of Dassel Police Department, which shall have a Police Chief and as many officers as are determined necessary by the Council.

(B) The Council shall appoint a Police Chief. The Police Chief shall be appointed for an indefinite term and shall hold his or her office at the will of the City Council or until his or her successor has been appointed and has been qualified. The Council shall appoint a Police Chief at the effective date of this section.

(C) The Police Chief's duties are as follows:

(1) To be the head of the City of Dassel Police Department;

(2) To be POST Board approved or professionally trained as may be required by the laws of the State of Minnesota;

(3) To report monthly to the City Council as to operation of the City of Dassel Police Department;

(4) To be responsible for and supervise all of the officers in the Department. The officers shall report to the Police Chief as required by the Chief;

(5) To develop and recommend to the Council a Police Department Procedural Code to ensure that the policies of the City Council, city ordinances and laws of the state are complied with and enforced;

(6) To recommend to the Administrator whether to hire or fire an officer;

(7) To prepare and recommend to the Council for their approval city enforcement policies. (Am. Ord. 3.02, passed 5-3-82; Am. Ord. - -, passed 1-21-03)

§ 31.02 INTERFERENCE WITH ARREST.

It shall be unlawful for any person in the city by threats, force or fraud to rescue or attempt to rescue any person from lawful custody or from an officer or other person having such person under lawful arrest. (Am. Ord. 3.02, passed 5-3-82) Penalty, see § 10.99

§ 31.03 POWER OF ARREST.

The city police shall have power and are authorized to arrest any person or persons engaged in violating any ordinance of the city or any of the laws of the state, also any person or persons for whom they hold a warrant charging a violation of any of the ordinances of the city or the laws of the state. (Am. Ord. 3.02, passed 5-3-82)

POLICE DEPARTMENT AND FIRE DEPARTMENT

§ 31.04 HEARING.

After making any arrests the city police are authorized to take the person or persons so arrested, without unreasonable delay, before a Judge of the County Court of Meeker County, Minnesota, to be dealt with according to law. Provided, that if any arrests be made on Sunday, legal holidays or after sunset of any day, the person or persons so arrested shall be confined until such time as the Judge of the County Court before whom complaint is made shall direct, in pursuance to law and ordinance of the city, for the hearing of the charge in the complaint against the person so arrested. Provided no police officer shall be required to bring any person before the Judge of Meeker County Court while such person is in a state of intoxication, unless the County Court Judge shall directly order that such person be brought before him or her.
(Am. Ord. 3.02, passed 5-3-82)

§ 31.05 COMPLAINT.

In case of arrest of any person by the city police without warrant or process, the officer making the arrest is authorized to make complaint as soon as possible before a County Judge of Meeker County specifying with certainty the offense for which such person was arrested and also to appear and give evidence upon the examination or trial of the charge before the County Court Judge before whom the complaint was made. (Am. Ord. 3.02, passed 5-3-82)

§ 31.06 DISORDERLY HOUSES.

The Chief of Police is authorized to suppress and restrain all disorderly houses or houses of ill-fame and to seize and take into custody all gambling devices, illicit drugs, and all spiritous, vinous, malt or fermented liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of the city.
(Am. Ord. 3.02, 5-3-82)

VOLUNTEER FIRE DEPARTMENT

§ 31.20 ESTABLISHED.

There is established in the city a Volunteer Fire Department consisting of a Chief, an Assistant Chief and not less than 25 nor more than 30 firefighters. The Chief may appoint up to two reserve firefighters. The reserve officers, for the purpose of this subchapter, shall not be considered members. The Volunteer Fire Department shall be under complete control of the City Council at all times and shall be required to obey any and all laws and resolutions passed by the Council pertaining to the Fire Department.
(`74 Code, Chapter 3.03, § 1) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.21 CHIEF OF FIRE DEPARTMENT; ASSISTANT CHIEF.

The Chief of the Fire Department and the Assistant Chief shall be elected by the members of the Department subject to confirmation by the Council. Each shall hold office for two years and until his or her successor had been duly elected, except that he or she may be removed by the Council for cause and after a public hearing.
(`74 Code, Chapter 3.03, § 2) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.22 DUTIES OF THE CHIEF.

The Chief shall have control over all of the firefighting apparatus and shall be solely responsible for its care and condition. He or she shall make a report, semi-annually, to the Council at its meetings in March and September as to the condition of the equipment and needs of the Fire Department. He or she may submit additional reports and recommendations at any meeting of the Council. He or she shall be responsible for the proper training and discipline of the members of the Fire Department and may recommend that the City Council terminate or suspend any member for refusal or neglect to obey orders.
(`74 Code, Chapter 3.03, § 3)

§ 31.23 RECORDS.

The Chief shall keep in convenient form a complete record of all fires. The record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner or tenant, purpose for which occupied, members of the Department responding to the alarm and such other information as he or she may deem advisable or as may be required from time to time by the Council or State Insurance Department.
(`74 Code, Chapter 3.03, § 4) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.24 PRACTICE DRILLS.

It shall be the duty of the Chief, when the weather permits, to hold a monthly practice drill of at least one hours' duration for methods of firefighting and fire prevention.
(`74 Code, Chapter 3.03, § 5)

§ 31.25 ASSISTANT CHIEF.

In the absence or disability of the Chief, as determined by the City Council, the Assistant Chief shall perform all the functions and exercise all of the authority of the Chief.
(`74 Code, Chapter 3.03, § 6)

§ 31.26 FIREFIGHTERS.

Any person over the age of 60 years who wishes to serve as a member must meet annual physical fitness criteria set by the Chief and be ratified by the membership and the Council.
(`74 Code, Chapter 3.03, § 7) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.27 LOSS OF MEMBERSHIP.

Firefighters absent from three consecutive meetings, unless excused by the Chief, shall forfeit membership in the Department.
(`74 Code, Chapter 3.03, § 8)

§ 31.28 RELIEF ASSOCIATION.

The members and officers of the Fire Department shall organize themselves into a Firefighter's Relief Association.
(`74 Code, Chapter 3.03, § 9)

§ 31.29 ARTICLES AND BYLAWS.

The Fire Department shall adopt "Articles of Constitution" and "Standard Operating Guidelines of the Dassel Volunteer Fire Department" which shall govern the operation of the organization. Such "articles" and "standard operating guidelines" shall be submitted to the City Council for their approval and shall be effective upon the Council's acceptance.
(`74 Code, Chapter 3.03, § 10) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.30 INTERFERENCE WITH DEPARTMENT.

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause or to interfere with the Fire Department in the discharge of its duties; and any person convicted of violating this section shall be deemed guilty of a misdemeanor and shall be fined as determined by § 10.99.
(`74 Code, Chapter 3.03, § 11) Penalty, see § 10.99

§ 31.31 FIRE MARSHAL.

At the first regular meeting in the month of January, the Council shall appoint a Fire Marshal. The Fire Marshal shall hold his or her office at the will of the Council and until a successor has been

appointed and shall have been qualified. The Council shall fix the salary or compensation of the Fire Marshal and may change the same at any time during the year. The Fire Marshal shall report to and be supervised by the Administrator-Clerk-Treasurer.

§ 31.32 DUTIES OF FIRE MARSHAL.

The Fire Marshal shall perform the duties required of him or her by the City Council relative to the prevention of fires, and in addition thereto it shall be his or her duty to enforce the ordinances of the city relative to fires.
(`74 Code, Chapter 2.02, § 8)

Section **CHAPTER 32: BOARDS AND COMMISSIONS**

Planning Commission

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32.2 Composition
32.3 Organization, meetings and the like
32.4 Powers and duties of the Commission

Park and Recreation Advisory Commission

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Red Rooster Day Festival Committee

32.45 Composition
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32.47 Duties of Committee

PLANNING COMMISSION

§ 32.01 ESTABLISHMENT OF COMMISSION.

A City Planning Commission for the City of Dassel is established. The Commission shall be the city planning agency.
(`74 Code, Chapter 3.04, § 1)

§ 32.02 COMPOSITION.

(A) The Planning Commission shall consist of five members appointed by the City Council. At least one, but not more than two, shall be a current member of the City Council. All members of the Planning Commission must be residents of the City of Dassel.

( ) Appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his or her duties take an oath that he or she will faithfully discharge the duties of his or her office.

(B) Appointment of Planning Commission members shall be for a term of two calendar years, except the appointment of a City Council member to the Planning Commission shall be for a term of one calendar year. Removal of any Planning Commission member during the member's term shall require a four-fifths vote of the City Council.

(C) Appointed members shall be compensated a lump sum annually in lieu of mileage and expenses as determined by Council resolution.
(`74 Code, Chapter 3.04, § 2) (Am. Ord. 3.04, passed 5-20-75; Am. Ord. 3.041, passed 12-1-75; Am. Ord. 01-2004, passed 2-2-04) (Amended 32.02, passed April 17, 2023)

§ 32.03 ORGANIZATION, MEETINGS AND THE LIKE.

(A) The Commission shall elect a Chairperson from among its appointed members for a term of one year; and the Commission may create and fill such other offices as it may determine. The City Administrator-Clerk-Treasurer shall act as Secretary of the Planning Commission.

(B) The Commission shall hold at least one regular meeting each month, Unless the Chairperson determines that there are no matters for the Commission to consider or address. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record. On or before April 1 of each year the Commission shall submit to the City Council a report of its work during the preceding year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council.
(`74 Code, Chapter 3.04, § 3) (Amended 32.03, passed April 17, 2023)

§ 32.04 POWERS AND DUTIES OF THE COMMISSION.

The Planning Commission shall be the planning agency and shall have the powers and duties given such agencies generally by M.S. §§ 463.351 to 462.365, as they may be amended from time to time. It shall also exercise the duties conferred upon it by this subchapter.

17 PARK AND RECREATION ADVISORY COMMISSION

§ 32.30 PURPOSE.

The city does now operate and maintain public parks for the benefit and pleasure of its citizens. There is established a Commission to be advisory to the City Council and to be known as the Park and Recreation Advisory Commission. The Commission shall be organized and shall have the duties as set forth in this subchapter.
(Ord. 3.06, passed 3-4-91)

Cross reference:

Park Regulations, see Chapter 90

Boards and Commissions

§ 32.31 COMPOSITION.

(A) The Park and Recreation Advisory Commission shall consist of five members appointed by the majority of the City Council. Of the five members, at least three members shall be residents of the city.

(B) Of the members of the Commission first appointed, two shall be appointed for the term of one year, two for the term of two years and two for the term of three years; their successors shall be appointed for terms of two years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his or her duties take an oath that he or she will faithfully discharge the duties of his or her office.

(C) Members of the Park and Recreation Advisory Commission shall serve without pay but may be reimbursed for actual expenses accrued in the discharge of their official duties with Council approval. (Ord. 3.06, passed 3-4-91; Am. Ord. 3.061, passed 11-18-96)

§ 32.32 ORGANIZATION, MEETINGS AND THE LIKE.

(A) Officers. The Commission shall elect a Chairperson from among its appointed members for the term of one year, and the Commission may create and fill such other offices as it may determine.

(B) Meetings. The Commission shall hold one regular meeting per month at City Hall. Special meetings may be called by the Chairperson or by any two Commission members. Written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to all of the members of the commission and

(C) to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day. All meetings of the Commission shall be open to the public.

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

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

(F) Finances. The Commission shall submit a proposed budget for each fiscal year to the City Council by July 15 of each calendar year. Expenditures of the Commission shall be within amounts appropriated by the City Council.

Dassel - Administration

(F) *Bylaws.* The Commission may adopt and from time to time amend its own rules of procedure, which rules shall be approved by the City Council.
(Ord. 3.06, passed 3-4-91; Am. Ord. 3.061, passed 11-18-96)

§ 32.33 POWERS AND DUTIES OF THE COMMISSION.

The Commission is designated to perform the following responsibilities:

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

(B) Develop immediate and long-range plans for the park and recreational needs of the citizens of the city and recommend to the Council a feasible means of financing such requirements;

(C) Recommend to the Council operating policies and procedures for use in existing parks, future parks and public lands;

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

(A) Coordinate city programs with area-wide programs, including programs of community education.
(Ord. 3.06, passed 3-4-91) 18

RED ROOSTER DAY FESTIVAL COMMITTEE

§ 32.45 COMPOSITION.

(A) The Red Rooster Day Festival Committee shall consist of not less than ten members. All members shall be appointed by the City Council. All members may be removed for a four-fifths vote of the Council. The Mayor, or his/her designee from the City Council, shall serve as an ex-officio member of the Committee.

(B) Appointees shall hold their officers until their successors are appointed and qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term.

(C) Terms shall be for two calendar years.

(D) All members shall serve without compensation but may be reimbursed for actual expenses accrued in the discharge of their official duties at the discretion of the Committee.
(Ord. 14-2003, passed 12-1-03)

§ 32.46 ORGANIZATION, MEETINGS AND THE LIKE.

(A) The Committee shall elect a chairperson (s) and a Treasurer from among its appointed members for terms of one year. The Committee may create and fill such other offices and positions as it may determine.

(B) The Committee shall adopt rules for the transaction of business and keep a record of its transactions, activities, actions and resolutions. All records of the Committee shall be public record. The Committee shall make quarterly reports of its activities to the City Council. On or before December 1, the Committee shall submit to the City Council a report of its work during the preceding year.

(C) On or before December 1, the Committee shall submit to the City Council a budget for approval. The Treasurer shall have the authority to spend funds as specified in the budget. The Treasurer shall have the authority to spend funds as specified in the budget. All amendments to the budget must be approved by the City Council.

(D) One-half of the members of the Committee shall constitute a quorum. All questions presented for a vote shall be decided by a simple majority of those present. All meetings of the Committee shall be open to the public.
(Ord. 14-2003, passed 12-1-03)

§ 32.47 DUTIES OF THE COMMITTEE.

The Committee shall have the responsibility for the planning of the Red Rooster Day festivities. (Ord. 14-2003, passed 12-1-03)

33.1 Funds
33.2 Accounting to funds
33.3 Disbursements
33.4 Claims approved
33.5 Signing of orders

§ 33.01 FUNDS.

There shall be created and set apart the following funds, and the Administrator-Clerk-Treasurer of the City of Dassel shall keep an accurate account of all moneys credited to each of such funds, as follows:

Building Fund
Capital Improvement Fund
Fire Department Fund
Firefighter's Relief Fund
Garbage Fund
General Fund
Liquor Fund
PERA Fund
Police Fund
Revenue Sharing Fund
Sewer Fund
Storm Water Management Fund
Street Fund
Water Fund

and such funds as may be established by the City Council for the retirement of bonds and special improvement bonds and such sinking funds as the Council may determine by resolution.
(`74 Code, Chapter 3.01, § 1) (Am. Ord. - -, passed 1-21-03)

§Secti 33.02 on ACCOUNTING TO FUNDS.

All moneys received for licenses and fines shall be paid into the City General Fund. The money received for taxes shall be credited to the various funds for which such taxes shall have been levied. (`74 Code, Chapter 3.01, § 2)

§ 33.03 DISBURSEMENTS.

All expenses of the city of whatever character properly arising out of municipal affairs and not otherwise provided for shall be paid from the General Fund, including payment of all debts as they become due as well as the interest on the same. Nothing herein shall affect the operation of other funds prescribed by ordinance or resolution of the City Council.
(`74 Code, Chapter 3.01, § 3)

§ 33.04 CLAIMS APPROVED.

No money demand against the city shall be paid until audited and allowed by the Council, and before so audited and allowed no order shall be drawn upon the Administrator-Clerk-Treasurer therefor. The demands shall be made out in items and be signed by the claimant that the claim is just and correct and that no part of it has been paid. The Administrator-Clerk-Treasurer shall endorse thereon the word "Disallowed" if such be the fact, or "Allowed in the sum of $ _____ " if approved in whole or in part, specifying in the latter case the items rejected. The accounts shall be filed with the Administrator-Clerk-Treasurer and consecutively numbered throughout the year. Each claim allowed shall also bear the number of the order drawn for its payment.
(`74 Code, Chapter 3.01, § 4)

§ 33.05 SIGNING OF ORDERS.

All orders for the payments of money out of funds of the city shall be signed by the Mayor of the city and countersigned by the Administrator-Clerk-Treasurer unless otherwise specified by ordinance. The orders shall specify the purpose for which they were drawn, the fund out of which they are payable, the name of the person in whose favor they are drawn and may be made payable to the order of such person or bearer.
(`74 Code, Chapter 3.01, § 5)

34.1 Policy and purpose
34.2 Definitions
4.**3** Establishment of emergency management organization
43. Powers and duties of Director
34.5 Local emergencies
34.6 Emergency regulations
34.7 Emergency management a government function
34.8 Participation in labor disputes or politics

34.99 Penalty

§ 34.01 POLICY AND PURPOSE.

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

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

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

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

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

§Secti 3402 on DEFINITIONS.

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

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

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

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

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

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

§ 34.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

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

§ 34.04 POWERS AND DUTIES OF DIRECTOR.

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

(B) The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

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

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

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

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

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

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

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

§ 34.05 LOCAL EMERGENCIES.

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

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

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.
Penalty, see § 34.99

§ 34.06 EMERGENCY REGULATIONS.

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

(B) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator-Clerk-Treasurer. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the

City Administrator-Clerk-Treasurer's office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

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

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.
Penalty, see § 34.99

§ 34.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

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

§ 34.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

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

§ 34.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor and subject to penalty as set forth in § 10.99.

Section

36.01 Fee schedule

§ 36.01 FEE SCHEDULE.

(A) Fees for various services and permits provided by the City of Dassel shall be as set forth in the fee schedule contained in division (B) below, and as subsequently set forth in the annual fee schedule resolution adopted by the City Council at its organizational meeting in January of each year.

(B) The fee schedule is incorporated herein by reference as "Exhibit A" and is available in the Office of the City Administrator-Clerk-Treasurer.

(C) The city service and permit fee schedule shall be subject to amendment by resolution or ordinance as deemed necessary from time to time by the City Council.

(Am. Ord. 15-2003, passed 12-15-03; Am. Ord. - -, passed 1-21-03; Am. Ord. 06-2003, passed 3-1703; Am. Ord. 10-2004, passed 12-20-04) 2005 S-1

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE

51. WATER

52. SEWERS

53. SURFACE WATER MANAGEMENT

CHAPTER 50: GARBAGE AND REFUSE

Section

50.01 City collection contractor

50.02 Definitions

50.03 Containers

50.04 Locations of containers

50.05 Collection

50.06 Charges

50.07 Permit for commercial collection required

§ 50.01 CITY COLLECTION CONTRACTOR.

(A) All garbage accumulation in the city shall be accumulated, conveyed and disposed of by the city through its legally authorized agent, the city collection contractor. No person shall provide single and two family residential refuse collection service over any of the streets or alleys of the city or dispose of any residential garbage accumulation in the city, except the city's duly authorized contractor.
(`74 Code, Chapter 6.02, § 1)

(B) All single and two family residential garbage accumulated in the city shall be collected, conveyed and disposed of by an authorized city collection contractor. No person shall collect, convey over any of the streets or alleys of the city or dispose of any single and two family residential garbage accumulated in the city, except the duly authorized garbage collection contractor, provided that this chapter shall not prohibit the disposal of garbage in dwellings by any device which grinds and deposits the garbage in a sewer nor prohibits by reason of necessity an individual resident conveying refuse from residence to sanitary landfill. The garbage collection contractor and his or her employees shall have the right to enter upon private property at all reasonable hours of the day for the purpose of collecting garbage.
(`74 Code, Chapter 6.02, § 3)

(C) The city garbage collection contractor is authorized along with other commercial haulers permitted under § 50.04, to negotiate for the collection of garbage and refuse with the owners of multifamily residential, commercial establishments and industrial establishments located within the city. (`74 Code, Chapter 6.02, § 8) (Am. Ord. - -, passed 12-5-05)

§ 50.02 DEFINITIONS.

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

COMMERCIAL ESTABLISHMENT. Any premises where a commercial or industrial enterprise of any kind is carried on.

GARBAGE. Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GARBAGE COLLECTION CONTRACTOR. The person with whom the city shall contract for collection of garbage in the city.

MULTIPLE-FAMILY RESIDENTIAL UNIT. Any household wherein more than one family resides.

REFUSE. All wastes (except body wastes), including rubbish, tin cans, paper, cardboard, yard clippings, glass jars and bottles and wood normally resulting from the operation of a household or business establishment but not including garbage.

SINGLE-FAMILY RESIDENTIAL UNIT. Any household with a single family residing therein.
(`74 Code, Chapter 6.02, § 2)

§ 50.03 CONTAINERS.

All garbage and refuse accumulated on any premises shall be placed and maintained in containers. Garbage and refuse containers shall be provided by the authorized city collection contractor. The container shall be maintained in a good, clean, neat and sanitary condition at all times. The garbage containers shall be equipped with handles, tight fitting covers and shall be water tight. The garbage containers shall have a capacity agreed upon by the resident and the city collection contractor, but in no event larger than 96 gallons.
(`74 Code, Chapter 6.02, § 4) (Am. Ord. - -, passed 12-5-05)

§ 50.04 LOCATION OF CONTAINERS.

Garbage and refuse containers shall be placed for collection at one place at ground level on the property and accessible to the street or alley from which collection is made.
(`74 Code, Chapter 6.02, § 5)

§ 50.05 COLLECTION.

Garbage and refuse accumulated at residential properties shall be collected at least once each week. The owners of premises upon which garbage or refuse is accumulated who desire personally to collect and dispose of their own garbage and refuse shall use a container provided with a tight cover so operated and maintained as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled from the container. The ownership of garbage and refuse material set out for collection and collected by the garbage collection contractor shall be vested in the city.
(`74 Code, Chapter 6.02, § 6)

§ 50.06 CHARGES.

Each family residential unit shall pay directly to the city collection contractor at the rate determined under the contract with the city for the collection of garbage and refuse. The charges for garbage and refuse collection shall be made and the following three month billing periods:

(A) January, February and March;

(B) April, May and June;

(C) July, August and September;

(D) October, November and December.
(`74 Code, Chapter 6.02, § 7) (Am. Ord. 6.021, passed 4-18-77; Am. Ord. - -, passed 1-21-03; Am. Ord. - -, passed 12-5-05)

§ 50.07 PERMIT FOR COMMERCIAL COLLECTION REQUIRED.

No commercial collection and refuse hauler shall operate on the streets, alleys and rights-of-way of the city without a permit by the City Council. Permit fees shall be in the amount established by § 36.01, as it may be amended from time to time.
(`74 Code, Chapter 6.02, § 8) (Am. Ord. - -, passed 1-21-03)

DASSEL WATER ORDINANCE, CHAPTER 51

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§ 51.34 Additional Enforcement Procedures

GENERAL PROVISIONS

§ 51.01 BACKGROUND AND ADMINISTRATIVE INTENT

The United States Congress enacted the Safe Drinking Water Act (PL 93-532) into law on December 16, 1974. This act and its regulations deal with potable water systems. The Act provides that “minimum” protection should include programs that result in the prevention of health hazards.

Following 1986 Amendments to the Safe Drinking Water Act, and following enactment of the 1989 Minnesota Ground Water Protection Act, the Minnesota Department of Health in 1997 initiated its Wellhead Protection Program, Minn. Rules 4720.5200 through 4720.5550. In response to these Rules, the City of Dassel established a Wellhead Protection Plan. The objective of the Wellhead Protection Plan is to decrease the potential for future water problems in the Dassel public water supply system and protect the public potable water supply from the possibility of contamination. In furtherance of this Plan, the Dassel City Council adopted this

revised Water Ordinance to establish enforceable procedures to achieve the objectives of the Wellhead Protection Plan.

§ 51.02 SETTING RATES AND CHARGES FOR DASSEL PUBLIC WATER SERVICE

All rates and charges for Dassel Public Water Service including penalties shall be determined and periodically amended as necessary by the City Council and made a part of the City's Fee Schedule, City Ordinance § 36.01. A copy of the Fee Schedule with the effective dates for the rates and charges set forth in the schedule shall be kept on file and open to inspection at the Dassel City Offices.

§ 51.03 CONTRACT.

The rules and regulations hereinafter named and established by this chapter shall be considered a part of the contract with every person, company or corporation that is supplied water through the City of Dassel public water supply system. Every person, company or corporation by taking water through this system shall be considered as expressing his, her or its assent to be bound thereby.

§ 51.04 INCORPORATION BY REFERENCE

The Minnesota Plumbing Code, Chapter 4714, as amended from time to time, is adopted as the plumbing code of the City of Dassel, and incorporated into this Dassel Water Ordinance, Chapter 51. Additionally, the City of Dassel promulgated a set of Water Service Line Pipe Specifications, the provisions of which are also incorporate into this Chapter 51. Failure by a property owner to install or maintain water service in accordance with the state plumbing code and these specifications, or failure to have or permit required inspections shall, upon discovery by the City, be grounds for termination of water service to that property.

§ 51.05 DEFINITIONS

As used in Dassel Water Ordinance, Chapter 51, the following terms have the meaning given unless the context of the ordinance clearly indicates or requires a different meaning.

This Chapter: Chapter 51 of the Dassel City Ordinances titled Dassel Water Ordinance.

Person(s): Any individual, partnership, association, or private or public corporation.

User or Customer: A person or persons using water through a source that has been issued a permit and is legally connected to the Dassel public water supply system.

Property: The general term property includes a legally defined lot, a parcel of land, a piece or tract of land or premises containing, or capable of containing one or more buildings.

Building*:* Any structure used for habitation or occupancy by persons including all residential, commercial and industrial buildings.

Property Supplied or Served: Property that is or will be connected to the Dassel public water supply system.

Benefitted Property Owner: The legal owner of the property that is supplied potable water by the extension of the Dassel public water service to that property.

Potable Water*:* Water that is safe to drink and to use for food preparation, also defined simply as "Drinking Water."

Dassel (or City) Public Water (Supply) System*:* The system owned, operated, maintained, and monitored by the City of Dassel for collection of underground water for human consumption and use, and supplied by the city to residential, commercial, and industrial buildings within the city through a system composed of wells, pumps, reservoirs, tanks, treatment plants, water mains, valves, hydrants, service lines, branch service lines, service connections, and other appurtenances of a water works system.

Private Well or Private Well for Domestic Use: A well located on private property, not owned, maintained, monitored, or treated by the City of Dassel, the water from which may be potable or non-potable, and used for consumption, irrigation or other uses. The use of the water is generally on the private property where the well is located. Private Wells for Domestic Use do not include wells used exclusively for watering livestock, irrigation, or used in a private fire suppression system or for heating/cooling exchange systems.

Sand Point or Drive Point Well: A typically shallow well with a $1^1/_2$ to 2-inch steel casing constructed by driving or pounding the casing down into the ground until a water source is encountered.

Water Mains: The primary or main water pipe system, generally located under public roads or alleys, through which water is distributed underground to different areas of the city.

Service Lines*:* The secondary water pipe system that connects to the City water mains and moves water underground from the City water mains into the individual residential, commercial, or industrial buildings to be supplied and then to the water meter.

***Branch Service Lines**:* A supplemental water pipe system that branches off from a service line to move water from the service line to separate additional individual residential, commercial, or industrial buildings.

***Tapping of the Water Main**:* Connecting a service line to the City water main.

Stops or Stop-Valves: A valve system capable of controlling or stopping the flow of water through a portion of the water supply system.

***Corporation-Stop**:* A stop valve located at the point where a service line taps into a City water main, thereby allowing control or stoppage of the flow of water from the City water main into the service line.

Curb: The raised edge along the side of a street.

Back of Curb: The portion of the curb nearest the lot line.

***Curb-Stop**: A s*top-valve located underground on a service line at or near the City water main, with the control box for controlling the stop-valve being located at or above ground level, typically at the back of curb.

Inlet side of the Curb Stop: The side of the curb-stop nearest the main line.

Shut-Off Valve: A stop valve located on a service line or branch service line near a water meter, thereby enabling the flow of water through the water meter to be stopped to allow maintenance or replacement of the water meter or to terminate service.

***A Building Having Reasonable Access to the Dassel Water Supply System**:* A building located on private property that abuts any public street or alley along which a City water main or service line has been constructed, and where the building on the private property is within three hundred (300) feet of a City water main or service line without crossing or intersecting any other property not owned by the owner of the property to be supplied.

REQUIREMENTS, CONDITIONS, AND PROHIBITIONS §

51.06 PRIVATE WELLS – ALLOWANCES AND LIMITATIONS

(A) Findings of Fact. The Dassel City Council finds that in order to protect the integrity of the Dassel public water system and its aquafers, and to ensure adequate water supplies to meet the health, safety and welfare needs of the city and its residents, it is necessary to impose the following requirements, restrictions and prohibitions on the installation and use of private wells:

(B) Existing private wells supplying water for domestic purposes to a building existing as of the effective date of this water ordinance may continue to be used for that purpose, even if the building being supplied with water has reasonable access to the Dassel public water supply system.

(C) At such time as a private well providing water to a building for domestic use is no longer in a safe condition or requires significant repairs, redrilling, or replacement, and if the building has reasonable access to the Dassel public water supply system, then the building must be connected at the property owners expense to the Dassel public water system.

(D) An existing private well on property that has been connected to the Dassel public water system may continue to be used provided there is no cross connection between the private well water system and the Dassel public water system as defined and prohibited in § 51.07 of this ordinance

(E) When use of a private well is permanently discontinued for any reason, the well must be sealed at the property owner's expense in accordance with Minnesota Department of Health requirements;

(F) New private wells are allowed on property that does not have reasonable access to the Dassel water supply system, but only upon prior proof that a permit for such private well has been issued by the Minnesota Department of Health.

(G) No building or occupancy permit will be issued for new construction on property with reasonable access to the Dassel public water supply system until such property is connected to the public water supply system, or assurance of such connection is provided to the City's satisfaction.

(H) If the City Council determines that as a result of seasonal periods of water shortage and/or severe drought there is a potential for depletion of the aquifer and lowering of static water

levels in the city's wells, the Council may by resolution extend to private water wells some or all of the water use restrictions set forth in § 51.12 of this ordinance.

§ 51.07 CROSS CONNECTIONS POTENTIALLY AFFECTING THE DASSEL PUBLIC WATER SUPPLY SYSTEM ARE PROHIBITED.

(A) Definition of Cross Connections: Any unprotected connection or structural arrangement between the Dassel public water system and a property owner's private water well or other water source including connections or arrangements that have the potential of back siphonage or backpressure, or the potential of introducing used or non-potable water, fluids, gases, solids, substances or other contaminants into the Dassel public potable water system.

(B) Cross Connections Prohibited. No cross connections as defined above potentially affecting the Dassel water supply system are allowed. No private pump, well, tank or other source of water or potential contaminants shall be connected directly or indirectly to the Dassel water supply system. When such a situation is identified, the City shall notify the owner of the property that within 24 hours the owner must disconnect the connection or device that creates the potential of back siphonage or back pressure. If not timely done by the property owner, the city water supply to this property shall be turned off by the City. Before any new connections to the city water supply are permitted, or at the time an existing or new connection is inspected, the City shall assure that no cross connections will exist when the new connection is made.

§ 51.08 REPAIR OF LEAKS OR DAMAGES ON SERVICE LINES.

The owner of property being served by the Dassel public water supply system is responsible for maintaining the service line from the inlet side of the curb-stop into the property owner's building to the water meter. If the property owner or occupant has actual knowledge of a leak or other damage to the service line, or if the City gives notice to the property owner of such a condition, the property owner must repair the leak or damage within 48 hours after becoming aware of this condition. If the property owner fails to repair a leak or damage to the service line within this 48-hour period, the water supply to the service line may be turned off by the City. If immediate emergency repairs are necessary to prevent excessive water loss, or to protect the public or neighboring properties and immediate repairs have not been initiated by the property owner, the City may cause the repair work to be done at the property owner's expense. The City will be responsible for the repairs from the city main up to the inlet side of the curb stop and will repair the street up to the back of the curb. The property owner will be responsible for repair of driveways and restoration of lawns and landscaping. In either case the water service to the property will not be turned back on until the leak or damage has been properly repaired and inspected by the City, and a reconnection charge has been paid to the City.

§ 51.09 ABANDONMENT OF EXISTING CONNECTION TO THE DASSEL PUBLIC WATER SUPPLY SYSTEM

(A) Abandonment of City Water Service. Whenever a service installation connected to the City public water system has been abandoned, or has not been used for one year or more, or has become useless for further service, the City shall shut off the water service at the curb-stop. The owner of the property served shall be responsible for removing the service line beginning from either the corporation stop or from the curb-stop as determined by the City, to the water meter or to such other termination point as determined by the City. The owner of the property shall be responsible for payment of the cost of shutting off the water service and removing the service line as noted above including all excavation and restoration costs associated therewith.

(B) Improper efforts to seal or remove abandoned lines. It is a misdemeanor for any person to cause or allow any abandoned service line to be hammered, squeezed together at the ends, or otherwise damaged to stop the flow of water, or to otherwise improperly disconnect or remove such service line from the City public water supply system.

(C) New water service in place of abandoned line. When a new building is to be erected on the site, and it is desirable to increase or change the old water service, no connections with the main line shall be made until the old service has been removed, plugged, or sealed by the City at the property owner's expense. A new permit shall be taken out and the standard charges for tapping and connection related charges paid as if this were a new service.

§ 51.10 RESERVED

TERMS AND CONDITIONS APPLICABLE TO USERS OF THE DASSEL PUBLIC WATER SUPPLY SYSTEM

§ 51.11 CITY AUTHORITY FOR RESTRICTING USE OF WATER

(A) General Authority. By resolution of the City Council the use of water from the City public water system may be restricted for periods of time when the city water pressure shall become inadequate, and/or in the discretion of the City Council becomes hazardous to the safety and welfare of the City residents. Any person failing to observe said restrictions shall be subject to a fine as set forth in the fee schedule, § 36.01.

(B) Notification to the Public. Whenever the City Council enacts water use restrictions, it shall take such action as is reasonably practicable to notify the general public of the restrictions.

The resolution shall be posted on the city's electronic bulletin board and in the local newspaper. The notice shall include the information listed in § 51.12 (B) hereafter.

§ 51.12 REGULATING USE OF WATER DURING SEASONAL PERIODS OF WATER SHORTAGE.

A) *Purpose.* In order to avoid a water shortage due to inadequate capacity in the Dassel public water system, to ensure an adequate water supply for fire protection, to ensure protection of subterranean aquifers, to maintain the quality of domestic water supplies, and to protect the general health, safety and welfare of the residents of Dassel, the regulations on water uses prescribed in this section shall apply.

(B) *Implementation of Restrictions.* Whenever the City Council determines that a shortage of water threatens the city, it may enact by resolution a restriction on nonessential water use that addresses the following:

(1) The categories of water usage (e.g., lawn, tree, shrub watering, car washing, etc.) that will be restricted;
(2) The times during which the restriction will apply;
(3) When the restrictions will become effective and when they will terminate;
(4) Whether the restrictions are voluntary or involuntary.

The resolution shall become effective upon its passage and publication.

§ 51.13 TEMPORARY WATER SUPPLY EMERGENCIES

(A) Whenever the Public Works Director, in consultation with the Mayor or two City Council members, determines that the water pressure and available water in the City water supply system has reached a level which endangers the public health or safety of residents in the city, the Director may declare a temporary state of water emergency, which shall continue until such time as the danger to public health or safety no longer exists.

(B) This declaration of a temporary water emergency shall address the same points set forth in § 51.12 (B) above.

(C) Within 24 hours after the declaration of a temporary water emergency, an emergency City Council meeting shall be held to more fully address the water emergency and the issues set

forth in paragraph (A) of this section, and the Council by resolution shall continue, modify, or terminate the temporary water supply emergency.

§ 51.14 TEMPORARY WATER DEMAND EMERGENCIES

In case of fire or alarm of fire, the Publics Works Director, in consultation with a representative of the Fire Department, may curtail or temporarily shut off the public water supply to ensure an adequate supply of water for firefighting.

§ 51.15 GENERAL RESERVATION OF RIGHT TO DISCONTINUE PUBLIC WATER SUPPLY SERVICE

The City reserves the right to temporarily restrict or discontinue public water supply without notice when the same is necessary to repair the system or a part thereof, or for any other reasonable purpose that advances the Wellhead Protection Plan.

§ 51.16 NO CITY LIABILITY FOR DISCONTINUING PUBLIC WATER SUPPLY SERVICE.

The City of Dassel, including its employees while acting in the course and scope of their employment with the City, are not liable for any deficiency or failure in the supply of water to buildings or property whether occasioned by shutting the water off for emergency purposes, or for making repairs or connections, or because the account is delinquent, or for any other reason.

§ 51.17 RESERVED

TERMS AND CONDITIONS APPLICABLE TO BOTH USERS AND NON-USERS OF THE DASSEL PUBLIC WATER SUPPLY SYSTEM

§ 51.18 NO TAKING WATER WITHOUT PERMIT OR AUTHORITY.

It is illegal and a misdemeanor for any person, to take any service from the Dassel public water supply system without obtaining a proper Permit or authority from the City of Dassel.

§ 51.19 NO TAMPERING WITH CITY WATER SUPPLY SYSTEM.

(A) It is illegal and a misdemeanor for any person to tamper with, willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, machinery, apparatus, fixture, attachment or appurtenances of the Dassel public water supply system or any public hydrant, corporation-stop, curb-stop, curb-stop box, shut-off valve, water meter, water supply or service line, or any part thereof.

(B) It is illegal and a misdemeanor for any person to tamper with, turn on, or shut off the water of the City water system by use of any corporation-stop, curb-stop, or shut-off valve unless written authority is first obtained from the Public Works Director. A charge as set forth in the fee schedule, § 36.01, shall be assessed against the violator of this section for each necessary shut off or turn on of the City water supply system.

§ 51.20 NO TAMPERING WITH PUBLIC HYDRANTS.

(A) All water hydrants installed in the City of Dassel are part of the City public water system and are for the purpose of extinguishing fires or other limited purposes specifically approved by the Public Works Director. It is a misdemeanor for any person or persons other than a member of the Dassel Fire Department, the Dassel Public Works Department, or persons authorized by the Public Works Director or City Council, to open any hydrants or draw water from any hydrants, or at any time uncover, remove the caps from nozzles, or in any way tamper with said hydrants.

(B) No person authorized to open hydrants shall delegate this authority to anyone else, or let out to any person the wrenches or tools furnished for that purpose, except for reasons strictly connected with the Fire Department or with the maintenance of the hydrants and water system. **§ 51.21 RESERVED**

APPLICATION FOR CONNECTION TO THE DASSEL PUBLIC WATER SUPPLY SYSTEM

§ 51.22 PERMIT REQUIRED

It is misdemeanor for any person to uncover or connect to the Dassel public water system without first obtaining a permit in accordance with the provisions of this chapter.

§ 51.23 ACCOUNTS IN THE NAME OF PROPERTY OWNER.

Any property owner desiring water service from the City for property not yet connected to the City public water system shall make application therefor to the City Clerk-Treasurer on a form provided by the City. The completed application shall be filed with the City Clerk-

Treasurer. All accounts shall be carried in the name of the owner of the property for which water service is requested. The property owner shall at all times be liable for water service consumed upon the property whether or not the property owner is occupying the property.

§ 51.24 ISSUANCE OF PERMIT AND RELATED FEES

(A) The City Clerk-Treasurer upon receiving a completed application as provided for in § 51.23, shall first determine if the application is in proper form, and if so determined shall issue a permit to connect the property with the City public water system. The applicant shall at that time pay the fee set forth in the fee schedule, § 36.01, to the City Clerk-Treasurer.

(B) Should the application and permit involve excavation, the provisions of Chapter 93 of the Dassel ordinances shall apply in addition to the provisions hereof, including the fee to be paid under Chapter 93.

(C) Any property that has not been assessed for the construction costs of the City water main or service line may not be connected to the City public water system unless a permit is obtained and a connection charge paid pursuant to § 51.23 and § 51.24 (A).

(D) For each new connection a service charge for each tapping of the City water main, as set forth in the fee schedule § 36.01 shall be paid by the owner of the property being served as a Water Access Charge (WAC). The owner of the property being served shall be responsible for all installation, appurtenance costs, and future maintenance costs of the service line from its connection to the City water main to the water meter.

CONNECTIONS, SPECIFICATIONS AND REQUIREMENTS

§ 51.25 SERVICE LINES AND CURB-STOPS

(A) Specifications and Requirements. Service lines must extend from the City water main to a water meter inside the building being served, and shall be one inch inside diameter. When a larger connection of the service line to the City main line is desired, the connection must be pre-approved by the City Public Works Director or designee. Any other alternative design must likewise be pre-approved by the City Public Works Director or designee. All service lines must include a curb-stop with a curb-stop control box at the right-of-way line.

(B) Installation of Service Lines. Service lines must be laid in such manner as to prevent rupture by settlement. The exterior portion of the service line shall be placed not less than eight

(8) feet below the surface and so arranged as to prevent rupture or stoppage by freezing. It is the responsibility of the property owner to repair or replace ruptured or frozen service lines between the City main to the meter inside the building. A shut-off valve the same size as the service line shall be placed close to the inside wall of the building, ahead of the water meter and protected from freezing. Service lines must be constructed to City standards and inspected by the City Public Works Director or qualified designee. Newly installed exterior service lines shall be left uncovered until inspected.

(C) Curb-Stop Box Accessibility. It shall be the responsibility of the property owner to assure that the box for operating the curb-stop is at all times readily accessible. No fences or other structures or landscaping shall be placed around the curb-stop box that hides or interferes with access to the box.

(D) Compliance with Codes and Specifications. All service lines, fittings, and connections used for connecting to the City water supply system must comply with the Minnesota Plumbing Code and the City of Dassel Water Service Line Pipe Specifications.

§ 51.26 SEPARATE CONNECTIONS.

For installation of service lines made after the effective date of this ordinance, each property to be served shall have a separate and distinct service connection. No more than one building shall be supplied from one service line. Branch service lines are not permitted, except as may be expressly approved by the City Council. Each service line must have its own corporation-stop, functioning curb-stop, and functioning shut-off valve, material and size to be approved by the City. The curb-stop is to be placed at the side of the right-of-way if the water main is located under a street, or within one foot of the alley right-of-way if the water main is located under an alley. Every service line shall have one or more shut-off valves immediately before the water meter so that water can be shut off and the meter entirely drained. If discovery is made by the city that the requirements under this section have not been met, the City shall give notice to the property owner that the condition must be timely corrected. If the property owner fails to make timely corrections the City shall have the right to make such corrections and charge any expenses incurred to the property owner.

§ 51.27 SPECIAL SERVICE LINE EXTENSIONS AND CONECTIONS

(A) *Extensions to curb-stops as part of a City improvement project.* Whenever a street or alley under which a City water main is located is scheduled to be paved as part of an improvement project, then the City as part of the project shall install separate service lines from the water main to curb-stops located on each property abutting the street or alley being paved

that is not already connected to the City water supply system. The cost of these extensions, curb-stops, and curb-stop boxes shall be part of the street or utility improvement project and the benefitted property assessed accordingly.

(B) *Extensions to curb-stops as part of excavation involving a City water main.* Whenever it is necessary for the City to perform major excavation involving or adjacent to one of its water mains, then the City may install separate service lines from the water main to curb-stops located on each property abutting the area of excavation that is not already connected to the City water supply system. The cost of these extensions, the curb-stops, and curb-stop boxes shall be billed to the benefitted property owner for payment within 60 days. If the property owner does not timely pay the bill the City Clerk-Treasurer shall certify the amount due to the County Auditor and shall cause the same to be spread upon the tax assessment for the property in the same manner as other tax assessments collected by the County Treasurer and paid to the City Clerk-Treasurer.

§ 51.28 WATER METERS

(A) All water supplied through the City public water system shall be measured by water measuring meters purchased by the property owner from the City. The meters shall remain the responsibility of the City and shall be maintained by the City. The water meters may be removed or replaced as to size and type when deemed necessary by the Dassel Public Works Director.

(B) No water connection permit shall be issued for any building to be served by the City water supply system until the property owner pays to the City Clerk-Treasurer the sum as set forth in the fee schedule, § 36.01, for the purchase of a standard 3/4-inch meter. If a larger meter is required, the property owner shall be responsible for the additional cost therefore.

(C) If installed inside the building the water meter must be located so that it can easily be examined and read. The property owner must suitably protect the meter from frost and other damage. In the event of damage from freezing or some other negligence by person(s) other than the City, the damage and the need to repurchase a meter including the cost of a new meter and the cost of installation thereof shall be the responsibility of the property owner.

(D) When any building designed for use by more than one family unit as a duplex, flat or apartment building, and/or for more than one commercial occupant, any new water connections to or in the building made after the effective date of this ordinance shall have a separate water meter with separate shut-off valves for each dwelling unit or commercial occupant.

(E) The payment for water usage is due monthly for water used at a rate determined in accordance with the charges established under § 36.01. Bills shall be sent to the property owner who shall bear full responsibility for all city utility bills.

(F) If water is used for additional uses other than ordinary domestic use, bulk rates may apply or the rates which would otherwise apply may be increased a reasonable amount as the Council in its discretion determines.

(G) Except for extinguishing fires, it shall be a misdemeanor for any person, firm or corporation to take water from the City water system except through a metered line, provided, however, that the City Council may set a contract user fee for specific situations.

§ 51.29 SUPERVISION BY CITY; COSTS OF CONNECTIONS

(A) All connections or tapping to the City water main, all connections to the service lines, all installations of curb-stops, and all turning on or turning off of water supplies shall be made under the supervision of the City Public Works Director or qualified designee. All connections shall be made by workmen bonded by satisfactory surety. Payment for the costs of all plumbing and service lines and all extensions connecting to the city mains, as well as all restoration and costs associated with restoration and future repairs to same, and the cost of turning on or turning off water supply, will be the responsibility of the property owner. The City is authorized to make such required installations and/or repairs if it elects to do so, and charge any reasonable costs to the property owner.

(B) No water pipes laid underground shall be covered nor trenches filled until the water has been turned on and said pipes have been tested and found to be water tight and approved by the City Public Works Director or designee.

§ 51.30 RIGHT TO ENTER PROPERTY SERVED BY THE DASSEL PUBLIC WATER SUPPLY SYSTEM

Authorized employees or representatives of the City of Dassel or representatives of the City, bearing proper credentials and identification, shall have the right to enter all properties served by the City's public water system for the purposes of inspection, measurement, sampling and testing in accordance with and for the purpose of enforcing the provisions of this chapter. The City employees or representatives shall have the power and authority to obtain a warrant to secure entry onto a property when entry has been refused.

§ 51.31 ACCOUNTING, BILLING, AND COLLECTION OF ACCOUNTS

(A) Property Owner's Responsibility. The owner of property being served by the Dassel public water system shall be liable for water supplied to the property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

(B) Bills for Water Supply Services. Water supply shall be billed on a monthly basis starting at the time of the installation of the water meter and shall be calculated according to the rate schedule established by the City Council. Bills shall be mailed to the property owner monthly and shall be due on the date specified on the billing. If the water service charge is not paid when due, a penalty of 10% shall be added thereto.

(C) Billing Adjustments. The City Administrator-Clerk/Treasurer shall have the authority to make adjustments to water utility accounts given reasonable cause. This authority shall be limited in scope to the ability to make one adjustment annually to any properties utility charges. The maximum adjustment shall be limited to no more than 50% of amounts greater than the average normal/historic use for a property. Any further adjustments shall be on recommendation and referral by the Administrator-Clerk/Treasurer to the discretion of the Council.

(D) Delinquent Accounts. Each charge levied by and pursuant to this chapter is made a lien upon the corresponding property connected to the city water system. All such charges which are more than 30 days past due and having been properly billed to the owner of the property supplied are delinquent accounts. Before October 1 of each year, the City Clerk-Treasurer shall prepare a list of delinquent accounts including interest and deliver the list to the City Council for adoption. Upon adoption, the City Clerk-Treasurer shall certify these delinquent accounts to the county auditor for collection along with the real estate taxes. In so certifying, the City Clerk-Treasurer shall provide the county auditor with a description of the property served and the name(s) of the owner thereof. The amount so certified shall be extended by the county auditor onto the tax rolls against the property in the same manner as other taxes. This action may be taken in addition to the commencement of a collection or enforcement action in the Meeker County District Court.

ENFORCEMENT

§ 51.32 DISCONNECTION OF WATER SERVICE TO DELINQUENT ACCOUNTS; RIGHT TO A HEARING

(A) *Procedure for Disconnection of City Water Services.* Water services shall not be disconnected under § 51.31 above for nonpayment of the billing and associated charges until a Notice and opportunity for a hearing has first been given or mailed to the property owner. Whenever possible, Notice shall be given or mailed to the tenant(s) if not the owner(s) of the

water supplied property. The Notice shall state the amount that must be paid to avoid disconnection of water service, when it must be paid, and the date when the water service will be disconnected if the overdue amount is not paid. The Notice shall also state that the property owner and any tenants may before such termination date request a hearing before the City Council on the matter, in which case the water supply will not be terminated until after the hearing.

(B)*The Hearing and Post-Hearing Procedure.* If the property owner or any tenant of the water supplied property requests a hearing, the hearing shall be held at the next regularly scheduled Council meeting or at a special meeting of the Council. If as a result of the hearing the Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent property owner may not be disconnected in accordance with this ordinance, the City may disconnect the water supply to the property. When water supply to any property has been disconnected, the water supply shall not be restored until the City has received full payment of all overdue bills for supplying the property and the fee for disconnecting and turning on the water supply have been paid.

(C) Exceptions. The right to notice of hearing and hearing prior to disconnection of the water service is not applicable to violations of § 51.03, § 51.07, § 51.08, § 51.09, § 51.11, § 51.12, § 51.13, § 51.14, § 51.18, or § 51.26, of this chapter. Additionally, to the extent paragraphs (A) and (B) of this section conflict with any provisions of the Cold Weather Rule, M.S. § 216B.097, the statutory Cold Weather Rule prevails.

(D) Cold Weather Rule. Pursuant to M.S. § 216B.097 as it may be amended from time to time, the water supply to a residential property shall **not** be discontinued during the period between October 15 and April 15 if the discontinuance affects the primary heat source for the residential property and all of the following conditions are met: (1) the property owner or tenant (the "customer") has declared inability to pay on forms provided by the city and the household income of the customer is at or below 50% of the state median household income (note: The customer is deemed to meet this income test if the customer receives any form of public assistance, including energy assistance, that uses an income eligibility threshold set at or below 50% of the state median household income); (2) The customer enters into and makes reasonably timely payments under a payment agreement that considers the financial resources of the household; (3) A customer receives referrals to energy assistance, weatherization, conservation, or other programs likely to reduce the customer's energy bills.

(E) Information to Residential Customer. Subject to paragraph (D) of this section, before disconnecting service to a residential customer during the period between October 15 and April 15, the City shall provide the following information to the customer:

(1) A notice of the proposed disconnection;
(2) A statement explaining the customer's rights and responsibilities;
(3) A list of local energy assistance providers;
(4) Forms on which to declare inability to pay; and
(5) A statement explaining available time payment plans and other opportunities to secure continued utility services.

§ 51.33 PENALTIES

In accordance with Minn. Stat. § 412.231, the City Council declares that violations of this Water Ordinance, § 51.06, § 51.07, § 51.08, § 51.09 (B), § 51.18, § 51.19, § 51.20, § 51.22, § 51.24 (C), § 51.26, and § 51.28 (G) shall be considered a misdemeanor punishable by misdemeanor fines and penalties set forth in Minnesota Statutes § 609.02, Subd. 3, as amended from time to time.

§ 51.34 ADDITIONAL ENFORCEMENT PROCEDURES

In addition to enforcement of this chapter through (1) misdemeanor charges, (2) charges and penalties expressly set forth in this chapter, and (3) terminating water service to properties, the City reserves the right to pursue recovery for any expense, loss or damage sustained by it and caused by a violation of this chapter and/or to enforce the provisions of this chapter, through actions in Meeker County District Court seeking specific performance, summary enforcement, or other legal or equitable relief.
(Chapter 51, passed 9/18/2023)

ATTEST:

Nicole Carlen — Mayor

Terri Boese — City Clerk/Treasurer

CHAPTER 52: SEWERS

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GENERAL PROVISIONS

§ 52.01 SEWER AS PUBLIC UTILITY.

The entire city sanitary sewer system shall be operated as a public utility and convenience from which revenues shall be derived, subject to the provisions of this chapter.
(`74 Code, Chapter 11.02, § 1)

§ 52.02 DEFINITIONS.

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

BUILDING SEWER. The extension from the building plumbing to the city sewer or other place of disposal.

CITY SEWER. The sewer in which all owners of abutting properties have dual rights and is controlled and owned by the city.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTE. The liquid wastes from industrial processes as distinct from sanitary sewage.

SEWAGE. The combination of the water-carried wastes from residences, business buildings, institutions and other industrial establishments.

SEWER. The pipe or conduit for carrying sewage.
(`74 Code, Chapter 11.02, § 2)

§ 52.03 WASTEWATER FACILITY CHARGES.

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

BOD **(**denoting ***BIOCHEMICAL OXYGEN DEMAND*****).*** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20°C, expressed in milligrams per liter, as determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater."

CITY. Individually or collectively, all parts and facilities of the sewer system and wastewater treatment plant.

CAPITAL COSTS. All reasonable necessary costs and expenses incurred by the city in planning, designing, financing and constructing disposal system facilities, including but not limited to costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction costs; fees for legal and consulting services; or the acquisition of such facilities.

COMMERCIAL USERS. All users of the system classified as industrial user in the Standard Industrial Classification Manual, 1972, U.S. Office of Management and Budget, as amended and supplemented under Division A, B, C, E and I but who are excluded from such definition for the purposes of this section, because they discharge primarily segregated domestic wastes or wastes from sanitary conveniences, except that the classification shall not include such exempted users who are otherwise classified in this section as domestic users, governmental users or institutional users.

(B) The fees, rates and charges for using the city shall be, upon the conditions and in the amounts as set forth in the fee schedule, § 36.01, except where this section is declared inapplicable for a particular user by a written contract providing for alternative charges between such user and the city to assure that each user shall pay for its proportionate share of the treatment costs.
(Am. Ord. 11.022, passed - -)

§ 52.04 DELINQUENT ACCOUNTS.

(A) Each charge levied by and pursuant to this chapter is made a lien upon the corresponding lot, land or premises connected to the city sewer system and all such charges which are more than 30 days past due and having been properly billed to the owner or occupant of the premises so served shall be certified by the City Administrator-Clerk-Treasurer to the County Auditor between the fifteenth day and the thirtieth day of November of each year, and the Administrator-Clerk-Treasurer in so certifying such charges shall specify the amount thereof, the description of the premises served, the name of the owner thereof and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, collected by the County Treasurer and paid the City Administrator-Clerk-Treasurer, together with other taxes.

(B) A penalty of 10% shall be added to all bills collected per division (A) of this section. (Ord. 07-2004, passed 7-19-04; Am. Ord. - -, passed 12-5-05)

PRIVATE SECTOR INFILTRATION AND INFLOW SOURCES

§ 52.15 PURPOSE.

The City Council finds it essential to establish measures to eliminate excess infiltration and inflow into the city's sewerage system, to minimize damage and potential damage to property and to eliminate the violation of governmental standards to the best of the city's ability.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.16 DEFINITION AND METHOD.

(A) No water from any roof, surface water, groundwater, sump pump, footing tile, sanitary sewer lateral pipe, swimming pool or natural precipitation source shall be discharged or caused to be discharged into the city's sanitary sewerage system.

(B) Dwellings and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump and/or footing tile system to discharge excess water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewerage system, except as provided herein.

(C) For the purposes of this section, a "permanent installation" shall be one which provides for year around discharge capability to either the outside of the dwelling, building or structure or is connected to the city storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge and, if connected to the city storm sewer line, shall include a check valve. Infiltration from sanitary sewer lateral pipe which may be cracked, have offset joints, broken pipe, roots penetrating the pipe or deteriorated pipe must be repaired or replaced. All sanitary sewer lateral pipe which needs repair shall be promptly repaired.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.17 DISCONNECTION.

Before October of the year if a deficiency or violation is found, any person, firm or corporation having a roof, surface ground water, sump pump, footing tile, deteriorated sanitary sewer lateral pipe or swimming pool now connected and/or discharging into the city sanitary sewer system shall disconnect and/or repair same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner as approved by the city.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.18 INSPECTION; REFUSAL.

(A) Every person owning improved real estate that discharges into the city's sanitary sewer system shall allow an employee of the city or their designated representative to inspect the real estate and structures thereon to confirm that there is no prohibited discharge into the city sanitary sewer system. In lieu of having the city inspect their property, any person may furnish a certificate from a State of Minnesota licensed plumber certifying that their property is in compliance with this chapter.

(B) Any person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within 14 days of the date city employees or their designated representatives are denied admittance to the property shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this chapter shall make the necessary changes to comply with this chapter and furnish proof of the changes to the city within 120 days of the notice and to provide the city with a plumber's certification and how and what he or she did to correct the problem.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.19 FUTURE INSPECTIONS.

At any future time if the city has reason to suspect that an illegal connection may exist in a premises, the owner, upon written notice, shall promptly comply with the provisions of § 52.18. (Am. Ord. 11.025, passed 12-26-95)

§ 52.20 VARIANCES.

(A) The City Council shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this chapter where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a health or safety problem.

(B) Application for waivers pursuant to this section must be addressed in writing to the City Council. The application shall at a minimum identify the property for which the waiver is being applied, the name of the property owner/applicant and must describe in detail what characteristics of the subject property create an undue hardship justifying a variance. Within a reasonable time, but not to exceed 60 days, the City Council shall make its order deciding on the matter and serve a copy of such order upon the applicant by mail.

(C) Upon approval of an application for a waiver, a property owner will be allowed to temporarily pump or discharge water from a sump or foundation drain directly into the city sanitary sewer system between October 15 and March 1, provided the applicant agrees to pay an additional fee as set forth in the fee schedule, § 36.01, per month for the additional sewer service, payable in advance on March 1 of the year such pumping is to take place.

(D) The holder of a variance shall employ a licensed plumber to certify prior to March 1 of each subsequent year that their discharge water connection has been removed from the sewer. Failure to provide such certification will place the waiver holder in violation of this chapter and subject them to payment of additional sewer fees for each month the certification is delinquent.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.21 SURCHARGE.

A surcharge as set forth in the fee schedule, § 36.01, per month is imposed and added to every sewer billing mailed on and after March 1, each year, to property owners who are not in compliance with this chapter. The surcharge shall be added every month through October, until the property is in compliance. The surcharge shall continue to be levied monthly for the months of March through October (both inclusive) of every year on properties not complying with this chapter. Interest will be charged on unpaid surcharge balances to the extent allowed by law.
(Am. Ord. 11.025, passed 12-26-95)

§ 52.22 VIOLATIONS.

Each separate violation of this subchapter will be considered a misdemeanor punishable by a fine and/or imprisonment as provided by state law. The city shall also have the right to file a civil action to enforce the provisions of this subchapter in addition to criminal prosecution of violators.
(Am. Ord. 11.025, passed 12-26-95) Penalty, see § 10.99

SEWER USE REGULATIONS

§ 52.35 DEFINITIONS.

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

ASTM. The American Society for Testing Materials.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

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

COMBINED SEWER. A sewer intended to serve as sanitary sewer and a storm sewer or as an industrial sewer and a storm sewer.

DOMESTIC OR SANITARY WASTE. Wastewater that is primarily produced by residential users with BOD concentrations less than 250 milligrams per liter and TSS concentration less than 250 milligrams per liter as distinct from industrial waste and the characteristics as stated in this chapter.

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

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

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

INDUSTRIAL USERS or ***INDUSTRIES.***

(1) Entities that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the process employed in industrial or manufacturing processes or from the development of any natural resources are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions.

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

For the purpose of this definition, domestic or sanitary waste shall be considered to have the following characteristics:

BOD_5	less than 250 mg/l
Suspended Solids	less than 250 mg/l

(2) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes to contaminate the sludge of any municipal systems or to injure processes or which constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment facilities.

INDUSTRIAL WASTES. Wastewater discharged by industry that includes solid, liquid or gaseous waste resulting from the industrial or manufacturing process, trade or business or from the development, recovery or processing of natural resources.

INTERCEPTOR SEWER. A sewer whose primary purpose is to transport wastewaters from collector sewers to a treatment facility.

MAY. Permissive.

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

NPDES PERMIT (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT). The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1977, Sections 402 and 405.

pH. The reciprocal of the logarithm of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10-7.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than $^1/_2$ inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by the city.

RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL/GOVERNMENTAL USERS. All nonindustrial users.

SANITARY SEWER. A sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SDS PERMIT (STATE DISPOSAL SYSTEM PERMIT). Any permit, including any terms, conditions or requirement thereof issued by the Minnesota Pollution Control Agency pursuant to M.S.

§ 115.07 for a disposal system as defined by M.S. § 115.01, subd. 8, as they may be amended from time to time.

SEWAGE. The spent water of a community. The preferred term is ***WASTEWATER***.

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

SHALL. Mandatory.

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

STORM DRAIN. (Sometimes termed ***STORM SEWER***) A drain or sewer intended to carry storm waters, surface runoff, groundwater, subsurface water, street wash water, drainage and unpolluted water from any source.

SUPERINTENDENT. The Public Works Director or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS or ***TREATMENT WORKS.*** An arrangement of devices and structures for treatment of wastewater, industrial waste and sludge. Sometimes used as synonymous for ***WASTEWATER TREATMENT PLANT*** or ***WASTE TREATMENT PLANT*** or ***WATER POLLUTANT CONTROL PLANT*** or ***SEWAGE TREATMENT PLANT***.

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

WPCF. The Water Pollution Control Federation.
(Am. Ord. 11.024, passed 6-3-85; Am. Ord. - -, passed 1-21-03)

§ 52.36 CONTROL BY THE PUBLIC WORKS DIRECTOR.

The Public Works Director shall have control and general supervision of all public sewers and service connections in the city and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer system is maintained.
(Am. Ord. 11.024, passed 6-3-85; Am. Ord. - -, passed 1-21-03)

§ 52.37 USE OF PUBLIC SEWER REQUIRED.

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

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
(Am. Ord. 11.024, passed 6-3-85) Penalty, see § 10.99

§ 52.38 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter.

(B) Before construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the city. The application for the permit shall be made to the city on the forms furnished by the city. The applicant or owner shall provide any plans, specifications and other information as deemed necessary by the city. A permit and inspection fee as set forth in the fee schedule, § 36.01, shall be paid to the city at the time the application is filed.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city or its representative. The city or its representative shall be allowed to inspect the work at any stage of construction and on any event. The permit applicant shall notify the city when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the city.

(D) (1) Every individual sewage treatment system installed, replaced, altered, extended or repaired after the effective date of this subchapter shall comply with the requirements of this section. Systems shall be designed and conform with Minn. Rule. Chapter 7080, as it may be amended from time to time, regulating individual sewage treatment systems and the Meeker County Zoning Ordinance.

(2) Minn. Rules Chapter 7080, as it may be amended from time to time, and all future amendments, along with other related state agency rules referenced in Minn. Rules Chapter 7080 are adopted by reference and declared to be a part of this section.

(E) At such time as a public sewer becomes available to any property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer system within 12 months, unless ordered by any federal or state agency or Meeker County to make the connection earlier, to be in compliance with this subchapter. Within five days after the connection is completed, all septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge. The bottom shall be broken to permit drainage and the tank or pit filled with suitable material.

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

(G) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Department of Health or the Pollution Control Agency of the State of Minnesota.
(Am. Ord. 11.024, passed 6-3-85; Am. Ord. 11.026, passed 8-17-98; Am. Ord. 09-2004, passed 10-704)

§ 52.39 BUILDING SEWERS AND CONNECTIONS.

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

(B) Applications for permits shall be made by the owner or authorized agent or the party employed to do the work and shall state the location, name of owner, street number of the building to be connected and how occupied. A permit and inspection fee as set forth in the fee schedule, § 36.01, shall be paid to the city at the time the application is filed. No person shall extend any private drain beyond the limits of the building or property for which the service connection permit has been given. Any person who desires to construct, reconstruct, extend or alter a service connection shall before beginning work file with the city a plan showing the whole course of the service connection and all branches, traps and fixtures connected therewith. If the city finds that the plans do not conform to the requirements of this chapter, the city shall not issue a permit for such work.

(C) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. But the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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

(F) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or indirectly to a public sanitary sewer. Any existing unauthorized connection to the public sanitary sewer shall be discontinued when ordered to do so by the City Council.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the city before installation.

(J) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his or her representative.

(K) 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 city representative.

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

(M) Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council and furnish the Council satisfactory evidence that the applicant or employer is a person trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent for recommendation to the Council. If approved by the Council, the license shall be issued by the City Administrator-Clerk-Treasurer upon the filing of a bond as hereinafter provided.

(N) No license shall be issued to any person until a bond in the amount of $1,000 is deposited with the city and approved by the City Council. The bond shall be filed in the office of the City Administrator-Clerk-Treasurer under the condition that the license will indemnify and save harmless the city from any and all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground made by the licensee or by those in licensee's employment for any purpose whatever. The licensee will replace and restore all streets or alleys to the condition as the licensee found it, keep guard by day and adequate lights by night and maintain the same in good order to the satisfaction of the Superintendent and shall conform in all respects to the rules and regulations of the Council relative thereto and pay all fines that may be imposed on the licensee by law.

(O) The license fee for making service connections is as set forth in the fee schedule, § 36.01, per year. All licenses shall expire on December 31 of the license year unless sooner suspended or revoked by the Council for cause. When a person fails to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be as set forth in the fee schedule, § 36.01.

(P) The Council may suspend or revoke any license issued under this chapter for any of the following causes:

(1) Giving false information in connection with the application for a license;

(2) Incompetence of the licensee;

(3) Willful violation of any provisions of this chapter or any rule or regulation pertaining to the making of service connections.

(Q) No licensed person, under this chapter, shall allow his or her name to be used by any other person, either for the purpose of obtaining permits or doing any work under his or her license. Every licensee shall record in the City Administrator-Clerk-Treasurer's office his or her place of business, the name under which the business is transacted and shall immediately notify the City Administrator-Clerk-Treasurer or agents of any change.

(R) Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including but not limited to capacity for flow, BOD and suspended solids.
(Am. Ord. 11.024, passed 6-3-85) Penalty, see § 10.99

§ 52.40 RESPONSIBILITY FOR MAINTENANCE OF LINE.

(A) It shall be the duty and responsibility of every owner or occupant of property upon which a building sewer is placed to maintain the sewer line on his, her or their property. This maintenance shall include a responsibility for repairing any broken tile in said line and for any cleanout or maintenance caused by obstructions in said line. All repair and restoration costs (including the street) shall be paid for by the owner. In addition, the owner or occupant will be responsible for clean out or maintenance due to obstructions caused by said owner or occupant in the line from the main to the property line.

(B) No owner of a tract of land upon which a dwelling is located shall sell or contract to sell by conveyance or contract for conveyance without providing a copy of a Certificate of Sanitary Sewer Compliance to the buyer prior to the sale in accordance with the following requirements:

(1) Time of sale shall mean when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, the time of the execution of any document providing for the conveyance by deed or contract.

(2) The seller must obtain and provide a Certificate of Sanitary Sewer Compliance from the city.

(3) Application for a Certificate of Sanitary Sewer Compliance from the city shall be made to the Public Works Director in a procedure determined by resolution of the City Council and upon forms furnished by the city.

(4) Upon receipt of a properly executed application for a Certificate of Sanitary System Compliance, the Public Works Director shall determine whether the private service line is in compliance with § 52.39, as may be amended form time to time. The Public Works Director shall also determine sump pump compliance, as defined by §§ 52.15 through 52.22.

(5) The proposed purchaser shall not take occupancy of the dwelling or structure prior to the issuance of a Certificate of Sanitary System Compliance by the city, except that upon the filing of an executed written agreement by the present and prospective owners, which agreement sets for the date by which the new owner will complete the necessary corrective action, and which agreement and corrective action dates are approved by the Public Works Director and found to be adequate in his or her discretion, the occupancy may be permitted pending issuance of the Certificate of Sanitary System Compliance.

(6) The fee for the inspection for the Certificate of Sanitary System Compliance is as set forth in the fee schedule § 36.01.

(7) A Certificate of Sanitary Sewer System Compliance issued under this section shall be effective until ownership of the property is transferred.
(Am. Ord. 11.024, passed 6-3-85; Am. Ord. 03-2003, passed 1-21-03; Am. Ord. 05-2003, passed 3-303)

§ 52.41 USE OF PUBLIC SERVICES.

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged into sewers specifically designed as storm sewers or to a natural outlet approved by the city and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged into a storm sewer as approved by the city or natural outlet. Discharges to a storm sewer or natural outlet may require a National Pollutant Discharge Elimination System (NPDES) permit.

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

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works;

(3) Any waters or wastes having a pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities and/or wastewater treatment works;

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground garbage grinders.

(D) The following described substances, materials, water or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, wastewater treatment works, treatment processes or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and groundwater or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if in his or her opinion such more severe limitations are necessary to meet the above objectives in forming his or her opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment works, the city's NPDES and/or SDS Permits and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

(1) Wastewater having a temperature higher than 150°F (65°C);

(2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin;

(3) Wastewater from industrial plans and commercial establishments containing floatable oils, fat or grease;

(4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purposes of consumption on the premises or when served by caterers;

(5) Any waters or wastes containing lead, chromium, copper, zinc, mercury, boron and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials;

(6) Any waters or wastes containing odor-producing substance exceeding limits which may be established by the Superintendent;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;

(8) Quantities of flow, concentrations or both which constitute a “slug” as defined herein;

(9) Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed;

(10) Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific, written agreement with the city, which agreement may provide for special charges, payment or provisions of treating and testing equipment.

(E) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (C) of this section, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or 2005

(4) Reference Federal Register, Volume 43, Number 123, Part IV, Section 128, Part 403 titled "General Pretreatment Regulations for Existing and New Sources of Pollution" as published by the US Environmental Protection Agency, June 26, 1978, and Federal Guidelines pertaining to pretreatment.

(a) If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city, in accordance with subsection (5) below.

(b) The city will require payment to cover the added cost of handling the wastes not covered by existing taxes or sewer charges subject to the requirements of 40 CFR 403, in accordance with subsection (5) below and Minnesota Pollution Control Agency.

(5) No provision contained in this ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the city and any user whereby waste and material of unusual strength, character or composition may be accepted by the city for treatment, subject to additional payment therefore by such user; provided, however, that such contract or agreement shall have the prior approval of the superintendent, and the payments for such services meet the requirements of city's ordinances establishing the sewer charge system and provided that the National Categorical Pretreatment Standards and the City's NPDES and/or SDS permit limitation are not violated.

(F) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (E)(3) above any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

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

(H) The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes when required by the city. The structure shall be accessible, safely located and shall be constructed in accordance with plans approved by the city. The structure shall be installed by the owner at his or her expense and be maintained by the owner.

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

Health Association. Sampling methods, location, times, duration and frequencies are to determine on an individual basis subject to approval by the Superintendent. Reference is made to 40 CFR 136, "Guidelines for Establishing Test Procedures for Analysis of Pollutants" dated October 16, 1973.

(J) Whenever any service connection becomes clogged, obstructed, broken or out of order, detrimental to the use of the public sewer or unfit for the purpose of draining, the owner or person having charge of the service connection shall repair or cause such work to be done as the Superintendent may direct. Each day after three days that a person neglects or fails to so act shall constitute a separate violation of this division, and the Superintendent may then cause the work to be done and recover from such owner or agent the expense thereof, together with 10% damages, by an action in the name of the city.

(K) No person having charge of any building or other premises which drains into a public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 10 days after written notice from the city, a person shall install a suitable and sufficient catch basin or waste trap, or if one already exists, clean out, repair or alter the same and perform such other work as the Superintendent may deem necessary to prevent any substance or matter passing into the public sewer which may cause a deposit or obstruction therein. In addition to any penalties that may be imposed for violating this division, if a person refuses or neglects to install a catch basin or waste trap or to clean out, repair or alter the same, if one exists, for a period of five days, the Superintendent may cause such work to be done as deemed necessary at the expense of the owner or person having charge of the premises.

(L) In addition to any penalties that may be imposed for violation of any provision of this chapter, the city may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by the person and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the city.

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

(N) At the discretion of the city, the owner of any property serviced by a building sewer carrying industrial wastes may be required to provide laboratory measurements, tests and analyses of waters or wastes to illustrate compliance with this subchapter. Any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge, the owner shall comply. The number, type and frequency of sampling and laboratory analyses to be performed shall be stipulated by the city. Any industry must supply a complete analysis of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at such times and manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an outside laboratory.
(Am. Ord. 11.024, passed 6-3-85) Penalty, see § 10.99

§ 52.42 TAMPERING WITH WASTEWATER FACILITIES.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Am. Ord. 11.024, passed 6-3-85) Penalty, see § 10.99

§ 52.43 POWER AND AUTHORITY OF INSPECTIONS.

(A) The Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this subchapter.

(B) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage of its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.42.

(D) The Superintendent or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the term as the duly negotiated easement pertaining to the private property involved.

(E) In lieu of having the city inspect their property, any person may furnish a certificate from a state licensed plumber certifying that their property is in compliance with this chapter. The city may disconnect the sewer service if an inspection is not permitted or the optional certificate is not furnished within 14 days after a request has been made.
(Am. Ord. 11.024, passed 6-3-85)

§ 52.44 USER RATE SCHEDULE OF CHARGES.

(A) Each user of sewer service shall pay the charge(s) applicable to the user class type of service and in accordance with § 52.03.

(B) All users shall be charged monthly for sewer services according to the respective average of the January, February, and March current year water meter readings.

(C) A user minimum charge per month will be established for any user that uses the sanitary sewer service system. The minimum charge will be in accordance with the minimum charge established in § 52.03.

(D) Each charge levied by and pursuant to this chapter is made a lien upon the corresponding lot, land or premises connected to the city wastewater system and all such charges which are more than 30 days past due and having been properly billed to the owner or occupant of the premises so served shall be certified by the City Administrator-Clerk-Treasurer to the County Auditor by the thirtieth day of November of each year, and the Administrator-Clerk Treasurer in so certifying such charges shall specify the amount thereof, the description of the premises served, the name of the owner thereof and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, collected by the County Treasurer and paid the City Administrator-Clerk-Treasurer, together with other taxes.

(E) A penalty of 10% shall be added to all bills collected per division (D) of this section. (Am. Ord. 11.024, passed 6-3-85; Am. Ord. - -, passed 1-21-03; Am. Ord. 01-2004, passed 2-2-04; Am. Ord. - -, passed 12-5-05)

§ 52.45 VIOLATIONS.

(A) Any person found to be violating any provision of this subchapter, except § 52.41, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount determined by § 10.99. Each day in which any such violation occurs shall be deemed a separate offense.

(C) Any person violating any of the provisions of this subchapter shall become liable to the city for any expense, loss, damage, or corrective action occasioned upon the city by reason of such violation. (Am. Ord. 11.024, passed 6-3-85; Am. Ord. - -, passed 12-5-05) Penalty, see § 10.99

CHAPTER 53: SURFACE WATER MANAGEMENT

Section

53.1 Surface water management utility established
53.2 Definitions
53.3 Certification of delinquent fees—action to collect charges
53.4 Surface Water Management Fund

§ 53.01 SURFACE WATER MANAGEMENT UTILITY ESTABLISHED.

Surface water management shall be operated as a public utility pursuant to M.S. § 444.075, as it may be amended from time to time.
(Ord. 11.03, passed 12-17-01)

§ 53.02 DEFINITIONS.

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

SURFACE WATER MANAGEMENT BUDGET. The annual budget approved by the City Council for surface water management including planning, engineering, monitoring, capital expenditures, personnel and equipment and operation of the surface water utility, in accordance with established city policy.

SURFACE WATER MANAGEMENT FEE. A monthly charge, as established under § 36.01, will be included as an added fee to the monthly utility billing, rates will be adjusted as needed by the City Council. The charge developed for each parcel in the city is for the management of surface water. (Ord. 11.03, passed 121701; Am. Ord. - -, passed 1-21-03)

§ 53.03 CERTIFICATION OF DELINQUENT FEES—ACTION TO COLLECT CHARGES.

A 1.5% penalty will be added each month on the unpaid amount, and each year the amount not paid will be assessed as additional 10% penalty, the City Administrator-Clerk-Treasurer may certify to

Meeker County the amounts due (with penalties) together with the legal descriptions of the premises served, and the county shall thereupon enter such amount as part of the tax levy on the premises to be collected during the ensuing year.
(Ord. 11.03, passed 12-17-01)

§ 53.04 SURFACE WATER MANAGEMENT FUND.

A separate fund shall be maintained for the surface water management fees and expenditures. (Ord. 11.03, passed 12-17-01)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC REGULATIONS

72. PARKING REGULATIONS

73. ROLLERSKATES, ROLLERBLADES AND SKATEBOARDS

74. SNOWMOBILES

75. GOLF CARTS

CHAPTER 70: GENERAL PROVISIONS

Section

General Provisions
70.10 Highway Traffic Regulation Act incorporated by reference

All-Terrain Vehicles

70.10 Definitions
70.11 Operating restrictions
70.12 Age requirements for operators
70.13 Operators to obey traffic regulations
70.14 Owner responsibility
70.15 Violation and penalty

70.99 Penalty

GENERAL PROVISIONS

' 70.01 HIGHWAY TRAFFIC REGULATION ACT INCORPORATED BY REFERENCE.

(A) Highway Traffic Regulation Act incorporated by reference. The regulatory provisions of M.S. Chapter 169, as it may be amended from time to time, are adopted as the traffic ordinance regulating the use of highways, streets and alleys in the city and are incorporated in and made a part of this title as completely as if set out in full herein.

(B) M.S. 169.35. M.S.' 169.35, as it may be amended from time to time, is adopted with the exception that right angle parking shall be permitted on the north side of Atlantic Avenue between Second Street and Fifth Street, the west side of Third Street between Atlantic Avenue and Parker Avenue, and no parking on the north side of Simon between Third and Fourth Street.

(`74 Code, Chapter 12.04, " 1 and 2) (Am. Ord. 12.042, passed 5-24-76; Am. Ord. - -, passed 1-21-03)

ALL-TERRAIN VEHICLES

‘70.10 DEFINITIONS.

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

ALL-TERRAIN VEHICLE. A motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds, not to include lawnmowers.

OPERATE. The person who operates or is in actual physical control of a recreational motor vehicle.

OPERATOR. The person who operates or is in actual physical control of a recreational motor vehicle.

OWNER. A person, other than a lien-holder, having a property interest in, or title to, an all-terrain vehicle, who is entitled to the use or possession thereof.

PERSON. Any individual, partnership, corporation or any body of persons, whether incorporated or not.
(Ord. 13-2003, passed 10-6-03)

' 70.11 OPERATING RESTRICTIONS.

It is unlawful to operate an all-terrain vehicle as follows:

(A) On a public sidewalk or walkway provided or used for pedestrian travel.

(B) On private property of another without lawful authority or permission of the owner or occupant.

(C) On any lands owned or occupied by a public body, including school grounds, park property, playgrounds, recreational areas, private roads, platted but unimproved roads, utility easements and public trails. The Council may, by resolution, specifically permit use on city property, in which event, the shortest route to an from areas so permitted may be used.

(D) While the operator is under the influence of liquor or narcotics or habit-forming drugs.

(E) At a rate of speed greater than 15 miles per hour or faster than is reasonable or proper under all of the surrounding circumstances.

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

(G) While towing a person or thing on a public street or highway except through the use of a rigid tow bar attached to the rear.

(H) 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.

(I) While chasing, running over, or killing any animal, wild or domestic.

(J) Without a lighted head and tail light when required for safety.

(K) During the hours of 2400 hours and 0600 hours. (Ord. 13-2003, passed 10-6-03) Penalty, see ' 70.15

' 70.12 AGE REQUIREMENTS FOR OPERATORS.

It is unlawful for any person under the age of 14 years to operate an all-terrain vehicle on any street or alley in the city. A person 14 years of age or older, but less than 18 years of age, may operate an all-terrain vehicle as permitted under this subchapter only if he or she has, in his or her possession, a valid all-terrain vehicle safety certificate duly executed.
(Ord. 13-2003, passed 10-6-03) Penalty, see ' 70.15

' 70.13 OPERATORS TO OBEY TRAFFIC REGULATIONS.

A person operating an all-terrain vehicle within the corporate limits of Dassel shall observe all traffic signs, laws and ordinances applicable to motor vehicles, except that the operator of any all-terrain vehicle shall yield the right-of-way to all motor vehicles and pedestrians.
(Ord. 13-2003, passed 10-6-03) Penalty, see ' 70.15

' 70.14 OWNER RESPONSIBILITY.

It is unlawful for the owner of an all-terrain vehicle to permit its operation on private property without permission of the owner or occupant, on city property without the permission of the City Council, or on other public property without permission of the authority in charge thereof. The owner is conclusively presumed to have given such permission unless the all-terrain vehicle so operated has been reported stolen to a law enforcement agency. A person leaving an all-terrain vehicle in a public place must lock the ignition and remove the key.
(Ord. 13-2003, passed 10-6-03) Penalty, see ' 70.15

' 70.15 VIOLATION AND PENALTY.

Any violation of this subchapter shall be deemed a misdemeanor.
(Ord. 13-2003, passed 10-6-03)

' 70.99 PENALTY.

The penalty for violation of the provisions of state statutes adopted by reference in this chapter shall be identical with the penalty provided for in the statutes for the same offense. Whoever shall violate any provision of this title for which no specific penalty is provided shall be punished as set forth in ' 10.99 of this code of ordinances. 2005 S-1

CHAPTER 71: TRAFFIC REGULATIONS

Section

71.02 Unreasonable acceleration or braking prohibited
71.02 U-turns

' 71.01 UNREASONABLE ACCELERATION OR BRAKING PROHIBITED.

(A) It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

(B) It is a misdemeanor for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property.

Penalty, see ' 70.99

' 71.02 U-TURNS.

It is unlawful for any person to operate a motor vehicle by turning so as to proceed in the opposite direction upon any street intersection sign posted prohibiting a U-turn or otherwise controlled by a traffic control device.

CHAPTER 72: PARKING REGULATIONS

General Regulations

72.01 Prohibiting the parking of certain vehicles

Towing and Impounding of Vehicles

72.15 Obstructing traffic
72.16 Authority of Public Works Director
72.17 Impounding
72.18 Removal of vehicle
72.19 Dumping snow prohibited
72.20 No parking where posted
72.21 Limited parking
72.22 Public Works Director authorized to place signs, devices and marks

GENERAL REGULATIONS

' 72.01 PROHIBITING THE PARKING OF CERTAIN VEHICLES.

No person shall park a semi-trailer, not connected to a truck tractor, on any public street or alley within the City of Dassel.

(`74 Code, Chapter 12.06, ' 1) Penalty, see ' 70.99

TOWING AND IMPOUNDING OF VEHICLES

72.15 OBSTRUCTING TRAFFIC.

72.15 OBSTRUCTING TRAFFIC.

(A) No motor vehicle shall be parked upon any street, avenue or alley in the city which obstructs the traffic thereon or the entrance to any private driveway or interferes with maintenance, cleaning, repairing or snow removal.

(B)No motor vehicle shall not be parked upon any street, avenue or alley during or up to 48 hours immediately after a snow event.

(`74 Code, Chapter 12.05, ' 1) Penalty, see ' 70.99

' 72.16 AUTHORITY OF PUBLIC WORKS DIRECTOR.

(A) maintained signs Whenever the Public Works Director or any of his/her assistants shall find it necessary, for the purpose of facilitating street maintenance operations such as removal of snow or street wastes, to move any vehicle standing on any street in the city, the Public Works Director, or assistant, are authorized to move the vehicle to the extent necessary for such purposes.

(B) (1) Provided further that the Public Works Director or Superintendent may place or cause to be placed and maintained signs reading 'No Parking Snow Removal' on such streets and avenues in the city at such times as the Council may determine this for the purpose of facilitating the removal and disposition of snow, and no person shall park any vehicle on any street or avenue when such signs are in place notwithstanding any other provisions of this subchapter.

(`74 Code, Chapter 12.05, ' 3) (Am. Ord. 12.05, passed 2-18-75; Am. Ord. 12.051, passed 9-2-80; Am. Ord. 12.052, passed 11-15-82; Am. Ord. - -, passed 1-21-03; Am. Ord. 72.15, 72.26, passed 2-17-15)

' 72.17 IMPOUNDING.

Any unoccupied motor vehicle thus found violating any of the provisions of this subchapter may be immediately removed and impounded by any police officer or duly authorized person and shall only be surrendered to the duly identified owner thereof upon the payment of the cost of towing and storage. Any damage occasioned to any such vehicles by the towing operations shall be assumed by the owner or operator thereof, and no liability for damage shall be assumed by the city.

(`74 Code, Chapter 12.05, ' 4)

' 72.18 REMOVAL OF VEHICLE.

The removal of a violating vehicle by or under order of the city does not prevent prosecution for any violation of this subchapter.

(`74 Code, Chapter 12.05, ' 5)

' 72.19 DUMPING SNOW PROHIBITED.

It is unlawful and a violation of this subchapter to dump, blow or discharge snow on or in public streets or alleys within the city.

(`74 Code, Chapter 12.05, ' 6) Penalty, see ' 70.99

' 72.20 NO PARKING WHERE POSTED.

No person shall stop, stand or park a vehicle upon the public streets of the city at any place where official signs or where appropriate devices, marks, or painting, either upon the surface of the street or curb immediately adjacent thereto, prohibit these acts.
(Ord. 12.05, passed 2-4-02)

' 72.21 LIMITED PARKING.

(A) No person shall stop, stand or park a vehicle upon the public streets of the city where official signs are erected limiting the parking time thereon, for a period of time in excess of the time as designated by the official signs.

(B) Unlawful act. It is unlawful for any person to leave or park any vehicle on or within any street or right of way in the City of Dassel for a period in excess of seventy-two (72) hours

(C) Definition. For the purpose of this ordinance a "recreational vehicle" is defined as follows: travel trailers, including those that telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, non-motorized trailers intended and generally used for transporting boats, utility trailers, snowmobiles, all terrain vehicles, boats or other watercraft.

(D) Unlawful Act. It is unlawful for any person to leave or park a "recreational vehicle" on or within the limits of any street or right of way in the City of Dassel for a continuous period in excess of seventy-two (72) hours. Be it hereby additionally provided, that during the 72 hour period, the vehicle shall not be occupied as living quarters. The mere moving of the recreational vehicle to another location within the street or right of way shall not constitute having satisfied the intent of this section.

(E) Exceptions. The above time limits will apply to all standard weeks within any given year with the following exceptions:

(1) During nationally recognized legal holiday weekends the above time period shall be extended to 5 days (120 hours).
(2) The provisions under Section 72.16 of this code shall supersede this section where applicable.

(F) A vehicle parked in violation of this ordinance will be subject to the following consequences:

(1) First violation: Verbal warning to the owner or driver of the vehicle if that person is
available. If the owner or driver is not available, a written warning will be issued.
(2) Second violation: A written warning will be issued to the owner or driver of the vehicle.
(3) Third violation: The vehicle may be towed away to any garage, service station, or other place of safekeeping and impounded. The owner shall pay the costs of such towing and storage.

(G) Each 24-hour period beyond the initial verbal warning of the violation **(**(F) (1)**)** shall constitute a separate violation of this ordinance. Administrative fines as established by City Council may be levied in addition to the actions noted in 72.21; paragraph (F). Nothing in this section shall prevent a law enforcement official or other City Official from ordering a vehicle to be towed if it is determined that the vehicle poses an immediate threat to the health, safety, and welfare of the community.

(Ord. 12.05, passed 2-4-02, Am. Ord. 72.21 - - passed 7-20-09)

' 72.22 PUBLIC WORKS DIRECTOR AUTHORIZED TO PLACE SIGNS, DEVICES AND MARKS.

The Public Works Director may order the placing of signs, devices or marks, or the painting of streets or curbs prohibiting or restricting the stopping, standing or parking of vehicles on any street where, in the Director=s opinion, as evidenced by a written finding by the Director filed with the City Administrator-Clerk-Treasurer, that the stopping, standing or parking is dangerous to those using the streets where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic. The City Council may, by resolution, rescind or modify any order of the made under this section. The signs, devices, marks or painting shall be official signs, devices, marks or painting as authorized by M.S. Chapter 169, as it may be amended from time to time, and no person shall stop, stand or park any vehicle in violation of the restrictions thereon or as indicated thereby.
(Ord. 12.05, passed 2-4-02)

CHAPTER 73: ROLLERSKATES, ROLLERBLADES, AND SKATEBOARDS

Section

73.01 Definitions
73.02 Regulations
73.03 Impoundment

73.98 Violations

' 73.01 DEFINITIONS.

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

OPERATE. To ride on or upon or control the operation of a skateboard, rollerskates or rollerblades.

OPERATOR. Every person who operates or is in actual physical control of a skateboard, rollerskates or rollerblades.

ROLLERSKATES or ***ROLLERBLADES.*** A form of skate with small wheels or rollers instead of a runner.

SKATEBOARD. A device for riding upon, usually while standing, consisting of an oblong piece of wood or other composition mounted on skate wheels.
(Ord. 15.02, passed 12-17-90)

' 73.02 REGULATIONS.

It shall be unlawful for any person to operate a skateboard, rollerskates or rollerblades under the circumstances set forth in this section which follow:

(A) On private property of another without the express permission to do so by the owner or occupant of the property;

(B) In a careless, reckless or negligent manner so as to endanger, or be likely to endanger, the safety of any person or property of any other person;

(C) Upon any public street or upon any public sidewalk within the downtown area designated as an area bounded on the south by the railroad tracks, on the west by Fourth Street (Highway 15), on the north by Parker Avenue (US Highway 12) and on the east by Second Street and including the area of the sidewalks parallel thereto on both sides of the street;

(D) No person shall rollerskate, rollerblade or use skateboards upon a state highway in the city, which includes U.S. Highway 12, U.S. Highway 15 and County Road #4 (First Street North);

(E) The operator of a skateboard, rollerskates or rollerblades emerging from an alley, driveway or building upon approaching a sidewalk or the sidewalk area extending across any alleyway shall yield the right-of-way to all pedestrians approaching the sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway;

(F) No person operating a skateboard, rollerskates or rollerblades shall attach the same or the person of the operator to any vehicle upon a roadway;

(G) Every person operating a skateboard, rollerskates or rollerblades upon a roadway shall ride as close as possible to the right hand curb or edge of the roadway;

(H) No persons shall skateboard, rollerskate or rollerblade upon a public street, sidewalk or other roadway after sunset and before sunrise without being equipped with the following:

(1) At least a three-inch wide reflectorized armband which encircles the arm, worn on both arms midway between the shoulder and elbow of the right and left arm;

(2) Reflectorized material affixed to the entire rear portion of the rear track of the skateboard or a light visible for 500 feet.

(Ord. 15.02, passed 12-17-90) Penalty, see ' 70.99

' 73.03 IMPOUNDMENT.

A person apprehended by a police officer in violation of the provisions of this chapter does by his or her use of the public streets and sidewalks consent to the impoundment by a police officer of the skateboards, rollerskates and rollerblades for a period of three days upon a first offense, seven days upon the second offense and 30 days upon a third offense.

(Ord. 15.02, passed 12-17-90)

‘ 73.98 VIOLATIONS.

The fourth or any subsequent violation of any provision of this chapter shall be a petty misdemeanor as defined in M.S. ' 169.89, subd. 1, as it may be amended from time to time. (Ord. 15.02, passed 12-17-90) Penalty, see ' 70.99

CHAPTER 74: SNOWMOBILES

Section

74.01 Operation Requirements
74.02 Operation on private, public property
74.03 Operators to obey traffic regulations
74.04 Order of procession; number on machine
74.05 Age limit for operators; certificate required
74.06 Unlawful driving or operation
74.07 Operator to obey law enforcement officer
74.08 Restricted operation in residential areas

' 74.01 OPERATION REQUIREMENTS.

No person shall operate or permit anyone to operate his or her snowmobile at a speed greater than 15 miles per hour or faster than is reasonable for conditions in the city.
(Ord. 26, passed 1-16-96) Penalty, see ' 70.99

' 74.02 OPERATION ON PRIVATE, PUBLIC PROPERTY.

(A) No person shall operate nor permit anyone to operate his or her snowmobile on any private property without the express permission of the owner or occupant.

(B) No person shall operate or permit anyone to operate a snowmobile on any of the public parks (including skating rink), school lands, nor operate or park the same on any public sidewalk or boulevard or any posted public area; nor on any of the city streets in residential areas except when directly en route to leave the city from the location where the snowmobile is stored or to return from outside the city limits directly en route to its place of storage.

(C) A snowmobile may be operated upon a public street or highway, other than as above provided, in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.
(Ord. 26, passed 1-16-96) Penalty, see ' 70.99

' 74.03 OPERATORS TO OBEY TRAFFIC REGULATIONS.

All persons operating a snowmobile within the city shall observe all traffic signs, laws and ordinances applicable to motor vehicles, except that the operator of any snowmobile shall yield the right-of-way to all motor vehicles and pedestrians. (Ord. 26, passed 1-16-96)

' 74.04 ORDER OF PROCESSION; NUMBER ON MACHINE.

When two or more snowmobiles are proceeding in the same direction on any street or alley, they shall proceed single file and not side by side. Not more than three persons shall be allowed on a machine. (Ord. 26, passed 1-16-96)

' 74.05 AGE LIMIT FOR OPERATORS; CERTIFICATE REQUIRED.

No person under 14 years of age shall operate a snowmobile on any street or alley in the city. No persons under 18 years of age shall operate a snowmobile on any street or alley in the city unless he or she has received a valid snowmobile safety certificate duly executed, and no person or corporation shall permit anyone under the age of 14 years of age to operate a snowmobile within the city or under 18 years unless the person has a valid snowmobile safety certificate duly executed. (Ord. 26, passed 1-16-96) Penalty, see ' 70.99

' 74.06 UNLAWFUL DRIVING OR OPERATION.

It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe manner:

(A) At a rate of speed greater than reasonable or proper under all of the surrounding circumstances;

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

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

(D) Without a lighted head light and tail light when required for safety. (Ord. 26, passed 1-16-96) Penalty, see ' 70.99

' 74.07 OPERATOR TO OBEY LAW ENFORCEMENT OFFICER.

It is unlawful for a snowmobile operator, after having received a visual or audible signal from any law enforcement officer to come to a stop to:

(A) Operate a snowmobile in a willful or wanton disregard of such signal;

(B) Interfere with or endanger the law enforcement officer or any other person or vehicle; or

(C) Increase his or her speed or attempt to flee or elude the officer.

(Ord. 26, passed 1-16-96) Penalty, see ' 70.99

' 74.08 RESTRICTED OPERATION IN RESIDENTIAL AREAS.

No person shall operate or permit a person to operate a snowmobile on a street, alley or on any public or private lands between the hours of 2400 hours and 0600 hours in areas that are zoned residential.

(Ord. 26, passed 1-16-96) Penalty, see ' 70.99

CHAPTER 75: GOLF CARTS

Section

75.01 Definitions
75.02 Driving, operating or control of motorized golf carts
75.03 Permits
75.04 Permit issuance
75.05 Unlawful acts

75.99 Penalty

' 75.01 DEFINITIONS.

Except as otherwise defined in the city code, the words and terms defined in M.S. Chapter 169, as it may be amended from time to time, shall be applicable to this chapter.
(Ord. 27, passed 7-2-01)

' 75.02 DRIVING, OPERATING OR CONTROL OF MOTORIZED GOLF CARTS.

A motorized golf cart may be driven, operated, or controlled on the roadways or shoulders of roadways under the jurisdiction of the City of Dassel, but not those under the jurisdiction of Meeker County or the State of Minnesota (U.S. Highway 12, State Highway 15, and County Road 4) and except such roadways prohibited by resolution of the City Council and only in strict compliance with this section.
(Ord. 27, passed 7-2-01)

' 75.03 PERMITS.

No motorized golf cart shall be driven, operated, or controlled on the roadways or shoulders of roadways under the jurisdiction of the City of Dassel unless the driver, operator, or person in control has in his or her actual physical possession a valid, current, and unrevoked permit of the City of Dassel for such driving, operation, or control of a motorized golf cart.
(Ord. 27, passed 7-2-01)

' 75.04 PERMIT ISSUANCE.

Permits shall be issued by the Chief of Police, or authorized designee, upon compliance with this section. (A) *Individual permit*.

(1) Permits may be issued to persons currently validly licensed to drive motor vehicles as defined by M.S. Chapter 169, as it may be amended from time to time. No person whose license to drive is revoked, suspended, canceled, or withdrawn may be issued an individual permit.

(2) Application for an individual permit shall include the full name and address of the applicant; the state of issuance of the applicant=s current driver=s license; the number of such drivers license, applicant=s representation that such driver=s license is not suspended, revoked, canceled or withdrawn; the date of application and applicant=s signature; the name of applicant=s insurance company; the number of the applicant=s insurance policy; and the date of expiration of insurance coverage for such vehicle. As a condition to obtaining an individual permit, the Chief of Police or his or her designee may require an applicant to submit a certificate signed by a physician to the effect that the applicant is able to safely operate a motorized golf cart on the roadways or shoulders under the jurisdiction of the City of Dassel.

(B) Revocation of permit. An individual permit may be revoked by the Chief of Police if there is any material misrepresentation made in the permit application, liability insurance is no longer in effect, upon a violation of this chapter, or there is evidence that the permittee cannot safely operate the motorized golf cart. The Chief of Police shall issue a notice of revocation of a permit in writing and either hand deliver the notice to the permit holder or send the notice by certified mail to the address on the application. The revocation shall be in effect immediately after personal service or three days after the mailing.

(C) Permit expiration. Permits shall be issued for a period of one year.

(D) Fees. An individual permit applicant shall pay a fee as set forth in the fee schedule, ' 36.01, which shall be refunded if the permit applied for is not granted.
(Ord. 27, passed 7-2-01)

' 75.05 UNLAWFUL ACTS.

No motorized golf cart shall be driven, operated, or controlled on the roadways or shoulders of roadways under the jurisdiction of the City of Dassel under the following conditions:

(A) Between sunset and sunrise;

Section(B) In inclement weather, when visibility is reduced or impaired by weather, smoke, fog, or other conditions or at any time when there is insufficient light clearly to see a person or vehicle on a roadway at a distance of 500 feet.

(C) Without prominent display of a slow-moving vehicle emblem provided in M.S. ' 169.522, as it may be amended from time to time, on the rear of such vehicle;

(D) Without a mirror so located as to reflect to the driver, operator, or controller, a view of the roadway for a distance of at least 200 feet to the rear of such vehicle;

(E) Without liability insurance coverage;

(F) Contrary to any traffic law of the City of Dassel or the State of Minnesota, except those which cannot reasonable be applied to motorized golf carts, or are not applied, by reason of M.S. ' 169.045, subd.7, as it may be amended from time to time;

(G) Contrary to any provisions of the city code;

(H) Without a current valid driver=s license.
(Ord. 27, passed 7-2-01)

' 75.99 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 $300.
(Ord. 27, passed 7-2-01)

TITLE IX: GENERAL REGULATIONS

Chapter

90. PARK REGULATIONS

91. TREES

92. HEALTH AND SANITATION; NUISANCES

93. STREETS AND SIDEWALKS

94. ANIMALS

95. LAWN FERTILIZER APPLICATION CONTROL

Section
90.1 Establishment
90.2 Regulations

§ 90.01 ESTABLISHMENT OF CITY PARK; NAME.

(A) The tract of land hereinafter bounded and described given to the said City of Dassel for park purposes and which is within the corporate limits of the city and of which tract the title and possession is now in the city, be and the same is set apart, established and dedicated as a park in the city forever in pursuance of the purpose of which the land has been given to the city. The tract of land above mentioned and referred to and which is set apart, established and dedicated as a park is described as follows: Block 7 of Breeds Addition to the city.

(B) The name of the park established and dedicated in division (A) of this section shall be the Dassel Public Park and/or Breed's Park.

(C) The City Council, by resolution, may designate other city owned lands as city parks within the city. Such parks shall be subject to regulation as established by § 90.02.
(`74 Code, Chapter 13.01) (Am. Ord. - -, passed 1-21-03)

§ 90.02 REGULATIONS.

(A) The consumption of intoxicating liquors and 3.2% malt liquor shall be prohibited except by special permit issued by the Council for approved activities.

(B) All garbage and refuse shall be disposed of by placing in receptacles provided.

(C) Fires are prohibited except in fireplaces or approved cooking units.

(D) Camping is prohibited.

(E) Parks and public grounds are closed to the public at 10 p.m., except by special permit issued by the Council for approved activities.
(`74 Code, Chapter 13.03, § 1) (Am. Ord. 13.031, passed 4-21-80) Penalty, see § 10.99

CHAPTER 91 CITY FORESTRY PROGRAM

§ 91.01 PLANTING AND CARE OF TREES IN BOULEVARDS IN THE CITY

(A) All property owners within the city shall trim or maintain the trees in the boulevard adjoining their property. No variety of trees other than varieties specifically approved by the Public Works Director may be planted in any such boulevard. Location of boulevard trees shall be approved by the Public Works Director.

(B) Each property owner abutting boulevards on which trees are planted shall keep them properly trimmed and maintained and shall remove therefrom all dead limbs. Any person failing to keep the boulevard trees properly trimmed shall be given ten days' notice to do so by the Public Works Director, and if after the ten day period the property owner fails to do so, the city, under the direction of the Public Works Director, shall cause the trees to be trimmed and record kept of the expense thereof.

(C) In any instance where the city has incurred expenses in the trimming of the trees for the safety and welfare of the
public, an assessment shall be placed against the property abutting the
boulevard to cover the cost thereof.
('74 Code, Chapter 12.02) (Am. Ord.--, passed 1-21-03)

§ 91.02 JURISDICTION AND AUTHORITY FOR TREE DISEASE ABATEMENT PLAN The Council may by ordinance declare any animal, insect, fungus, or other plant pathogen threatening to cause significant damage or disease to shade trees within the city to be a shade tree pest and a public nuisance. The Council may prescribe and enforce measures intended to control, manage, and/or eradicate shade tree pest public nuisances.

§91.03 DECLARATION OF POLICY REGARDING CONTROL AND PREVENTION OF SHADE TREE DISEASES

(A) Purpose and Intent. The City Council has determined that the health of elm, oak, and ash trees within the municipal limits is threatened by diseases, commonly referred to as Dutch elm disease, oak wilt disease, and Emerald Ash Borer disease (EAB). These diseases are caused by -native tree pests, insects, and fungus that attack and kill these trees. The potential exists that additional tree pests fatal to trees may be identified in the future. The City Council has further determined that the loss of elm, oak, and ash trees, as well as the potential loss by disease of other native trees growing upon public and private property, would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. In addition to and in accordance with Minn. Stat. § § 89.001, 89.01, and 89.51 - .64, the city ordinance sections 91.02 through 91.13 of this subchapter are adopted in an effort to control and prevent the spread of these shade tree diseases. These sections are collectively referred to as the Tree Disease Abatement Plan.

(B) Disclaimer of Liability. This subchapter sets forth a plan for attempting to control and prevent the advancement of tree diseases. Nothing in this ordinance or within the Emerald Ash Borer

Management Plan adopted by the City Council shall be deemed to impose any liability upon the city, its officers or employees.

§91.04 DECLARATION OF PUBLIC NUISANCE

(A) *Shade tree pests and conditions constituting public nuisance.* The following shade tree pests, diseases, and conditions are declared to be a shade tree pest public nuisance whenever found within the city, for which the Council may prescribe and enforce measures for control, management, and/or eradication:

(1) Any living or standing elm tree or parts thereof infected to any degree with the Dutch Elm disease fungus or which harbors any of the elm bark beetles or other tree pests fatal to the elm tree;

(2) Any dead elm tree or parts thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(3) Any living or standing oak tree or parts thereof infected to any degree with the Oak Wilt fungus or other tree pests fatal to the oak tree;

(4) Any dead oak tree or parts thereof, which in the opinion of the city tree forester constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;

(5) Any living or standing ash tree or parts thereof infected to any degree with Emerald Ash Borer or which harbors any of the emerald ash borer other tree pests fatal to the ash tree;

(6) Any dead ash tree or parts thereof, including branches, stumps, firewood or other ash material from which the bark has not been removed and burned or sprayed with an effective emerald ash borer insecticide;

(7) Any other diseased or dead shade tree with epidemic disease potential, or any tree that creates an imminent danger of injury or damage to person or property.

(B)Shade tree pest nuisances are unlawful. It is unlawful for any person to knowingly allow any shade tree pest conditions as defined in § 91.04 (A) to remain on any property the person owns or controls within the city.

91.05 CITY FORESTER.

(A) Appointment. The City Council may appoint an arborist or other qualified person to act as forester for the City. The forester must be certified under M.S. § 89.63, as amended from time to time.

(B) Duties. It is the duty of the forester, acting under the direction and control of the Council, to coordinate and oversee activities under, and enforcement of this Tree Disease Abatement Plan.

§91.06 INSPECTION AND INVESTIGATION.

(A) *Inspection and application of control measurers*

(1) The city forester shall investigate all reported incidents of infection or disease by Dutch elm fungus, elm bark beetle, oak wilt fungus, Emerald Ash Borer, or any other tree pest

or disease declared as such by the Minnesota Department of Agriculture.

(2) The city forester is authorized to and shall inspect all premises and places within the city to determine whether any condition described in §91.04 (A) exists. This inspection shall be

performed in accordance with the Minnesota Department of Agriculture rules and regulations AGR 106, but without restriction on the number of inspections that may be necessary.

(3) The city forester shall inspect to assure that all wood stored on private or public property within the city is not stored in violation of §91.04.

(B) Entry on private premises. The city forester, or his or her duly authorized agents, may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned the forester under this Tree Disease Abatement Plan. Citizens will be provided notice of entry seven (7) days in advance. The term "private premises" means yards or property, but does not include the interior of the dwelling.

(C) Diagnosis of diseased trees. Identification of diseased trees shall be performed by visual inspection, branch removal, bark shaving, and by tests as may be recommended by the commissioner of the Minnesota Department of Agriculture or the commissioner of the Minnesota Department of Natural Resources, or other reliable means.

§91.07 PROCEDURE FOR ENFORCEMENT OF THE TREE DISEASE ABATEMENT PLAN

(A) *Determination of tree disease and abatement action.* Whenever the city forester determines with reasonable certainty that a public nuisance described in § 91.04 (A) exists, the forester shall proceed as follows:

(1) The city forester shall notify in writing the owner of record of the subject property, and the occupant of the subject property if different from the owner, that a public nuisance exists on the property and direct that the nuisance be abated within a specified time from the date of mailing the notice. The written notice of abatement may be given in person or by mail. A copy of the notice shall be filed with the city clerk-treasurer.

(2) The notice of abatement shall state that unless the public nuisance is abated by the owner or occupant, it will be abated by the city at the expense of the owner. The notice shall specify the control measures to be taken to abate the nuisance, and provide a reasonable amount of time to abate the nuisance. The notice shall also state that the owner or occupant of the subject property has the right to appeal the determination that a public nuisance exists by submitting an appeal in writing to the city clerk-treasurer within ten (10) business days after service of the notice, or before the date by which abatement must be completed, whichever comes first.

(3) If no timely appeal is pursued in accordance with § 91.08, and if the control measures prescribed in the notice of abatement are not completed within the time provided in the notice of abatement or any additional

(4) time granted by the city forester, the city forester or designated person shall seek permission from the property owner, or alternatively may seek an administrative search warrant, to enter the property and carry out abatement in accordance with the notice of abatement. In carrying out the abatement, the city forester may utilize any person, firm, or corporation registered with the Minnesota Commissioner of Agriculture under M. S. § 18G.07 to abate the nuisance. The city forester shall report the action to the city clerk-treasurer.

(5) The city forester shall assure that the removed tree or wood is effectively treated or destroyed to prevent as fully as possible the spread of the diseases. These abatement procedures shall be carried out in accordance with prescribed methods approved by the Commissioner of Agriculture.

(B) Keeping of records. The city forester shall keep records of trees removed and the cost of all abatements done under this section and shall report monthly to the city clerk-treasurer all work done for which billings and assessments are to be made, including the description of the parcels involved and the amounts chargeable to each. The city clerk-treasurer may bill the owner of the private property for costs incurred in abating the public nuisance.

(C) Liability of property owner. The owner of the subject property on which a nuisance has been abated by the city shall be liable to the city for the cost of the abatement, including administrative costs. After notice and hearing as provided in M. S. § 429.061, the city clerk-treasure shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable. The Council may then certify the charges against the property to the county auditor to be assessed under M. S. § 429.101 for collection along with current taxes the following year or in annual installments as the City Council may determine in each case.

§ 91.08 APPEAL PROCEDURE.

If the city clerk-treasurer receives a timely written request for a hearing on the question of whether a public nuisance exists, the date for completing the abatement is suspended pending a
City Council decision on the appeal. The City Council shall hold a hearing within seven (7) business days following receipt by the clerk of the written request. At least three (3) business days' notice of the hearing shall be given to the individual who made the written request for the hearing. Each owner, agent of the owner, occupant, and lien holder of the subject property or properties in attendance, if any, shall be given the opportunity to present evidence at the hearing. After holding the hearing, the City Council may void the notice of abatement, order that the abatement proceed and set a date for completion of the abatement, or otherwise modify the terms of the ordered abatement.

§91.09 TRANSPORTING ELM WOOD, ASH WOOD, AND OAK WOOD PROHIBITED.

It is unlawful for any person to transport into or within the city any diseased bark-bearing elm, ash, or oak wood without having obtained written permission from the tree inspector, except when transporting to a designated disposal site. The tree inspector shall grant the permission only in conformity with the state approved removal and wood disposal practices.

§91.10 INTERFERENCE PROHIBITED.

It is unlawful for any person to prevent, delay or interfere with the tree inspector or its agents while engaged in the performance of duties imposed by this Tree Disease Abatement Plan.

§91.11 PENALTY

(A) Misdemeanor. Violation of § 91.04 (B) or § 91.09 constitute a misdemeanor punishable as provided in §10.99

(B) Petty misdemeanor. Violation of §91.10 is a petty misdemeanor punishable as provided in § 10.99.

§ 91.12 PREEMPTIVE REMOVAL OF DECLINING AND POTENTIALLY DISEASED TREES.

Due to the potential threat of the tree diseases referenced in § 91.04 (A), the city may begin preemptive removal of declining trees on public property, even when the potential disease has not been identified.

§ 91.13 EMERALD ASH BORER MANAGEMENT PLAN

In furtherance of efforts to control and potentially eliminate the detrimental effects of non-native invasive tree pests within the City of Dassel, the City Council in consultation with the city forester shall adopt and
implement an Emerald Ash Borer Management Plan. This plan is intended to provide information on the detrimental effects of EAB, identification and control of the disease, preventive measures for minimizing infestation of the disease, and recommendations for reforestation of property within the city.

(`74 Code, Chapter 12.02) (Am. Ord. - -, passed 1-21-03) (Am. Ord. 91, passed 6-29-15)

CHAPTER 92: PUBLIC NUISANCES; WEEDS; OPEN BURNING Section:

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GENERAL PROVISIONS

92.01 ASSESSABLE CURRENT SERVICES.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CURRENT SERVICE. Shall mean one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. 463.15 through 463.26 as they may amended from time to time; installation or repair of storm sewer, sanitary sewer and/or water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

(B) *Snow, ice, dirt and rubbish.*

(1) Duty of owners and occupants. The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(2) Removal by city. The City Administrator-Clerk-Treasurer or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall. The City Administrator-Clerk-Treasurer or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

(C) *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the City Administrator-Clerk-Treasurer.

(D) *Installation and repair of storm sewer, sanitary sewer and/or water service lines.* Whenever the City installs or repairs water service lines serving private property under Title V of this code, the City Administrator-Clerk-Treasurer shall keep a record of the total cost of the installation or repair against the property.

(E) *Repair of sidewalks and alleys.*

(1) *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the office of the Administrator-Clerk-Treasurer.

(2) *Inspections; notice.* The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the city will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

(3) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Administrator-Clerk-Treasurer shall report the facts to the City Council and the City Council shall by resolution order the work done by contract in accordance with law. The City Administrator-Clerk-Treasurer shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

(F) Personal liability. The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the City Administrator-Clerk-Treasurer, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Administrator-Clerk-Treasurer.

(G) Damage to public property. Any person driving any vehicle, equipment, object or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object or contrivance, but is operating, driving or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S.
514.67, as it may be amended from time to time.

(H) Assessment. On or before September 1 of each year, the City Administrator-Clerk-Treasurer shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges against property benefitted as a special assessment under the authority of M.S. 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case. Penalty, see 10.99

(I) Enforcement. Enforcement of assessable current services shall be pursuant to Chapter 35, Administrative Offenses of the Dassel City Code.

AN ORDINANCE REGULATING PUBLIC NUISANCES WITHIN THE CITY OF DASSEL, MINNESOTA

Pursuant to the authority granted to it by Minnesota Statutes §412.221 Subd. 23, the City Council of Dassel, Minnesota ordains:

PUBLIC NUISANCES

§ 92.15 PUBLIC NUISANCE PROHIBITION.

A person or entity must not act, or fail to act in a manner that is or causes a public nuisance. For the purpose of this chapter, a person or entity that creates or maintains any of the following is guilty of creating or maintaining a public nuisance:

§ 92.16 PUBLIC NUISANCE DEFINED.

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

(A) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or

(B) Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or

(C) Any other act or omission declared by Minnesota statutes or regulations or court decisions, or hereafter in this chapter to be a public nuisance.

This Public Nuisance ordinance does not limit or replace Minnesota statutes, regulations or other state laws regulating public nuisances. Rather, this ordinance is intended to supplement such existing laws.

§ 92.17 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

(A) Exposed accumulation of decayed, rotting, or unwholesome food, household wastes or vegetable matter, or other organic materials;

(B) All diseased animals, and animals running at large or otherwise in violation of other city ordinances;

(C) All ponds or pools of stagnant water, but not including city-owned retention ponds or designated wetlands;

(D) Carcasses of animals not buried or destroyed within 24 hours after death;

(E) Accumulations of manure, refuse or other similar debris;

(F) Garbage cans and similar garbage containers which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;

(H) All noxious weeds listed in the Minnesota Noxious Weeds Law, Minn. Stat. §18.75 through §18.91, as further defined in Minn. Stat. §18.77, Subd. 8, and listed by the Department of Agriculture at http://www.mda.state.mn.us/weedcontrol, as well as other rank growths of vegetation upon public or private property;

( ) Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities;

(I) All public exposure of people having a contagious disease; and

(J) Any offensive trade or business as defined by either statute or ordinance not operating under local license or business whose operation adversely affects public health or otherwise constitutes a clear and present danger to the health of the public in general.

§ 92.18 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

(A) Operation or use of any gambling devices, slot machines, and/or punch boards, except as otherwise authorized and permitted by federal, state, or local law;

(B) Betting, bookmaking, and the operation or use of all apparatuses used in those activities if not allowed by federal, state, or local law;

(C) All gambling houses, houses of ill fame, bawdy houses or other structures kept for the purpose of prostitution or promiscuous sexual activities;

(D) Places where alcoholic beverages, defined as liquor, wine, beer, malt liquor, or any other beverage containing greater than 0.5% alc/vol., or illegal drugs are manufactured, dispensed, consumed, or disposed of in violation of law, or where in violation of law people are permitted to gather for the purpose of drinking alcoholic

beverages, or ingesting or otherwise using illegal drugs, or where alcoholic beverages or illegal drugs are kept for sale or other disposition in violation of law; and

(E) Any vehicle used for the unlawful transportation of alcoholic beverages and/or illegal drugs, or for prostitution, and/or any other immoral or illegal purpose.

(F) Urination or defecation on any street, sidewalk, alley, public building or public facility, or any place open to the public, other than in properly functioning sanitary facilities, or exposed to the public view.

(G) Public intoxication.

§ 92.19 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

(A) Accumulation of snow or ice on public or private sidewalks that is not removed within 24 hours after the snow or other precipitation causing the condition has ceased, and the depositing, or causing to be deposited, any snow or ice on or against any fire hydrant or on any sidewalk or roadway;

(B) All trees, hedges, signs or other obstructions that prevent people from having a clear view of all traffic approaching an intersection or blocking traffic or sightlines;

(C) All wires and limbs of trees that are less than ten feet above the surface of a sidewalk or 16 feet above the surface of any street as to constitute a danger to pedestrians or vehicles;

(D) All obnoxious noises in violation of Minn. Rules Chapter 7030, as it may be amended from time to time, which rules are hereby incorporated by reference into this ordinance.

(E) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds, except under conditions as are permitted by this ordinance or other applicable law;

(F) Radio or communication aerials, television antennae, or similar aerials erected or maintained in a dangerous manner;

(G) Any use of property abutting or on a public street or sidewalk or any use of a public street or sidewalk which cause large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk and which activity is conducted without a permit, license, or other permission duly granted by the City;

(H) All hanging signs, awnings and other similar structures over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

(A) The allowing of rain water, ice, or snow to fall from any building or structure upon any public street or public sidewalk, or to flow across any public sidewalk;

(I) Any electric wire or barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or walk way, except when used in conjunction with agricultural uses in an area zoned for such use;

(J) All dangerous, unguarded machinery in any public place, or so situated or operated on any public or private property as to attract the public;

(K) Waste water cast upon or permitted to flow upon streets or other public properties;

(L) Accumulations in the open of discarded or disused machinery, household furniture or appliances, automobile bodies, garbage, trash, rubbish, bottles or other refuse in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

(M) Any well, hole or similar excavation which is left open or uncovered or in such condition as to constitute a danger or hazard to any child or other person coming on the premises where it is located;

(N) Accumulation of trash or other materials that obstruct the free flow of water in a natural waterway or a public street drain, storm sewer, gutter or ditch;

(O) The placing or throwing onto any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;

(P) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

(Q) The placing, throwing onto, or depositing of leaves, lawn clippings, weeds, grass or other material in the public streets, ditches, public ways, alleys or gutters;

(R) The piling, storing or keeping of non-licensed, wrecked, junked, or inoperable vehicles, old machinery, trailers, and other junk or debris on public or private property, unless it is temporarily kept there for a commercial business purpose for a period up to but not exceed 48 hours if it is on public property, or up to but not to exceed two weeks if it is no private property.

(S) Creating or maintaining private exterior lighting that exceeds 0.5 foot-candles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) foot-candle when abutting any commercial or industrial parcel.

(T) Any living or dead tree or parts thereof infected to any degree with epidemic tree diseases or diseases that may be transferred to other health trees, including but not limited to Dutch Elm fungus, Oak Wilt fungus, and Emerald Ash Bore, or the maintenance of trees in violation of other city ordinances;

(U) All other conditions or things which are likely to cause injury to the person or property of others.

§ 92.20 HAZARDOUS BUILDINGS.

The “Hazardous Building Law,” Minnesota Statutes 463.15 through 463.261 as amended from time to time, is adopted by reference. Any hazardous building or dangerous excavation may be abated in accordance with the provisions of that law, and constitutes a nuisance subject to the Enforcement provisions of this ordinance.

§ 92.21 NOISE VIOLATIONS.

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

(A) General restriction on certain activities.

(1) Any plainly audible and distinctly loud noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of individuals, or precludes enjoyment of property, or affects property values. “Plainly audible” means any sound that can be detected by any persons using their unaided hearing faculties. “Distinctly loud” means in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. This is a general restriction and is to be applied consistent with any more specific restrictions appearing elsewhere in this sub-chapter.

(2) All obnoxious noises from motor vehicle or otherwise, in violation of Minn. Rules Ch. 7030, as it may be amended from time to time, which rule is incorporated into this section by reference.

(3) The use of any vehicle so out of repair or so modified as to create loud and unnecessary grating, grinding, rattling, or other plainly audible noises.

(4) The discharging of the exhaust or permitting the discharge of the exhaust of any internal combustion engine including that of a motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any other recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and which muffler or other device complies with all applicable state laws and regulations.

(5) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly loud audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

(B) Restriction of certain operations during specific days and time periods

(1) Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(2) Refuse hauling. No person or entity shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(4) Radios, music devices, paging systems, and the like. The operation of any device referred to in subdivision (A) (5) of this section between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

(C) Noise impact statements.

The Council may require any person applying for a change in zoning classification, conditional use permit, or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source, to submit a noise impact statement. This statement shall be based upon applicable provisions of Minn. Rules Ch. 7030, and on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in

approving or disapproving the license or permit applied for or the zoning changes or CUP requested.

§ 92.22 OUTDOOR STORAGE OF MATERIALS AND PARKING OF VEHICLES

(A) Definition: For the purpose of § 92.22 and §92.23 of this ordinance, the terms "Vehicles" or "Recreational Vehicles" include automobiles, trucks, pickups, jeeps, motorcycles, three-wheelers, all-terrain vehicles (ATVs), motorized or non-motorized trailers whether enclosed or open, mobile homes, mobile home trailers, snowmobiles, jet skis, boats, and similar motorized and non-motorized vehicles and recreational devices.

(B) Declaration of Nuisance.

The outside parking and storage on residentially zoned property of large numbers of Vehicles, Recreational Vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth in sub-section (C) hereafter is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

(C) Limitations on storage of certain structures and materials, and parking of Vehicles.

(1) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar nonpermanent structures for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred (100) feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit, or allow the outside parking and storage of Vehicles or Recreational Vehicles on residential property unless it complies with the following requirements:

(a) No more than five (5) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the

property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.

( ) Motor or recreational vehicles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

§ 92.23 INOPERABLE VEHICLES AND RECREATIONAL VEHICLES.

(A) Declaration of Nuisance.

Any inoperable Vehicle or Recreational Vehicle described in sub-section (B) hereafter constitutes a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and residents. Motor or recreational vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.

(B) Inoperable motor or recreational vehicles in residential areas.

It is a nuisance and it shall be unlawful to keep, park, store, or abandon within any residentially zoned area (non C/I zoned area) of the city any Vehicle including any Recreational Vehicle that is not in operating condition, or is partially dismantled, or used for repair of parts or as a source of repair or replacement parts for other vehicles, or is kept for scrapping, dismantling, or salvage of any kind, or that is not properly licensed and insured for operation within the state, or otherwise constitutes an abandoned, junked, or unauthorized vehicle under the Minnesota Abandoned Motor Vehicle law, Minn. Stat. §168B.01 through §168B.16 as amended from time to time.

(C) Screening.

This section does not apply to Vehicles or Recreational Vehicles enclosed in a building and/or kept out of view from any street, road, or alley, and which do not foster complaint from a resident of the city. Privacy fencing in accordance with city ordinances is permissible.

§ 92.24 ENFORCEMENT.

The City Council shall have the duty of enforcing the provisions of this ordinance. The City Council may by resolution authorize any officer of the Meeker County Sheriff's Department, any employee of the City of Dassel, or any person or company that contracts to provide code enforcement services, to act as a Code Compliance Officer. There may be more than one person designated as a Code Compliance Officer at any given time.
The Code Compliance Officer(s) charged with enforcement of this ordinance shall take all reasonable precautions to prevent the commission of and maintenance of public nuisances.

§ 92.25 RESPONSIBILITY.

The owner and tenant of any premises on which a violation of this ordinance occurs shall make every reasonable effort to see that the violation ceases. Violations shall be deemed the act of both the person committing the act and the person in possession, control, or having charge of the premises who allows or permits the violation to take place. Violations shall also be deemed the act of a non-resident landlord, provided the landlord has received written notice from the city of the violation and has failed to make every reasonable effort to see that the violation ceases.

§ 92.26 DUTIES OF CODE COMPLIANCE OFFICER(S)

The Code Compliance Officer(s) to whom enforcement powers have been delegated may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. The Code Compliance Officer shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no Code Compliance Officer will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, the resident, or other person in control of the property, unless the officer has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

§ 92.27 CIRCUMSTANCES ALLOWING IMMEDIATE ABATEMENT OF NUISANCE.

(A) Emergency procedure; **summary enforcement.** In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in the following §92.28 will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the Code Compliance Officer shall initially determine whether a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably

endanger public health, safety, or welfare. The Code Compliance Officer shall notify in writing the owner of record and occupant of the premises of the nature of the nuisance, that the public health, safety, or welfare will be unreasonably endangered by the delay in abatement required to complete the procedure set forth in § 92.28 hereafter, and order that the nuisance be immediately terminated or abated. Courtesy copies of the notice and order shall be provided to all other Code Compliance Officers. If the nuisance is not immediately terminated or abated, the Code Compliance Officer shall report this fact to the City Council and the City Council may order summary enforcement and order appropriate employees of the city or contractors to abate the nuisance.

(B) Immediate abatement of unlawful gatherings. When the Code Compliance Officer or other authorized law enforcement officer determines that a gathering is creating such a noise disturbance as prohibited under §92.21 (A)(1), (A)(5) and (B)(4) of this ordinance, the officer may immediately order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse. No person shall refuse to leave after being ordered to do so by the officer. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

§ 92.28 PROCEDURE FOR ABATEMENT OF A NUISANCE IN ALL OTHER CIRCUMSTANCES.

(A) Notice of Violation and Notice to Abate. Whenever the Code Compliance Officer determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner of record of the property and occupant of the property on which the nuisance is being maintained that a public nuisance exists, citing the statutes or ordinances being violated. Service of this Notice shall be made by personal service on the owner of record and the occupant of the property on which the nuisance exists or is maintained, or by certified or registered mail on the owner of record or occupant if either cannot be located or refuses to accept personal service.

This Notice of Violation shall include a Notice to Abate the Nuisance, stating how the nuisance is to be abated and setting a reasonable time period or date by which the nuisance is to be abated. Courtesy copies of the notices shall be provided to other Code Compliance Officers.

(B) Non-Compliance with Notice to Abate. If the Notice to Abate the public nuisance is not complied with within the time required, the Code Compliance Officer shall report this fact to the City Council.

(C) Notice of City Council Hearing. The Council shall review this report and, if appropriate, cause to be served on the property owner of record and occupant a Notice of City Council Hearing. This notice shall state that the situation has not been abated and shall set forth a date, time, and location for a hearing before the City Council to determine whether a public nuisance exists and set forth abatement requirements including what corrective action is to be taken and within what time

frame. It shall also advise that at this hearing the owner and occupant of the subject property, as well as other interested persons, may be heard. Service of this Notice of Hearing shall be by personal service on the owner of record and occupant of the property on which the nuisance exists or is maintained, or by certified or registered mail if either cannot be located or refuses to accept personal service. If owner or occupant cannot be located or refuses to accept service and their addresses are unknown, service may be made by posting the Notice on the involved property.

(D) City Council Hearing. At the hearing the City Council shall receive testimony and take evidence to determine if this is a nuisance under the cited statutes, laws, or ordinances, and if so determined the appropriate abatement measures.

(E) Notice of City Council Order. If after the hearing the Council determines that the condition identified in the Notice of Violation and Notice to Abate is a nuisance and has not been abated, it shall issue a written Order setting forth these findings and setting forth the required abatement, and further stating that if the nuisance is not abated within a certain specified time period or date set forth in the Order, the city may seek injunctive relief from the District Court to enforce this Order. Service of this City Council Order shall follow the steps set forth in sub-paragraph **(**C**)** above relating to service of Notice of Council Hearing, and shall be in compliance with Minn. Stat. §463.17 Subd. 2 as amended from time to time.

(F) Enforcement of City Council Order. If the nuisance is still not abated within the time frame established by the Council Order, the City may enforce its Order through judicial proceedings. A copy of the Council Order along with proof of service or of other efforts to make service shall be filed with the court administrator of the Meeker County District Court. The filing of a *Notice of Lis Pendens* may also be required if real property is at issue. Thereafter, a Notice of Motion for Summary Enforcement along with a Motion and supporting documentation shall be served on the owner of record or the owner's agent, the tenant if any, and the occupant of the involved property. This Notice of Motion and Motion and service shall comply with Minn. Stat. §463.17and the Minnesota Rules of Civil Procedure

(G) District Court Proceedings. If the owner or occupant fails to Answer or otherwise respond to the Motion for Summary Enforcement, the matter may proceed as a default and the court may modify or summarily enforce the Order. If the owner/occupant serves an Answer and contests the Order, the matter proceeds in accordance with the Minnesota Rules of Civil Procedure.

(H) Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

(D) Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy including injunctive relief when no other adequate remedy at law exists.

§ 92.29 RECOVERY OF COSTS.

(A) Personal liability. The owner of the premises on which a nuisance has been abated, or the person who has caused a public nuisance on property not owned by that person, shall be personally liable for the costs to the city of the abatement, including administrative and legal costs. As soon as the work has been completed and the costs determined, the City Administrator-Clerk/Treasurer or other official shall prepare a bill for the costs and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Administrator-Clerk/Treasurer.

(B) Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Administrator-Clerk/Treasurer shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges (including all applicable legal and administrative costs**)** as well as other charges for current services to be assessed under Minn. Stat. § 429.101, as amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current and following year taxes or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

§ 92.30 PENALTY.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case. Minn. Stat. §412.231 and Minn. Stat. §609.02 as they may be amended from time to time.

§ 92.31 AVAILIBILITY OF ADDITIONAL ENFORCEMENT AND PENALTY PROVISIONS

The city may, in its discretion, seek any criminal or civil remedies available to it including injunctive relief or abatement. Each right or remedy accruing to the city under this Public Nuisance ordinance or at law is separate and distinct and may, in the city's discretion, be exercised independently or simultaneously with any other right or remedy.

§ 92.32 INTERPRETATION and SEVERABILITY. This chapter is to be interpreted consistent with, and not to the exclusion of other applicable regulations and provisions contained within the Code of Ordinances of the City of Dassel.

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.

§ 92.33 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 Minn. Stat., § 412.191, Subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331 A.01, Subd. 10, as it may be amended from time to time.

Passed by the City Council of Dassel, Minnesota this _____ day of_____ , 2019.

Attest:

Ron Hungerford, Mayor

Terri Boese, City Clerk/Treasurer

_____

_____

WEEDS

§ 92.35 SHORT TITLE.

This subchapter shall be cited as the “Weed Ordinance.”

§ 92.36 JURISDICTION.

This subchapter shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended or repealed.

§ 92.37 DEFINITIONS; EXCLUSIONS.

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

DESTRUCTION ORDER. The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

WEEDS, GRASSES and ***RANK VEGETATION.*** Includes but is not limited to the following:

(a) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip

(b) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;

(c) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

(d) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches.

(e) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants.

(f) The term ***WEEDS*** does not include shrubs, trees, cultivated plants or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

§ 92.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of 12 inches in height.
Penalty, see § 10.99

§ 92.39 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated and filed with the City Administrator-Clerk-Treasurer. If the city makes the complaint, an employee, officer or Council Member of the city shall file the complaint in all respects as set out above.

§ 92.40 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the City Council shall make an inspection and prepare a written report to the City Council regarding the condition. The City Council, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a "Destruction Order" to the property owner or the person occupying the property as that information is contained within the records of the City Administrator-Clerk-Treasurer or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within seven regular business days after the receipt of the notice that the designated violation shall be removed by the property owner or person occupying the property.

(B) (1) All notices are to be in writing and all filings are to be with the City Administrator-Clerk-Treasurer.

(2) Certified mailing to the City Administrator-Clerk-Treasurer or others is deemed filed on the date of posting to the United States Postal Service.

§ 92.41 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Council. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.

(B) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the City Council.

§ 92.42 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the "Destruction Order" within seven regular business days and has not filed a notice within 48 hours to the City Administrator-Clerk-Treasurer of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

§ 92.43 LIABILITY.

(A) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.

(C) All sums payable by the property owner are to be paid to the City Administrator-Clerk-Treasurer and to be deposited in a general fund as compensation for expenses and costs incurred by the city.

(D) All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101, as it may be amended from time to time.

OPEN BURNING

§ 92.60 DEFINITIONS.

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

FIRE CHIEF, FIRE MARSHAL, and ***ASSISTANT FIRE MARSHALS.*** The Fire Chief, Fire Marshal, and Assistant Fire Marshals of the Fire Department which provides fire protection services to the city.

OPEN BURNING. The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a "recreational fire" as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as "open burning."

RECREATIONAL FIRE. A fire set with approved starter fuel no more than three feet in height, contained within the border of a "recreational fire site" using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.

RECREATIONAL FIRE SITE. An area of no more than a three foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only an which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a "recreation fire site" as defined herein. Recreational fire sites shall not be located closer than 25 feet to any structure.

STARTER FUELS. Dry, untreated, unpainted, kindling, branches, cardboard or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open burn.

WOOD. Dry, clean fuel only such as twigs, branches, limbs, "presto logs," charcoal, cord wood or untreated dimensional lumber. The term does not include wood that is green with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into a length suitable to the recreational fire site.

§ 92.61 PROHIBITED MATERIALS.

(A) No person shall conduct, cause or permit open burning oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint fillers.

(B) No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.

(C) No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

(D) No person shall conduct, cause or permit open burning of any leaves or grass clippings.
Penalty, see § 10.99

§ 92.62 PERMIT REQUIRED FOR OPEN BURNING.

No person shall start or allow any open burning on any property in the city without first having obtained an open burn permit, except that a permit is not required for any fire which is a recreational fire as defined in § 92.60.
Penalty, see § 10.99

§ 92.63 PURPOSES ALLOWED FOR OPEN BURNING.

(A) Open burn permits may be issued only for the following purposes:

(1) Elimination of fire of health hazard that cannot be abated by other practical means.

(2) Ground thawing for utility repair and construction.

(3) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, landspreading or other alternative methods are not practical.

(4) Disposal of diseased trees generated on site, diseased or infected nursery stock, diseased bee hives.

(5) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.

B) Fire Training permits can only issued by the Minnesota Department of Natural Resources. Penalty, see § 10.99

Dassel - General Regulations

§ 92.64 PERMIT APPLICATION FOR OPEN BURNING; PERMIT FEES.

(A) Open burning permits shall be obtained by making application on a form prescribed the Department of Natural Resources (DNR) and adopted by the Fire Department. The permit application shall be presented to the Fire Chief, Fire Marshal, and Assistant Fire Marshals for reviewing and processing those applications.

(B) An open burning permit shall require the payment of a fee. Permit fees shall be in the amount established in an ordinance establishing fees and charges, as it may be amended from time to time. Penalty, see § 10.99

§ 92.65 PERMIT PROCESS FOR OPEN BURNING.

Upon receipt of the completed open burning permit application and permit fee, the Fire Chief, Fire Marshal, or Assistant Fire Marshals shall schedule a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and time of permitted burn and review fire safety considerations.

§ 92.66 PERMIT HOLDER RESPONSIBILITY.

(A) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every open burn event shall be constantly attended by the permit holder or his or her competent representative. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan.

(B) The open burn fire shall be completely extinguished before the permit holder or his or her representative leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by this subchapter, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer.

(C) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.
Penalty, see § 10.99

§ 92.67 REVOCATION OF OPEN BURNING PERMIT.

The open burning permit is subject to revocation at the discretion of DNR forest officer, the Fire Chief, Fire Marshal, or Assistant Fire Marshals. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.
Penalty, see § 10.99

§ 92.68 DENIAL OF OPEN BURNING PERMIT.

If established criteria for the issuance of an open burning permit are not met during review of the application, it is determined that a practical alternative method for disposal of the material exists, or a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief, Fire Marshal, or Assistant Fire Marshals, these officers may deny the application for the open burn permit.

§ 92.69 BURNING BAN OR AIR QUALITY ALERT.

No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert.
Penalty, see § 10.99

§ 92.70 RULES AND LAWS ADOPTED BY REFERENCE.

The provisions of M.S. §§ 88.16 to 88.22 and the *Minnesota Uniform Fire Code,* Minn. Rules Chapter 1510, as these statutes and rules may be amended from time to time, are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.

Section

General Provisions

93.1 Unloading on street or sidewalk
93.2 Street and sidewalk obstruction
93.3 Materials on street or sidewalk

Right-Of-Way Construction Regulations

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93.21 Definitions and adoption of rules by reference
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GENERAL PROVISIONS

§ 93.01 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.
Penalty, see § 10.99

§ 93.02 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense. Penalty, see § 10.99

§ 93.03 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof. Penalty, see § 10.99

RIGHT-OF-WAY CONSTRUCTION REGULATIONS

§ 93.20 ELECTION TO MANAGE THE PUBLIC RIGHT-OF-WAY.

In accordance with the authority granted to the city under state and federal statutory, administrative, and common law, the city hereby elects pursuant to this chapter to manage rights-of-way within its jurisdiction.

§ 93.21 DEFINITIONS AND ADOPTION OF RULES BY REFERENCE.

Minn. Rules Chapter 7819, as it may be amended from time to time, is hereby adopted by reference and is incorporated into this code as if set out in full. The definitions included in Minn. Rules part 7819.0100 subps. 1 through 23, as it may be amended from time to time, are the definitions of the terms used in the following provisions of this subchapter.

§ 93.22 PERMIT REQUIREMENT.

(A) *Permit required.* Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the city.

(1) Excavation permit. An excavation permit is required to excavate that part of the right-of-way described in the permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(2) Obstruction permit. An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

(B) *Permit extensions*. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless the person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and a new permit or permit extension is granted.

(C) *Delay penalty.* In accordance with Minn. Rules part 7819.1000, subp. 3, as it may be amended from time to time and notwithstanding division (B) of this section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by Council resolution, as it may be amended from time to time.

(D) *Permit display.* Permits issued under this subchapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Director.
Penalty, see § 10.99

§ 93.23 PERMIT APPLICATIONS.

Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(A) Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information:

(1) Each permittee’s name, gopher one-call registration certificate number, address and email address if applicable, and telephone and facsimile numbers.

(2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(3) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state, or a form of self-insurance acceptable to the Director;

(b) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the use and occupancy of the right-of-way by the registrant, its officers, agents, employees, and permittees, and placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;

(c) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all coverages;

(d) Requiring that the Director be notified 30 days in advance of cancellation of the policy or material modification of a coverage term;

(e) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Director in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.

(4) The city may require a copy of the actual insurance policies.

(5) If the person is a corporation, a copy of the certificate required to be filed under M.S. § 300.06, as it may be amended from time to time as recorded and certified to by the Secretary of State.

(6) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have the certificate from the Commission or other state or federal agency.

(B) Payment of money due the city for:

(1) Permit fees as set forth in the fee schedule, § 36.01, estimated restoration costs and other management costs;

(2) Prior obstructions or excavations;

(3) Any undisputed loss, damage, or expense suffered by the city because of the applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city; or

(4) Franchise fees or other charges as set forth in the fee schedule, § 36.01, if applicable.

§ 93.24 ISSUANCE OF PERMIT; CONDITIONS.

(A) Permit issuance. If the applicant has satisfied the requirements of this chapter, the Director shall issue a permit.

(B) Conditions. The Director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

§ 93.25 PERMIT FEES.

Permit fees shall be in an amount as set forth in the fee schedule, § 36.01.

(A) *Excavation permit fee.* The city shall establish an excavation permit fee as set forth in the fee schedule, § 36.01, in an amount sufficient to recover the following costs:

(1) The city management costs; and

(2) Degradation costs, if applicable.

(B) *Obstruction Permit Fee.* The city shall establish the obstruction permit fee as set forth in the fee schedule, § 36.01, and shall be in an amount sufficient to recover the city management costs.

(C) *Payment of permit fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay those fees within 30 days of billing.

(D) *Non-refundable.* Permit fees as set forth in the fee schedule, § 36.01, that were paid for a permit that the Director has revoked for a breach as stated in § 93.33 are not refundable.

(E) *Application to franchises.* Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

(F) *Establishment of permit fees*. All permit fees shall be established consistent with the provisions of Minn. Rules part 7819.100, as it may be amended from time to time.
Penalty, see § 10.99

§ 93.26 RIGHT-OF-WAY PATCHING AND RESTORATION.

(A) *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under this subchapter.

(B) *Patch and restoration.* The permittee shall patch its own work. The city may choose either to have the city restore the right-of-way or to restore the right-of-way itself.

(1) City restoration. If the city restores the right-of-way, the permittee shall pay the costs thereof within 30 days of billing. If following the restoration, the pavement settles due to the permittee's improper backfilling, the permittee shall pay to the city, within 30 days of billing, all costs associated with having to correct the defective work.

(2) Permittee restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minn. Rules part 7819.3000, as it may be amended from time to time.

(C) *Standards.* The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minn. Rules part 7819.1100, as it may be amended from time to time. The Director shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis.

(D) *Duty to correct defects.* The permittee shall correct defects in patching, or restoration performed by the permittee or its agents. The permittee upon notification from the Director, shall correct all restoration work to the extent necessary, using the method required by the Director. The work shall be completed within five calendar days of the receipt of the notice from the Director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under this subchapter.

(E) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the Director, or fails to satisfactorily and timely complete all restoration required by the Director, the Director at its option may do the work. In that event the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

(F) *Degradation fee in lieu of restoration.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee as set forth in the fee schedule, § 36.01. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

§ 93.27 SUPPLEMENTARY APPLICATIONS.

(A) Limitation on area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area make application for a permit extension and pay any additional fees required thereby, and be granted a new permit or permit extension.

(B) Limitation on dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

§ 93.28 DENIAL OF PERMIT.

The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

§ 93.29 INSTALLATION REQUIREMENTS.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minn. Rules part 7819.1100, as it may be amended from time to time and other applicable local requirements, in so far as they are not inconsistent with M.S. §§ 237.162 and 237.163, as they may be amended from time to time.

§ 93.30 INSPECTION.

(A) Notice of completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minn. Rules part 7819.1300, as it may be amended from time to time.

(B) Site inspection. The permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(C) Authority of Director.

(1) At the time of inspection, the Director may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.

(2) The Director may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the Director that the violation has been corrected. If proof has not been presented within the required time, the Director may revoke the permit pursuant to § 93.33.

§ 93.31 WORK DONE WITHOUT A PERMIT.

(A) Emergency situations.

(1) Each person with facilities in the right-of-way shall immediately notify the city of any event regarding its facilities which it considers to be an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

(2) If the city becomes aware of an emergency regarding facilities, the city will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.

(B) *Non-emergency situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for the permit, pay double all the other fees required by this code, deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.

§ 93.32 SUPPLEMENTARY NOTIFICATION.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the Director of the accurate information as soon as this information is known.

§ 93.33 REVOCATION OF PERMITS.

(A) *Substantial breach.* The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by the permittee shall include, but shall not be limited, to the following:

(1) The violation of any material provision of the right-of-way permit;

(2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;

(3) Any material misrepresentation of fact in the application for a right-of-way permit;

(4) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or

(5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to § 93.30.

(B) *Written notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city shall make a written demand upon the permittee to remedy that violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

(C) *Response to notice of breach.* Within 24 hours of receiving notification of the breach, the permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. The permittee's failure to so contact the city, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

(D) *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with the revocation.

§ 93.34 MAPPING DATA; INFORMATION REQUIRED.

Each permittee shall provide mapping information required by the city in accordance with Minn. Rules parts 7819.4000 and 7819.4100, as they may be amended from time to time.

§ 93.35 LOCATION OF FACILITIES.

(A) Compliance required. Placement, location, and relocation of facilities must comply with applicable laws, and with Minn. Rules parts 7819.3100, 7819.5000 and 7819.5100, as they may be amended from time to time, to the extent the rules do not limit authority otherwise available to cities.

(B) Corridors. The city may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

(C) Limitation of space. To protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use, the Director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making those decisions, the Director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

§ 93.36 DAMAGE TO OTHER FACILITIES.

When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the Director shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that registrant and must be paid within 30 days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that owner's facilities.

§ 93.37 RIGHT-OF-WAY VACATION.

If the city vacates a right-of-way which contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minn. Rules part 7819.3200, as it may be amended from time to time.

§ 93.38 INDEMNIFICATION AND LIABILITY.

By applying for and accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minn. Rules 7819.1250, as it may be amended from time to time.

§ 93.39 ABANDONED FACILITIES; REMOVAL OF ABANDONED FACILITIES.

Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the Director.

§ 93.40 APPEAL.

A right-of-way user that has been denied registration; has been denied a permit; has had permit revoked; or believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee as imposition will be in writing and supported by written findings
establishing the reasonableness of the decision.

§ 93.41 RESERVATION OF REGULATORY AND POLICE POWERS.

A permittee's or registrant's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY

§ 93.42 ENABLING AUTHORITY

In accordance with its authority to manage right-of-ways within its jurisdiction as more fully set forth in § 93.20 of this chapter, the city hereby elects to regulate the installation, maintenance, and operation of small cell wireless facilities within its public rights-of-way.

§ 93.43 PURPOSE

The city desires high quality wireless communication services to accommodate the needs of residents and businesses. The city also strives to minimize the negative impacts that wireless telecommunication facilities can have on aesthetics and public safety. The purpose of this subchapter is to regulate small cell wireless telecommunication facilities within the public rights-of-way in a manner that balances desire for service with aesthetic, public safety and right-of-way flexibility concerns.

§ 93.44 INTENDED INTERPRETATION

This subchapter shall be interpreted consistent with Minn. Stat. § 237.162 and § 237.163 as amended, and other applicable laws governing the use of public right-of-ways. This subchapter does not alter or replace Dassel City Ordinance § 153.073 (Telecommunication Towers). To the extent any provisions of § 153.073 are inconsistent with this subchapter or with Minn. Stat. § 237.162 or § 237.163, those provisions of § 153.073 shall not apply to installation or maintenance of small cell wireless support structures or facilities within the public right-of-way.

§ 93.45 DEFINITIONS

As used in this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning, or to the extent context is inconsistent with Minn. Stat. § 237.162 or § 237.163 as amended:

CITY. Means the City of Dassel, Minnesota. Additionally, for purposes of § 93.49 Subd. 7, (Indemnification), city also means the city's elected officials, officers, employees, and agents.

APPLICANT. A person applying for a permit to install or maintain a small cell wireless facility within the public rights-of-way of the City of Dassel.

COLLOCATE. "Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure that is owned privately or by the city.

PERMIT. A permit issued by the city to an applicant authorizing it, with conditions, to install or maintain a small cell wireless facility within specifically designated public rights-of-way of the city.

PERMITTEE. Any person to whom a permit has been granted by the city under this subchapter.

PERSON. An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

RIGHTS-OF-WAY MANAGEMENT COSTS. The actual costs the city incurs in managing its public rights-of-way for the installation or maintenance of small cell wireless facilities, including costs associated with verification of rights-of-way involved in the applications, inspection of job sites and locations for the siting of small cell wireless facilities, processing permit applications and final issuance of the permits, maintaining, supporting, protecting, or moving user facilities during right-of-way work, as well as restoring work inadequately performed after providing notice and the opportunity to correct the work, and in revoking right of way or small cell wireless facility permits. Management costs do not include payment by a telecommunications right of way user for the use of the right of way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and costs of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123, Minn. Stat. § 237.162 or § 237.163 or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to § 93.48 of this subchapter.

PUBLIC RIGHT-OF-WAY or RIGHT OF WAY. The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right of way does not include the airwaves above a right of way with regard to cellular or other non-wire telecommunications or broadcast service.

SMALL CELL WIRELESS FACILITY. "Small cell wireless facility" or "small wireless facility" means a wireless facility that meets both of the following qualifications:

(i) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and

( ) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

TELECOMMUNICATIONS RIGHT-OF-WAY USERS. A person owning or controlling a facility in the right of way, or seeking to own or control a facility in the right of way which facility is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this subchapter, the following are not telecommunications right-of-way users except, to the extent they are offering wireless services: a cable communication system defined and regulated under Minn.

Stat. Ch. 238, and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. § 216B.02, a

municipal gas or power agency organized under Minn. Stat. Ch. 453 and/or Ch. 453A, or a cooperative electric association organized under Minn. Stat. Ch. 308A.

UTILITY POLE. A pole that is used in whole or in part to facilitate telecommunications or electric service.

WIRELESS FACILITY. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service such as a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility. A wireless facility does not include wireless support structures, wireline backhaul facilities, or coaxial or fiber-optic cables between utility poles or wireless support structures not otherwise immediately adjacent to and directly associated with a specific antenna.

WIRELESS SERVICE. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service under United States Code, title 47, section 522, clause (6).

WIRELESS SUPPORT STRUCTURE. A new or existing structure in a public right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

WIRELINE BACKHAUL FACILITY. A facility used to transport communications data by wire from a wireless facility to a communications network.

§ 93.46 REQUIRED PERMITS

Subd. 1. ***Right-of-Way Excavation and Obstruction Permits.*** Any excavation or obstruction of the public right-of-way that may occur as a result of the intended erection, installation or maintenance of a small cell wireless support structure or collocation of a small cell wireless facility requires an excavation permit and/or an obstruction permit in accordance with the substantive and procedural provisions of Dassel City Ordinances § 93.20 through § 93.41.

Subd. 2. ***Right-of-Way Small Cell Wireless Facility Permits.*** A small cell wireless facility permit is required for a telecommunications right-of-way user to erect, install, or maintain a small cell wireless support structure, to collocate a small cell wireless facility, or to otherwise install a small cell wireless facility in the public right-or-way of the city. Once issued, such permit shall remain in effect for the length of time the facility is in use, unless revoked for breach of the terms of the permit, this subchapter, statutes, or for other lawful reason.

§ 93.47 APPLICATION FOR SMALL CELL WIRELESS FACILITY PERMITS.

Subd. 1. ***Procedures and Requirements.*** Application for a small cell wireless facility permit is made to the city. The application will be considered complete only upon compliance with all of the following requirements:

(a) The applicant shall identify each existing wireless support structure on which it seeks to collocate a small cell wireless facility and, if applicable, identify each new wireless support

structure to be erected for the purpose of installation, operation and maintenance of a small cell wireless facility. Identification includes submittal of scaled drawings showing the location and area of all existing and all proposed wireless support structures, as well as specifications for the small cell wireless facilities.

(b) When an applicant proposes to install a new wireless support structure in the public right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way, as well as other reasonable requirements not inconsistent with Minn. Stat. § 237.162 or § 237.163.

(c) No wireless support structure erected within the public right-of-way after May 31, 2017 shall exceed 50 feet above ground level, unless the city agrees to a greater height, subject to local zoning regulations and separation requirements in relation to other wireless support structures.

(d) A wireless support structure erected within the public right-of-way before May 31, 2017, that exceeds 50 feet above ground level may be replaced at the height of the existing wireless support structure. The city may agree to a greater height, subject to local zoning regulations.

(e) When an applicant proposes to install a new wireless support structure in a public right-of-way that is in or contiguous to an area zoned single family residential, the city may require a conditional use permit in accordance with City of Dassel Ordinance §153.102.

(f) If neither the applicant nor the city will be the owner of the existing or to be erected wireless support structure, applicant must provide an executed facility agreement by which the owner of the structure grants applicant authority to utilize the support structure for locating or collocating a small cell wireless facility. The agreement may contain other terms and conditions agreed to by the parties consistent with the terms and duration of the permit. If the city will be the owner of the wireless support structure, Subd. 3 hereafter of this section becomes the applicable provision.

(g) No wireless facility may extend more than 10 feet above its wireless support structure.

(h) Where an applicant proposes collocation on a decorative wireless support structure, sign, or other structure not intended to support small wireless facilities, or on a structure that has multiple uses including temporary or seasonal additional uses, the city may impose reasonable requirements to accommodate the particular design, appearance, intended purpose, or multiple uses of such structure.

(i) Applicant shall submit design drawings and information explaining how the small cell wireless facility and the wireless support structure shall blend into the surrounding environment to the maximum extent possible, with consideration given to the use of conforming building materials, color, texture, and screening. The facility and ground-mounted equipment shall minimize exposed cabling and mounting hardware, and shall match the structure it is attached to in color and, as close as practicable, in material and design.

(f) Applicant shall submit verification of insurance including occurrence form comprehensive liability coverage for personal injury, death, and property damage, naming the city as an additional insured. The liability coverage shall be in an amount and for a duration sufficient to protect the city and the public and to carry out the purposes and policies of this subchapter, as approved by the city. The city may also require applicant to post performance or payment bonds as may be appropriate. In addition, applicant shall provide verification of automobile liability coverage and workers' compensation coverage.

(k) The city may recover its rights-of-way management costs by imposing a fee for each right-of-way or small cell wireless facility permit, and, when appropriate, a fee applicable to a particular telecommunications right-of-way user when that user causes the city to incur costs as a result of actions or inactions of that user. These fees must comply with the provisions and limitations of Minn. Stat. § 237.163, Subd. 6 and Subd. 7.

Subd. 2. ***Consolidated Applications*****.** An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by the city, provided that all small wireless facilities in the application:

(a) are located within a two-mile radius;
(b) consist of substantially similar equipment; and
(c) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

Subd. 3. ***Small Cell Wireless Facility Agreement*****.** If a small cell wireless facility is to be located or collocated on a support structure owned or controlled by the city, or on any other city asset in the right-of-way, the applicant shall execute a small cell wireless facility collocation agreement with the city. The collocation agreement may require payment of the following:

(a) Up to $150 per year for rent to collocate on the city structure.
(b) $25 per year for maintenance associated with the collocation;
(c) A monthly fee for electrical service as follows:
    1. $73 per radio node less than or equal to 100 maximum watts;
    2. $182 per radio node over 100 maximum watts; or
    3. The actual costs of electricity, if the actual cost exceed the foregoing.

The collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant, nor does it limit or impact the ability of the city to generally manage its public rights-of-way as provided under Minn. Stat. § 237.163 Subd. 2, or to recover its rights-of-way management costs as provided for herein.

Subd. 4. ***Additional Conditions.*** The city may impose additional reasonable conditions upon the issuance of the permit and/or the performance of the applicant thereunder, as appropriate to protect the health, safety, and welfare of the city, or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minn. Stat. §§ 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minn. R., Ch. 7560 (Pipeline Safety Excavation Notice).

Subd. 5. ***Action on Small Wireless Facility Permit Applications.*** The city shall either approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.

Subd. 6. ***Tolling of Deadline****.* The 90-day deadline for action on a small wireless facility permit application may be tolled if:

(a) The city receives applications from one or more applicant's seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension; or
(b) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information; or
(c) The city and applicant agree in writing to toll the review period.

§ 93.48 DENIAL OR REVOCATION OF PERMIT

Subd. 1. ***Reasons for Denial.*** The city may deny a permit for failure to meet the requirements and conditions of this subchapter, or if the city determines that the denial is necessary to protect the health, safety, and welfare of the public, or when necessary to protect the right of way and its current use.

Subd. 2. ***Procedural Requirements.*** The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

Subd. 3. ***Appeal.*** A right of way user that has been denied a permit or has had a permit revoked may have the denial, revocation, or fee imposition reviewed by the City Council upon written request served on the city within 30 days of the denial, revocation, or fee imposition. The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the right of way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

§ 93.49 CONDITIONS APPLICABLE TO CONTINUING USE, MAINTENANCE, OPERATION, AND DISCONTINUANCE OF WIRELESS FACILITY

Subd. 1. ***Continuing Duty of Maintenance and Repair.*** Permittee is responsible for continued maintenance and repair of the small cell wireless facility for the full duration of its permit and as long as the facility remains in the public right-of-way.

Subd. 2. ***Continuing Compliance with Aesthetic Requirements.*** The requirements imposed upon permittee by § 93.47 Subd. 1(i) shall continue to be met for the full duration of the permit and as long as the small cell wireless facility remains in the public right-of-way.

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Subd. 3. ***Continuing Verification of Insurance.*** Permittee must assure that all insurance requirements imposed upon it by § 93.47 Subd. 1(j) continue to be met for the full duration of its permit and as long as the small cell wireless facility remains in the public right-of-way, and annually shall provide to the city verification of this continuing insurance.

Subd. 4. ***Permit Fees.*** Permit fees shall be established in accordance with Minn. Stat. § 237.163.

Subd. 5. ***Reservation of Regulatory and Police Powers.*** Permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances as necessary to protect the health, safety, and welfare of the public.

Subd. 6. ***Discontinuance or Abandoned of Facilities.*** A permittee who has determined to discontinue all or a portion of its operations under this permit shall provide information satisfactory to the city establishing that permittee's obligations for its facilities in the right-of-way have been lawfully assumed by another permittee. Any permittee who has abandoned facilities in any right-of-way shall remove them from that right-of -way at its expense, and repair any resulting property damages.

Subd. 7. ***Indemnification and Liability.*** By accepting a permit under this subchapter the permittee and its assignees agree to defend, indemnify, and hold harmless the city and its elected officials, directors, officers, employees, agents, and representatives from and against any and all claims, demands, actions, losses, or judgments, including damages to city property, arising out of or relating to applicant's use of the right-of- way and/or its installation, operation, use, maintenance, repair, removal, or presence of applicant's facilities, structures or equipment, and including reasonable attorneys' fees and other costs and expenses. This indemnification provision does not replace but rather is supplemental to and is to be interpreted consistent with the provisions of Minn. Rule 7819.1250.

(Am. Ord - - passed 11-10-17)

Section

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§ 94.01 DEFINITIONS.

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

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal Kingdom. Animals shall be classified as follows:

(1) ***DOMESTIC ANIMALS.*** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

(2) FARM ANIMALS. Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese, guinea fowl), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

(3) NON-DOMESTIC ANIMALS. Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:

(a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(d) Any member or relative of the rodent family including any skunk (whether or not descented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

AT LARGE. Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Administrator-Clerk-Treasurer in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as set forth in the fee schedule.

§ 94.02 DOGS AND CATS.

(A) Running at large prohibited. It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

(B) License required.

(1) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Administrator-Clerk-Treasurer upon payment of the license fee as set forth in the fee schedule, § 36.01. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.

(2) It shall be the duty of each owner of a dog subject to this section to pay to the City Administrator-Clerk-Treasurer the license fee as set forth in the fee schedule, § 36.01.

(3) Upon payment of the license fee as set forth in the fee schedule, § 36.01, the Administrator-Clerk-Treasurer shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City Administrator-Clerk-Treasurer. A charge shall be made for each duplicate tag as set forth in the fee schedule, § 36.01. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.

(4) The licensing provisions of this division (B) shall not apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor shall this provision apply to "seeing eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

(5) The funds received by the City Administrator-Clerk-Treasurer from all dog licenses and metallic tags fees as set forth in the fee schedule, § 36.01, shall first be used to defray any costs incidental to the enforcement of this chapter; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

(C) Cats. Cats shall be included as controlled by this division insofar as running-at-large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

(D) Vaccination.

(1) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for:

(a) Rabies - with a live modified vaccine; and

(b) Distemper.

(2) A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the City Administrator-Clerk-Treasurer, the Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Administrator-Clerk-Treasurer or officer. Failure to do so shall be deemed a violation of this section. Penalty, see § 94.99

§ 94.03 NON-DOMESTIC ANIMALS.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. Penalty, see § 94.99

§ 94.04 FARM ANIMALS.

Except as provided in § 94.04A hereafter, farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. A further exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition. **§ 94.04A KEEPING OF CHICKENS ON RESIDENTIAL PARCELS WITHIN THE CITY**

The keeping or maintaining of chickens within the city of Dassel in a non-agricultural district on a residential city parcel of less than ten (10) acres shall be allowed, subject to the following terms, limitations, and conditions, and only after obtaining a Chicken Maintenance Permit from the City of Dassel.

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

1. Parcel. A parcel designated by the Meeker County assessor on the current Zoning Map of the City of Dassel.

0. Chicken Coop. A fixed, accessory structure enclosed on all sides and with a roof and side access opening, designed for housing of chickens. The term chicken coop does not include any portion of a dwelling, garage, porch, or utility shed.

1. Dwelling. A building, or portion thereof, designed or used predominantly for residential occupancy.

*2. Portable Chicken Coop***.** A chicken coop as defined above but capable of being easily moved from one location to another on the parcel.

3. Chicken Run. A fenced or woven wire area fully enclosed on all sides where chickens can move freely on the natural ground surface.

(B) General Terms and Conditions The following terms, limitations, and conditions apply to the keeping and maintenance of chickens on residential parcels within the city:

1. Keeping of chickens on an unimproved parcel is prohibited.
2. The residential parcel must be of a size and configuration to allow full compliance with all of the terms, limitations, and conditions noted hereafter.
3. No more than five chickens may be maintained on a residential city parcel of less than one (1) acre in size. For city parcels of one (1) acre or more, up to five (5) additional chickens may be maintained on the parcel. Two or more contiguous or non-contiguous parcels may not be combined for the purpose of complying with this condition. Under no circumstances shall the total number of chickens on a residential city parcel exceed ten (10).
4. Chickens shall not be kept in a dwelling or garage, nor in a porch, patio, or similar extension of a dwelling.
5. No roosters or adult male chickens shall be maintained on a city parcel. In the case of a delayed discovery that a chicken is a rooster or adult male, the chicken shall be removed from the parcel within seven (7) days of discovery.

(C) Chicken Confinement. Every person who owns, controls, keeps, or maintains chickens on a residential city parcel in accordance with this section shall keep the chickens confined on the parcel at all times in a fixed or portable chicken coop with an associated chicken run. The chicken coop and chicken run shall comply with the following conditions:

1. The coop shall provide a minimum surface area of two (2) feet by three (3) feet for the first two chickens. If more than two chickens are kept, a minimum of three (3) additional square feet of surface area is required for each chicken in excess of two (2).
2. The chicken run shall provide a minimum surface area three (3) times the surface area of the chicken coop. The vertical fencing or other woven wire containment material shall not exceed six (6) feet in height.
3. The fixed or portable chicken coop and the chicken run shall be constructed and located consistent with the definition of an accessory building and zoning codes of Chapter 153 of the Dassel Code of Ordinances. They shall not be located in the front or street side of the lot.
4. Chicken coops, chicken runs, and portable chicken coops shall, at all times, be maintained a minimum of fifteen (15) feet from permit holder's dwelling, forty (40) feet from adjacent dwellings, and ten (10) feet from lot lines which shall be measured from the closest point of the chicken coop/run and closest point of each dwelling.

(D) ***Sanitation Requirements*** The following procedures shall be followed to minimize the potential of odors and other unsanitary conditions:

1. Chickens shall be maintained in a healthy and sanitary condition. Any sick, diseased, or dead chickens shall be removed from the parcel within twenty-four (24) hours of discovery and promptly disposed of in accordance with Minnesota law.

2. Chicken grains and feed shall be stored in rodent and pest proof containers or in areas not accessible to rodents and pests.

3. Chicken manure shall not be allowed to accumulate in such a way as to cause unsanitary conditions or odors. All waste shall be collected and removed weekly or used as fertilizer and regularly incorporated into the soil. Any temporary storing of manure shall be in a weather and pest proof container. Disposal of chicken manure at the City Compost Site or in the City storm or sanitary sewer systems is not permitted.

(E) Certain Activities Prohibited Activities involving the slaughter of chickens on site, the raising of chickens for breeding purposes, and the raising or possessing of chickens for organizing or conducting activities in which it is reasonably foreseeable that the chickens may be injured, maimed, mutilated, or killed, are strictly prohibited (see also Minn. Stat. § 343.31).

(F) Application for and Issuance of a Chicken Maintenance Permit Any person desiring to keep and maintain chickens under this section shall first obtain a Chicken Maintenance Permit from the City of Dassel. The applicant for the permit shall live on the parcel, have an ownership interest in the parcel for which the permit is sought, or have a possessory interest as a renter or otherwise. If the applicant is not the owner of the parcel, the owner shall join in the application as a co-applicant.

1. The individual applicant(s) represent, act on behalf of, and bind all occupants of the parcel except those other occupants residing in a multifamily dwelling who do not share possessory interest with the applicant. The applicant(s) are responsible for assuring compliance with the terms and limitations of this section.

4. The City of Dassel shall create a written application form that seeks information relevant to this section including the number of chickens that will be maintained on the parcel and the method for handling and disposal of chicken manure and waste.

5. The initial permit shall be for a period of one (1) year from the date of issuance, subject to renewal for subsequent one (1) year periods. Permits may be denied or revoked if the applicant has failed to comply with the terms of this section.

6. Only one permit per dwelling may be issued.

7. Applicant shall pay the annual fee for the initial permit and annual fee for renewal of the permit as set forth in the fee schedule, § 36.01.

8. The applicant shall verify that he/she has read and is familiar with the terms and limitations of this section, and agrees to comply therewith.

9. Permits are non-transferable and do not run with the parcel.

10. The permit is a limited privilege, and is subject to denial or revocation for failure or inability to comply with this ordinance or with state or federal law or regulations, or for other reasons in the best interest of the City. The issuance of the permit does not create a vested zoning right in any person or in the property.

11. Any one denied a permit or renewal thereof, or whose permit is revoked, may file with the City Clerk a written request for a hearing before the City Council on the denial or revocation. The City Council shall hold a hearing within thirty (30) days of filing the request.

(G) ***Notification to Adjoining Property Owners*** Whenever the city issues a Chicken Maintenance Permit, it shall provide written notification to all owners and occupants of adjacent lots within fifty (50) feet of the proposed location of the chicken coop or chicken run.

§ 94.99 PENALTY

(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) Misdemeanor. Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § 10.99.

(C) Petty misdemeanor. Violations of §§ 94.02, 94.04A, 94.07, 94.13 and 94.14 are petty misdemeanors punishable as provided in § 10.99

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

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

(Am. Ord. 94 - - passed 6-15-15)

§ 94.05 IMPOUNDING.

(A) Running at large. Any unlicensed animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) Biting animals. Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) Reclaiming. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under § 94.11 in which case it shall be kept for seven regular business days or the times specified in § 94.11, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

(1) Payment of the release fee and receipt of a release permit as set forth in the fee schedule, § 36.01.

(2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and if a dog is unlicensed, payment of a regular license fee as set forth in the fee schedule, § 36.01, and valid certificate of vaccination for rabies and distemper shots is required.

(D) *Unclaimed animals.* At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may let any person claim the animal by complying with all provisions in this section, or the officer may sell the animal to the University of Minnesota, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this section shall be payable to the City Administrator-Clerk-Treasurer. Penalty, see § 94.99

§ 94.06 KENNELS.

(A) Definition of kennel. The keeping of three or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel;" except that a fresh litter of pups may be kept for a period of three months before that keeping shall be deemed to be a "kennel."

(B) Kennel as a nuisance. Because the keeping of three or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the city.
Penalty, see § 94.99

§ 94.07 NUISANCES.

(A) Habitual barking. It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(B) Damage to property. It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) Cleaning up litter. The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others or on public property.

(D) Other. Any animals kept contrary to this section are subject to impoundment as provided in § 94.05.
Penalty, see § 94.99

§ 94.08 SEIZURE OF ANIMALS.

Any police officer or Animal Control Officer may enter upon private property and seize any animal provided that the following exist:

(A) There is an identified complainant other than the police officer or Animal Control Officer making a contemporaneous complaint about the animal;

(B) The officer reasonably believes that the animal meets either the barking dog criteria set out in § 94.07(A); the criteria for cruelty set out in § 94.13; or the criteria for an at large animal set out in § 94.01(E);

(C) The officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;

(D) The officer has made a reasonable attempt to contact the owner of the dog and the property to be entered and those attempts have either failed or have been ignored;

(E) The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry; and

(F) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

§ 94.09 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.

If, in the reasonable belief of any person or the Animal Control Officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or officer may destroy the animal in a proper and humane manner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under § 94.05. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper in accordance with § 94.05(C).

§ 94.10 DISEASED ANIMALS.

(A) *Running at large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, even though the animal be properly licensed under this section.

CHAPTER 92: PUBLIC NUISANCES; WEEDS; OPEN BURNING Section:

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(B) Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) Release. If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge.
Penalty, see § 94.99

§ 94.11 DANGEROUS ANIMALS.

(A) Attack by an animal. It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

(B) Destruction of dangerous animal. The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

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

DANGEROUS ANIMAL. An animal which has:

(a) Caused bodily injury or disfigurement to any person on public or private property;

(b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;

(c) Exhibited unusually aggressive behavior, such as an attack on another animal;

(d) Bitten one or more persons on two or more occasions; or

(e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

POTENTIALLY DANGEROUS ANIMAL. An animal which has:

(a) Bitten a human or a domestic animal on public or private property;

(b) When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or

(c) Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

PROPER ENCLOSURE. Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

(a) Have a minimum overall floor size of 32 square feet.

(b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be $1\frac{1}{4}$-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.

(c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.

(d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

UNPROVOKED. The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

(D) Designation as potentially dangerous animal. The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in division (C)(2). When an animal is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

(E) Evidence justifying designation. The Animal Control Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

(1) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(2) That the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(F) *Authority to order destruction.* The Animal Control Officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

(1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(G) *Procedure.* The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination.

(1) If no appeal is filed, the orders issued will stand or the Animal Control Officer may order the animal destroyed.

(2) If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Administrator-Clerk-Treasurer's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer.

(3) No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

(H) *Stopping an attack.* If any police officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(I) *Notification of new address.* The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any. Penalty, see § 94.99

§ 94.12 DANGEROUS ANIMAL REQUIREMENTS.

(A) *Requirements.* If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

(1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in § 94.11(C);

(2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51 as may be amended from time to time;

(3) Provide and show proof annually of public liability insurance in the minimum amount of $300,000;

(4) If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;

(5) If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time;

(6) All animals deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer.

(7) If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

(B) *Seizure.* The Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(C) Reclaiming animals. A dangerous animal seized under § 94.12(B), may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under § 94.12(B), is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under § 94.11(F), and the owner is liable to the city for costs incurred in confining and impounding the animal.

(D) Subsequent offenses. If an owner of an animal has subsequently violated the provisions under § 94.11 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in § 94.11(F). If the owner is found to have violated the provisions for which the animal was seized, the Animal Control Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of § 94.12(C). If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under § 94.11(F) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

§ 94.13 BASIC CARE.

All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to the penalties provided in this section.

§ 94.14 BREEDING MORATORIUM.

Every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

§ 94.15 ENFORCING OFFICER.

The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this section. In the officer’s duty of enforcing the provisions of this section, he or she may from time to time, with the consent of the City Council, designate assistants.

§ 94.16 POUND.

Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

§ 94.17 INTERFERENCE WITH OFFICERS.

No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder the officer in the discharge of his or her duties under this chapter.
Penalty, see § 94.99

§ 94.18 WATER FOWL.

No person shall place feed for water fowl on, in or within 50 feet of a wetland, pond, lake or water resource.
(Ord. 28, passed 4-3-00) Penalty, see § 10.99

§ 94.99 PENALTY.

(A) Separate offenses. Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) Misdemeanor. Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § 10.99.

(C) Petty misdemeanor. Violations of §§ 94.02, 94.07, 94.13 and 94.14 are petty misdemeanors punishable as provided in § 10.99.

Section

95.1 Purpose
95.2 Definitions
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495. Conditions of license
9.**5** General regulations
95.6 Warning signs for pesticide application
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95.8 Commercial lawn fertilizer applicator license

§ 95.01 PURPOSE.

The city has conducted studies and has reviewed existing data to determine the current and projected water quality of various lakes within its community. 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 lakes as a result of storm water runoff or other causes. The purpose of this chapter is to define regulations which will aid the city in maintaining and improving lake resources which are enjoyed by its residents and other users. (Ord. 28, passed 4-3-00)

§ 95.02 DEFINITIONS.

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

COMMERCIAL APPLICATOR. A person who has a commercial applicator license issued by the Minnesota Commissioner of Agriculture.

NONCOMMERCIAL APPLICATOR. A person with a noncommercial applicator license issued by the Minnesota Commissioner of Agriculture.

PEST. An insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal like, virus, bacteria or other organism designated by rule as a pest, except a virus, bacteria or other microorganism on or in living humans or other living animals.

PESTICIDE. 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.

PLANT REGULATOR. A substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or rate of maturation of a plant or to otherwise alter the behavior of ornamental or crop plants or the produce of the plants. ***PLANT REGULATOR*** does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculates or soil amendments.
(Ord. 28, passed 4-3-00)

§ 95.03 REGULATIONS FOR COMMERCIAL LAWN FERTILIZER APPLICATIONS.

(A)License required. No person, firm, corporation or franchisee shall engage in the business of commercial lawn fertilizer application within the city unless a license has been obtained from the city or its designee as provided herein.

(B)License application procedure. Applicants or a commercial lawn fertilizer applicator license shall be submitted to the city or its 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 the 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 as established in the city code. The license fee shall not be prorated.
(Ord. 28, passed 4-3-00) Penalty, see § 10.99

§ 95.04 CONDITIONS OF LICENSE.

Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions which shall be specified on the license form.

(A) 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.

(B) 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.

(C) Possession of Product Material Safety Data Sheet. A copy of the 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.

(D) State regulations. Licensee shall comply with the provisions of the Minnesota Fertilizer and Soil Conditioner Law as contained in M.S. §§ 17.711 through and including 17.729, as may be amended from time to time. The licensee shall also comply with the provisions of the Pesticide Control as contained in the M.S. Chapter 1813, as it may be amended from time to time.
(Ord. 28, passed 4-3-00)

§ 95.05 GENERAL REGULATIONS.

(A) Time of application. Neither commercial applicators, noncommercial applicators or property owners 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 phosphorus content exceeds the levels authorized herein.

(C) Fertilizer content. Neither a commercial applicator, noncommercial applicator or property owner shall apply any lawn fertilizer, liquid or granular, within the city which contains any amount of phosphorus or other compound containing phosphorus, such as phosphate, except as follows:

(1) The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste compost;

(2) Or as otherwise provided in this chapter for the city.

(D) Impervious surfaces and drainage ways. No person shall apply fertilizer to impervious surfaces, areas within drainage ditches, waterways or storm sewers.

(E) Buffer zone. Fertilizers and pesticides shall not be applied:

(1) To any established natural buffer zones as outlined in city shoreland ordinance;

(2) Below the ordinary high water lines as established by the Minnesota Department of Natural Resources or within ten feet of any wetland or water resource.
(Ord. 28, passed 4-3-00)

§ 95.06 WARNING SIGNS FOR PESTICIDE APPLICATION.

(A) 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.

(B) The warning signs shall comply with the following criteria and contain the following information.

(1) The warning signs must project at least 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 48-hour period and must remain in place up to 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 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 subsection. 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 feet and five 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 entrances to the property.
(Ord. 28, passed 4-3-00)

§ 95.07 EXEMPTION TO PHOSPHORUS REQUIREMENT.

(A) The limitation pertaining to quantity of phosphorus shall not apply to the following:

(1) Newly established or developed turf and lawn areas during first growing season; or

(2) 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.

(B) 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.

(C) At least 24 hours prior to applying lawn fertilizer that exceeds the phosphorous limits specified in this chapter, the city must receive notice from the commercial license applicator of the lawn fertilizer application, the reason for exceeding the phosphorous limitations provided in this chapter and the amount of phosphorous contained in the lawn fertilizer to be applied.
(Ord. 28, passed 4-3-00)

§ 95.08 COMMERCIAL LAWN FERTILIZER APPLICATOR LICENSE.

(A) A fee as set forth in the fee schedule, § 36.01, which includes the use of one vehicle.

(B) A fee as set forth in the fee schedule, § 36.01, for each vehicle used in the application of fertilizer in the city in excess of the first vehicle.
(Ord. 28, passed 4-3-00)

TITLE XI: BUSINESS REGULATIONS

Chapter

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Establishment of an Off-Sale Municipal Liquor Store

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§ 110.01 ADOPTION OF STATE LAW BY REFERENCE.

The provisions of Minn. Stat. Ch. 340A, as they may relate to the terms, conditions of operation, restrictions on consumption, sales, days and hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of 3.2 percent malt liquor and intoxicating liquor (alcoholic beverages) are hereby adopted by reference and are made a part of this chapter as if set out in full. It is the intention of the City Council that all future amendments to Minn. Stat. Ch. 340A are hereby adopted by reference as they had been in existence at the time this chapter is adopted.

§ 110.02 CITY MAY BE MORE RESTRICTIVE THAN STATE LAW.

The City Council is authorized by the provisions of Minn. Stat. § 340A.101 and by this chapter to impose and has imposed additional restrictions on the sale, possession, and consumption of alcoholic beverages beyond those contained in Minn. Stat. Ch. 340A, as amended from time to time.

§ 110.03 DEFINITIONS.

In addition to the definitions contained in Minn. Stat. § 340A.101 as amended from time to time, the following terms are defined for purposes of this chapter.

3.2 % BEER, OR PERCENT (3.2%) MALT LIQUOR. These terms reference **a**ny beer, ale, or other beverage made from malt by fermentation and containing at least one-half of one percent alcohol by volume but not more than 3.2 percent alcohol by weight.

BEER OR MALT LIQUOR. When not modified by the preface “3.2%”, these terms reference any beer, ale, or other beverage made from malt by fermentation, and containing not less than one-half of one percent (0.5%) alcohol by volume.

BEER STORE. An establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

CLUB or BONA FIDE CLUB. An incorporated organization organized for civic, fraternal, social, or business purposes, for intellectual improvement or for the promotion of sports, or a congressionally charted veterans’ organization which has more than 30 members and a board of directors or executive committee, where the serving of beer or liquor is incidental to and not the major purpose of the club.

INTOXICATING LIQUOR. Ethyl alcohol, distilled, fermented, spirituous, and vinous, and malt beverages containing more than 3.2% of alcohol by weight.

LIQUOR. As used in this sub-chapter and without modification by the words "intoxicating" or "beer" or "3.2% malt liquor", includes both intoxicating liquor and 3.2% malt liquor.

ORIGINAL PACKAGE. The bottle or sealed container in which the liquor is placed at the point of manufacture.

RESTAURANT. An establishment, other than a hotel, under the control of a single proprietor or manager where meals are regularly prepared on the premises and are served to the general public for consumption at tables or on the premises, with a minimum seating capacity for guests as prescribed by the appropriate license issuing authority. To be a restaurant as defined by this section an establishment shall have a license from the state in accordance with Minn. Stat. §157.16 as amended from time to time.

§ 110.04 LICENSE REQUIRED.

No person may directly or indirectly on any pretense or by any device sell, barter, keep for sale any liquor within the city without first having obtained a license therefore as hereinafter provided. The City Council is authorized to issue in its sound discretion the following licenses and permits:

(A) "On-sale" 3.2% malt liquor licenses shall be granted only to bona fide clubs, beer stores, drug stores, restaurants and hotels where food is prepared and served for consumption on the premises. "On sale" licenses shall permit the sale of beer for consumption on the premises only.

(B) "Off-sale" 3.2% malt liquor licenses permitting the sale of beer at retail or at wholesale in the original package for consumption off the premises only.

(C) Temporary "on sale" 3.2% malt liquor licenses granting bona fide clubs, charitable, religious or nonprofit organizations to sell beer for a time period specified by the City Council.

(D) Approval of the issuance of a consumption and display permit by the Commissioner of Public Safety.

§ 110.05 LICENSES FOR ON- SALE OF INTOXICATING LIQUOR

Although the City of Dassel owns and operates an off-sale municipal liquor store, the City became a “split liquor” city following an affirmative vote in a public referendum held on August 13, 2019. As a split liquor city, the City Council is authorized and may, in its sound discretion, issue private “on-sale” licenses for the sale of intoxicating liquor by restaurants, hotels, and clubs for consumption “on” the premises where the sale is made, during weekdays and weekends including Sundays as permitted by law. Issuance of on-sale licenses to a club shall be in accordance with Minn. Stat. §340A.404, Subd.1 as it may be amended from time to time. The number of on-sale licenses issued under this section is governed by Minn. Stat.
§340A.413, as it may be amended from time to time. Holidays and other days when on-sale of intoxicating liquor is not authorized are governed by Minn. Stat. §340A.504 as from time to time amended.

§ 110.06 APPLICATIONS FOR LICENSE.

(A) *Form*. Every application for a license issued under this sub-chapter shall be on a form provided by the city. Every application shall state the name of the applicant, the applicant's age, representations as to the applicants’ character, with references as the Council may require,

the type of license applied for, the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, and other information as the Council may require from time to time. In the case of an application for an on-sale intoxicating liquor license, the application shall specifically describe the compact and contiguous premises within which liquor may be dispense and consumed. The area of service and consumption shall not include any parking lot or public sidewalk. An application for an on-sale intoxicating liquor license shall be in the form prescribed by the Commissioner of Public Safety and shall also contain the information required in this section. The form shall be verified and filed with the city. No person shall make a false statement in an application.

(B) *Financial responsibility*. Prior to the issuance of any license under this chapter, the applicant shall demonstrate proof of financial responsibility as defined in Minn. Stat. § 340A.409 and with regard to liability under M.S. § 340A.801 as those statutes are amended from time to time. This proof will be filed with the city and with the Commissioner of Public Safety. Any liability insurance policy filed as proof of financial responsibility under this section shall conform to Minn. Stat. § 340A.409 as amended. Operation of a business which is required to be licensed by this sub-chapter without having on file with the city at all times effective proof of financial responsibility is a cause for revocation of the license.

§ 110.07 LICENSE FEES AND TERMS.

(A) The Council may establish the fee for any license it is authorized to issue. No license fee shall exceed any limit established by Minn. Stat. Ch. 340A as amended. Each application for a license shall be accompanied by a receipt from the City Administrator-Clerk/Treasurer for payment in full of the required fee for the license. All fees shall be paid into the General Fund of the city. Upon rejection of any application for a license, the Administrator-Clerk/Treasurer shall refund the amount paid.

(B) Each license shall be issued for a maximum period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month. All licenses, except for display and consumption and temporary "on sale" 3.2% malt liquor licenses, shall expire on the last day of June in each year. Display and consumption permits shall expire on the last day of March in each year. Temporary licenses expire according to their terms.

(C) The annual fees for an "on sale" 3.2% malt liquor license, an "off sale" 3.2% malt liquor license, a temporary "on sale" 3.2% malt liquor license, a consumption and display permit, and an on-sale intoxicating liquor license shall be as set forth in the fee schedule. The city shall not increase the fee for liquor licenses except after notice of hearing on the proposed increase. Notice of the proposed increase must be mailed to all affected licensees at least 30 days before the date set for the hearing before the City Council.

(D) No part of the fee paid for any license issued under this sub-chapter shall be refunded except in the following instances upon application to the Council within ten days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license because of:

(1) Destruction or damage of the licensed premises by fire or other catastrophe;

(2) The licensee's illness;

(3) The licensee's death;

(4) A change in the legal status of the city making it unlawful for the licensed business to continue.

§ 110.08 INVESTIGATION.

(A) Preliminary background and financial investigation. Based upon the initial application for a license or on an application for transfer of a license, the City Council may, if it determines to be in the public interest to do so, conduct a preliminary background and financial investigation of the applicant or it may contract with the Commissioner of Public Safety for the investigation. The applicant shall pay the investigation fee as set forth in the fee schedule, which shall be in addition to any license fee. If the cost of the preliminary investigation is less than the investigation fee, the unused balance shall be returned to the applicant. The results of the preliminary investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

(B) Comprehensive background and financial investigation. If the results of a preliminary investigation warrant, and if in the sound discretion of the Council a comprehensive background and financial investigation is appropriate, the Council may either conduct the investigation itself or contract with the Commissioner of Public Safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be $500, less any amount paid for the initial investigation if the investigation is to be conducted within the state, and $10,000, less any amount paid for the initial investigation, if the investigation is required outside the state. The unused balance of the fee shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount expended on the investigation shall not be refundable in the event the application is denied. The results of the comprehensive investigation shall be sent to the Commissioner of Public Safety if the application is for an on-sale intoxicating liquor or an on-sale wine license.

(C) The Council may, in its sound discretion, waive the investigation requirement for an applicant applying for a temporary liquor license.

§ 110.09 HEARING AND ISSUANCE OF A LICENSE.

The Council shall investigate all facts set out in the application and not investigated in the preliminary or comprehensive background and financial investigations. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council in its sound discretion shall either grant or deny the application. No applicant has a right to a license under this subchapter. No license shall become effective until the proof of financial security has been approved by the Commissioner of Public Safety.

§ 110.010 TRANSFER OF LICENSE.

No license issued under this subchapter may be transferred without the approval of the City Council. Any transfer of stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is a ground for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all the provisions of this subchapter applying to applications for a license shall apply.

§ 110.11 RENEWING A LICENSE.

At least 90 days before a license issued under this subchapter is to be renewed, an application for renewal shall be filed with the city. The decision whether or not to renew a license rests within the sound discretion of the Council. No licensee has a right to have a license renewed.

§ 110.12 PERSONS INELIGIBLE FOR LICENSE.

(A) No license shall be issued to any person under 21 years of age.

(B) Not more than one license shall be directly or indirectly issued within the city to any one person.

(C) No license shall be granted to any person who is not of good moral character and repute.

(D) No license shall be issued to any person who is not a resident of the state. If the applicant is a corporation, all of the shareholders shall be residents of the state. The provisions of this section shall not apply to any license existing on the effective date of this sub-chapter or to the renewal of an existing license.

(E) No new license may be issued to and the city may refuse to renew the license of any person who, within five years of the license application, has been convicted of a willful violation of federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of any alcoholic beverage.

(F) No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges or other financial claims of the city are delinquent and unpaid.

§ 110.13 CONDITIONS OF LICENSE.

The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

(A) All licensed premises shall have the license/permit posted in a conspicuous place at all times.

(B) No liquor shall be sold or served to any intoxicated person.

(C) No gambling or any gambling devise shall be permitted on any licensed premises. Charitable gambling may be allowed in a licensed establishment after a permit is applied for and reviewed by the City Council on an individual basis. Any organization holding a charitable gambling license within the city shall contribute 10% of their annual net profits derived from lawful charitable gambling to the General Fund of the city.

(D) Within 90 days after employment, every person selling or serving liquor in an establishment which has an "on sale" license shall receive training regarding the selling or serving of liquor to customers. The training shall be provided by an organization approved by the Council. Proof of training shall be provided by the licensee.

(E)Every licensee shall allow any peace officer, health officer, city employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect and search the premises of the licensee during business and after business hours during the time when customers remain on the premises without a warrant.

(F)No "on sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

(G) Every licensee shall be responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this subchapter and the law equally with the employee.

(H) Compliance with financial responsibility requirements of state law and of this subchapter is a continuing condition of any license.

§ 110.14 HOURS AND DAYS OF SALE.

(A) The hours of operation and days of sale shall not be greater than those set by Minn. Stat. §340A.504, as amended from time to time, and the City Council may by resolution or ordinance provide for more restrictive hours than state law allows. No sale of liquor may be made after 5:00 p.m. on Christmas Eve, Christmas Day, or Easter Sunday.

(B) No person shall consume nor shall any "on-sale" licensee permit any consumption of any liquor in an "on-sale" licensed premises more than 30 minutes after the time when a sale can legally occur.

(C) No "on-sale" licensee shall permit any glass, bottle or other container containing liquor to remain upon any table, bar, stool or other place where customers are served, more than 30 minutes after the time when a sale can legally occur.

(D) No person, other than the licensee and any employee, shall remain on the "on-sale" licensed premises more than 30 minutes after the time when a sale can legally occur.

(E)Any violation of any condition of this section may be grounds for revocation or suspension of the license.

§ 110.15 MINORS ON PREMISES.

(A) No person under the age of 18 years shall be employed in any rooms constituting the place in which liquor is sold at retail "on sale", except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person or dishwashing services in places defined as a restaurant, hotel, motel or other multipurpose building serving food in rooms in which liquor is sold at retail "on sale".

(B) No person under the age of 21 years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where liquor is not sold.

§ 110.16 RESTRICTIONS ON PURCHASE AND CONSUMPTION.

No person shall mix, or prepare liquor for consumption, or consume liquor in any public place of business unless it has a license to sell on-sale, or a permit from the Commissioner of Public Safety under the provisions of Minn. Stat. § 340A.414, as it may be amended from time to time, which has been approved by the Council. No person shall consume liquor in any such place.

§ 110.17 CLUBS.

No club shall sell liquor except to members and to guests in the company of a member.

§ 110.18 NUDITY ON THE PREMISES OF LICENSED ESTABLISHMENTS PROHIBITED.

(A) The City Council finds that it is in the best interests of the public health, safety and general welfare of the people of the city that nudity is prohibited as provided in this section on the premises of any establishment licensed under this subchapter. This is to protect and assist the owners, operators and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity and sex. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault and disorderly conduct. The Council also finds the prohibition of nudity on the premises of any establishment licensed under this subchapter, as set forth in this section, reflects the prevailing community standards of the city.

(B) It is unlawful for a licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts and genitals covered with a nontransparent material. It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts and genitals covered with a non-transparent material.

(C) A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor license or the imposition of a civil penalty.

§ 110.19 SUSPENSION AND REVOCATION.

(A) The Council shall either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation or provision of this sub-chapter relating to liquor. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.

(B) The following are the minimum periods of suspension or revocation which shall be imposed by the Council for violations of the provisions of this sub-chapter or Minn. Stat. Ch. 340A, as amended from time to time, or any rules promulgated under that chapter as they may be amended from time to time:

(1) For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2% malt liquor, or violation of § 110.18 of this sub-chapter, the license shall be revoked.

(2) The license shall be suspended by the Council after a finding under subsection (A) above that the licensee has failed to comply with any applicable statute, rule, or provision of this sub-chapter for at least the minimum periods as follows:

(a) For the first violation within any three-year period, at least one-day suspension in addition to any criminal or civil penalties which may be imposed;

(b) For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed;

(c) For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed; or

(d) For a fourth violation within any three-year period, the license shall be revoked.

(3) The Council shall select the day or days during which the license will be suspended.

(C) Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this sub-chapter or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Administrator/City Clerk/ Treasurer a hearing before the Council shall be granted and heard within ten days of the grant. Any suspension under this sub-section shall continue until the Council determines that the financial responsibility requirements of state law and this subchapter have again been met.

(D) The provisions of §110.20 may be imposed in addition to or in lieu of any suspension or revocation under this section.

§110.20 PENALTIES.

(A) Any person violating the provisions of this sub-chapter or Minn. Stat. Ch. 340A as amended from time to time, or any rules promulgated under that chapter as they may be amended, is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

(B) The Council shall impose a civil penalty of up to $2,000 for each violation of Minn. Stat. Ch. 340A, as amended from time to time, and of this sub-chapter. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked:

(1) For the first violation within any three-year period, $500.

(2) For the second violation within any three-year period, $1,000.

(3) For the third and subsequent violations within any three-year period, $2,000.

(C) Revocation shall occur within 60 days following a violation for which revocation is imposed.

§ 110.21 EFFECTIVE DATE

This sub-chapter becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as amended from time to time.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as adopted by the Dassel City Council on 21st day of October, 2019.

§ 110.50 DEFINITIONS.

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

INTOXICATING LIQUOR. Any ethyl alcohol, distilled, spirituous, fermented, malt or vinous beverage containing more than 3.2% of alcohol by weight.

3.2 % BEER, OR 3.2% MALT LIQUOR. These terms reference **a**ny beer, ale, or other beverage made from malt by fermentation, and containing at least one-half of one percent alcohol by volume but not more than 3.2 percent alcohol by weight.

BEER OR MALT LIQUOR. When not modified by the preface "3.2%", these terms reference any beer, ale, or other beverage made from malt by fermentation, and containing at least one-half of one percent alcohol by volume.

BONA FIDE CLUB. A club organized for social or business purposes or for intellectual improvement or for the promotion of sports, where the serving of beer is incidental to and not the major purpose of the club.

INTOXICATING LIQUOR. Ethyl alcohol, distilled, spirituous, and vinous beverages containing more than 3.2% of alcohol by weight.

MINOR. Any person under 21 years of age.

ON SALE. Sale by the drink for consumption in the premises.

OFF SALE. Retail sale in the original package for consumption away from the dispensary.

ORIGINAL PACKAGE. The bottle or sealed container in which the liquor is placed by the manufacturer.

SELL. All barters and all manners or means of furnishing intoxicating liquor or beer including such furnishing in violation or evasion of law or this subchapter.
(Ord. 02-2003, passed 1-21-03)

§ 110.51 DISPENSARY ESTABLISHED.

There is hereby established a municipal liquor dispensary for the off sale of intoxicating liquor. No intoxicating liquor may be sold at retail in the city except in the dispensary. Beer or 3.2% malt liquor may be sold at retail in the city in duly licensed bona fide clubs and beer stores.
(Ord. 02-2003, passed 1-21-03)

§ 110.52 LOCATION AND OPERATION.

(A) The dispensary shall be located at such suitable place within the corporate limits of this municipality as the Council determines by resolution. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.

(B) The dispensary shall be in the immediate charge of a liquor store manager selected by the City Council and paid such compensation as is fixed by the City Council. The Manager shall furnish a surety bond to the city, conditioned upon the faithful discharge of his/her duties, in such sum as the City Council specifies. The bond premium shall be paid by the city. The Manager shall operate the dispensary and shall perform such duties in connection with the dispensary as may be directed by the City Council and in full compliance with this subchapter and with the laws relating to the sale of liquor or beer.

(C) The City Administrator, with consent of the Council, shall appoint such additional employees as may be required for the dispensary, based on an approved organizational chart allowing a certain number of full time employees and part time employees measured in full time equivalence. The City Council shall set forth a compensation schedule for such employees. No person under the age of 18 shall be hired in the municipal liquor store.
(Ord. 02-2003, passed 1-21-03)

§ 110.53 DISPENSARY FUND.

(A) A municipal liquor dispensary fund is hereby created in which all revenue received from the operation of the dispensary shall be deposited and from which all ordinary operating expenses shall be paid. Any amounts it may be necessary to borrow from the general fund of this municipality for initial costs of rent, fixtures and stock or for operating expenses shall be reimbursed to that fund out of the first available moneys coming into the dispensary fund thereafter. Surpluses accumulating in the dispensary fund may be transferred to the general fund or to any other appropriate fund of the municipality by resolution of the Council and expended for any municipal purpose.

(B) The handling of municipal liquor dispensary receipts and disbursements shall comply with the procedure prescribed by Chapter 33 of the Dassel Code of Ordinances and other applicable laws and regulations.
(Ord. 02-2003, passed 1-21-03

§ 110.54 RESTRICTIONS OF OPERATION.

No off-sale of intoxicating liquor shall be made before 8:00 a.m. or after 10:00 p.m. of any day. “Off-sale of intoxicating liquor on Sundays shall be in accordance with Minnesota Statutes, sec. 340A.504, subdivision4, as amended.” No off-sale shall be made on New Year's Day, January 1; Thanksgiving Day; or Christmas Day, December 25; and no off-sale shall be made after 8:00 p.m. on December 24.

(Ord. 02-2003, passed 1-21-03), (Am. Ord 110 - - passed 5-15-17)

§ 110.55 REGULATIONS.

(A) No business other than the retail off-sale of liquor shall be carried on in the dispensary except the retail sale of cigars, cigarettes, all forms of tobacco, food and soft drinks, ice, specialized clothing, and liquor related equipment.

(B) No gambling shall be allowed on the premises unless authorized by the City Council.

(C) No liquor or beer or other merchandise shall be sold on credit.

(D) No person shall be permitted to loiter on the dispensary premises.

(E) No liquor or 3.2% malt liquor shall be sold or served to any person, directly or indirectly, under the age of 21.

(F) No minor shall misrepresent his/her age for the purpose of obtaining liquor or 3.2% malt liquor.

(G) No disorderly person shall be permitted in the dispensary.
(Ord. 02-2003, passed 1-21-03)

§ 110.56 ENFORCEMENT AND PENALTY.

(A) It shall be the duty of all police officers of this municipality to enforce the provisions of this subchapter and to search the premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this subchapter and to prepare the necessary processes and papers therefore.

(B) Any employee of the dispensary willfully violating any provision hereof, or any provision of the laws of Minnesota relating to gambling or the sale of intoxicating liquor or 3.2% beer or malt liquor shall be subject to discharge as provided by law.

(C) Any person who violates any provision of this subchapter shall be subject to penalty stated in § 10.99 of the Dassel City Code.
(Ord. 02-2003, passed 1-21-03

15 CHAPTER 111: SEXUALLY-ORIENTED BUSINESSES

Section

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§ 111.01 PURPOSE.

The purpose of this provision of the Dassel City Code is to prescribe licensing requirements for sexually-oriented businesses in order to protect the general health, safety, and welfare.
(Ord. 9.02, passed 6-3-02)

§ 111.02 FINDINGS OF THE CITY COUNCIL.

The City Council makes the following findings regarding the need to license sexually-oriented businesses. The findings are based upon the experiences of other cities where such businesses have located, as previously studied by the City Council in adopting its zoning provisions regulating the location of adult entertainment facilities.

(A) Sexually-oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law enforcement services, as well as causing increased costs for prosecution services.

(B) Sexually-oriented businesses can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures.

(C) Sexually-oriented businesses can increase the risk of exposure to communicable diseases including but not limited to Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, thereby endangering not only the patrons of such establishments but also the general public.

(D) Sexually-oriented businesses can cause or contribute the public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.

(E) The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.
(Ord. 9.02, passed 6-3-02)

§ 111.03 CONCLUSIONS OF THE CITY COUNCIL.

In direct furtherance of the substantial goals of public health, safety, and welfare, the Dassel City Council adopts the following licensing regulations, recognizing that it has a great interest in the promotion of health and the prevention of criminal activity. It is not the intent of this chapter to inhibit the freedom of speech component of sexually oriented businesses; instead, this chapter represents a balancing of competing interests: reduced criminal activity through the regulation of sexually-oriented businesses versus the protected rights of participants in sexually-oriented businesses and their patrons. Thus, this chapter is designed to alleviate undesirable social problems that accompany sexually-oriented businesses without curtailing the constitutionally protected expression.
(Ord. 9.02, passed 6-3-02)

§ 111.04 DEFINITIONS.

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

ADULT BODY PAINTING STUDIO, ***ADULT BOOK STORE***, ***ADULT COMPANIONSHIP ESTABLISHMENT***, ***ADULT ENTERTAINMENT FACILITY***, ***ADULT MINI MOTION PICTURE THEATER***, ***ADULT MODELING STUDIO***, ***ADULT MOTION PICTURE THEATER***, ***ADULT SAUNA***, ***SEXUALLY-ORIENTED BUSINESS***, ***SPECIFIED ANATOMICAL AREAS*** and ***SPECIFIED SEXUAL ACTIVITIES*** are defined in Chapter 153 as amended.

BOOTHS, STALLS, or ***PARTITIONED PORTIONS OF A ROOM*** or ***INDIVIDUAL ROOM.***

(1) Enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct; or

(2) Enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee.

(3) The phrase "***BOOTHS, STALLS,*** or ***PARTITIONED PORTIONS OF A ROOM*** or ***INDIVIDUAL ROOMS***" does not mean, enclosures which are private offices used by the owners, managers, or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.

CLEAN. The absence of dirt, grease, rubbish, garbage, semen, bodily excretions, and other offensive, unsightly, or extraneous matter.

DOORS, CURTAINS or ***PORTAL PARTITIONS.*** Full, complete, nontransparent closure devices through which one cannot see or view activity taking place within the enclosure.

FONDLE or ***CARESS.*** An affectionate touching, rubbing or stroking with the intent to sexually arouse or excite.

GOOD PAIR. Free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

HEALTH INSPECTORS. Inspectors employed by the County of Meeker or their agents.

LICENSED FACILITY. Any premises requiring a license under this chapter.

MINOR. Any natural person under the age of 18 years.

NUDITY. The showing of the human male or female genitals or pubic area with less than fully opaque covering; the showing of the female breast with less than a fully opaque covering below a point immediately above the top of the areola; or the depiction or showing of the covered male genitals in a discernibly turgid state.

OPEN TO AN ADJACENT PUBLIC ROOM SO THAT THE AREA INSIDE IS VISIBLE TO PERSONS IN THE ADJACENT PUBLIC ROOM. Either the absence of any entire "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as a glass, plexi-glass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.

PATRON. A customer of a licensed facility.

PERSON. One or more natural persons; a partnerships, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the State; or any other business organization.
(Ord. 9.02, passed 6-3-02)

§ 111.05 LICENSE REQUIRED.

No person shall own or operate a sexually-oriented business within the city unless such person is currently licensed under this chapter.
(Ord. 9.02, passed 6-3-02)

§ 111.06 LICENSE APPLICATION. The application for a license under this chapter shall be made on a form supplied by the City Administrator-Clerk-Treasurer and shall request the following information:

(A) For all applicants:

(1) Whether the applicant is a natural person, corporation, partnership, or other form of organization.

(2) The legal description of the premises to be licensed, along with a floor plan of the premises. The floor plan of the premises shall detail all internal operations and activities, including a statement of the total floor space occupied by the business. The floor plan need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(B) If the applicant is a natural person:

(1) The name, place and date of birth, street and city address, and phone number of the applicant.

(2) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used.

(3) The street and city address' at which the applicant has lived during the preceding two years.

(4) The type, name and location of every business or occupation in which the applicant has been engaged during the preceding two years and the name(s) and address(es) of the applicant's employers) and partner(s), if any, for the preceding two years.

(5) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a petty misdemeanor traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for which convictions were made.

(C) If the applicant is a partnership:

(1) The name(s) and address(es) of all general partners and all of the information concerning each general partner that is required of applicants in division (B) of this section.

(2) The name(s) of the managing partner(s) and interest of each partner in the business.

(3) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to M.S. § 333.01, as it may be amended from time to time, a certified copy of such certificate shall be attached to the application.

(D) If the applicant is a corporation or other organization:

(1) The name of the corporation or business form, and if incorporated, the state of incorporation.

(2) A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-Laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by M.S. § 303.06, as it may be amended from time to time, shall be attached.

(3) The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all of the information concerning each manager, proprietor, or agent that is required of applicants in division (B) of this section. (Ord. 9.02, passed 6 - 302)

§ 111.07 APPLICATION EXECUTION AND VERIFICATION.

(A) If the application is that of a natural person, the application shall be signed and sworn to by that person; if of a corporation, by an officer thereof; if of a partnership, by one of the general partners; if of an unincorporated association, by the manager or managing officer thereof.

(B) Applications for licenses under this chapter shall be submitted to the City Administrator-Clerk-Treasurer. Within 20 calendar days of receipt of a completed application and payment of all licensing application fees, the City Administrator-Clerk-Treasurer or designee shall verify any and all of the information requested of the applicant in the application including the ordering of criminal background checks, and conduct any necessary investigation to assure compliance with this chapter. (Ord. 9.02, passed 6-3-02)

§ 111.08 APPLICATION CONSIDERATION.

No later than 15 calendar days after the completion of the license application verification and investigation by the City Administrator-Clerk-Treasurer, as prescribed in § 111.07, the City Administrator-Clerk-Treasurer shall accept or deny the license application in accordance with this chapter. If the application is denied, the City Administrator-Clerk-Treasurer shall notify the applicant of the determination in writing. The notice shall be mailed by certified and regular mail to the applicant at the address provided on the application form and it shall inform the applicant of the applicant's right, within 20 calendar days of receipt of the notice by the applicant, to request an appeal of the City Administrator-Clerk-Treasurer's determination to the City Council or to immediately challenge the determination in a court of law. If an appeal to the City Council is timely received by the City Administrator-Clerk-Treasurer, the hearing before the City Council shall take place within 20 calendar days of the City Administrator-Clerk-Treasurer's receipt of the request for appeal. If an application is granted for a location where a building is under construction or not ready for occupancy, the license shall not be issued to the licensee until a certificate of occupancy has been issued for the license premises. During the application consideration process prescribed herein, an applicant operating a business not previously subject to the license requirement of this chapter may remain operating pending the outcome of the application consideration, including appeals to the City Council or final outcome of an appeal to a court of law.
(Ord. 9.02, passed 6-3-02)

§ 111.09 FEES.

(A) *Application fee*.

(1) The license application fee shall be as set forth the fee schedule, § 36.01, as amended from time to time by the City Council.

(2) The license application fee shall be paid in full before the application for a license is accepted. All fees shall be paid to the City Administrator-Clerk-Treasurer for deposit into the general fund of the city. Upon rejection of any application for a license or upon withdrawal of application before approval by the City Administrator-Clerk-Treasurer the license fee shall be refunded to the applica

(3) When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be 90 days after approval of the license by the issuing authority or upon the date an occupancy permit is issued for the building.

(B) *Investigation fee*. An applicant for any license under this chapter shall deposit with the issuing authority, at the time an application is submitted, an investigation fee as set forth in the fee schedule, § 36.01, to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this division. The investigation fee shall be nonrefundable.
(Ord. 9.02, passed 6-3-02)

§ 111.10 PERSONS AND LOCATIONS INELIGIBLE FOR A LICENSE.

The City Administrator-Clerk-Treasurer shall issue a license under this chapter to an applicant unless one or more of the following conditions exist:

(A) The applicant is a minor at the time the application is submitted;

(B) The applicant failed to supply all of the information requested on the license application;

(C) The applicant gave false, fraudulent, or untruthful information on the license application;

(D) The applicant has had a sexually-oriented license revoked within a one-year period immediately preceding the date the application was submitted;

(E) The applicant has had a conviction of a felony or a gross misdemeanor or misdemeanor relating to sex offenses, obscenity offenses, or adult uses in the past five years;

(F) The sexually-oriented business does not meet all of the zoning requirements prescribed in Chapter 153. This provision shall not apply to a business existing at the time this chapter is enacted which is not yet required to comply with Chapter 153;

(G) The premises to be licensed as a sexually-oriented business is currently licensed by the city as a tanning facility, tattoo establishment, pawnshop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages;

(H) The applicant has not paid the license and investigation fees required.
(Ord. 9.02, passed 6-3-02

§ 111.11 RENEWAL APPLICATION.

(A) All licenses issued under this chapter shall be effective for only one year commencing with the date of approval by the City Administrator-Clerk-Treasurer or City Council. An application for the renewal of an existing license shall be submitted to the City Administrator-Clerk-Treasurer at least 30 calendar days prior to the expiration date of the existing license.

(B) Within 20 calendar days of receipt by the City Administrator-Clerk-Treasurer of a fully completed renewal application, the City Administrator-Clerk-Treasurer or designee shall verify any and all of the information requested of the applicant in the renewal application, including the ordering of criminal background checks, and shall conduct any necessary investigation to assure compliance with this chapter. No later than 15 calendar days after the completion of the renewal application verification and investigation by the City Administrator-Clerk-Treasurer or designee, as prescribed herein, the City Administrator-Clerk-Treasurer shall issue a renewal license unless one or more of the following conditions exist:

(1) The applicant is a minor at the time the application is submitted;

(2) The applicant failed to supply all of the information requested on the renewal application;

(3) The applicant gave false, fraudulent, or untruthful information on the renewal application;

(4) The sexually-oriented business was found in the immediately preceding license year to have violated the license restrictions prescribed in this chapter;

(5) The sexually-oriented business does not meet the zoning requirements prescribed Chapter 153;

(6) The premises licensed as a sexually oriented business is currently licensed by the city as a tanning facility, tattoo establishment, pawnshop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages;

(7) The applicant has had a conviction of any crime listed in § 110.10(E); or

(8) The applicant has had a sexually-oriented license revoked within a one-year period immediately preceding the date of the application was submitted.

(C) If the City Administrator-Clerk-Treasurer denies a renewal application, the City Administrator-Clerk-Treasurer shall notify the applicant in accordance with this chapter and the notice shall, in addition, state the grounds for the denial.

(D) After the denial of a renewal application by the City Administrator-Clerk-Treasurer, the application may appeal the City Administrator-Clerk-Treasurer’s determination to the City Council in

accordance with § 111.08 or by immediately challenging the determination in a court of law. If the city denies renewal of a license under this chapter, the applicant shall not be issued a license under this chapter for one year from the date of denial. If, subsequent to the denial, the city finds that the basis for the denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the denial became final.
(Ord. 9.02, passed 6-3-02)

§ 111.12 GENERAL LICENSE RESTRICTIONS.

(A) Posting of license. A license issued under this chapter must be posted in a conspicuous place in the premises for which it is used.

(B) Effect of license. A license issued under this chapter is only effective for the compact and contiguous space specified in the approved license application.

(C) Maintenance of order. A licensee under this chapter shall be responsible for the conduct of the business being operated and shall not allow any illegal activity to take place on or near the licensed premises, including but not limited to prostitution, public indecency, indecent exposure, disorderly conduct, or the sale or use of illegal drugs. Every act or omission by an employee or independent contractor of the licensee constituting a violation of this chapter shall be deemed the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the employee's or independent contractor's conduct.

(D) Special requirements for live adult entertainment.

(1) All performers, dancers, and persons providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas in the licensed facility or in areas adjoining the licensed facility where entertainment can be seen by patrons, customers or spectators shall:

(a) Provide social entertainment on a platform intended for that purpose which is raised at least two feet from the level of the floor;

(b) Provide the entertainment at a distance no closer than six feet to any patron;

(c) Not fondle or caress any patron;

(d) Not solicit any pay or gratuity from any patron.

(2) No patron, customer or spectator of a licensed facility providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas shall:

(a) Fondle or caress any performer, dancer or other person, providing live entertainment;

(b) Directly pay or give any gratuity to any performer, dancer or other person providing live entertainment.
(Ord. 9.02, passed 6-3-02)

§ 111.13 RESTRICTIONS REGARDING LICENSE TRANSFER.

(A) A license granted under this chapter is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application.

(B) When a sexually-oriented business licensed under this chapter is sold or transferred, the existing licensee shall immediately notify the City Administrator-Clerk-Treasurer of the sale or transfer. If the new owner or operator is to continue operating the sexually-oriented business, the new owner or operator must immediately apply for a license under this chapter.
(Ord. 9.02, passed 6-3-02)

§ 111.14 RESTRICTIONS REGARDING HOURS OF OPERATION.

A licensee shall not be open for business to the public during the following hours: Not open before 5:30 a.m. nor after 1 a.m.
(Ord. 9.02, passed 6-3-02)

§ 111.15 RESTRICTIONS REGARDING MINORS.

No licensee shall allow minors to enter the licensed premises. The licensee shall request proof of age of all persons the licensee believes to be under the age of 18 years. Proof of age may be established only by: a valid driver's license or identification card issued by Minnesota, another state; or a province of Canada, and including the photograph and date of birth of the licensed person; a valid military identification card issued by the United States Department of Defense; or in the case of a foreign national from a nation other than Canada, a valid passport.
(Ord. 9.02, passed 6-3-02)

§ 111.16 RESTRICTIONS REGARDING SANITATION AND HEALTH.

(A) *Partitions facilitating sexual activity*. A licensee under this chapter shall not allow any partition between a subdivision, portion, or part of the licensed premises having any aperture which is designed or constructed to facilitate sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region or pubic hair, buttocks, or female breast between persons on either side of the partition.

(B) Restrictions on booths, stalls, and partitions. A licensee under this chapter shall not allow or have on the licensed premises or adjoining areas any booths, stalls, or partitions used for the viewing of motion pictures or other forms of entertainment that have doors, curtains, or portal partitions, unless such booths, stalls, or partitions have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. Such areas shall be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms. Seating or reclining surfaces inside any booths, stalls, or partitions used for the viewing of motion pictures or other forms of entertainment including but not limited to live entertainment shall be prohibited.

(C) Authority of health inspectors. The Meeker County Health Inspectors shall have the authority to inspect or cause to be inspected the licensed premises and adjoining areas in order to ascertain the source of infection or reduce the spread of communicable diseases. Such officials shall have the authority to issue appropriate orders to the licensee regarding health and sanitation.

(D) Limitation on number of persons in partitioned areas. Any booths, stalls, or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment including but not limited to live entertainment shall not be occupied by more than one person at a time.

(E) General sanitation requirements. All sexually-oriented business shall at all times be kept clean as defined herein and in a state of good repair as defined herein.

(F) Duty to supervise. The licensee shall not permit specified sexual activities as defined herein to take place on the premises and shall have an affirmative duty to supervise the licensed premises and prevent such activities.
(Ord. 9.02, passed 6-3-02)

§ 111.17 CIVIL SANCTIONS FOR LICENSE VIOLATIONS.

(A) *Suspension*. The City Council may suspend a license issued pursuant to this chapter for up to 60 days if the City Council determines that a licensee has violated the following:

(1) Fraud, misrepresentation, or false statement contained in a license application or a renewal application.

(2) Fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.

(3) Any violation of this chapter or state law.

(4) A licensee’s criminal conviction that is directly related to the occupation or business licensed as defined by M.S. § 364.03, subd.2, as it may be amended from time to time, provided that

the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by M.S. § 364.03, subd.3, as it may be amended from time to time.

(5) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.

(B) *Revocation*. The City Council may revoke a license if the City Council determines that:

(1) The licensee's license was suspended in the preceding 14 months and an additional cause for suspension as detailed in (A) above is found by the City Council to have occurred within the 14-month period;

(2) The licensee gave false or misleading information in the material submitted to the city during the application process;

(3) A licensee or an employee or independent contractor of the licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(4) A licensee or an employee or independent contractor has knowingly allowed prostitution on the premises;

(5) A licensee violated any of the provisions of M.S. §§ 617.241 to 617.299, as they may be amended from time to time, relating to the illegal distribution, possession, or sale of obscene materials;

(6) A licensee or an employee knowingly operated the sexually-oriented business during a period of time when the licensee's license was suspended;

(7) A licensee has been convicted of an offense listed in § 110.10(E) of this chapter for which the time period required has not elapsed;

(8) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in § 110.10(E) of this chapter for which a conviction has been obtained, and the person or persons were employees or independent contractors of the licensee at the time the offenses were committed.

(9) A licensee or an employee or independent contractor of the licensee has knowingly allowed specified sexual activities to occur in or on the licensed premises; or

(10) A licensee is delinquent in payment to the City, County, State or Federal Governments for hotel occupancy taxes, ad valorem taxes, sales taxes, or other government imposed financial obligation.

(C) *Hearing procedures*. A revocation or suspension shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least eight days' notice of the time and place of the public hearing and shall state the nature of the charges against the licensee. The notice shall be mailed to the licensee at the most recent address listed on the application.
(Ord. 9.02, passed 6-3-02)

§ 111.99 PENALTY.

A violation of this chapter shall be a misdemeanor under Minnesota law, punishable by a fine not to exceed $1,000 or imprisonment not to exceed 90 days, or both.
(Ord. 9.02, passed 6-3-02)

Section

112.1 Definitions
112.2 Exceptions to definitions
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§ 112.01 DEFINITIONS.

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, 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. The term ***PEDDLER*** shall mean the same as the term "hawker."

PERSON. Any natural individual, group, organization, corporation, partnership, or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

REGULAR BUSINESS DAY. Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be counted as regular business days.

SOLICITOR. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of the provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The terms shall mean the same as the term "canvasser."

TRANSIENT MERCHANT. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days.
(Ord. 08-2004, passed 8-16-04)

§ 112.02 EXCEPTIONS TO DEFINITIONS.

(A) For the purpose of the requirements of this chapter, the terms ***PEDDLER, SOLICITOR***, and ***TRANSIENT MERCHANT*** shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, not shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route.

(B) In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of ***PEDDLERS, SOLICITORS,*** and ***TRANSIENT MERCHANTS,*** as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

(C) Nothing in this chapter shall be interpreted to prohibit or restrict door-to-door advocacy. Persons engaging in door-to-door advocacy shall not be required to register as solicitors under § 112.07. The term ***DOOR-TO-DOOR ADVOCACY*** includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas.
(Ord. 08-2004, passed 8-16-04)

§ 112.03 LICENSING; EXEMPTIONS.

(A) County license required. No person shall conduct business as a peddler, solicitor or transient merchant within the city limits without first having obtained the appropriate license from the county as required by M.S. Chapter 329 as it may be amended from time to time, if the county issues a license for the activity.

(B) City license required. Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Solicitors need not be licensed, but are still required to register pursuant to § 112.07.

(C) Application. Application for a city license to conduct business as a peddler or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting business.

Application for a license shall be made on a form approved by the City Council and available from the Office of the City Clerk. All applications shall be signed by the applicant. All applications shall include the following information:

(1) Applicants full legal name;

(2) All other names under which the applicant conducts business or to which applicant officially answers;

(3) A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, and the like);

(4) Full address or applicants' permanent residence;

(5) Telephone number of applicant's permanent residence;

(6) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or agent;

(7) Full address of applicant's regular place of business (if any);

(8) Any and all business-related telephone numbers of the applicant;

(9) The type of business for which the applicant is applying for a license;

(10) Whether the applicant is applying for an annual or daily license;

(11) The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city (maximum 14 consecutive days);

(12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business;

(13) A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state of federal statute or any local ordinance, other than traffic offenses;

(14) A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant;

(15) Proof of any requested county license;

(16) Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant;

(17) A general description of the items to be sold or services to be provided;

(18) All additional information deemed necessary by the City Council;

(19) The applicant's driver's license number or other acceptable form of identification; and

(20) The license plate number, registration number and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.

(D) Fee. All applications for a license under this chapter shall be accompanied by the fee established in the fee schedule, pursuant to § 36.01, as it may be amended from time to time.

(E) Procedure. Upon receipt of the completed application and payment of the license fee, the City Clerk, within two regular business days, must determine if the application is complete. An application is determined to be complete only 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 must order any investigation, including background checks, necessary to verify the information provided within the application. Within ten regular business days of receiving a complete application, the City Clerk must issue the license, unless there exist grounds for denying the license under § 112.04, in which case the Clerk must deny the license. If the City Clerk denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within 20 days of the date of the request. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

(F) Duration. An annual license granted under this chapter shall be valid for one calendar year from the date of issue. All other licenses granted under this chapter shall be valid only during the time period indicated on the license.

(G) License exemptions.

(1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take order for, any product grown, produced, cultivated or raised on any farm.

(2) No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street to street, or to any other type of place-to-place when the activity is for the purpose of exercising that person's State of Federal Constitutional rights such as the freedom of speech, press, religion, and the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.

(3) Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.
(Ord. 08-2004, passed 8-16-04) Penalty, see § 10.99

§ 112.04 LICENSE INELIGIBILITY.

The following shall be grounds for denying a license under this chapter:

(A) The failure of the applicant to obtain and show proof of having obtained any required county license.

(B) The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure the pay the required fee at the time of application.

(C) The conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include, but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(D) The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.

(E) The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Attorney General's Office, or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed against the applicant within the preceding five years.
(Ord. 08-2004, passed 8-16-04)

§ 112.05 LICENSE SUSPENSION AND REVOCATION.

(A) *Generally.* Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

(1) Fraud, misrepresentation, or incorrect statements on the application form;

(2) Fraud, misrepresentation, or false statements made during the course of the licensed activity;

(3) Conviction of any offense for which granting of a license could have been denied under § 112.04; or

(4) Violation of any provision of this chapter.

(B) Multiple persons under one license. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) Notice. Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. 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 in division (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 regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If the public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request. Within three regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) Emergency. If, in the discretion of the City Council, imminent harm to health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (C) of this section.

(F) Appeals. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.
(Ord. 08-2004, passed 8-16-04) Penalty, see § 10.99

§ 112.06 LICENSE TRANSFERABILITY.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.
(Ord. 08-2004, passed 8-16-04) Penalty, see § 10.99

§ 112.07 REGISTRATION.

All solicitors, and any person exempt from the licensing requirements of this chapter under § 112.03, shall be required to register with the city. Persons engaging in door-to-door advocacy shall not be required to register. The term DOOR-TO-DOOR ADVOCACY includes door-to-door canvassing

and pamphleteering as vehicles as vehicles for the dissemination of religious, political and other ideas. 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 nontransferable. (Ord. 08-2004, passed 8-16-04) Penalty, see § 10.99

§ 112.08 PROHIBITED ACTIVITIES.

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

(A) Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure;

(B) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way;

(C) Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public;

(D) Conducting business before 7:00 a.m. or after 9:00 p.m.;

(E) Failing to provide proof or license or registration, and identification, when requested; or using the license or registration of another person;

(F) Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person; or

(G) Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive. (Ord. 08-2004, passed 8-16-04) Penalty, see § 10.99

§ 112.09 EXCLUSION BY PLACARD.

No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant with the property is marked with a sign or placard at least four inches long and four inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors or Transient Merchants," or "Peddlers, Solicitors, and Transient Merchants Prohibited," or otherwise 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.

(Ord. 08-2004, passed 8-16-04) Penalty, see § 10.99

CHAPTER 113. TETRAHYDROCANNABINOL PRODUCTS

AN ORDINANCE REGULATING THE MANUFACTURE, DISTRIBUTION, AND SALE OF TETRAHYDROCANNABINOL (THC) PRODUCTS IN THE CITY OF DASSEL BY ADDING TO TITLE XI, BUSINESS REGULATIONS, A NEW CHAPTER 113, THC CANNABINOL PRODUCTS

THE CITY COUNCIL OF THE CITY OF DASSEL HEREBY ORDAINS AS FOLLOWS:

TITLE XI; BUSINESS REGULATIONS, of the City of Dassel Code of Ordinances, is amended by adding Chapter 113 as follows:

CHAPTER 113. TETRAHYDROCANNABINOL PRODUCTS

§ 113.01 PURPOSE and INTENT.

The purpose of this Chapter is to regulate the manufacture, distribution, and sale of any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stats. §151.72, also known as “THC Products.” The reasons for this enactment include the following:

(A) By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minn. Stat. §151.72 to allow the sale of certain products containing tetrahydrocannabinol, also known as “THC”.

(B) Minn. Stats. §151.72 as amended does not prohibit municipalities from adopting and enforcing local ordinances to regulate THC product businesses including, but not limited to, local business license requirements, zoning and land use requirements.

(C) The National Academies of Science, Engineering, and Medicine note that the growing acceptance, accessibility, and use of THC products, including those for medical purposes, have raised important public health concerns, while the lack of aggregated knowledge of cannabis-related health effects has led to uncertainty about the impact of its use.

(D) The city recognizes that, based on the most reliable and up-to-date scientific evidence, the rapid introduction of newly legalized Adult-use THC products presents a significant potential threat to the public health, safety, and welfare of the residents of Dassel, and particularly to youth in the city.

(E) The Minnesota Legislature recognized the danger of THC product use among the public at large by setting potency and serving size requirements.

(F) The Minnesota Legislature recognized the danger of THC product use among youth by prohibiting the sale of any product containing THC to those under the age of 21, requiring that edible THC products be packaged without appeal to children, and in child-resistant packaging or containers.

(G) State law authorized the Board of Pharmacy, and subsequently the Minnesota Department of Health, to adopt product and testing standards in part to curb the illegal sale and distribution of THC Products and ensure the safety and compliance of commercially available THC products in the state of Minnesota.

(H) State law requires THC Product sellers to check the identification of purchasers to verify that thy are at least 21 years of age (Minn. Stat. § 151.72, subd. 3(c)), and to comply with certain packaging and labeling requirements to protect children and youth (Id., subd. 5a).

(I) Under Minn. Stat. § 151.72 the city has the opportunity to make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among THC Manufactures, THC Product distributors and sellers with laws prohibiting the marketing or sale of THC Products to youth.

(J) A local regulatory system for THC Product distributors and sellers is appropriate to ensure compliance with THC Product laws and business standards of the City to protect the health, safety, and welfare of our youth and most vulnerable residents.

(K) A requirement for a THC Product manufacturer, distributor or seller be locally licensed will not unduly burden legitimate business activities of those who distribute or sell THC Products to adults but will allow the City to regulate the operation of lawful businesses to discourage violations of state and local THC Product-related laws.

(L) In making these findings and enacting this ordinance, it is the intent of the City Council to ensure responsible THC Product retailing, allowing legal sale and access without promoting increases in use, and to discourage violations of THC Product related laws, especially those which prohibit or discourage the marketing, sale, or distribution of THC Products to youth under 21 years of age.

§ 113.02 DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

APPLICANT. The individual completing and executing the application to obtain a license to operate a Retail Establishment to sell a Licensed Product or THC Product.

BUSINESS. The operation of a Retail Establishment including the act of selling or offering for sale a Licensed Product or THC Product.

BUSINESS LICENSEE. An individual or entity licensed to operate a Retail Establishment or otherwise engaged in the sale of a Licensed Product or THC Product.

CANNABINOIDS. A term referring collectively to a group of more than 100 types of natural chemical components found in the *cannabis sativa* plant. Examples of these chemical components include CBD, CBN, and THC.

CBD. An abbreviation for Cannabidiol, a mild drug occasionally used in some beauty and food products and used to manage anxiety, insomnia, chronic pain, and a variety of medical conditions such as some seizure-causing epilepsy syndromes.

CBN. An abbreviation for Cannabinol, another less potent cannabinoid drug shown to have some sedative properties.

THC. An abbreviation for TetraHydroCannabinol, a more potent cannabinoid that constitutes the psychoactive chemical in Marijuana. It is the chemical component primarily responsible for the psychoactive effects of Marijuana on a person's mental state.

CITY. The City of Dassel, Minnesota

CHANGE IN OWNERSHIP OR CONTROL. Shall mean a different person or entity than the Licensee or a change in the majority of the voting control of any Business entity Licensee.

COMPLIANCE CHECKS. The system the City uses to investigate and ensure that those authorized to sell Licensed Products are following and complying with the requirements of this Chapter. Compliance Checks may also be conducted by other units of government for educational, research, and training purposes, or for investigating or enforcing federal, state, or local laws and regulations relating to Licensed Products.

EXCLUSIVE LIQUOR STORE. An establishment that meets the definition of exclusive liquor store in Minn. Stat. §340A101, subd. 10.

LICENSED PRODUCT OR THC PRODUCT. Any product that contains more than trace amounts of tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stats. §151.72, as amended from time to time. Licensed Product does not include medical cannabis as defined in Minn. Stats. §152.22, subd. 6, as may be amended from time to time.

LICENSEE. The Business Licensee or individual in whose name the License has been issued pursuant to this chapter.

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

THC. An acronym for tetrahydrocannabinol, the principal psychoactive constituent of cannabis.

THC PRODUCT(S). As used in this Ordinance, those lower potency products containing not more than 0.3% of any Tetrahydrocannabinol, whether solid, liquid, gaseous, or edible.

*SALE***.** Any transfer of goods for money, trade, barter, or other consideration, including giving goods away for free, whether alone or in conjunction with other goods or products.

THC RETAIL SALES ESTABLISHMENT. A Business located within the City of Dassel where THC Products are available for retail sale to the general public. Retail Sales Establishments include, but are not limited to, drug stores. pharmacies, grocery stores, convenience stores, tobacco shops, gasoline service stations, bars, restaurants, CBD (Cannabidiol) stores, chiropractic clinics, health/nutrition/supplement stores, and veterinary clinics. Retail Sales Establishments do not include any home-based businesses or sales out of

any dwelling. Retail Sales Establishments can only be located in a C1-Central Commerce zoning district.

THC MANUFACTURING and RETAIL SALES ESTABLISHMENT. A Business located within the City of Dassel that both manufactures THC Products at its Dassel location and sells its THC Products at retail prices at the same location where it manufactures the THC Products. A THC Manufacturing and Retail Sales Establishments can only be located in a C1-Central Commerce zoning district.

SAMPLING. The use or consumption of any THC Product in a Retail Establishment by a customer or potential customer for the purpose of sampling the product before purchase.

SCHOOL. Any public or private elementary, vocational, or secondary school, or a public or private college or university, or a state licensed day care center.

SELF-SERVICE MERCHANDISING. Open displays of Licensed Products in any manner where any person has access to the Licensed Products without the assistance or intervention of the Licensee or the Licensee's employee. Assistance or intervention means the actual physical exchange of the Licensed Product between the customer and the Licensee or employee.

TOBACCO STORE. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental.

VENDING MACHINE. Any mechanical, electric, electronic, or other type of device that dispenses Licensed Products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the Licensed Product.

Except as further restricted or regulated by this Chapter, the provisions of Minn. Stat. §151.72 as periodically amended, relating to the definitions of terms, licensing, and all other matters pertaining to the manufacture, labeling, distribution, sale, and consumption of cannabinol products, are adopted and made a part of this Chapter as if set out in full.

§ 113.03 THC LICENSE REQUIRED

(A) License Required. The City of Dassel is authorized to license THC Retail Sales Establishments as well as THC Manufacturing and Retail Sales Establishments. No person or entity other than a licensed THC Retail Sales Establishment or a licensed THC Manufacturing and Retail Sales Establishment shall manufacture, distribute, sell, or offer to sell, directly or indirectly any THC Product within the corporate limits of the City of Dassel. The City, through consideration of relevant Minnesota statutory and administrative guidelines, shall determine the maximum number of active Retail Sales licenses and active Manufacturing and Retail Sales licenses that may be allowed by the City.

(B) Application

(1) *Procedural Requirements.* Each Applicant for a license shall file a written and signed application on a form provided by the City. The application shall contain the full name and date of birth of the Applicant, the Applicant's residential and

business addresses and telephone numbers, the name of the Business or Retail Establishment for which the license is sought, and any additional information the City deems necessary. An Applicant, at the time of application shall furnish the City with a list of all persons that have an interest of five percent or more in the Business. The list shall name all owners and show the interest held by each, either individually or beneficially for others.

(2) *Information on Manufacturer, Distributor, or Supplier.* As part of the Application, Applicant shall disclose in writing the name and address of the manufacturer(s) or suppliers of the THC Products (if other than the Applicant), and agree that it shall maintain written verification that each batch of THC Product that it will manufacture, distribute, or sell has been tested to certify compliance with the standards adopted by the Minnesota Department of Health. Manufacturers must disclose information regarding foreign materials applied or added to the products.

(3) *Notice of Changes to Information Contained in Application.* It is the duty of each Business Licensee to notify the City Clerk/Treasurer in writing of any changes of ownership in the Business and/or any changes in the manufacturer(s) or suppliers of its THC Products.

(4) *Incomplete Application.* If the City Clerk/Treasurer determines that an application is incomplete, the City Clerk/Treasurer shall promptly return the application to the Applicant with notice of the information necessary to make the application complete.

(5) *Complete Application.* Upon receipt of a completed application, the City Clerk/Treasurer shall forward the application to the Sheriff's Office to conduct a criminal background check on the Applicant and persons with a five percent or more interest in the Business. Upon completion of the background check, the City Clerk/Treasurer shall forward the application to the City Council for action at its next regularly scheduled City Council meeting.

(C) Action. The City Council may either approve or deny the application for a license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the Applicant as it deems necessary. If the City Council approves the license, the City Clerk/Treasurer shall issue the license to the Applicant. If the City Council denies the license, notice of the denial shall promptly be given to the Applicant along with notice of the Applicant's right to appeal to the District Court. Appeals must be made within thirty (30) days of the denial by the City Council. If a license application is denied, the earliest an Applicant may reapply is 12 months from the date the license is denied.

(C) Term. A license issued under this Chapter shall be effective the first day of the month following the month it is approved. This is an annual license valid for 12 calendar months beginning with the date it is effective.

(F) *Revocation or Suspension.*

(1) Any license issued under this Chapter may be revoked or suspended as provided for in this Chapter.

a. Any license issued under this Chapter that is preempted by state or federal law shall be revoked.

b. Any Change in Ownership or Control of a licensed Business shall be deemed equivalent to a transfer of the license, and any such license shall be revoked 30 days after any such Change in Ownership or Control unless the Licensee has notified the City of the change in ownership by submitting a new license application for the new owners, and the City Council has approved the transfer of the license by appropriate action. Any time an additional investigation is required because of a Change in Ownership or Control of a Business, the Licensee shall pay an additional investigation fee to be determined by the City Council. The City may at any reasonable time examine the transfer records and minute books of any Business Licensee to verify and identify the owners, and the City may examine the business records of any other Licensee to the extent necessary to disclose the interest which persons other than the Licensee have in the licensed Business. The City Council may revoke any license issued upon its determination that a Change of Ownership of a Licensee has resulted in the Change of Control of the licensed Business so as to materially affect the integrity and character of its management and its operation, but no such action shall be taken until the Licensee is provided an opportunity for a hearing before the City Council.

(G) Transfers. All licenses issued under this Chapter shall be valid only at the address of the Retail Establishment for which the license was issued and only for the person or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.

(H) Display and Labeling. All licenses shall be posted and displayed in plain view of the general public on the premises of the licensed retail establishment. All Licensed Products or THC Products being offered for sale must be packaged with labels that contain the batch number. The THC Products may not contain artificially derived or synthetic cannabinoids, and may not contain more than two servings per package. THC Products may be displayed only behind a check out point that is locked or otherwise inaccessible to customers. Self Service Merchandising of Licensed Products or THC Products is prohibited. The Licensee must assure that any purchaser of THC Products at the Retail Establishment is of legal age for such purchase.

(I) Renewals. The renewal of a license issued under this Chapter shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.

(J) Issuance as Privilege and Not a Right. The issuance of a license under this Chapter is a privilege and does not entitle the license holder to automatic renewal of the license.

§ 113.04 FEES.

No license shall be issued under this Chapter until the appropriate license fee shall be paid in full. The fee for a license under this Chapter shall be established by the City Council, adopted by resolution, and set forth in the City fee schedule. The license fee shall be in an amount not to exceed any maximum set by state law, and may be amended from time to time. The license fee shall not be prorated for licenses issued for less than a full year. The license fee shall be in addition to any fee required by any

applicable state agency and shall not exceed any statutory maximum. No part of any license or investigation fee shall be refunded unless an application is withdrawn before any action is taken thereon by the City. Any time an additional investigation is required because of a Change in Ownership or Control of a Business or for any other reason, the Licensee shall pay an additional investigation fee to be determined by the City by resolution.

§ 113.05 INELIGIBILITY AND BASIS FOR DENIAL OF A LICENSE.

(A) Ineligibility.

(1) Moveable Place of Business. No license shall be issued to a Moveable Place of Business. Only fixed location businesses shall be eligible to be licensed under this chapter.

(2) Exclusive Liquor Store. No license shall be issued to an exclusive Liquor store as defined in Minn. Stat. § 340A.101, subd.10.

(3) Proximity to Schools and Certain Facilities. No license shall be issued for a premises within 250 feet of a School, a day care or residential treatment facility, or a public park that is regularly used by minors, including a playground or athletic field. These distances are to be measured from the property line of the School or other structure, park, playground or field, to the closest side of the premises within which the Licensed Product is to be sold.

(4) Delinquent Taxes and Charges. No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the City are delinquent and unpaid. In the event an action has been commenced pursuant to the provisions of Minn. Stat. ch. 278, as it may be amended from time to time, questioning the amount or validity of taxes, the City Council may, on application by the Licensee, waive strict compliance with this paragraph. No waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after becoming due.

(B) *Basis for Denial.* Grounds for denying the issuance or renewal of a license under this Chapter include, but are not limited to, the following:

(1) The Applicant is under the age of 21 years.

(2) The Applicant is ineligible as provided in subsection (A) above.

(3) The Applicant does not operate out of a Retail Establishment.

(4) The Applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation from holding a license.

(5) The Applicant has been convicted within the past five years for any violation of a Federal, State, or local law, other ordinance, provision, or other regulation relating to the Licensed Products, or convicted of a controlled substance-related felony that involved more than 42.5 grams of marijuana or any amount of other controlled substance.

(6) The Applicant has had a license to sell Licensed Products suspended or revoked during the 12 months preceding the date of application, or the Applicant has or had

an interest in another premises authorized to sell Licensed Products, whether in the City of Dassel or in another jurisdiction, that has had a license to sell Licensed Products suspended or revoked during the same time period, provided the Applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.

(7) The Applicant is a Business that does not have an operating officer or manager who is eligible pursuant to the provisions of this chapter.

(8) The Applicant is the spouse of a person ineligible for a license pursuant to the provisions of subsections (B)(4), (B)(5), or (B)(6) of this section or who, in the judgement of the City Council, is not the real party in interest or beneficial owner of the Business to be operated under the license.

(9) The Applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic denial of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the Applicant from prosecution for violation of this Chapter, or any part thereof.

(10) The Applicant has been convicted of a violation or otherwise adjudicated to have violated this Chapter within the past five years.

(C) The City shall conduct a background investigation on all new applications and applications to transfer a license. The City may conduct a background and financial check on an application for a renewal of a license if it is in the public interest to do so. If a license is mistakenly issued or renewed to a person, or if a licensee shall subsequent to the issuance of the license become ineligible to hold such license under the criteria contained in this section, such license shall be revoked upon the discovery that the person was or became ineligible for the license under this Chapter and the City shall provide the person with a notice of revocation, along with information on the right to appeal.

(D) No license shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the City or of the State are due, delinquent, or unpaid. If an action has been commenced pursuant to the provisions of Minn. Stats. Ch. 278 questioning the amount or validity of taxes, the Council may, on application by the Licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee.

§ 113.06 PROHIBITED ACTS.

(A) *In general.*

(1) No person shall sell or offer to sell any Licensed Product:

(i) By means of any type of Vending Machine.

(ii) By means of Self-Service Merchandising.

(iii) By mail order, internet, direct delivery, or third-party delivery,

(iv) By any other means, to any other person, in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.

(2) No person shall sell or offer for sale a Licensed Product that is not in the original packaging with labeling in compliance with labeling requirements of Minn. Stat. §151.72, subd. 5, as may be amended from time to time.

(3) No person shall sell or offer for sale a product containing THC that does not meet all the requirements of Minn. Stat. §151.72, subd. 3, as may be amended from time to time.

(B) *Legal Age.* No person shall sell any Licensed Product to any person under the age of 21.

(1) Age Verification. Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age.

(2) Signage. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the Licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

(C) Sampling Prohibited. No person shall provide or distribute samples of any Licensed Product free of charge or at a nominal cost.

(D) Use of False Identification. It shall be a violation of this Chapter for any person to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of person.

(E) Unlawful Purchases. It shall be unlawful for any person who is under the age of 21 years to purchase any Licensed Product. Persons acting under the direct supervision of the City, law enforcement, or other governmental unit and which are actively engaged in Compliance Checks of the licensed premises are exempted from this provision while engaged in the Compliance Check.

§ 113.07 ADDITIONAL REQUIREMENTS.

(A) Storage and Display. All Licensed Products or THC Products being offered for sale shall be stored and displayed behind a check out point that is locked or otherwise inaccessible to customers, or in a locked case or other locked storage unit not open or accessible to the general public. Self Service Merchandising of Licensed Products or THC Products is prohibited.

(B) Consumption. A Licensed Product shall not be consumed on the licensed premises.

(C) *Minimum Clerk Age.* Individuals employed by a Licensed Retail Establishment under this Chapter must be at least 21 years of age to sell Licensed Products.

§ 113.08 RESPONSIBILITY.

All Business Licensee are responsible for the actions or inactions of their employees in regard to the sale, offer to sell, and furnishing of Licensed Products on the licensed premises. The sale, offer to sell, or furnishing any Licensed Product by an employee shall be considered an act of the Licensee. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to any civil penalties that the City deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

§ 113.09 COMPLIANCE CHECKS AND INSPECTIONS.

All Business and Retail Establishments licensed under this Chapter shall be open to inspection by the City during regular business hours. From time to time, but at least once per year, the City shall conduct Compliance Checks.

No person used in Compliance Checks shall attempt to use a false identification misrepresenting age. All persons lawfully engaged in a Compliance Check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The City will conduct a Compliance Checks that involve the participation of a person at least 18 years of age, but under the age of 21, to enter the premises of the Business or Retail Establishment to attempt to purchase the Licensed Products. Nothing in this Chapter shall prohibit Compliance Checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law. Additionally, from time to time, the City may conduct inspections to determine compliance with any or all other aspects of this Chapter.

§ 113.10 CRIMINAL PENALTY.

A violation of this Chapter shall be a misdemeanor. Nothing in this Chapter prohibits the City from seeking prosecution as a misdemeanor for an alleged violation of this Chapter.

§ 113.11 ADMINISTRATIVE PENALTY.

(A) If a Licensee or an employee of a Licensee is found to have violated this Chapter, the Licensee shall be charged an administrative penalty by the City Council as follows:

(1) *First Violation*. The City Council shall impose a civil fine of $500.00 and suspend the License for not less than 30 consecutive days.

(2) *Second Violation Within 36 Months*. The City Council shall impose a civil fine of $1,000.00 and suspend the license for not less than 90 consecutive days.

(3) *Third Violation Within 36 Months*. The City Council shall revoke the license for at least one year.

(B) Administrative Penalty Procedures. No penalty shall take effect until the Licensee has received notice (served personally or by mail) of the alleged violation and of the opportunity for a hearing before the City Council, and such notice must be in writing and must provide that a right to a hearing before the City Council must be requested within 10 business days of receipt of the notice or such right shall terminate.

(C) Appeal. Any appeal of the decision of the City Council to impose an administrative penalty, deny an application for a license, or revoke a license must be made within 30 days of the date when the decision of the City Council is served on the Licensee or affected party.

§ **113.12 SEVERABILITY.**

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

§ 113.13 REPEAL OF INTERIM ORDINANCE.

On August 15, 2022, the City Council of the City of Dassel enacted Ordinance No. 01-2022, *an Interim Moratorium Ordinance Temporarily Prohibiting The Sale, Manufacture, and Distribution of Products Containing Tetrahydrocannabinol,* thereby imposing a one-year moratorium on any business, person, or entity from offering for sale or selling cannabis products to the public within the jurisdictional boundaries of the City of Dassel to allow the city time to conduct studies. The completion of the studies has resulted in the enactment of this Ordinance as Chapter 113 to City Code Title XI, Business Regulations. The full one-year term of the moratorium is not required. Now, therefore, the City Council for the City of Dassel hereby ordains that Ordinance No. 01-2022 is repealed in its entirety.

§ 113.14 EFFECTIVE DATE. This Ordinance No.01-2023 shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Dassel, Minnesota this 17th day of July, 2023.

CITY OF DASSEL

ORDINANCE NO. 06-2024

AN ORDINANCE AMENDING TITLE XI, BUSINESS REGULATIONS, AND CHAPTER 113, THC CANNABINOL PRODUCTS, TO AUTHORIZE ESTABLISHMENT OF A DASSEL MUNICIPAL THC DISPENSORY

THE CITY COUNCIL OF THE CITY OF DASSEL HEREBY ORDAINS AS FOLLOWS:

TITLE XI; BUSINESS REGULATIONS, and Chapter 113 of the City of Dassel Code of Ordinances, THC CANNABINOL PRODUCTS are Amended to add the following Subchapter for the purpose of establishing a Municipal THC Dispensary:

§113.50 MUNICIPAL THC DISPENSARY ESTABLISHED

There is hereby established a City of Dassel Municipal Tetrahydrocannabinol (THC) Dispensary to be owned, operated, regulated, and maintained by the City of Dassel.

§ 113.51 DEFINITIONS FOR TERMS APPEARING IN THIS SUBCHAPTER

CANNABINOIDS: A term referring collectively to a group of more than 100 types of natural chemical components found in the *cannabis sativa* plant. Examples include CBD, CBN, and THC.

THC: An acronym for TetraHydroCannabinol, the principal psychoactive constituent of cannabis.

THC PRODUCT(S): As used in this subchapter, those lower potency products containing not more than 0.3% of any Tetrahydrocannabinol, nor more than five (5) milligrams of THC in a single serving, whether solid, liquid, gaseous, or edible, and that meet the requirements for human or animal consumption under Minn. Stat. §151.72.

§113.52 LOCATION AND OPERATION.

(A) The THC dispensary shall be located at and within the City of Dassel Municipal Liquor Store, or at such other suitable location within the corporate limits of the municipality as the City Council determines by resolution. However, no premises upon which taxes or other public levies are delinquent shall be leased for dispensary purposes.

(B) The THC Dispensary shall be under the immediate charge of the liquor store manager selected by the City Council, or such other manager as may be selected by the City Council. The compensation to be paid to the THC Dispensary Manager shall be determined by the City Council.

(C) The THC Dispensary Manager shall furnish a surety bond to the City, conditioned upon the faithful discharge of his/her duties, in such sum as the City Council specifies. The bond premium shall be paid by the City.

(D) The Manager shall operate the THC Dispensary and shall perform such duties in connection with the dispensary as may be directed by the City Council and in full compliance with this Ordinance and the City Ordinance Regulating THC Cannabinol Products, Dassel City Code §113.01 through §113.11.

(E) The City Administrator, with the consent of the Council, shall appoint such additional employees as may be required for operation of the THC Dispensary. The City Council shall set a compensation schedule for such employees. No person under the age of 21 shall be hired to work in the THC Dispensary.

§113.53 THC DISPENSARY FUND.

(A) A municipal THC Dispensary Fund is hereby created in which all revenue received from operation of the THC Dispensary shall be deposited, and from which all ordinary operating expenses shall be paid. Any amounts taken from the City general fund to pay for startup expenses for the THC Dispensary, such as for fixtures and initial product inventory, shall be reimbursed by the Depositary to that general fund out of the first available funds coming into the THC Dispensary. Surpluses accumulating in the THC Dispensary Fund may be transferred to the City general fund, or to any other appropriate City fund by resolution of the Council and expended for municipal purposes.

(B) The handling of THC Dispensary receipts and disbursements shall comply with the procedures prescribed by Chapter 33 of the Dassel City Code, titled *City Funds,* and other applicable laws and regulations.

§ 113.54 RESTRICTIONS ON OERATIONS.

(A) The days, holidays, and hours of operation, or of non-operation of the THC Dispensary shall be consistent with those of the Dassel Municipal Liquor Store. That is, the days, holidays, and hours of operation or restrictions on operation of the THC Dispensary may be less than those of the liquor store, but may not be greater.

§ 113.55 REGULATIONS

(A) No business other than the retail sale of THC Products shall be carried on in the THC Dispensary, except the retail sale of various devices, appliances, and aides typically associated with the use of THC Products.

(B) No gambling shall be allowed on the premises of the THC Dispensary unless authorized by the City Council.

(C) No THC Products shall be sold on credit.

(D) No person shall be permitted to loiter on the THC Dispensary premises.

(E) No disorderly person shall be permitted on the THC Dispensary premises.

(F) No THC Products shall be sold directly or indirectly to any person under the age of twenty-one (21).

(G) No person under the age of twenty-one (21) shall misrepresent his/her age for the purpose of obtaining THC Products.

§ 113.56 ENFORCEMENT AND PENALTIES.

(A) Any employee of the THC Dispensary willfully violating any provision hereof, or any provision of the laws of Minnesota relating to gambling or the sale of THC Products shall be subject to discharge.

(B) Any person who violates any provision of this subchapter shall be subject to penalty as stated in §10.99 of the City Code of Dassel, Minnesota.

Adopted by the City Council of the City of Dassel, Minnesota on this 9th day of September, 2024.

TITLE XIII: GENERAL OFFENSES

Chapter 130.

GENERAL OFFENSES

Section

130.1 Discharging firearms
130.2 Curfew for minors
130.3 Graffiti

130.99 Penalty

§ 130.01 DISCHARGING FIREARMS.

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

(B)Hunting near a city park. No person shall hunt, shoot, or kill game within $^1/_2$ mile of a city park unless the City Council has granted permission to kill game not desired within the limits prohibited by this division.

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

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

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

*(F)*If any of the above provisions are found to be in conflict with M.S. § 624.717, as it may be amended from time to time, the provisions of that statute shall prevail.
Penalty, see § 10.99

§ 130.02 CURFEW FOR MINORS.

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

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

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

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

(4) To help parents control their minor children.

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

EMERGENCY ERRAND. A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

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

PLACES OF AMUSEMENT, ENTERTAINMENT or ***REFRESHMENT.*** Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

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

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

(C) Hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) Defense. It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave. Penalty, see § 130.99

§ 130.03 GRAFFITI.

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

GRAFFITI. In addition to its usual and customary meaning of defacing walls or structures with messages or slogans, ***GRAFFITI*** shall also mean any letter, numeral, figure, emblem, insignia, picture, outline, character, spectacle, delineation, announcement, word, phrase, diagram, symbol, sketch, inscription or representation, wherein the contents thereof are visible to any member of the general public and which contains references to sexual activity, diagrams relating to sexual activity or sexual organs, references to criminal activities or groups which promote or are involved in criminal activity, swearing or fighting words, defamatory materials about any person, references to relationships, or any marking of any kind whatsoever which results in damage to, defacing of, marring of, or discoloring of any sidewalk, street, or other public surface, any vehicle, any equipment, lamp, lamp post or other city property, or of the exterior surface of a wall, fence, door, building or other structure, whether publicly or privately owned.

OWNER. Means and includes the owner of record of the subject property, whether public or private, at the time of the placement or discovery of the graffiti or at a subsequent time, the beneficial owner under a land trust, the contract purchaser, or that person or persons or trust in whose name the general taxes for the last preceding year were paid, except that ***OWNER*** shall not include the city.

(B) Conduct prohibited.

(1) It is unlawful for any person to inscribe, draw, or otherwise place or cause to be placed any graffiti upon the surface of any building, structure, wall or surface of other property that is publicly or privately owned.

(9) It shall be unlawful for any parent or legal guardian to knowingly permit any minor child in his or her custody or control to violate division (B)(1) of this section. The parent or legal guardian of a minor defendant who resides with the parent or legal guardian at the time of the offense may be held liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violation of this section; provided, that minor has not paid the fine or made restitution or reparation within the time ordered by the court; and further provided that the parent or legal guardian has been served with summons or notice to appear whether in the original cause or in any subsequent proceedings arising therefrom, including sentencing or collection actions, as provided by law.

(C) Removal by owner.

(1) Owner's responsibility. It shall be the duty of the owner of the structure or wall or other private property upon which any graffiti is placed or made to remove, eradicate, or eliminate the inscription or representation within 30 days of the occurrence unless granted additional time by the City Council.

(3) Notice to remove graffiti. In the event the owner has failed to eliminate the graffiti, the owner shall be notified by certified mail or personal notice that he or she has 30 days from the date of the notice in which to remove the graffiti. In the event that charges have been filed against the person believed responsible for placement of the graffiti and the owner can show to the city that there is a reasonable likelihood that the person will be required to make restitution or restore the premises to its previous condition, the owner may be given additional time to meet the removal requirements. In no event shall the owner be granted more than a total of six months' time to remove graffiti, but any extensions shall be based solely upon a reasonable likelihood of apprehension and conviction of the person responsible. In the absence of the reasonable likelihood, the owner is responsible for removal within the time allowed in divisions (C)(1) and (2) of this section.

(4) List of contractors and cleaning materials. The city may make available a list of contractors in the business of removing graffiti and list of cleaning materials generally recognized in the industry as effective in the removal of graffiti. By providing lists of contractors and cleaning materials, the city does not guarantee the quality or adequacy of work performed by anyone selected by owner or the effectiveness or safety of the materials listed, and the city expressly disclaims responsibility or liability for the quality or adequacy of the work or materials or any claims for damage or injury arising therefrom.

(D) Removal by the city.

(1) The city shall have the right but not the duty to remove graffiti from the exterior of private property if the owner informs the city of the presence of the graffiti and of the owner's inability to remove it. Prior to the city entering any private property to remove graffiti, the owner must sign a statement authorizing removal by the city and agreeing to pay the reasonable costs of the removal and to allow the recording of a lien against the real estate upon which the work was performed if the cost is not paid to the city within 30 days of the date of the invoice sent to the owner. The owner must also sign a release holding the city harmless from any claims or suits brought for damages pursuant to any adverse or injurious effects of such chemicals or from the actions taken by the city or its employees to remove the graffiti prior to the city commencing work on the property. If the property owner does not remove the graffiti within the time specified or extended time requested and granted by the city or if the city is unable to perform the work at the request of the owner, the owner shall be subject to the penalties listed in division (E) of this section.

(4) If the city performs the graffiti removal pursuant to division (D)(1) of this section, it shall be entitled to a lien and to file a notice of lien against the property upon which the work was performed for the cost of the removal.

(E) Penalty.

(1) Upon a finding of guilty for violation of division (B) of this section, an offender shall be punished as provided in § 10.99. Additionally, the court may, as a condition of probation, supervision, or conditional discharge, require that the party guilty of violating the provisions of division (B) of this section make full and complete restitution to the owner of the property for expenses incurred in the removal of the graffiti or, with the consent of the owner, restore the structure, wall, building or surface to its previous condition. In addition, the court may order as a further penalty community service in the form of time to be spent in cleaning property that has been defaced by graffiti in any location in the city.

(2) Upon a finding of guilty for violation of division (C)(1) of this section, an offender shall be punished as provided in § 10.99. Each and every day that graffiti is permitted to remain beyond the time specified in division (C)(2) of this section shall constitute a separate violation.

(F) Compliance by the city.

(1) It is the intention of the city that graffiti discovered upon city property or public property under the jurisdiction and control of the city will be removed within the time periods for graffiti removal imposed upon other governmental bodies and owners of private property under this section. The City Council shall have the authority to order and direct the removal of graffiti.

(2) A designated city officer, or his or her designee, shall provide, no less than semi-annually, a written report to the City Council of graffiti incidents involving city property and removal efforts by the city. The report shall include at a minimum the location of the graffiti, charges filed against or convictions of offenders where relevant, the date and methods of graffiti removal undertaken by the city and the cost of the removal.

Penalty, see § 10.99

§ 130.99 PENALTY.

(A) Curfew; minors. Any minor found to be in violation of § 130.02 may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. § 260.185, as it may be amended from time to time.

(B) Curfew; adults. Any adult person found to be in violation of § 130.02 shall be guilty of a misdemeanor.

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CHAPTER 131: PROHIBITING CERTAIN CONDUCT BY SEXUAL PREDATORS DIRECTED AT ADULTS OR MINORS

Section
131.01 Findings
131.02 Intent
131.03 Definitions
131.04 Unlawful Prohibited Conduct
131.05 No Proof of Specific Intent Required
131.06 Penalties
131.07 Severability

§ 131.01 FINDINGS

Sexual offenders who prey on adults or children present an extreme threat to public safety. Sexual offenders are likely to use physical violence and repeat their offenses. Victims of sexual assault sustain physical and/or mental injuries of long term or permanent effect resulting in immeasurable adverse impacts.

With the limited exception of Level III sexual offenders, when the state releases convicted sexual offender back into society the community where the offender will be residing is not given notice of this placement. Special steps are not taken directly with the community to protect the residents of that community. However, the state legislature has recognized that individual communities, in an effort to protect local residents and their children against sexual predators, are capable of developing constructive plans.

§ 131.02 INTENT

The intent of Chapters 131 and 132 is to serve the City's compelling interest of promoting, protecting, and improving the health, safety and welfare of its resident by prohibiting certain conduct of sexual predators, by creating exclusion zones in which the presence of sexual predators is subject to special conditions, and by limiting sexual predators from engaging in certain employment within the city.

§ 131.03 DEFINITIONS

The following words, terms and phrases when used in this Chapter and Chapter 132 shall have the meanings ascribed to them in this section.

Predatory Offender: means a person who is required to be registered under the Minnesota Predatory Offender Registration Act, Minn. Stat.§ 243.166.

Sexually Stalk or Sexual Stalking: means lurking, lingering, circulating around, or concealing oneself, whether on foot, bike, or in a transport vehicle, in a manner that would warrant a reasonable person under the circumstances to fear that the actor is attempting to identify a victim for potential sexual assault, or may cause the victim to fear, feel harassed, threatened or at risk of possible sexual abuse or sexual attack.

§ 131.04 UNLAWFUL PROHIBITED CONDUCT

It is unlawful for a predatory offender to sexually stalk any person, whether an adult or

minor, on or about any public or private property within the City of

Dassel. § 131.05 NO PROOF OF SPECIFIC INTENT REQUIRED

In a prosecution under this Chapter, it is not necessary to prove that the predatory offender actually intended to sexually abuse or sexually attack the victim or intended to make the potential victim feel frightened, threatened, or at risk of possible sexual abuse or sexual attack, only that the potential victim so reacted.

§ 131.06 PENALTIES

(A) Separate offenses. Multiple acts of sexual stalking against the same victim show a pattern of sexual stalking, and may be consolidated for prosecution. Each act of sexual stalking shall constitute a separate offense, and each act shall be separately punishable under this Chapter.
(B) Misdemeanor. Violation of § 131.04 of this Chapter shall constitute a misdemeanor punishable as provided in § 10.99.

§ 131.07 SEVERABILITY

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

(Ord. 131 - - passed 8-15-16)

9 CHAPTER 132: EXCLUSION ZONES, AND PROHIBITION ON CERTAIN CONDUCT AND EMPLOYMENT ACTIVITIES OF PREDATORY SEX OFFENDERS FOR THE PROTECTION OF MINORS

Section

132.01 Findings

132.02 Intent

132.03 Definitions

132.04 Exclusion Zones

132.05 Exceptions Relating to Exclusion Zones

132.06 Prohibition on Certain Employment-Related Activities

132.07 Penalties

132.08 Severability

§ 132.01 FINDINGS

The Findings set forth in § 131.01 are expressly incorporated herein.

§ 132.02 INTENT

The Intent set forth in § 131.02 is expressly incorporated herein.

§ 132.03 DEFINITIONS

The following words, terms and phrases when used in this Chapter shall have the meanings ascribed to them in this section.

Predatory Offender: means a person who is required to be registered under the Minnesota Predatory Offender Registration Act, Minn. Stat.§ 243.166.

Loiter or Loitering: means lurking, lingering, circulating around, or concealing oneself, whether on foot, bike, or in a transport vehicle, in a manner that would warrant a reasonable person under the circumstances to believe that the purpose or effect of the actor's behavior is to become familiar with where a minor may be located or identified as a potential victim of illegal sexual abuse.

Minor: means a person under eighteen years of age.

§ 132.04 EXCLUSION ZONES

It is unlawful for a Predatory Offender to do any of the following:

1. Be present upon the real property of a public or nonpublic elementary or secondary school without the written, dated and signed permission of the school administrator or designee, unless enrolled as a student at the school.

2. Loiter within three hundred feet of the real property of a public or nonpublic elementary or secondary school.

3. Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school when used to transport students to or from school or school-related activities without the written, dated and signed permission of the school administrator or designee, unless enrolled as a student at the school.

4. Loiter on or within three hundred feet of any school bus stop, public park, public trail or walkway within the city.

5. Be present upon the real property of a child care facility without the written, dated, and signed permission of the child care facility administrator or designee, unless a parent or legal guardian of a child being cared for at the facility.

113. Loiter within three hundred feet of the real property boundary of a child care facility.

114. Loiter on or within three hundred feet of any place where it is reasonably foreseeable that minors will be present and at a time when one or more minors are present, including but not limited to a public library, playground, children's play area, recreational or sport-related area, public swimming or wading pool or beach.

§ 132.05 EXCEPTIONS RELATING TO EXCLUSION ZONES

1. A Predatory Offender who resides within 300 feet of the real property boundary of a child care facility or place intended primarily for the use by minors as specified in paragraphs 1, 4, 5, 6, and 7 of § 132.04 above shall not be in violation of those paragraphs solely for having an established residence within the exclusion zones designated in those paragraphs. Nothing in this provision shall permit conduct which is otherwise prohibited in those paragraphs.

2. A Predatory Offender who is the parent or legal guardian of a minor shall not be in violation of paragraphs 1, 3, 4 or 5 of § 132.04 above for the period of time reasonably necessary to transport the offender's own minor child or ward to or from the school or child care facility.

3. A Predatory Offender who is legally entitled to vote shall not be in violation of paragraph 1 of § 132.04 above for the period of time reasonably necessary to exercise the right to vote if the polling location is located in a facility specified in that paragraph.

§ 132.06 PROHIBITIONS ON CERTAIN EMPLOYMENT-RELATED

ACTIVITIES A Predatory Offender shall not do any of the following:

1. Operate, manage, be employed by, or act as a contractor or volunteer, or attend or participate in any public or private events within the City of Dassel where programs or services are intended for minors and when one or more minors are present.

2. Operate, manage, be employed by, or act as a contractor or volunteer at a public or nonpublic elementary or secondary school, child care facility, or public library.

3. Operate, manage, be employed by, or act as a contractor or volunteer at any place intended for use by minors including but not limited to a playground, a children's play area, recreational or sport-related activity area, a swimming or wading pool, or a beach, when one or more minors are present.

§ 132.07 PENALTIES

(A) *Separate offenses.* Multiple acts of loitering against the same victim show a pattern of illegal loitering under this Chapter, and may be consolidated for prosecution. Each act of loitering shall constitute a separate offense, and each act shall be separately punishable under this Chapter.

(B) *Misdemeanor.* Violation of § 132.04 or § 132.06 of this Chapter shall constitute a misdemeanor punishable as provided in § 10.99.

§ 132.08 SEVERABILITY

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

(Ord. 132 - - passed 8-15-16)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. MANUFACTURED HOME PARKS

152. SUBDIVISIONS

153. ZONING REGULATIONS

154. SHORELAND REGULATIONS

Section

150.1 *Minnesota State Building Code* adopted
150.2 Application, administration and enforcement
150.3 Permits and fees
150.4 Violation and penalties
150.5 Hazardous and Substandard Building Act incorporated by reference

Land Fills

150.35 Definition
150.36 Land fill permit
150.37 Conditions for permit

GENERAL PROVISIONS

§ 150.01 *MINNESOTA STATE BUILDING CODE* ADOPTED.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to M.S. §§ 16B.59 through 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 Division, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this section. The Minnesota State Building Code is hereby incorporated in this section as if fully set out herein. (Ord. 08-2003, passed 6-16-03)

§ 150.02 APPLICATION, ADMINISTRATION AND ENFORCEMENT.

(A) The application, administration and enforcement of the code shall be in accordance with the *Minnesota State Building Code*. The code shall be enforced within the incorporated limits of the city and within the extraterritorial limits permitted by M.S. § 16B.62, subd. 1, when so established by this section.

(B) The Code Enforcement Agency of this municipality is called the City of Dassel Building Department.

(C) The City Council, pursuant to M.S. § 16B.65, shall appoint a Building Official who shall attend to all aspects of building code administration. Additional members of the city's Building Department shall be authorized by the City Council as needed.
(Ord. 08-2003, passed 6-16-03)

§ 150.03 PERMITS AND FEES.

(A) The issuance of permits and the collection of fees shall be as authorized in M.S. § 16B.62, subd. 1.

(B) Permit fees shall be assessed for work governed by this code. The city shall adopt a fee schedule by resolution of the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with M.S. § 16B.70.
(Ord. 08-2003, passed 6-16-03)

§ 150.04 VIOLATION AND PENALTIES.

A violation of this code is a misdemeanor and, upon conviction hereof, shall be punished by a fine to be determined by § 10.99.
(Ord. 08-2003, passed 6-16-03)

§ 150.05 HAZARDOUS AND SUBSTANDARD BUILDING ACT INCORPORATED BY REFERENCE.

All provisions of M.S. Chapter 463, as it may be amended from time to time, are adopted as the Hazardous and Substandard Building Ordinance and are incorporated in and made a part of this chapter as completely as if set out in full.
(`74 Code, Chapter 14.02, § 1)

LAND FILLS

§ 150.35 DEFINITION.

The term ***FILL*** is defined as dirt, concrete, gravel or sand and shall not include any refuse, garbage, used building material, rubbish, hazardous material, trash, wood, trees, limbs, brush or leaves, tires or auto parts. (Am. Ord. 6.04, passed 11-21-83)

§ 150.36 LAND FILL PERMIT.

No person shall dump or grade any material within the city except fill. If 30 cubic yards of fill is to be dumped or graded a land fill permit shall be required.
(Am. Ord. 6.04, passed 11-21-83)

§ 150.37 CONDITIONS FOR PERMIT.

A land fill permit shall be recommended by the Planning Commission to be issued by the Administrator-Clerk-Treasurer upon the following conditions:

(A) A plan of the fill site shall be filed by the applicant or owner with the Planning Commission and shall include the following:

(1) A time schedule or completion date stating when the property is to be filled;

(2) The plan shall show the area affected (including the adjacent property owners), the elevation, water drainage, fencing, trees, building or structures.

(B) Only fill shall be used. No other material except fill shall be used without the written approval of the Planning Commission;

(C) The area to be filled shall be fenced off;

(D) Signs prohibiting dumping without approval of the applicant or owner shall be posted conspicuously on the fill site;

(E) The fill site shall be cleaned and leveled every 30 days or whenever 250 cubic yards has accumulated or is dumped, whichever occurs first;

(F) The land fill permit shall be for six months and renewable every six months provided all the conditions have been complied with. A new land fill permit shall be applied for each six month renewal period;

(G) The land fill permit can be revoked at any time if the terms and conditions are not complied with;

(H) The applicant shall submit with the application a filing fee and a cash bond as set forth in the fee schedule, § 36.01, to be used if the terms and conditions of the land fill permit are not complied with. The cash bond may be waived by Planning Commission in applying black dirt or gravel to a household yard.
(Am. Ord. 6.04, passed 11-21-83)

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§ 151.01 STATE LAWS ADOPTED BY REFERENCE.

The provisions of M.S. Chapter 327, M.S. § 327.14 to 327.28 and Minn. Rules Chapter 4630, as they may be amended from time to time, are adopted by reference and made a part thereof. The sections of this chapter which follow are supplementary to the state law, are not deemed in conflict with the state law or existing ordinances and provide additional requirements for the protection of the public health, safety and convenience. (`74 Code, Chapter 20.01, § 20.101)

§ 151.02 DEFINITIONS.

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

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected

on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it and which complies with the manufactured home building code as provided by M.S. §§ 327.31 to 327.36, as they may be amended from time to time, also commonly referred to as "mobile home."

MANUFACTURED HOME LOT. A parcel of land within a manufactured home park for the placement of a single manufactured home and the exclusive use of its occupants.

MANUFACTURED HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for nontransient use.

MANUFACTURED HOME STAND. That part of an individual lot which has been reserved for the placement of the manufactured home.

NON-COMPLIANT MANUFACTURED HOME. Any other transportable single-family dwelling unit suitable for year around occupancy and containing the same water supply, waste disposal and electric conveniences as a manufactured home, but which does not comply with the manufactured home building code.

TRAVEL TRAILER. A vehicular portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not 4,500 pounds or being of any weight provided its overall length does not exceed 28 feet.
(`74 Code, Chapter 20.01, § 20.102)

§ 151.03 LOCATION.

The manufactured home park shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. There shall be a green belt 25 feet in width of plantings around the periphery of the manufactured home park that adjoins any residential zones to effectively screen the interior of the manufactured home park. Where the manufactured home boundary is adjacent to a city, state or county road, setback of homes shall conform to that of residential houses.
(`74 Code, Chapter 20.01, § 20.103)

§ 151.04 ROADWAYS.

(A) All manufactured home parks shall have rights-of-way of not less than 44 feet in width. The right-of-way shall be hard surfaced for a width of at least 32 feet (there shall be no parking o

surface), adequately drained and in good repair throughout. All roads and rights-of-way within a manufactured home park shall be privately owned, maintained, traffic and speed regulated, lighted, laid out and drained in accordance with safety and accepted engineering practices. Each unit shall abut on and have access to a street which shall be at least 32 feet wide between gutters. All streets shall have a concrete curb and gutter.

(B) All watermains, hydrants, sanitary sewers and storm sewers within a manufactured home park shall be privately owned and maintained as prescribed by the City Utility Department, unless such systems are necessary for service beyond his or her property line, then proper width easements would be retained by the city for service of systems.
(`74 Code, Chapter 20.01, § 20.104)

§ 151.05 LOTS.

(A) The minimum area of a manufactured home lot shall be 5,000 square feet. The parking of more than one manufactured home on any single manufactured home lot shall not be permitted. All manufactured home lots shall be a minimum of 50 feet in width and 100 feet in length. All manufactured home lots shall have at least 40 feet of frontage on a street. The maximum width manufactured home to be allowed on a 50-foot width lot shall be 18 feet; for manufactured homes in excess of 18 feet in width the minimum width of the lot shall be three times the width of the manufactured home. The City Council, in its discretion, may waive width, length and frontage requirements providing a satisfactory alternative is presented which meets the minimum area requirement of 5,000 square feet per lot.

(B) Each manufactured home lot shall have a manufactured home stand of at least four inches of four inches of compacted gravel or aggregate of adequate size on which the home shall be parked.

(C) Each lot shall have a concrete slab or bituminous surface off-street parking space for two automobiles. No off-street parking shall be closer than 15 feet to the nearest adjacent home. A compacted gravel surface may be used if a three-foot concrete apron is provided at the curb and gutter.

(D) Each lot shall have a concrete patio area adjacent to the main manufactured home door of not less than 150 square feet in area and shall have a minimum thickness of four inches.

(E) Each lot shall have a concrete sidewalk not less 24 inches in width and not less than three inches in thickness connecting street to patio.

(F) Each lot shall have at least one shade tree of maple, ash or birch with a minimum diameter of $1^1/_2$ inches at time of planting.

(G) Each two lots shall be provided with a metal building for storage purposes, such building to contain no less than 40 square feet for each home.

(H) Each home shall be skirted with a uniform type of material approved by the City Council and such skirting shall be installed within ten days from date of installation of the home. No items shall be stored underneath a home.

(I) No more than two motor vehicles may be stored on a lot for a period of more than 48 hours. No vehicle without a current license shall be allowed within the park. No vehicle shall be dismantled, nor shall mechanical work except of a very minor repair nature be done on any vehicle on a manufactured home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home park, and then it shall not be parked in that condition for a period of more than seven days. No trucks over 10,000 pounds gross weight shall be parked on any manufactured home lot.
(`74 Code, Chapter 20.01, § 20.105)

§ 151.06 TRAVEL TRAILERS.

Travel trailers are not permitted within a manufactured home park.
(`74 Code, Chapter 20.01, § 20.106)

§ 151.07 SIZE OF PARK.

(A) All manufactured home parks shall have at least 10% of the total home lot area developed for recreational use to be developed and maintained at owner’s expense.

(B) All manufactured home lots shall be sided with grass before the lot is occupied. Unoccupied areas of the manufactured home park shall be kept mowed.
(`74 Code, Chapter 20.01, § 20.107)

§ 151.08 UTILITIES.

All utilities, including water and sewer, gas, electricity, telephone and television cable shall be underground. There shall be no overhead wires or supporting poles except those for street or other lighting purposes.
(`74 Code, Chapter 20.01, § 20.108)

§ 151.09 WATER AND SEWER.

Each manufactured home park shall have an adequate supply of safe, sanitary quality water to serve the entire park. All sewage shall be discharged into a sewage disposal system. Installation of the water

and sewage systems shall meet approval of the Minnesota State Board of Health, the City Council and the Minnesota State Plumbing Code.
(`74 Code, Chapter 20.01, § 20.109)

§ 151.10 STORAGE.

No boats, boat trailers or other vehicles other than personal automobiles of the occupants shall be parked on manufactured home lots, and these shall be provided a separate area upon which these boats or other vehicles shall be stored. This area shall be located away from any public road and shall be densely screened by landscaping.
(`74 Code, Chapter 20.01, § 20.110)

§ 151.11 MAINTENANCE.

It shall be the responsibility of the manufactured home park owner to see that good housekeeping and living conditions are maintained in the manufactured home park at all times. No unused building materials, debris or rubbish shall be allowed to accumulate. No outside storage shall be permitted of oil drums or trailer equipment unless it be effectively screened or concealed.
(`74 Code, Chapter 20.01, § 20.111)

§ 151.12 PERMITS.

(A) No building permit for new or expansion of existing facilities shall be issued for a park until four copies of plans drawn to scale are submitted to the City Council and approved by the Council. The plans shall include the following:

(1) Location and size showing boundaries of park and location of abutting streets and property;

(2) Location and size of all home lots, recreation areas, storage space, roadways and all setbacks;

(3) Road construction plans and specifications;

(4) Sewage disposal, water supply, electrical service, gas service, TV, cable and telephone;

(5) Storm water drainage plans;

(6) Detailed landscaping plants and specifications;

(7) Location and size of service buildings and all structures;

(8) Method of disposing of garbage and refuse;

(9) Plan of lighting service for the entire park; and

(10) Name and address of developer.

(B) All requirements and procedures set forth in this chapter shall be fully completed and approved by the City Council and the Minnesota State Board of Health prior to the placement of any manufactured home in the park. The purpose and intent of this chapter is to help assure a high standard of development and quality to conserve the value of properties and to encourage the most appropriate use of land.
(`74 Code, Chapter 20.01, § 20.112)

§ 151.13 VARIANCES.

Where there are practical difficulties and unusual hardships in the way of carrying out the strict letter of the provisions of this chapter, the City Council shall by a four-fifths vote of the Council have the power to vary from such provision in harmony with the general purpose and intent thereof and may impose such additional conditions as it considers necessary to the public health, safety and general welfare may be secured and substantial justice done.
(`74 Code, Chapter 20.01, § 20.114)

§ 151.14 NON-COMPLIANT MANUFACTURED HOMES.

After the effective date of this city code, no non-compliant manufactured home shall be moved onto a lot in any manufactured home park. All non-conforming manufactured homes located in a manufactured home park as of the effective date of this code are non-conforming uses and may remain, and may be repaired and maintained, but if the occupancy is discontinued for a period of more than one year, or the structure is destroyed by fire or other peril to the extent of greater than 50% of its market value, the non-conforming manufactured home shall be removed from the park.

§ 151.98 VIOLATIONS.

(A) Any person, firm or corporation who shall violate any of the provisions hereof, who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof shall be guilty of a misdemeanor and, upon conviction hereof, shall be punished by a fine to be determined by § 10.99. Each day that a violation continues shall constitute a separate offense.

(B) In the event of a violation or threatened violation of this chapter, the City Council or any members thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
(`74 Code, Chapter 20.01, § 20.113)

CHAPTER 152: SUBDIVISIONS General Provisions

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GENERAL PROVISIONS

§ 152.01 SHORT TITLE.

This chapter shall be known as the "Subdivision Ordinance of the City of Dassel," and will be referred to herein as "this chapter."
(Ord. 21, passed 8-6-74)

§ 152.02 PURPOSE.

In order to safeguard the best interests of the city and to assist the subdivider in harmonizing his or her interests with those of the city at large, the following chapter is adopted in order that adherence to same will bring results beneficial to both parties. Because each new subdivision becomes a permanent unit in the basic unit structure of the expanding community and for which the community will be forced to adhere and because piecemeal planning of subdivisions will bring an undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a Comprehensive Plan of the city aiming at a unified scheme of community interests all subdivision of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this chapter. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in M.S. Chapters 471.26 through 471.33, as they may be amended from time to time, which regulations the City Council deems necessary for the health, safety and general welfare of this community.
(Ord. 21, passed 8-6-74)

§ 152.03 JURISDICTION.

The regulations herein governing plats and subdivision of lands shall apply within the corporate limits of the city and the unincorporated area within two miles of its limits; provided that where a municipality lies less than four miles from the limits of Dassel, these regulations shall apply only to a

line equidistant from Dassel and said municipality; and provided further, that the governing body or bodies of unincorporated areas adjacent to the city have not adopted ordinances for the regulation of subdivisions of land or platting.
(Ord. 21, passed 8-6-74)

§ 152.04 APPLICATION.

(A) Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this chapter shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other divisions of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots.

(B) Any subdivision of lots less than 55,000 square feet may be exempt from the provisions of this chapter as determined by the Planning Commission.
(Ord. 21, passed 8-6-74; Am. Ord. 21.01, passed 5-18-81)

§ 152.05 DEFINITIONS.

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

ALLEY. A public right-of-way which affords a secondary means of access to abutting property.

BLOCK. An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundary or boundaries of the subdivision or a combination of the above with a river or lake.

COMPREHENSIVE PLAN. The groups of maps, charts and texts that make up the comprehensive long-range plan of the city.

DESIGN STANDARDS. The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way blocks, easements and lots.

EASEMENT. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

FINAL PLAT. A drawing or map of a subdivision meeting all of the requirements of the city and in such form as required by the county for purposes of recording.

LOT. A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

OWNER. A natural person, partnership, firm, association, public or quasi-public corporation, private corporation or a combination of any of them.

PARKS AND PLAYGROUNDS. Public lands and open spaces in the city dedicated or reserved for and usable for recreation purposes.

PEDESTRIAN WAY. A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may be used for the installation of utility lines.

PERCENTAGE OF GRADE. The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

PLANNING COMMISSION. The Planning Commission of the City of Dassel.

PRELIMINARY PLAT. A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.

PROTECTIVE COVENANTS. Contacts made between private parties as to the manner in which land may be used with the view to protecting and preserving the physical and economic integrity of any given area.

STREET. A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

(1) COLLECTOR STREETS. Those that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of residential neighborhoods.

(2) CUL-DE-SAC. A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than two and one half acres in area for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivision.

(3) MARGINAL ACCESS STREETS. Minor streets which are paralleled and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

(4) MINOR STREETS. Those which are used primarily for access to abutting properties.

(11) THOROUGHFARES or ***ARTERIAL STREETS.*** Those used primarily for heavy traffic and serving as an arterial trafficway between the various districts of the community as shown on the Comprehensive Plan.

TANGENT. A straight line projected from the ends of two curves, which is perpendicular to a line in each curve drawn from the radii point to the end of the curve.

VERTICAL CURVE. The surface curvature on a street center line located between lines of different percentage of grade.
(Ord. 21, passed 8-6-74)

§ 152.06 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS.

Before any final plat shall be recorded or be of any validity it shall have been reviewed by the City Planning Commission and approved by the City Council as having fulfilled the requirements of this chapter. (Ord. 21, passed 8-6-74)

§ 152.07 VARIANCES AND EXCEPTIONS.

(A) Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape or is subject to or is affected by such topographical location or conditions or is to be devoted to such usage that full conformity to the provisions of this chapter is impossible or impractical, the City Planning Commission may recommend to the City Council by letter of transmittal that the Council authorize variations to conditional exceptions in the final plat so that substantial justice may be done and the public interest secured.

(B) In recommending such variations or conditional exceptions, the Commission shall find the following:

(1) That there are special circumstances or conditions affecting the property and where an unusual hardship on the land exists;

(2) That the variation or exception is necessary for reasonable and acceptable development of the property in question;

(3) That the granting of the variation or conditional exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which the particular property is situated;

(4) The variation or exception does not adversely affect the Comprehensive Plan, if any. (Ord. 21, passed 8-6-74)

§ 152.08 REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS.

(A)Registered land surveys. Except as provided for in section 152.11 and 152.12 below, it is the intention of this chapter that registered land surveys in the city should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this chapter for preliminary plats and that the Planning Commission shall first approve the arrangements, sizes and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless such Planning Commission approval and City Council approval in accordance with the standards set forth in this chapter have been obtained, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the city may refuse to take over tracts unless so approved.

(B)Conveyance by metes and bounds. Except as provided for in section 152.11 and 152.12 below, no conveyance of two or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are less than two and one half acres in area and 150 feet in width unless such parcel was a separate parcel of record at the effective date of this chapter. Building permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

(Ord. 21, passed 8-6-74), (Am, Ord 152.08 - - passed 4-10-17)

§ 152.09 COMPLIANCE.

(A) Conditions for recording. No plot of any subdivision shall be entitled to record in the County Register of Deeds Office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter.

(B) Building permits. No building permits will be issued by the city for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined in § 152.05, until all requirements of this chapter have been fully complied with.
(Ord. 21, passed 8-6-74)

§ 152.10 VIOLATIONS.

(A) It shall be unlawful to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or portion of the city unless the plan, plat or replat shall have first been recorded in the office of the Register of Deeds of the county.

(B) It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto and

located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Planning Commission and the City Council.
(Ord. 21, passed 8-6-74) Penalty, see § 10.99

§ 152.11 MINOR SUBDIVISION.

The minor subdivision process allows for the division of certain property, both platted and described by metes and bounds, and is an abbreviated review process in which there are fewer requirements than a normal subdivision. This process is limited to specific situations as set forth in this section.

(A) Qualifications: The following may be considered for a minor subdivision provided that:

(1) The parcel of land has not been part of a minor subdivision in the last three (3) years;

(2) The subdivision does not result in more than two (2) additional lots than currently exist fronting on an existing public street;

(3) The subdivision does not require any new street right-of-way;

(4) The subdivision does not require the creation of any public improvements;

(5) The subdivision will not adversely affect the remainder of the parcel or adjoining property; and

(6) The subdivision will not conflict with any provisions of the Comprehensive Plan, Zoning Code, official map, or any other City regulations, including this chapter.

(B) Filing and Review of Application Procedures

(1) Application. Before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or authorized agent, shall file an application on a form provided by the City with the accompanying application fee and secure approval of a minor subdivision.

(2) Placement on the Planning Commission agenda. The City staff must receive an application form and all of the required information. Upon receipt of a complete application, the matter will be placed on the next Planning Commission meeting agenda, with the proper public hearing notice. Copies of the application and required information shall be submitted to staff, committees, consultants, or agencies as appropriate for comment to the Planning Commission.

(3) Incomplete Application. The City staff shall have the authority to request additional information. An application may not be heard by the Planning Commission if incomplete. The City staff shall notify the applicant of missing information within 15 days of receiving the application. Failure to provide the necessary supportive information may be grounds for denial of the request.

(4) Transportation and Highway Department review. A minor subdivision abutting any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review by the Minnesota Department of Transportation and/or County Highway Department. Written notice and a

copy of the proposed minor subdivision shall be filed with the Minnesota Department of Transportation and/or County Highway Department for review and comment.

Final action on a minor subdivision shall not be taken until the required comments and recommendations have been received or until the minimum 30-day review period has elapsed.

(5) DNR. When the land in the minor subdivision is located within a Shoreland district or floodplain district, the Department of Natural Resources shall be notified of the minor subdivision as required by law. Any requirements of the Department of Natural Resources shall be met prior to the issuance of a building permit.

(6) Watershed. When the land in the minor subdivision is located within a watershed district, the watershed district shall be notified. Any requirements of the watershed district shall be met prior to the issuance of a building permit.

(7) Planning Commission meeting. The minor subdivision application shall be submitted to the Planning Commission for its review and recommendation. The Planning Commission shall review and comment on the subdivision's acceptability in relation to the Comprehensive Plan, Zoning Code, official map engineering standards, Surface Water Management Plan, and this chapter. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.

(8) City Council meeting. The Planning Commission's recommendation shall be conveyed to the City Council. The City Council shall review and comment on the subdivisions acceptability in relation to the Comprehensive Plan, Zoning Code, official map, engineering standards, Surface Water Management Plan, and this chapter. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration.

(C) Attendance at Meetings Mandatory. The applicant, or a representative, is required to attend all meetings with advisory boards and the City Council.

(D) Information Required for Minor Subdivision. The subdivider shall submit two (2) large scale copies, one (1) reduced scale (11" x 17") copy and one (1) electronic version of the required information to the City. Additional copies may be required as determined by City Staff. Required information to be submitted on a certified survey prepared by a registered land surveyor as follows:

(1) Scale not more than 1 inch equals 100 feet;

(2) Original and proposed lot boundaries;

(3) Existing and resulting parcel legal descriptions;

(4) The location of existing structures on the site;

(5) Existing and proposed driveway locations

(6) Existing easement locations;

(7) Environmental constraints of the site;

(8) Existing parks, streets and utility easements;

(9) Delineated wetlands and waterbodies, drainage flows and drainage improvements; and

(10) Individual sewer treatment systems and/or well locations

In addition to the above information to be provided on a certified survey, the following additional information is required unless waived by the City staff:

(1) A soil test report showing structural bearing capacity of the soils.

(2) A title search showing the ownership of the property and any existing deed restrictions

(3) Additional information as outlined § 152.22 if deemed necessary and required by the City staff

(4) Statement of the proposed use of the property

(5) The existing and proposed lot corners shall be staked at the site in a manner that they are visible from the road for review by the City staff and shall be maintained throughout the application process

The minor subdivision shall conform to all City standards. The City Council may, at its sole discretion, waive some of the requirements of the City standards.

(E) Approval or Denial of Minor Subdivision.

(1) The City Council shall act on the minor subdivision by motion within 120 days from the date of a complete application, unless the applicant agrees to an extension. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council.

(2) The City Council may deny the subdivision if it makes any of the following findings:

(a) The proposed subdivision is in conflict with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Code, engineering standards, Surface Water Management Plan, official map, or this chapter;

(b) The physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated;

(c) The design of the subdivision or the type of improvements are likely to cause serious public health problems;

(d) The design of the subdivision or the type of improvements will conflict with easements of record or with easement established by judgement of a court;

(e) The design of the subdivision does not conform to minimum City standards; and

(f) The applicant has failed to provide all documents required by the City in order to adequately evaluate the application

(3) Prior to certification by the City of the approval of the minor subdivision, the applicant shall supply the deed(s) granting to the City any easements and/or right-of-way required by the City.

(4) Park Dedication Fee. The park dedication fee, if required by City Ordinance, shall be paid prior to recording the appropriate documents.

(5) Recording Procedure and Time Frame

(a) Deadline. The applicant shall record the appropriate documents in the Office of the County Recorder within 120 days after the date of approval. If not recorded within the 120-day period, the approval shall be considered void.

(b) Copy to City. The applicant shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a copy of the document(s) showing evidence of the recording.

(c) Building Permit. No building permits shall be issued for construction of any structure on any lot in the minor subdivision until the City has received evidence of the document(s) being recorded with the County Recorder and all conditions of approval have been met.

§ 152.12 LOT CONSOLIDATION/LOT LINE ADJUSTMENT.

The lot consolidation/lot line adjustment process is an administrative review process in which there are limited requirements to combine multiple lots into 1 parcel or to adjust a common lot line affecting existing parcels. Parcels resulting from these procedures must be consistent with all Zoning Code requirements and other applicable regulations. Lot consolidation is required prior to a building permit being issued. In areas which are not well defined, or where lots are irregular in shape, the lot consolidation or lot line adjustment would result in difficult and confusing legal descriptions, and/or the lots are included in more than one (1) plat, the City staff may require that lot consolidation or lot line adjustment occur through the minor or major subdivision platting requirements of this chapter.

(A) Qualifications:

(1) Lot consolidation. Two or more parcels, whether recorded platted lots or described by metes and bounds, may be consolidated into a single lot.

(2) Lot line adjustment. A lot line may be adjusted by relocating a common boundary provided the lot line adjustment does not result in any new or additional lots, the resulting lots meet the minimum lot width and lot area required by the Zoning Ordinance, any existing structures on the lots meet the minimum setbacks required by the Zoning Ordinance, and no additional right-of-way is required.

(3) Rezoning. If the adjustment or combination would cause one or both of the parcels to have two different zoning classifications, the applicant must rezone the property to achieve a consistent zoning classification for the newly created parcel(s).

(4) Easements. Any easements that become unnecessary as a result of the combination of parcels must be vacated. In addition, new easements must be established where appropriate.

(B) Filing and Review of Application

(1) Before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed property shall be granted, the owner or authorized agent, shall file

an application on a form provided by the City with the accompanying application fee and secure approval of a lot consolidation or lot line adjustment.

(2) The City staff shall review the application and required information to determine conformance with the Comprehensive Plan, Zoning Code, official map, and this chapter, and shall refer the matter to the Planning Commission for final approval. In reviewing the application, City staff may request comments from its consultants, if necessary. Unless a request for additional review time is requested by the Zoning Administrator, action on the application shall be made within 60 days after receipt of a complete application.

(3) Appeals: The City Council shall serve as the Board of Adjustment and Appeals if the application for lot combination or lot line adjustment is denied.

(C) Information Required for Lot Consolidation/Lot Line Adjustment.

(4) Number of copies required at the time of application. The applicant shall submit two (2) large scale copies, one (1) reduced scale (11" x 17") copy and one (1) electronic version of the required information to the Zoning Administrator.

(5) Deadline. The applicant shall record the appropriate documents in the Office of the County Recorder within 120 days after the date of approval. If not recorded within the 120-day period, the approval shall be considered void.

(6) Required information. An application for a lot consolidation or a lot line adjustment shall include a certificate of survey prepared by a registered land surveyor for all parcels involved, which includes:

(a) Scale not less than 1 inch equals 100 feet;

(b) North point indication;

(c) Original and proposed lot boundaries;

(d) Existing and resulting parcel legal descriptions;

(e) The location of existing structures on the sites;

(f) Proposed driveway locations;

(g) Existing and proposed easement locations;

(h) Environmental constraints of the site; and

(i) Existing and proposed utilities.

In addition to the above information to be provided on a certified survey, the following additional information is required unless waived by the City staff:

(j) A title search showing ownership of the property and any existing deed restrictions.

(d) Additional information as outlined in § 152.11 (D) if deemed necessary and required by the city staff.

(e) Staking. The city staff may require that the existing and proposed lot corners be staked at the site in such a manner that they are visible from the road for review by the City staff and maintained throughout the entire review process.

For good cause shown certain requirements may be waived by the Zoning Administrator as not being pertinent to the lot consolidation/lot line adjustment being sought.

(E) Lot consolidation or lot combination agreement. The City may require a lot consolidation agreement or lot combination agreement reviewed by the City Attorney be executed by all affected parties and recorded in the Office of the County Recorder. If needed, this agreement shall include any conditions of approval.

(F) Recording

(1) Deadline. The applicant shall record the appropriate documents in the Office of the Meeker County Recorder within 120 days after the date of approval. If not recorded within the 120-day period, the approval shall be considered void.

(2) Copy to City. The applicant shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a copy of the document(s) showing evidence of the recording and all conditions of approval have been met.

(3) Building permit. No building permits shall be issued for construction of any structure on any affected lots until the City has received evidence of the document(s) being recorded with the County Recorder.

(Am. Ord. 152.11, 152.12 - - 4-10-17)

PRELIMINARY PLAT

§ 152.20 PREPARED BY OWNER.

The owner or subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information.
(Ord. 21, passed 8-6-74)

§ 152.21 FILING.

(A) Six copies of a preliminary plat of any proposed subdivision shall be filed with the City Planning Commission at least 30 days prior to a meeting of the Commission at which consideration is requested.

(B)Unless specifically waived by the City Council, the plat shall be accompanied by a required fee as set forth in the fee schedule, § 36.01. The foregoing fees are to be used for the expense of the city in connection with the review, inspection, approval or disapproval of the plat which may thereafter

be submitted.
(Ord. 21, passed 8-6-74)

§ 152.22 CONTENTS.

The preliminary plat shall contain the following information:

(A) Proposed name of subdivision. Name shall not duplicate or too closely resemble names of existing subdivisions;

(B) Location of boundary lines in relation to section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property;

(C) Names and addresses of the developer and the designer making the plat;

(D) Scale of plat, not less than one inch to 100 feet;

(E) Date and north point;

(F) Existing conditions:

(1) Location, width and name of each existing or platted street or other public way, railroad, utility right-of-way, parks and other public open spaces and permanent buildings within and adjacent to the proposed subdivision;

(2) All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision and immediately adjacent thereto with pipe size, grades and locations shown;

(3) Names of adjacent subdivisions and owners of adjacent parcels of unsubdivided land;

(4) Topography with contour intervals of not more than two feet related to U.S. G.S. datum; also, the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage and other such features as may be pertinent to subdivision. Topography shall extend 200 feet beyond plat boundaries;

(G) Proposed development:

(1) The location and width of proposed streets, roadways, alleys, pedestrian ways and easements;

(2) The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines;

(3) Layout, numbers and approximate dimensions of lots and the number of each block;

(4) Location and size of proposed parks, playgrounds, churches or school sites or other special uses of land to be considered for dedication to public use;

(5) Building setback lines with dimensions;

(6) Indication of any lots on which use other than residential is proposed by the subdivider;

(7) The zoning districts, if any, on and adjacent to the tract;

(H) Supplementary requirements:

(1) Two copies of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line of the street. The location of proposed culverts and bridges shall also be shown;

(2) The preliminary plat shall be submitted to the Planning Commission at least 30 days prior to a Commission meeting at which consideration is requested. The Planning Commission shall take action on the preliminary plat within 30 days of date of submission. Approval or disapproval of a preliminary plat will be conveyed to the subdivider in writing within 30 days after the meeting of the Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission. If the subdivider does not meet the requirements by the time of the next Planning Commission meeting, the Planning Commission shall submit its recommendation to deny the preliminary plat to the City Council;

(3) When the preliminary plat is filed with the Planning Commission for approval, a public notice shall be given of a public hearing to be held within 30 days thereafter in a newspaper published in the city or in the county. At such hearing all persons interested therein may be heard and the Planning Commission may thereafter approve or disapprove the plat. After approval of the preliminary plat by the Planning Commission, such preliminary plat, together with the recommendations of the Planning Commission, shall be submitted to the City Council for approval. Approval or disapproval of the preliminary plat shall be made by the Council within 120 days from the day the application for the preliminary plat was received by the city and be conveyed in the subdivider in writing within ten days after the meeting of the City Council at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Council. A motion to approve the preliminary plat which does not pass is not deemed a denial of the preliminary plat. A motion to deny the preliminary plat must be adopted. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall be effective for a period of one year, unless an extension is granted by the City Council. If the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval.
(Ord. 21, passed 8-6-74)

FINAL PLAT

§ 152.35 FILING.

After approval of the preliminary plat, the subdivider shall prepare and submit to the Commission a final plat for recording purposes, together with other supplementary information and certificates. The final plat shall be submitted to the Planning Commission at least ten days prior to a regular meeting of the Commission. Six copies of the final plat shall be furnished.
(Ord. 21, passed 8-6-74)

§ 152.36 PREPARATION; FORM OF APPROVAL.

(A) The final plat prepared for recording purposes shall be prepared in accordance with provisions of state statutes and county regulations.

(B) Space for certificates of approval to be filled in by the signatures of the Chairperson of the City Planning Commission and the Mayor and City Council. The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Dassel this _____ day of _____ , 20 .

Signed: Chairperson
Secretary

(E) The form of approval by the City Council is as follows:

Approved by the City of Dassel, Minnesota this _____ day of_ , 20 ____ .

Signed: Mayor
Attest: City Administrator-Clerk-Treasurer (Ord. 21, passed 8-6-74)

§ 152.37 SUPPLEMENTARY DOCUMENTS AND INFORMATION.

(A) A complete set of street profiles showing grade lines as constructed.

(B) Copies of any protective covenants affecting the subdivision or any part thereof. (Ord. 21, passed 8-6-74)

§ 152.38 APPROVAL OR DISAPPROVAL.

Approval or disapproval of the final plat shall be conveyed to the subdivider in writing within ten days after the meeting of the City Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Commission.
(Ord. 21, passed 8-6-74)

§ 152.39 SUBMISSION TO COUNCIL.

After review and approval of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the City Council for

approval. If accepted, the final plat shall within 60 days from the date the final plat was submitted be approved by resolution, which resolution shall provide for the acceptance of all streets, alleys, easements or other public ways and parks or other open spaces dedicated to public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for the approval within 60 days from the date the final plat was submitted. (Ord. 21, passed 8-6-74)

MINIMUM DESIGN STANDARDS

§ 152.50 BLOCKS.

(A) Block length. In general, intersecting streets determining block lengths shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed 1,320 feet in length, except where
topography or other conditions justify a departure from the maximum. In blocks longer than 660 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use should normally not exceed 600 feet in length.

(B) Block width. The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries. (Ord. 21, passed 8-6-74)

§ 152.51 STREETS AND ALLEYS.

(A) The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Comprehensive Plan, if any, except for culs-de-sac, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions or provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.

(B) Minor streets should be so planned as to discourage their use by nonlocal traffic. Dead end streets are prohibited, but culs-de-sac will be permitted where topography or other conditions justify their use. Culs-de-sac shall normally not be longer than 500 feet, including a turnaround which shall be provided at the closed end with an outside curb radius of at least 50 feet and right-of-way radius of not less than 60 feet.

(C) Where the plat to be submitted included only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(D) When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision.

(E) Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an off-set of less than 125 feet shall be avoided.

(F) Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or the right-of-way of a limited access highway or thoroughfare, provisions should be made for a marginal access street approximately parallel and adjacent to the boundary of such rights-of-way or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations or for lot depths.

(G) Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than 20 feet wide. Dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turnaround facilities are provided at the closed end.

(H) Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.

(I) (1) For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be as shown in the Comprehensive Plan, if any, for Dassel and where not shown therein, the minimum right-of-way width for streets, thoroughfares, alleys or pedestrian ways included in any subdivision shall not be less than minimum dimensions for each classification as follows.

Thoroughfare	80 feet
Collector street	70 feet
Minor street	60 feet
Marginal access street	50 feet

Alley	20 feet
Pedestrian way	10 feet

(2) Where existing or anticipated traffic on primary and secondary thoroughfares warrants greater widths of rights-of-way, these shall be required.

(J) Street grades, wherever feasible, shall not exceed 7% and in no case shall be less than 0.4%. Different connecting street gradients shall be connected with vertical curves.

(K) Where street center lines within a block have a deflection angle of more than ten degrees, there shall be a connecting curve with a radius adequate to ensure a slight distance of not less than 400 feet for minor and collector streets and of such greater radii as the Planning Commission may determine for special cases. There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

(L) Proposed streets shall be offered for dedication as public streets. Private streets shall only be allowed in a planned unit development (PUD).
(Ord. 21, passed 8-6-74; Am. Ord. 21.02, passed 9-16-02)

§ 152.52 LOTS.

(A) The minimum lot width depth and area shall conform to the requirements as set forth in the Zoning Code, if any.

(1) Width not less than 80 feet at the established building setback line of 25 feet.

(2) Width of not less than 80 feet at the right-of-way line of inside street curvatures.

(3) Width of not less than 60 feet at the right-of-way line of outside street curvatures.

(4) Width of not less than 60 feet at the right-of-way line of a 100 foot diameter cul-de-sac terminus.

(5) Depth of no less than 80 feet.

(6) Area of not less than 12,000 square feet, excluding road rights-of-way, according to the residential zone in which it is located.

(7) Setbacks shall be.

(A)	Front	25 feet
(B)	Rear	25 Feet
(C)	Feet & Side	15 Feet

(B) Corner lots for residential use shall have additional width to permit appropriate building setback from both streets.

(C) Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(D) Double frontage lots shall be avoided except where lots back on a thoroughfare or other arterial streets or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(E) Every lot must have at least the minimum required frontage on a public dedicated street other than an alley.

(F) On those lots which are intended for business use, the setback shall be at least that required by the Zoning Code, if any.

(G) In the case of curved streets, lot width measurements will be made at the setback line. (Ord. 21, passed 8-6-74)

§ 152.53 EASEMENTS.

(A) An easement for utilities, at least six feet wide, shall be provided along each side of a side line of lots and/or the rear line of lots where necessary to form a continuous right-of-way, at least 12 feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(B) Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council, by ordinance, upon the recommendation of the Planning Commission.

(C) Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.

(D) Where a subdivision is traversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses shall be provided,

together with such further width or instruction, or both, as will be adequate for the storm water drainage of the area. The size and location of such easements shall be recommended by the Planning Commission for action by the Council.
(Ord. 21, passed 8-6-74)

§ 152.54 PUBLIC SITES AND OPEN SPACES.

(A) As a condition precedent to approval of a plat of land to be developed for residential uses, the Council may require that a portion of such land of sufficient size and character to be set aside and dedicated to the public for public uses as parks and playgrounds. It shall be presumed a sufficient amount of land for parks and playgrounds for the residents and/or future residents of the subdivision of the subdivider dedicates at least 5% of the total area of subdivision. The Council, upon consideration of the particular type of development proposed in the subdivision, may require larger or lesser amounts of land to be dedicated if it determines that the residents and/or future residents in the area proposed to be platted would require greater or lesser amounts of land to be dedicated if it determines that the residents and/or future residents in the area proposed to be platted would require greater or lesser amounts of land for parks and playgrounds.

(B) In lieu of the dedication of said land, a subdivider with the consent of the Council may make a cash payment to the city in the amount of the purchased value of the land to be dedicated.
(Ord. 21, passed 8-6-74)

BASIC IMPROVEMENTS REQUIRED

§ 152.65 GENERAL.

(A) Except as provided elsewhere in this chapter, all improvements required shall be paid for by the developer or owner. In areas between the corporate limits of the city and parallel lines two miles therefrom, regulations imposed by the Meeker County Subdivision Ordinance shall be complied with.

(B) Before a final plat is approved by the Council and signed by the Mayor, the subdivider shall post a performance bond or cash escrow to assure that the subdivider will install the required improvements under the following terms and conditions:

(1) The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision’s share of costs of trunk facilities to be extended to the subdivision;

(2) Guaranteed completion of the required improvements within a two year period;

(3) Payment by the subdivider to the city for preparation or review of plans and specifications and for inspection by the City Engineer;

(4) The performance bond or cash escrow agreement shall be equal to one and one-half times the City Engineer's estimated cost of the required improvement;

(5) If the required improvements are not completed within the two-year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the city and applied to the cost of required improvements. If the funds available are not sufficient to complete the required improvements, the necessary additional cost shall be assessed against the subdivision. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. (Ord. 21, passed 8-6-74)

§ 152.66 STREET IMPROVEMENTS.

(A) The following street improvements shall be made by the owner or subdivider in accordance with standards and specifications as approved by the City Council. The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved.

(B) All streets shall be of an overall width in accordance with those set forth in § 152.51.

(C) Curb and gutter will be required before streets will be paved.

(D) If approved by the City Council, the final street construction (curb and gutter, bituminous surfacing and gravel base) may be installed under contract by the city after petition for the same by owner. The cost shall be assessed against all lots in the subdivision over a period not to exceed the ten years. In all cases the rough grades and six inch gravel base shall be done by the developer.

(E) Strom sewers, culverts, storm water inlets and other drainage facilities will be required where, in the opinion of the City Planning Commission, they are necessary to insure adequate storm water drainage for the subdivision.
(Ord. 21, passed 8-6-74)

§ 152.67 STORM SEWERS.

(A) Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the city sewer system is available at or reasonably near the boundary of the subdivision.

(B) Storm sewers shall be constructed to serve all properties in the subdivision where a natural outlet is available or where a connection to the city storm sewer system is available at or near the boundary of the subdivision.

(C) If approved by the City Council, both storm and sanitary sewers may be installed under contract by the city after petition for the same by the owner. The cost shall be assessed against all lots in the subdivision over a period of not to exceed ten years.

(D) All sewer construction must conform to standards and specifications by the city for such work. (Ord. 21, passed 8-6-74)

§ 152.68 WATER SUPPLY IMPROVEMENTS.

(A) Water distribution mains, including fire hydrants, shall be installed to serve all properties in the subdivision where a connection is available at or reasonably near the boundary of the subdivision.

(B) If approved by the City Council, water mains may be installed under contract by the city after petition for the same by the owner. The cost shall be assessed against all lots in the subdivision over a period not to exceed ten years.
(Ord. 21, passed 8-6-74)

§ 152.69 PUBLIC UTILITIES.

(A) All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.

(B) Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.
(Ord. 21, passed 8-6-74)

CHAPTER 153 ZONING REGULATIONS

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GENERAL PROVISIONS

§ 153.001 SHORT TITLE.

This chapter shall be known as the "Dassel Zoning Ordinance," may be cited as such and will be referred to herein as "this chapter."
(Ord. 25, passed 12-3-74)

§ 153.002 PURPOSE.

The basic purpose of this chapter is to insure and to promote the public health, safety, comfort, and general welfare of the city in accordance with the community's adopted long range development goals, plans and policies. Toward this end, this chapter shall establish regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures and land within the city. (Ord. 25, passed 12-3-74)

§ 153.003 LEGAL AUTHORITY.

This chapter is enacted in pursuance of the authority granted by M.S. §§ 462.351 through 462.364,
as they may be amended from time to time.
(Ord. 25, passed 12-3-74)

§ 153.004 GEOGRAPHIC JURISDICTION.

The geographic jurisdiction of this chapter shall be the entire area within the corporate limits of the
City of Dassel, Minnesota.
(Ord. 25, passed 12-3-74)

§ 153.005 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.
(Ord. 25, passed 12-3-74)

§ 153.006 APPLICATION OF REGULATIONS.

Except as hereinafter provided:

(A) No building or land in the city shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located;

(B) No building shall hereafter be erected or altered to exceed the height, to house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller front yards, side yards or rear yards than specified herein for the district in which such building is located;

(C) No part of a yard or other open space required for any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
(Ord. 25, passed 12-3-74)

§ 153.007 RULES.

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules and the definitions set forth in § 153.008, (except when the context clearly indicates otherwise).

(A) Words used in the present tense shall include the future.

(B) Words used in the singular shall include the plural and the plural the singular.

(C) The word "shall" is mandatory and not discretionary.

(D) The word "may" is permissive.

(E) The word "lot" shall include the words "plot" or "site."

(F) The words "if pertinent" and "if deemed necessary" pertain to discretionary decisions of the
Planning Commission or City Council.
(Ord. 25, passed 12-3-74)

§ 153.008 DEFINITIONS.

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

ACCESSORY BUILDING. A subordinate building (or portion of the main building, includes garage) which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

ACCESSORY DWELLING UNIT. A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory, and that is less in area and height to the principal dwelling. There are three types: attached, internal and detached.

ACCESSORY USE. A subordinate use which is located on the same lot on which the principal use is situated and is customarily incidental to the conduct of the primary or principal use of such main use.

AGRICULTURE. The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals and fowl.

ALLEY. A public right-of-way which affords a secondary means of access to abutting property. ***ALTERATION.*** Any change in size, shape, character or use of a building or structure.

ANTENNA. Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas such as panels, microwave dishes, satellite dishes and omni directional antennas such as whip antennas.

APARTMENT. A dwelling unit within a multiple-family dwelling or within a nonresidential structure.

AUTOMOBILE REPAIR SHOP. A shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment. Salvage and junk shall not be kept, stored or worked on in an auto repair shop.

AUTOMOBILE SERVICE STATION. A building designed primarily for the supplying of motor fuel, oil lubrication and accessories to motor vehicles.

BASEMENT. A portion of a building partly underground but having more than half its floor-to-ceiling height below the average grade of the adjoining ground.

BILLBOARD. A sign which has an area exceeding 150 square feet on which notices or advertisements are posted.

BOARDING HOUSE. Any dwelling other than a hotel where meals or lodging and meals for compensation are provided for five or more persons, pursuant to previous arrangement and not to anyone who may apply.

BUFFER. The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a tract or property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects, which a land use may have upon other adjacent or nearby land uses.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

BUILDING, NONCONFORMING. A building so constructed or so located on a lot that it does not comply with the building requirements or with the minimum lot requirements of the district within which it is located.

BUILDING HEIGHT. The vertical distance from the "grade" to the highest point on the roof surface.

BUILDING, PRINCIPAL. A non-accessory building in which a primary use of the lot on which it is located is conducted.

BUILDING SITE. Any lot, field, or tract of land under one ownership which is or is intended to be a location for the construction of a building.

CANNABIS BUSINESS. When used in this Ordinance, the term "Cannabis Business" means a legal entity such as a corporation, partnership, proprietorship, or individual(s) engaged or seeking to engage in one or more of the cannabis related activities listed in Minn. Stat. § 342.01 Subd. 14.

CANNABIS CULTIVATION. A cannabis business that grows cannabis plants within an approved amount of space from seed or from immature plants to mature plants, and harvests cannabis flower from mature plants, and packages and labels immature plants and seedlings and cannabis flower for wholesale to other cannabis businesses, and transports cannabis flower to a cannabis manufacturer, and perform other actions approved by the OCM. See Minn. Stat. §342.30.

CANNABIS EVENT. A temporary event lasting no more than four days and is limited to individuals 21 years of age or older. Each authorized retailer is assigned a limited space and may display one sample of each type of cannabis related product that it handles and is available for sale. See Minn. Stat. § 342.39 and §342.40.

CANNABIS MANUFACTURING. A cannabis manufacturer purchases cannabis flower, cannabis products, hemp plant parts artificially derived cannabinoids and similar cannabis materials from a cannabis microbusiness, mezzobusiness a cannabis cultivator or a cannabis wholesaler or from an unlicensed entity to make cannabis concentrate, hemp concentrate, or to make artificially derived cannabinoids and similar adult cannabis products, package, label, and sell to customers or other cannabis businesses and other activities approved by OCM. See Minn. Stat. §342.31.

CANNABIS MEZZOBUSINESS. A larger vertically integrated operation that includes areas for cultivation of cannabis that in total do not exceed 15,000 square feet of plant canopy area and containing up to three dispensaries for retail sales of cannabis. A mezzobusiness may also hold a cannabis manufacturing license and an event organizer license. See Minn. Stat. § 342.29

CANNABIS MICROBUSINESS. A vertically integrated operation that includes areas for cultivation of cannabis that in total do not exceed 5,000 square feet of plant canopy area and containing on the same premises a single retail store for cannabis sales. See Minn. Stat. § 342.28.

CANNABIS SALES. The sale of cannabis plants and seedlings, adult-use cannabis flower, and adult use cannabis products directly to consumers pursuant to Minnesota Statute section 342.27.

CANNABIS TESTING FACILITY. An entity that provides testing as required under Minn. Stat. §342.61 of cannabis and cannabinoid products, including plants, parts of immature cannabis plants, seedlings, cannabis flower, hemp plants, and similar cannabis materials. See Minn. Stat. § 342.37 and §342.38.

CANNABIS WHOLESALER. An entity that purchases immature cannabis plants, seedlings, cannabis flower, and other cannabis products and similar cannabinoids from cannabis micro and mezzo businesses and cannabis cultivators and manufacturers and resell these products at wholesale to other cannabis business operations. See Minn. Stat. § 342.33 and §342.34.

CELLAR. That portion of a building having more than half of the clear floor to ceiling height below the average grade of the adjacent ground. A cellar shall not be included in arriving a total gross floor area.

COMMERCE. An enterprise that involves the offering of a product, service or entertainment for compensation.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. All commercial wireless telecommunications services, including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

CONGREGATE HOUSING. Senior citizen housing where at least one meal per day is prepared and served in a common dining facility on the premises and where a variety of common medical and social services may be provided over and above those typically provided in a senior citizen apartment building. Such common amenities and services may be provided in conjunction with convalescent and/or nursing home facilities on the same site.

DECK. Elevated platform extending from and becoming a part of a structure. It shall conform to the existing setback requirements of the zoning district.

DOG KENNEL. Any premises where more than two dogs over six months of age are kept.

DRIVE-IN ESTABLISHMENT. A business that customarily offers goods, services or entertainment for compensation to clientele within automobiles (for example, automobile service stations, drive-in restaurants and outdoor theaters, but not "drive-in" cleaners where the customer must leave his or her automobile to pick up or deliver goods).

DRIVEWAY. Private road leading from house to street.

DWELLING. A building, or portion thereof, designed or used predominantly for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings but not including hotels, motels, boarding and rooming houses or tourist homes.

DWELLING, ATTACHED. One which is joined to another dwelling or building at one or more sides by a party wall or walls.

DWELLING, DETACHED. One which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE-FAMILY. A residential building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY. A residential structure containing one dwelling unit

only. ***DWELLING, TWO-FAMILY.*** A residential structure containing two

dwelling units only.

DWELLING UNIT. One or more rooms containing complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers or boarders.

EFFICIENCY UNIT. A dwelling unit with one primary room which serves as a living room, dining room and bedroom.

ESSENTIAL SERVICES. Underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith by public utilities, municipal or other governmental agencies.

FAMILY. A "family" is an individual or two (2) or more persons, intending upon residing and living together as a single household and housekeeping unit in a dwelling unit for thirty (30) days or more and not for short-term, tourist or transient use.

FEED LOT. An enclosure for the feeding of poultry or livestock which is not normally used for pasture or crops and in which animal waste may accumulate.

FENCE. A structure constructed of wood, metal, wire mesh, masonry or stone erected to provide enclosure but not protection from the elements (as distinguished from building).

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building or buildings–measured from the exterior faces of exterior walls or from the

center line of party walls separating two buildings. In particular, ***FLOOR AREA*** shall include:

(1) Basement space if at least one-half of the basement story is above established curb level or, where the curb level has not been established, above the average level of the finished grade;

(2) Elevator shafts and stairwells at each floor;

(3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or enclosed, located on the roof, including bulk needs, water tanks and cooling towers

(4) That part of the attic floor space where the structural headroom exceeds seven and one-half feet;

(5) Interior balconies and mezzanines;

(6) Enclosed porches but not terraces and breezeways;

(7) Accessory uses other than floor space devoted exclusively for accessory off-street parking or loading.

FRONTAGE. The width of a lot or building site measured on the line separating it from the public street or way. (For the purpose of this chapter, the front line of corner lots shall be considered to be the shortest street line).

HEMP BUSINESS. When used in this Ordinance, the term "Hemp Business" means a legal entity such as a corporation, partnership, proprietorship, or individual(s) engaged or seeking to engage in one or more of the hemp related activities listed in Minn. Stat. § 342.01.

HOME OCCUPATION. Any occupation or profession carried on within a dwelling unit by the occupant as a secondary use, including but not limited to such occupations as beauty parlor, dressmaking and alteration, preparation of foodstuffs and confectionery, handicraft, professional offices, artists studio and the renting of rooms for lodging or serving of meals for compensation.

HOTEL or ***MOTEL.*** Any building occupied as an abiding place for persons who are lodged with or without meals and in which no provision is made for cooking by such individuals.

INDUSTRY. An enterprise which involves the production, assembly, processing or storage of materials, goods or products.

JUNK YARD. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A ***JUNK YARD*** includes an

automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.

LOADING SPACE. A space, accessible from a street, alley, railroad or way, in a building or on a lot, for the use of vehicles while unloading and loading merchandise or materials.

LOT. A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lot lines, measured within the lot boundaries.

LOT, CORNER. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

LOT DEPTH. The mean horizontal distance between the front lot and the rear lot lines, measured within the lot boundaries.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A lot line is the property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of the public right-of-way shall be the lot line for applying this chapter.

LOT-LINE RELATED.

(1) FRONT LOT LINE. That boundary of a lot that abuts an existing or dedicated public street or a private road. In the case of a corner lot, it shall be the shortest dimension of the lot abutting the street or road. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the city. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

(2) REAR LOT LINE. That boundary of a lot that is opposite to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

(3) SIDE LOT LINE. Any boundary of a lot that is not a front lot line or a rear lot line.

(4) THROUGH LOT. Any lot other than a corner lot that abuts more than 1 street or street right-of-way. On a through lot, all property lines abutting the street right-of-way shall be considered the front lines.

LOT WIDTH. The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

LOWER-POTENCY HEMP EDIBLE MANUFACTURING. A hemp business that conducts an operation pursuant to Minnesota Statute Section 342.45, as it may be amended.

LOWER-POTENCY HEMP EDIBLE SALES. A hemp business that conducts an operation pursuant to Minnesota Statute Section 342.46, as it may be amended.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it and which complies with the manufactured home building code as provided by M.S. §§ 327.31 to 327.36, as they may be amended from time to time.

NON-COMPLIANT MANUFACTURED HOME. Any other transportable single-family dwelling unit suitable for year around occupancy and containing the same water supply, waste disposal and electrical conveniences as a manufactured home, but which does not comply with the manufactured home building code.

NON-FARM DWELLING. A type of dwelling that is not intended for agricultural activities or related purposes. Non-farm dwellings are primarily used for residential living.

OFFICE BUILDING. A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling purposes other than by a watchman or janitor.

OFFICE, PROFESSIONAL. A room or rooms used for the carrying on of a profession.

PARKING SPACE, AUTOMOBILE. A suitable surface and permanently maintained area off the public street right-of-way, either within or outside of a building, of sufficient size to store one standard automobile but in no event less than 180 square feet, exclusive of passageways, driveways or other means of circulation or access.

PATIO. A surfaced inner court or yard open to the sky used for outdoor living.

PHOTOVOLTAIC (PV) DEVICE SYSTEM. A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.

PHOTOVOLTAIC (PV) (PV PANEL). The essentially planar assembly of solar cells and ancillary module parts, such as interconnections, terminals, (and protective devices such as diodes) intended to generate direct current or alternating current in direct and diffuse sunlight.

PHOTOVOLTAIC (PV) SYSTEM. A complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components.

PLACE OF WORSHIP. A building, together with its accessory buildings and uses, for persons regularly assembled for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

PLOT PLAN. A drawing or sketch depicting boundary lines, drainage, location of buildings, present and proposed, and any other data requested by the Planning Commission to determine the acceptability of the proposed structure or structures. A ***PLOT PLAN*** may be required to be certified by a registered engineer, surveyor or architect, pending the request of the governing body or the Planning Commission for exact information relative to the proposed structure.

PORCH. A covered entrance to a building.

PRINCIPAL BUILDING OR STRUCTURE. A building in which the primary use of the lot on which the building is located and conducted.

PUBLIC UTILITY. Persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone services to the general public. For the purpose of this section, commercial wireless telecommunications services shall not be considered a public utility use and are defined separately.

PUD-R. Planned Unit Development, Residential, is a zoning district as defined in § 153.045.

REST HOME, NURSING HOME and ***BOARDING CARE HOME.*** A building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care in accordance with the regulations of all applicable Federal, State, and local permits or approvals.

RETAIL ESTABLISHMENT. Any place of business or portion of a place of business where THC Products are available for sale to the general public. Retail Establishments shall include, but are not limited to, grocery stores, convenience stores, tobacco products shops, gasoline service stations, bars, restaurants, CBD (Cannabidiol) stores, chiropractic/medical clinics, health/nutrition/supplement stores, and veterinary clinics. Retail Establishment shall not include any home-based business or sales out of any dwelling. A Retail Establishment can only be located in a C1-Central Commerce zoning district.

RETAIL STORE. A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot and include but not limited to those offering food, meat, drugs, clothing, art, jewelry, dry goods, notions, home supplies, paint, and wallpaper, as well as drive-in establishments such as automobile service tations, garages for vehicle storage and repair, motels, and restaurants which do not usually require on-site vehicular pick-up.

RETAINING WALL. A structure constructed of wood, metal, wire mesh, masonry or stone erected to provide protection from soil erosion, crumbling or dangerous hazards.

ROOMING HOUSE. A building designed for or used as a single-family or two-family dwelling, all or a portion of which contains rooming units which accommodate three or more persons who are not members of the keeper’s family. Rooms or meals, or both, are provided for compensation on a weekly or monthly basis.

SENIOR CITIZEN HOUSING. Multiple dwellings which are designed, built and operated for exclusive occupancy by persons who are at least 60 years old. ***SENIOR CITIZEN HOUSING*** shall include certain ancillary facilities and special features associated with living needs for the comfort, health, safety and welfare of elderly persons and which are not typically found in the construction of multiple-family dwellings.

SERVICE ESTABLISHMENT. A business primarily engaged in providing various services, including but not limited to barber and beauty services, laundry, dry-cleaning or dyeing, tailoring, dressmaking, shoe making, and repair. These establishments focus on delivering services to customers and may also involve sales activities, distinguishing them from manufacturing plants.

SETBACK. The minimum horizontal distance between a building and the street or lot line, disregarding steps and overhangs.

SIGN. A name, identification, description, display, illustration or device which is fixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN, FLASHING. Any illuminated sign on which such illumination is not kept stationery or constant intensity or in color at all times when such sign is in use.

SIGN, ILLUMINATED. Any sign which has characters, letters, figures, risings or outlines illuminated by electric lights or luminous tubes as a part of the sign.

SIGN, SURFACE AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display.

SOLAR ENERGY. Electromagnetic energy transmitted from the sun (solar radiation).

SOLAR ELECTRIC SYSTEM. A set of devices including, but not limited to, photovoltaic devices whose primary purpose is to collect, store, and/or distribute solar energy.

SOLAR ELECTRIC SYSTEM, RETAIL. A solar electric system established for the primary purpose of meeting all or part of the electric energy needs of the host building, whether residential, commercial, industrial, or institutional.

SOLAR ELECTRIC SYSTEM, WHOLESALE. A solar electric system established for the primary purpose of generating and/or storing electricity and selling it directly to a third party (e.g., electric utility company).

SOLAR PANEL. See *Photovoltaic (PV) panel*.

STAND, ROADSIDE. A structure used only for the display and sale of products with no space for customers within the structure.

STATE LICENSED FACILITY. a state-licensed and mandatory residential facility occupied by six or fewer persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time.

STORY. That part of a building between the surfaces of a floor and the ceiling immediately above; however, a basement is not considered to be a story.

STREET, ARTERIAL. Provides for through traffic movement between major highways and collector streets and for those major movements within or through an urban area not served by major highways. To accomplish this it should not force traffic through the areas it serves on an area-wide basis. For instance, an arterial should circulate traffic around rather than through an internal area such as a residential, commercial or industrial district. Access points should be well controlled and limited to cases of definite need.

STREETS, COLLECTOR. Distributes and collects the traffic within an internal district between the major arterials and local streets. Continuity should be de-emphasized so that through traffic is discouraged.

STRUCTURAL ALTERATION. Any change in a building or structure affecting its supporting members such as bearing walls or partitions, beams, girders and the like. Roofs or exterior walls are included. Incidental repairs shall not be considered as alterations.

STRUCTURE. Anything erected, the use of which usually requires permanent location on the ground or attached to something having permanent location on the ground.

TOWER. A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

(1) ***COMMUNICATION TOWER, FREESTANDING, SELF-SUPPORTING.*** A ground mounted tower consisting of a pole, spire, structure or combination thereof constructed without guy wires and anchors.

(2) ***COMMUNICATION TOWER, GUYED.*** A tower that is supported in whole or part by wires and ground anchors.

(3) ***COMMUNICATION TOWER, MONOPOLE.*** A ground mounted tower consisting of a single pole constructed without guy wires and anchors.

TOWER HEIGHT. Determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower, including all antennae or other attachments.

USE. The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

USE, INCOMPATIBLE. A use which is incapable of direct association with certain other uses because it is contradictory, incongruent or discordant.***USE, NONCONFORMING.*** Any lawfully established use or a building or premises which

on the effective date of this chapter does not comply with the use regulations of the zoning district in which such building or premises shall be located.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards if any, of such district.

USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use.

USE, CONDITIONAL. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such ***CONDITIONAL USE*** may or may not be granted.

VARIANCE. A modification of the literal provisions of this chapter granted when strict enforcement would cause practical difficulties, as defined by Minn. Stat. § 462.357, subd. 6.

YARD. An open space on a lot which is unobstructed from its lowest level to the sky, except as hereinafter permitted. A ***YARD*** extends along a lot line and at right angles to such lot line to a depth or width specified in the yard requirements for the district in which such lot is located.

YARD, FRONT. A yard extending along the full width of the front lot between side lot lines.

YARD, REAR. The portion of the yard on the same lot with the building between the rear line of the building and the rear line of the lot for the full width of the lot. In those locations where an alley is platted in the rear of the lots, one half of the width of the platted alley may be included in the rear yard requirements. On corner lots the Planning Commission shall determine which yards are to be side and rear yards for the purpose of this chapter.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing use, lot and building are uniform.

ZONING MAP. The map setting forth the boundaries of the Zoning Districts of the city. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 5-5-86, Amended 317-25)

ZONING DISTRICTS AND MAP

§ 153.020 DISTRICTS.

In order to carry out the purpose of this chapter, the City of Dassel is divided into the following use districts:

(A) Residence Districts:

(1) RR – Rural Residential

(10) R1 - One-Family Residence;

(11) R2 – One- and Two-Family Residence;

(12) R3 – Multiple Family Residence

(13) R4 – Manufactured Home Park

(B) Commerce Districts:

(1) C1 - Central Commerce;

(2) C2 - Fringe and Highway Commerce;

(C) Industry Districts:

(1) I1 - Limited Industry;

(2) I2 - General Industry;

(D) Planned Unit Development R: PUD-R Residential.

(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86)

§ 153.021 MAP.

The location and the boundaries of the zoning districts established by this chapter are set forth on the Zoning Use Districts Map, which map is on file and on record in the office of the City Administrator-Clerk-Treasurer, City of Dassel entitled "Dassel Zoning Map," as amended, is incorporated into and made a part of this chapter by reference.

(Ord. 25, passed 12-3-74)

§ 153.022 BOUNDARIES.

District boundary lines as indicated on the Zoning Use Districts Map follow lot lines, right-of-way lines of streets and alleys projected, railroad right-of-way lines and the corporate limit lines, all as they exist upon the effective date of this chapter. If the boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the Zoning Use Districts Map. (Ord. 25, passed 12-3-74)

§ 153.023 ANNEXED TERRITORY.

Any land which may be annexed to the city in the future shall be placed in the R1 - One-family Residence District until special resolution of the City Council shall definitely assign such land to another district.
(Ord. 25, passed 12-3-74)

DISTRICT REGULATIONS

§ 153.035 RR – Rural Residential.

(A) Purpose. All farming operations together with non-farm dwellings. The municipal airport, utility and cemeteries are also permitted uses.

(B) Permitted uses.

(1) Agriculture uses, including outdoor Cannabis cultivation that meets the standards set in 153.075.

(2) One-family non-farm dwellings, including manufactured homes with a minimum width of 20 feet.

(3) Airports, including attendant's dwelling.

(4) Cemeteries.

(5) Golf courses, except miniature courses or practice driving tees operated for commercial purposes.

(3) Small animal crematory, for animals up to 300 pounds. (Must be fenced- no less than 8' high, gated and secured. Remains must always be concealed from plain sight, stored in a secured refrigerated space, and cremated within 7 days.)

(C) Uses by Conditional Permit.

(1) Cannabis cultivation, indoor.
(Ord. Am. - - passed 10-21-13, 3-17-25)

(D) Building requirements.

(1)	Minimum floor area	Residential - 900 square feet;		
(2)	Height limits	2 1/2 stories or 35 feet, whichever is		
(3)	Manufactured	i.	Have a permanent foundation constructed according to	
	homes must:	ii.	the Uniform Building Code; Be at least 20 feet at its narrowest point; Have a pitched roof with shingles or tile and eaves of not less than 12 inches.	

(E) Minimum lot requirements, residential.

(1)	Area	one acre
(2)	Width	100 feet
(3)	Depth	150 feet
(4)	Front Setback	30 feet
(5)	Rear Setback	35 feet
(6)	Side Setback	15 feet
(7)	Side street setback	25 feet

(Ord. 25, passed 12-3-74)

§ 153.036 R1 - ONE-FAMILY RESIDENCE.

(A) Purpose. One-family dwellings together with certain public or semipublic uses that serve the residents of Dassel and customary home occupations. Density 1-5 dwelling units per acre. Special provisions are made for manufactured home courts.

(B) Permitted uses.

(1) One-family detached dwellings,

(2) Manufactured homes with a minimum width of 20 feet.

(3) Public parks, playgrounds and recreational uses of a non-commercial nature.

(4) The renting of rooms by a resident family for lodging purposes only and for not more than two additional occupants in a one-family dwelling for not more than 14 consecutive days

(5) Customary home occupations in accordance with Section 153.076

(6) Customary accessory uses incidental to the foregoing principal uses when located on the same lot with the building to which it is accessory but not including any business or industrial use.

(7) A state licensed group home or foster home serving six or fewer persons

(7) A state licensed group home or foster home serving six or fewer persons.

(8) Cemetery expansion.

(9) Places of Worship

(C) *Uses by Conditional Permit*

(1) Accessory Dwelling Unit

a. The renting of the conditionally approved accessory dwelling unit for lodging purposes only for not more than 14 consecutive days.

(D) *Building requirements.*

(1)	Minimum floor area	Principal Residential - 1,000 square feet;
(2)	Height limits	Residential – 2 $^{1}/_{2}$ stories or 35 feet, whichever is less.
(3)	Manufactured homes must:	i. Have a permanent foundation constructed according to the Uniform Building Code; ii. Be at least 20 feet at its narrowest point; iii. Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(E) Minimum lot requirements.

(1)	Area	12,000 square feet
(2)	Width	80 feet measured at front setback line
(3)	Depth	80 feet
(4)	Front Setback	25 feet or average depth of front yard
(5)	Rear Setback	25 feet
(6)	Side Setback	i. Residential - ten feet each side, except that corner side yards shall be 20 feet adjacent to street. iv. Public and semipublic buildings: 25 feet
(7)	Side Street Setback	25 feet

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.037 R2 - ONE- AND TWO-FAMILY RESIDENCE.

(A) Purpose. One-family dwellings and two-family dwellings together with medical and related facilities in addition to the other uses permitted in the R1 District. Density 5-8 dwelling units per acre.

(B) Permitted uses.

(1) Single -family detached dwellings,

(2) Two - family dwellings

(3) Manufactured homes with a minimum width of 20 feet.

(4) Municipal buildings, public parks, playgrounds, and recreational uses of a noncommercial nature.

(5) Places of worship and public and parochial schools.

(6) Hospitals, clinics, mortuaries, sanitariums, rest homes, old-age homes and rooming and boarding houses.

(7) The renting of rooms by a resident family for lodging purposes only and for not more than two additional occupants in a one-family dwelling for not more than 14 consecutive days.

(8) Customary home occupations in accordance with Section 153.076.

(9) Customary accessory uses incidental to the foregoing principal uses when located on the same lot with the building to which it is accessory but not including any business of industrial use.

(0) Cemetery expansion.

(1) A state licensed group home or foster home serving six or fewer persons.

(C) *Uses by conditional permit.*

(1) A state licensed residential facility serving from seven through 16 persons

(2) Congregate housing.

(3) Senior citizen housing.

(4) Accessory Dwelling Units

(a) The renting of the conditionally approved accessory dwelling unit for lodging purposes only for not more than 14 consecutive days.

(5) Manufactured home parks that obtain all applicable Federal, State, and local permits or approvals.

(D) *Building requirements.*

(1)	Minimum floor area	i. Principal Residential One- family dwelling 800 square feet ii. Two-family dwelling unit 750 square feet per unit
(2)	Height limits	Residential – 2 $^{1}/_{2}$ stories or 35 feet, whichever is less.

(3)	Manufactured homes must:	i. Have a permanent foundation constructed according to the Uniform Building Code; ii. Be at least 20 feet at its narrowest point iii. Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(E) *Minimum lot requirements.*

(1)	Area	i. One- family dwelling – 8, 000 square feet ii. Two-family dwelling – 12,500 square feet
(2)	Width	i. One family dwelling – 80 feet ii. Two Family Dwelling – 100 feet
(3)	Front Setback	25 feet or average depth of front yard
(4)	Rear Setback	25 feet
(5)	Side Setback	i. One and two-family dwelling – 10 feet each side, except that corner side yards shall be 20 feet adjacent to street. iv. Public and semi-public buildings 25 feet.
(7)	Side street setback	25 feet

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.088, passed 5-18-92)

§ 153.038 R3 MULTIPLE FAMILY RESIDENTIAL

(A) *Purpose.* Established to allow and preserve multiple-family dwellings in relatively medium and high density residential areas in the City.

(B) *Permitted Uses*

(1) Townhouse.

(2) Multiple-family dwellings.

(3) Group family day care serving 14 or less children.

(4) State licensed residential facility.

(5) Municipal buildings, public parks, playgrounds and recreational uses of a noncommercial nature.

(6) Places of worship and public and parochial schools.

(7) Hospitals, clinics, mortuaries, sanitariums, rest homes, nursing home and boarding care home.

(C) *Uses by conditional permit*

(1) Community Center

(2) Assisted Living/Memory Care

(3) Senior Citizen Housing

(4) Accessory Dwelling Units

a. The renting of the conditionally approved accessory dwelling unit for lodging purposes only for not more than 14 consecutive days.

(E) *Building requirements.*

(1) Minimum floor area:

(1)	Minimum floor area	1) Efficiency: 350 square feet per dwelling unit; 2) 1 bedroom: 600 square feet per dwelling unit; 3) 2 bedroom: 700 square feet per dwelling unit; 4) 3 bedroom: 900 square feet per dwelling unit.
(2)	Height Limit	One Family Dwelling – 2 1/2 stories but less than 35 feet. Two Family Dwelling – 2 1/2 stories but less than 35 feet Multi- Family Dwelling – No principal structure of building shall exceed 3 stories or 35 feet in height whichever is less.
(3)	Manufactured homes	Must: Have a permanent foundation constructed according to the Uniform Building Code; be at least 20 feet at its narrowest point; have a pitched roof with shingles or tile and eaves of not less than 12 inches

(D) *Minimum lot requirements.*

(1)	Area	a) One-family dwelling – 8,000 square feet; b) Two-family dwelling – 10,000 square feet; c) Multiple-family dwelling units – 10,000 square feet plus 800 square feet for each dwelling unit over one.
(2)	Width	a) One-family dwelling – 80 feet; b) Two-family dwelling – 100 feet; c) Three or more family dwelling – 120 feet.
(3)	Front Setback	25 feet or average depth of front yard.
(4)	Rear Setback	25 feet.
(5)	Side Setback	One and two-family dwelling – 10 feet each side, except that corner side yards shall be 20 feet adjacent to street. Multiple-family dwellings – 15 feet each side, plus 5 feet for each additional story over ground floor level. Corner side yards shall be 25 feet adjacent to streets.
(6)	Side street setback	25 feet

(Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.039 R4 – MANUFACTURED HOME PARK

(A) *Purpose.* Allow manufactured home parks in a specified area of the city. Manufactured home parks shall provide ingress and egress roadways, open space for playgrounds, recreation and park purposes and necessary sewer, water, electricity, and refuse services. All manufactured home parks shall conform to the provisions set forth in the City Code relating to manufactured home parks.

(B) *Permitted Uses*

(1) None

(C) *Uses by conditional permit*

(1) Manufactured home parks that obtain all applicable Federal, State, and local permits or approvals.

(D) *Permitted Accessory Uses*

(1) Private garage or parking space

(2) Off-street parking lot

(3) Storm Shelter

(4) Public park or playground and open space

(E) *Building requirements.*

(1) Have a permanent foundation constructed according to the Uniform Building Code;

(2) Be at least 20 feet at its narrowest point;

(3) Have a pitched roof with shingles or tile and eaves of not less than 12 inches.

(4) Lot Requirements

i.	Front Setback	25 feet or average depth of front yard.
.	Rear Setback	10 feet.
i.	Side Setback	5 feet
ii.	Side street setback	25 feet

ii. All provisions required in Chapter 151 of the City Code.

§ 153.040 C1 - CENTRAL COMMERCE.

(A) Purpose. Retail stores of a retail, service, office or entertainment nature at a relatively high density of development (little or no yard space), together with other related uses that are typically found in a downtown area.

(B) Permitted uses.

(1) Retail stores

(2) Professional and business offices and office buildings, offices for personal services.

(3) Restaurants, lunch counters, taverns and cafes.

(4) Hotels.

(5) Newspaper and printing establishments.

(6) Public buildings.

(7) Private clubs.

(8) Theaters, assembly halls and commercial recreation establishments.

(9) Public and private parking lots.

(10) Telephone exchange and public utility structures.

(11) Wholesale business and storage incident to a permitted use.

(12) Service establishments.

(13) Banks, financial and lending institutions.

(14) Retail establishments, Lower-Potency Hemp Edible Sales.

(15) Repair Shops.

(C) *Uses by conditional permit.*

(1) Automobile service stations.

(2) Those other uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the C1 District.

(3) Multiple-family dwelling.

(4) Apartments located above the first floor provided off-street parking requirements are met

(5) Residential units on the ground floor of a commercial building. Subject to the following

(a) Only 1 single family residential unit shall be permitted per structure

(b) The square footage of the residential unit is no more than 50% of the gross floor area of the building, with remaining 50% retained for commercial use

(c) A separate entrance is provided for the residential structure that is not used for commercial purposes

(d) Off-street parking is provided in conformance with section 153.5 Parking Requirements

(k) The residential unit must meet Building Code, ADA and other applicable access requirements

(l) The requirements of 153.102 Conditional Use Permits are met

(6) Outdoor dining areas

(7) Manufactured home parks that obtain all applicable Federal, State, and local permits or approvals.

(8) One- and two-family dwellings constructed on site prior to December 31, 2022, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use. One- and two-family dwellings permitted by conditional use that are damaged or destroyed by weather, fire, or vandalism shall be allowed to be repaired or reconstructed if a building permit is submitted and approved no longer than a year after the incident.

(9) Cannabis mezzobusinesses, sales only.

(3) Cannabis microbusinesses, sales only.

(4) Cannabis sales.

(Ord. Am. - - passed 10-21-13, 3-17-25)

(D) *Building requirements.*

(1) Minimum floor area: none, other than multiple-family dwellings as follows:

(a) 1 bedroom unit 600 square feet per dwelling unit

(b) 2 bedroom unit 700 square feet per dwelling unit

(c) 3 bedroom unit 900 square feet per dwelling unit

(2) Building height limit: three stories but less than 35 feet.

(2) Exterior Building Requirements

(a) All exterior wall surfaces may be a combination of materials including brick, dimensional stone, rock faced block, decorative concrete panel, architectural concrete block, cast-in-place concrete, stone, stucco, wood or glass. An average of said materials shall constitute no loess than 90 percent of the exterior wall façade less windows, doorways, roof, and garage doors.

(E) *Minimum lot requirements.*

(1)	Area	(a) Multiple-family dwellings: i. Each efficiency unit – 1,200 square feet ii. Each 1 bedroom unit – 1,800 square feet i. Each 2, 3 and 4 bedroom unit – 2,500 square feet (b) Other uses – 1,500 square feet
(2)	Width	(a) Multiple-family dwellings – 50 feet
		(b) Other uses – 15 feet
(3)	Depth	(a) Multiple-family dwellings – 100 feet (b) Other uses – 50 feet
(4)	Rear Setback	(a) Multiple-family dwellings – 25 feet (b) Other uses –15 feet in compliance with §§153.et seq. (Ord. 25, passed 123-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.041 C2 - HIGHWAY COMMERCE.

(A) *Purpose.* Retail stores of a retail, wholesale and service nature at a relatively low density of development which are oriented to the motorist as opposed to the pedestrian. Special provision is made for uses which require outdoor display of merchandise. Emphasis is placed on planned sites with off-street parking, loading and circulation facilities.

(B) *Permitted uses.*

(1) Retail stores.

(2) Accessory buildings.

(3) Accessory uses incidental to the foregoing principal uses.

(4) Farm implement sales and shops.

(5) Lower-Potency Hemp Edible Sales.

(C) *Uses* by conditional permit.

(1) Commercial uses which require outdoor display of goods, materials or merchandise such as building materials, automobile and truck sales and manufactured home sales, provided that such uses are incidental to a principal building, and provided further that the visual appearance and activity of such outdoor display areas as seen from the streets and highways does not detract from the pleasant residential character of Dassel.

(2) Manufactured home parks that obtain all applicable Federal, State, and local permits or approvals.

(3) Those other uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the district.

(4) One and two family dwellings constructed on site prior to December 31, 1973, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use. One- and two-family dwellings permitted by conditional use that are damaged or destroyed by weather, fire, or vandalism shall be allowed to be repaired or reconstructed if a building permit is submitted and approved no longer than a year after the incident.

(5) Cannabis mezzobusinesses, sales only

(6) Cannabis microbusinesses, sales only.

(7) Cannabis sales.

(Ord. Am. - - passed 10-21-13, 3-17-25)

(D) *Building requirements.*

(1) Minimum floor area: None

(2) Height limit: 2 stories but less than 30 feet

(3) Exterior Building Requirements: All exterior wall surfaces may be a combination of brick, dimensioned stone, rock face block, decorative concrete panels, stone, stucco, wood, glass or metal panels. Metal panels shall not encompass more than fifty percent of the building elevation abutting a public right of way or residential zoned property. Metal Panels shall not exceed seventy-five percent of all other exterior wall surfaces.

E) *Minimum lot requirements*

(1)	Area	No requirement
(2)	Width	No requirement
(3)	Depth	No requirement
(4)	Front Setback	25 feet

(5)	Rear Setback	15 feet
(6)	Side Setback	10 feet
(7)	Side street setback	15 feet

(Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05) **§ 153.042 I1 - LIMITED INDUSTRY.**

(A) Purpose. The I-1 Limited Industry District is intended to provide exemplary standards of development for certain industrial uses to be located in strategic sites. The limited industrial district is intended for administrative, wholesaling, manufacturing and related uses which can maintain high standards of appearance, including open spaces and landscaping; limit external effects such as noise, odors, smoke and vibration; and not require a high level of public services, including sewer and water services. With proper control, these areas should become compatible with commercial or residential areas.

(C) Permitted uses.

(1) Industrial fabricating, processing or storage to be undertaken within completely enclosed buildings and which complies with the provisions of §§ 153.055 *et seq*.

(2) Wholesaling, all commodities except live animals and cannabis products.

(3) Accessory uses incidental to and on the same zoning lot as the principal use.

(4) Farm implement sales and storage yards, auto sales and manufactured home sales.

(5) Lower-Potency Hemp Edible Sales
(Ord. Am. - - passed 10-21-13, 3-17-25)

(C) *Uses by conditional permit.*

(1) Those uses which in the opinion of the Planning Commission are of the same general character as those described above and which will not be detrimental to the I1 District.

(2) One and two-family dwellings constructed on site prior to December 31, 1973, with the exception of such dwellings with direct frontage on a state highway. Such uses shall maintain as a primary condition that they will not be expanded nor be changed in architecture for any reason, nor shall they be subject to exterior alteration except for maintenance and safety reasons. Any interior alteration shall be consistent with the main residential use. One- and two-family dwellings permitted by conditional use that are damaged or destroyed by weather, fire, or vandalism shall be allowed to be repaired or reconstructed if a building permit is submitted and approved no longer than a year after the incident.

(3) Cannabis cultivation, indoor.

(4) Cannabis mezzo businesses.

(5) Cannabis microbusinesses.

(6) Cannabis sales.

(Ord. Am. - - passed 10-21-13, 3-17-25)

(D) *Building requirements.*

(1) Minimum floor area: None

(2) Height limit: 35 feet

(3) Exterior Building Requirements: all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast-in-place concrete, stone, wood, glass, or metal panels. Metal panels shall not encompass more than an average of twenty-five (50) percent of all building elevations combined

(E) *Minimum lot requirements.*

(1)	Area	No requirement
(2)	Width	No requirement
(3)	Depth	No requirement
(4)	Front Setback	25 feet
(5)	Rear Setback	25 feet, except adjacent to RR property, no requirements
(6)	Side Setback	15 feet each side
(7)	Side street setback	25 feet

(Ord. 25, passed 12-3-74; Am. Ord. 01-2005, passed 6-20-05)

§ 153.043 I2 - GENERAL INDUSTRY.

(A) Purpose. The I-2 General Industry is established to provide exemplary standards of development for certain industrial uses to be located in strategic sites. These general industrial uses are less compatible with commercial and residential uses and, therefore, are not appropriate in the I-1 district. More specifically, heavy industrial land uses are industrial land uses which may have the potential to create nuisances which are detectable at the property line; may involve materials which pose a significant safety hazard.

(B) Permitted uses.

(1) All industrial fabricating, processing or storage of materials, goods or products, provided such activity or operation complies with the provisions of §§ 153.055 *et seq*.

(2) Wholesaling, including cannabis products.

(3) Accessory uses incidental to and on the same zoning lot as the principal use.

(C) *Uses by conditional permit*.

(1) Junk yards.

(2) Wholesale electric system.
(3) Cannabis cultivation, indoor.
(4) Cannabis manufacturing.
(5) Cannabis mezzo businesses.
(6) Cannabis microbusinesses.
(7) Cannabis sales.
(8) Cannabis testing facilities.
(9) Lower-Potency Hemp Edible Manufacturing.

(Ord. Am. - - passed 10-21-13, 3-17-25)

(D) *Building requirements.*

(1) Minimum floor area: None

(2) Height limit: 35 feet

(E) *Exterior Building Requirements*: All exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass or metal panels. Metal panels shall not encompass more than an average of seventy-five (75) percent of all building elevations combined

(F) *Minimum requirements.*

(1)	Area	No requirement
(2)	Width	No requirement
(3)	Depth	No requirement
(4)	Front Setback	25 feet
(5)	Rear Setback	25 feet
(6)	Side Setback	15 feet each side
(7)	Side street setback	25 feet

(Ord. 25, passed 12-3-74)

§ 153.044 Zoning District Use Chart

A			R1	R2	R3	R4	C1	C2	I1 [2]
A.Agriculture									
Farm Implement Sales and Shop							P	P	
Farming Operations	P								
Farmsteads	P								
B.Automotive									
Auto Sales							C	P	
Automobile Service Stations						C			
Repair Shops						P			
C.Civic									
Cemeteries	P	P	P						
Public parks		P	P	P					
Places of worship		P	P	P					
Schools			P	P					
Hospital			P	P					
Day Care Serving Less than 14				P					

Airports	P								12
Golf Courses	P								
Theaters						P			
Assembly Halls						P			
Public and Private Parking Lots						P			
Public Utility Structures						P			
Public Buildings			P	P		P			
Commercial Recreation Center						P			
Community Center				C					
D. Commercial/Retail/Service									
Retail Stores						P	P		
Retail Establishment						P			
Service Establishments						P			
Private Clubs						P			
Newspaper and printing						P			
Professional and Business Offices						P			
Restaurants, Cafes, Taverns						P			
Outdoor dining areas						C			
Medical Clinic			P	P					
Banking, Financial Institutions						P			
E. Industrial									
Business Which Require Outdoor Display							C		
Industrial Fabricating Processing or Storage								P	P
Manufactured Home Sales							C	P	
Wholesale Businesses						P		P	P
Wholesale Electric									C
Junkyard									C
F. Lodging									
Hotels						P			
. Residential									
Single Family Dwelling	P	P	P			C	C	C	
Two Family Dwelling			P			C	C	C	
Townhouse				P					
Licensed residential facility 1-6		P	P	P					
Licensed residential facility 7-16			C	P					
Rest/Nursing/Boarding Care Home		P	P	P					
Senior Citizen Housing			C	C					
Multiple Family Dwelling				P		C			
Manufactured Home Park			C		C	C	C		
Manufactured Housing	P	P	P			C			
Apartments above 1st Floor						C			
Residential Units on Ground Floor						C			

	A	R1	R2	R3	R4	C1	C2	I1	I2
Accessory Dwelling Unit		C	C	C					
Renting of Accessory Dwelling Unit			C	C					
h. Accessory									
Accessory Structures/Uses		P	P		C		P	P	P
Home Occupations		P	P						
Retail Solar	P	P	P	P	P	P	P	P	P
Wholesale Solar	C					C	C	C	C

CANNABIS	**A RR**	**Ci.**	**C2**	**Ii.**	**I2**
A. Agriculture					
Cannabis cultivation, indoor	C			C	C
Cannabis cultivation, outdoor	P				
D.Commercial/Retail/Service					
Cannabis mezzobusiness		C *Sales Only	C *Sales Only	C	C
Cannabis microbusiness		C *Sales Only	C *Sales Only	C	C
Cannabis sales		C	C	C	C
E. Industrial					
Cannabis manufacturing					C
Cannabis testing facility					C
Cannabis wholesaling					P
Lower-Potency Hemp Edible Sales		P	P	P	
Lower-Potency Hemp Edible Manufacturing					C

(Ord. Am. - - passed 10-21-13, 3-17-25)

§ 153.045 PUD - PLANNED UNIT DEVELOPMENT.

(A) Purpose. It is the purpose of this district to encourage and permit creative design and sound planning, possible mixing of compatible uses, to accommodate

unique, functioning and land conserving development and to prevent deleterious effect on surroundings.

(B) Location and districts. The owner of a tract of land of one acre or more may submit to the Council for forwarding to the Planning Commission a plan for use and development of all of such tract and/or for alterations of existing developments with a request for rezoning if required to the following district: PUD-R (Residential).

(C) Commission findings. It shall be the duty of the Planning Commission, Council and appropriate governmental units to investigate and ascertain the proposed planned development complies with the following conditions.

(1) General intent. That development is consistent with intent and purpose of this chapter.

(2) Effect. That surroundings are not adversely affected by the development or indirectly by traffic, noise, pollution and the like caused by the development.

(3) Off-street parking and loading. Adequacy for use in accord with this chapter, adapted in consideration of staggered usage and aggregate number of stalls.

(4) Recreation. That indoor and outdoor recreation areas and facilities are provided and are commensurate with the needs generated by the project.

(5) Coverage and plantings. That portion of land occupied by structures is compatible with use and adjacent land use and that landscaping, screening and yards are adequate, planned and will be included in the development.

(6) Feasibility. The PUD is well located for adequate but not excessive in size, not in conflict with other development, existing or planned.

(7) Traffic circulation. That PUD is located for adequate traffic capacity to and from the site for ease of maintenance, fire and police protection and for proper on-site traffic and parking.

(8) Site data. To be presented in a preliminary form for initial review and then in final development plan upon which final recommendation will be issued and rezoning process begun.

(D) Plats. Any planned unit development of one acre or more shall be plated or replated.

(E) Signs. Signs are subject to the appropriate district regulations as defined in the sign regulations of this chapter.

(F) Provisions. Any planned unit development shall comply with all of the provisions of this chapter and the subdivision regulations set forth in Chapter 152, as amended from time to time, except as specifically modified, altered or deviated in writing from the ordinance.

(Am. Ord. 25.200, passed 4-21-86)

(C) Procedure. A PUD will generally adhere to the following process

(1) *Step one:* Pre-application meeting.
- (a) Meet with city staff to review contemplated project in relation with community development objectives, the comprehensive plan, and this zoning ordinance. The pre-application meeting will determine the requirements of the applicant. Comments received at the pre-application meeting shall not be binding.
- (b) Review information on review and processing charges for consultants and city staff.

(2) *Step two:* Conceptual development (sketch plat) plan review. A site plan application shall include the following for consideration by city staff, the planning commission, and the city council:
- (a) Submittal of application, signed by the owner of the property with review fees as determined by the fee schedule.
- (b) Erect sign on property identifying name of development, developer, and city meeting dates and times. Said sign shall be placed on the site at least ten days prior to neighborhood meeting.
- (c) Submit five full sized hard copies, five reduced sized (11×17) along with an electronic copy of all material to city staff of the concept plan with the following information:
  - i. Property description, acreage, identification of owner and developer.
  - ii. Existing conditions within 600 feet, relationship to the comprehensive plan, existing land uses, transportation, zoning, utilities, etc.
  - iii. Existing natural features, topography (contours at two-foot intervals), soils, vegetation cover, waters, streams, marshes, wetlands, protected wetlands and classifications, and their implications on development.
  - iv. Preliminary tree preservation and replacement plan.
  - v. Type and square footage of specific land use.
  - vi. Approximate building areas, pedestrian ways and road locations.
  - vii. Height, bulk and square footage of specific land uses.
  - viii. Number of dwelling units.
  - ix. Staging and timing of the development.
  - x. Renderings/photos of proposed building types.
  - xi. Net densities.
  - xii. Tiered density calculation if within Shoreland Overlay district.
  - xiii. Location of parkland (if applicable) to be dedicated to city.
  - xiv. Location of storm water management features.

xv. General location of trunk utilities.
xvi. Useable open space.
xvii. Proposed transportation, recreation and development staging.
xviii. Proposed land use objectives, assumptions, rationale, type and character of building(s).
xix. Preliminary landscaping plan identifying street-scaping and general site beautification.

(d) Staff review of application for completeness. Staff may provide comments and questions to the applicant that must be addressed and mitigated prior to presentation to the planning commission or city council.

(e) Planning commission review to provide feedback and comment on PUD site plan application.

(f) City council review to provide feedback and comment on the PUD conceptual development review plan application based on information discussed at the planning commission meeting as well as additional discussion and comment.

(3) *Step three:* Preliminary development plan. A preliminary development plan shall include the following for consideration by city staff, the planning commission, and the city council:

(a) The development plan shall include the following:

i. Site plan showing lot lines, building location, height, bulk and square footage, parking lots, parks and private/common open space, and recreational improvements.
ii. Type and square footage of specific land uses.
iii. Number of dwelling units, net density and usable open space.
iv. Detailed street and utility locations and sizes.
v. Grading and drainage plan, including location and size of pipes and water storage areas and, where appropriate, building pad elevations.
vi. Preliminary landscape plan.
vii. Traffic study or other information on the impacts of the development on surrounding sites.
viii. Colorized plan for uniform signs and lighting, showing size and location.
ix. General floor plans for each type of building.
x. Provide a matrix or graphic of zoning provisions that are not addressed by the underlying zoning.
xi. Updated tiered density calculation if within Shoreland district if different from information submitted at time of concept plan.

(b) Staff review of application for completeness. Staff may provide comments and questions to the applicant that must be addressed and mitigated prior to presentation to the planning commission or city council. Information discussed at the time of concept plan should be addressed and/or corrected at time of preliminary development plan submittal to the city.

(c) Planning commission review to hold a public hearing and provide recommendation of approval or disapproval to the city council.

(d) City council review to act on approval or disapproval of preliminary development plan.

(e) No application for a final PUD shall be processed until the application for a preliminary PUD has been approved by the city council unless staff determines the preliminary PUD and final PUD may be processed simultaneously.

(f) Denial of a preliminary PUD restricts the applicant or owner from reapplying for the same or similar development on the same property for six-months from the day of denial.

(4) *Step four:* Final development plan. A final development plan shall include the following for consideration by city staff, the planning commission, and the city council:

(a) The development plan shall include the following:

i. Detailed utility, street, grading and drainage plans.

ii. Detailed building elevations and floor plans, except single family detached homes.

iii. Detailed landscaping, sign, lighting and parking plans.

iv. Construction drawings (can be draft version).

v. Detailed tree replacement, if applicable.

vi. The final site and building plan must be in substantial compliance with the approved PUD development plan.

vii. Pay balance due, if any.

(b) Staff review of application for completeness. Staff may provide comments and questions to the applicant that must be addressed and mitigated prior to presentation to the planning commission or city council. Information discussed at the time of preliminary plan should be addressed and/or corrected at time of final development plan submittal to the city. The development must comply with the prescribed zoning at the time of final development plan.

(c) Planning commission review to provide recommendation of approval or disapproval to the city council.

(d) City council review to act on approval or disapproval of final development plan.

(e) The city council shall consider the final PUD development plan. If the city council deems it necessary, it may set a public hearing for consideration of the final development plan. The city council may deny or approve the final development plan in whole or in part.

(f) Denial of a preliminary PUD restricts the applicant or owner from reapplying for the same or similar development on the same property for six-months from the day of denial.

(g) Approval granted to the applicant shall not be transferable.

(h) Approval of the PUD development plan shall indicate approval of the previously listed items and, after the approval of the PUD, nothing shall be constructed nor shall there be any new use of the property on the PUD site, in conformance with the approved plans.

(i) Proposed development of land for which a PUD has been approved or modifications to an existing project which does not conform to the approved final plan shall be processed and approved in the same manner as a preliminary and final development plan except that submission requirements shall be modified as appropriate by city staff to reflect the nature of the proposed amendment.

SPECIAL REGULATIONS

§ 153.055 OFF-STREET PARKING REQUIREMENTS.

(A) *Minimum number of parking spaces required.*

(1) None required in C1 except as in subsection (2 and 3) below;

(2) One-, two- and multiple-family dwellings: one per dwelling unit;

(3) Places of worship, auditoriums, mortuaries and other similar places of assembly: one per every four seats;

(4) Schools, elementary and junior high: one per classroom, plus one additional for every 50 students or fraction thereof;

(5) Schools, senior high: one per classroom plus one additional for every ten students;

(6) Hospitals: one per every three beds;

(7) Sanitariums, convalescent homes, rest homes, nursing homes: one per every six beds;

(8) Retail commerce, other than C1:

(a) Restaurants: one per every three seats;

(b) Other retail: one per every 100 square feet of retail floor space;

(9) Service commerce, other than C1:

(a) Motels: 1 per unit

(b) Bowling alley: 5 per lane;

(c) Theaters and other place of entertainment: one per every six seats;

(d) Personal and professional offices: one per every 150 square feet of gross floor area;

(e) Other service business: one per every 150 square feet of gross floor area;

(f) Industrial, including wholesale: one per every two persons of maximum employment during any work period;

(10) Congregate and senior citizen housing. Where senior citizen or congregate housing is proposed, with reduced parking facilities, as provided by this chapter, the owner shall submit a detailed parking plan which demonstrates that the full complement of parking that would otherwise be required on the site cannot be provided within ordinance design standards and a document providing that the

owner covenants on behalf of himself or herself, his or her heirs, executors and assigns, not to use the property for any other use unless such other use complies with the off-street parking requirements as specified by this section.

(B) Minimum size of parking spaces. 400 square feet of standing and maneuvering space. Fractional spaces over one half count as one space.

(C) Location of parking spaces.

(1) Spaces for one- and two-family dwellings: on the same lot as the dwelling served.

(9) Spaces for multiple-family dwellings: on the same lot as the dwelling served or within 200 feet of the main entrance to such dwelling.

(10) Spaces for commercial uses not in the C1 Districts or for public and semi-public uses: within 300 feet of the main entrance of the building served.

(11) Spaces for industrial uses: within 400 feet of the main entrance of the building served.

(12) No off-street parking space to be located within ten feet of any street right-of-way.

(D) Surfacing and drainage. Off-street parking areas and accessways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

(E) Screening. All open off-street parking areas having more than six parking spaces shall be effectively screened as approved by the Planning Commission.

(F) All business uses parking uses must be in designated spots for overnight parking

(G) All off-street parking spots must be located in maintained painted spots with area for drive lanes.

(H) Parking minimum requirements may be reduced up to 25% through the granting of a Conditional Use Permit

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.07, passed 55-86; Am. Ord. 25.085, passed 5-7-90)

§ 153.056 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

(A) *Minimum number of off-street loading spaces required.* An adequate number of off-street loading spaces shall be provided for all structures which require the receipt or distribution of materials or merchandise by trucks or similar vehicles so as to assure

unrestricted movement of pedestrians and motor vehicles throughout the active areas of Dassel.

(B) *Minimum size of off-street loading berths.*

(1)Width: 10 feet

(2)Length: 50 feet

(3)Vertical clearance: 14 feet

(C) *Location of off-street loading berths.* No closer than 40 feet from the intersection of two street rights-of-way.

(D) *Access to off-street berths.* Each berth shall be designed with appropriate means of access to a street or alley in a manner which will least interfere with traffic movement.

(E) *Surfacing and drainage.* All loading berths and accessways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

(Ord. 25, passed 12-3-74)

§ 153.057 COMMERCIAL AND INDUSTRIAL SCREENING.

Where any commercial or industrial use is adjacent to property zoned for residential use, that commerce or industry shall provide screening, suitable as determined by the Planning Commission, along the boundary of the residential property where outdoor storage or off-street parking or loading areas are located across the street from such residential property. Screening may consist of buildings, walls, fencing, berms, coniferous plantings, or a combination thereof. Screening shall have an opacity of at least 75 percent but not to exceed 95 percent. The screening is required to have a 15 foot setback from any street or driveway opening onto a street

(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.085, passed 5-7-90)

§ 153.059 LANDSCAPING.

(A) In all zoning use districts (except as required in special provisions for specific uses as decided by the Planning Commission), prior to approval of a building permit, shall be subject to a mandatory landscape plan.

(B) The lot remaining after providing for off-street parking, loading, sidewalks, driveway, building site shall be landscaped using ornamental grass, shrubs, trees, or other acceptable vegetation or treatment used in landscaping prior to certificate of occupancy, the front yard extending from the back of the street curb to the front of the home shall be sodded except for areas landscaped with shrubs, trees and other vegetation. At least one tree or two inches in diameter shall be provided in the front yard.

(C) Occupancy may be taken in the Winter with a temporary certificate of occupancy provided a deposit of a fee determined by City Council, and all remaining landscaping be completed by the first of June the following Spring.

(D) The landscape plan shall address the following

(1) The boundary or perimeter of the proposed site and points adjoining other properties

(2) The immediate perimeter of the structure

(3) The perimeter and landscaped islands within parking and loading areas

(E) Design of site amenities i.e. composition of plant materials, and location of plants. Design shall address the following

(1) All exterior areas not paved or designated as roads, parking or exterior storage shall be planted into ornamental vegetation, lawns, ground cover or shrubs

(2) All ground areas under building overhangs must be treated with decorative mulch or foundation plantings

(3) Trees and plantings shall not be planted in the right of way except for designated locations and boulevards as determined by the City.

(4) Plant material centers shall not be located closer than three feet from the fence line or property line

(5) Large deciduous shrubs shall be planted so that mature widths overlap so as to provide effective screening.

(F) Landscaping Maintenance

(1) The property owner shall be responsible for maintenance of landscape elements as so to present a neat, aesthetically pleasing appearance. If the City finds that a property is not in compliance with the approved landscaping plan, it shall inform the owner regarding the non-compliance and describe the necessary steps to bring the property into compliance within a reasonable timeframe.

(G) All developed uses shall provide a landscaped yard along all streets. The yard shall be kept clear of all structures, storage and off-street parking within one year of the effective date of this chapter. The yard shall be at least ten feet in depth along all streets, measured from the street right-of-way; except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

(Ord. 25, passed 12-3-74)

§ 153.060 RESIDENTIAL YARD STORAGE.

In all residence districts, all materials and equipment shall be stored within a building or fully screened (so as not to be visible) from adjoining properties, except for the following: laundry drying and recreational equipment, equipment temporarily being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises and off-street parking of passenger automobiles and pick-up trucks.
(Ord. 25, passed 12-3-74)

§ 153.061 REFUSE.

In all zoning use districts, all waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.
(Ord. 25, passed 12-3-74)

§ 153.062 TRAFFIC VISIBILITY.

No obstruction exceeding 30 inches in height above the center line grade of the street shall be
permitted within any setback area so as to allow for visibility at a street intersection.
(Ord. 25, passed 12-3-74)

§ 153.064 BUILDING DESIGN AND MATERIALS.

(A) A public occupancy building shall be designed by a registered architect as provided by state law. (Ord. 25, passed 12-3-74)

(B) Except in association with farming activities, no galvanized or unfinished steel or aluminum buildings, or exposed metal fastener buildings are allowed in any district.

§ 153.065 GLARE.

In all districts, any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential district or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. (Ord. 25, passed 12-3-74)

§ 153.066 RESIDUAL FEATURES.

No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke,

dust and particulate matter and vibration in such concentration as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business. (Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.067 DRAINAGE.

No land shall be developed and no use shall be permitted that results in water run-off, flooding or erosion on adjacent properties. The run-off shall be properly channeled into a storm drain, water course, ponding area or other public facility. All new development shall include provision for storm sewers, curbs and gutters along public streets.
(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.068 BUILDING RELOCATION.

No building shall be moved from one location to another without a building permit from such relocation so as to comply with all of the provisions of this chapter as to construction.
(Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.069 DWELLING BELOW GROUND LEVEL.

No interior space below ground level shall be occupied for dwelling purposes unless the completed building was designed to be partially or wholly underground. A completed structure which was not intended to serve as a substructure or foundation for a building. (Ord. 25, passed 12-3-74) Penalty, see § 10.99

§ 153.070 COMPLETION OF DWELLINGS AND ACCESSORY BUILDINGS.

All exterior and landscaping of residential dwellings and accessory buildings shall be completed 18 months from the date of permit approval. If the dwelling or accessory building is not completed, application must be resubmitted with regular fees for extension. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.071 PRINCIPAL AND ACCESSORY BUILDINGS.

(A) Not more than one principal use shall be located on a lot, with the exception of retail strip centers and similar developments that typically consist of multiple uses and businesses. Multiple principal structures on one lot are only permitted for multi-family, industrial, and commercial developments.

(B) In case an accessory building is attached to the main building it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building.

(C) A detached accessory building shall not be located in any required front or side yard.

(D) A detached accessory building in a residential zone shall not be over one story and not to exceed nine feet side walls in height and shall not exceed 1,000 square feet and shall not occupy more than 30% of the area of any rear yard, providing further that no detached accessory building shall be located within six feet of any rear lot line, except where rear lot line abuts a street, an additional ten feet setback from the street shall be required.

(E) Retail solar systems are a permitted accessory structure in any district.
(Ord. 25, passed 12-3-74; Am. Ord. 25.07, passed 5-5-86; Am. Ord. 25.085, passed 5-7-90; Am. Ord. 25.091, passed 12-5-94)

§ 153.072 FENCES AND RETAINING WALLS.

(A) Permit required. No person or corporation except on a farm and related to farming shall hereafter construct or cause to be constructed or erected within the city any fence or retaining wall exceeding $3\frac{1}{2}$ feet in height without making an application for and securing a building permit.

(B) Locations. All boundary line fences and retaining walls shall be located entirely upon the private property of the persons, firm or corporation constructing or causing the construction of such fence or retaining wall, unless the owner of the property adjoining agrees, in writing, that such fence or retaining wall may be erected on the division line of the respective properties.

(1) Fences may only be located in side and rear yards and are not allowed in front yards. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

§ 153.073 TELECOMMUNICATION TOWERS.

(A) *Purpose*. The purpose of this section shall be to establish predictable and balanced regulations that protect the public peace, health, safety and general welfare of the City of Dassel ("city"). These regulations are intended to:

(1) Facilitate the provision of telecommunications services and facilities, including commercial wireless telecommunication services, in the city;

(2) Minimize adverse visual effects of towers through careful design and siting standards;

(3) Avoid potential damage to adjacent properties from tower or antenna failure and weather-related occurrence through structural standards, careful siting and setback requirements;

(4) Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the city.

(B) *Permits required.* It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect any tower unless it shall replace a like tower without first making application to the city and securing a conditional use permit. A change in construction, dimension, lighting design or design type shall also require a conditional use permit. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit. The placement of antennae on previously approved towers may be administratively approved by the city.

(C) *Tower and antenna design requirements.* Proposed or modified towers and antennas shall meet the following design requirements:

(1) Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities;

(2) No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest or like structure, except during periods of construction or repair;

(3) Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards;

(4) Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code;

(5) Metal towers shall be constructed of, or treated with, corrosive resistant materials.

(D) *Tower setbacks.* Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

(1) Towers shall be setback from all property lines and existing structures an amount equal to the height of the structure;

(2) Guy wires for towers shall be located no closer than 25 feet to any property line and shall meet the setback of the underlying land use district with respect to the public road right-of-way;

(3) Suitable protective anti-climbing fencing, with a minimum height of six feet, shall be provided around any tower and guy wires.

(E) *Tower location.*

(1) Towers are allowed by conditional use permit on property zoned for commercial, industrial and agricultural use.

(2) Towers less than 200 feet in height shall be located a minimum of one half mile from the end of an airport clear zone as measured from the center point of the base of a freestanding tower. Towers that are 200 feet or more in height shall be located a distance of at least three miles from any public or private airport.

(F) *Co-location requirement.* All commercial wireless telecommunication towers erected, constructed or located within the city shall comply with the following requirements:

(1) Documentation of the area to be served, including maps demonstrating the size of communications cells and a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.

(2) Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost;

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;

(c) Existing or approved towers and buildings within the search radius that are 60 feet or

over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

(d) Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(3) Any proposed tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 99 feet in height or for at least one

additional riser if the tower is between 35 and 99 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounting at varied heights.

(4) An agreement shall be written stating that the site will be designed for not less than three users with applicant and property owner commitment to co-location and that any prohibition of additional users on a tower will be considered a violation of the permit and city policy. The agreement shall also include a statement that any unused or abandoned tower shall be removed by the property owner and/or applicant. The agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

(G) *Antennas mounted (in existing buildings or towers).*

(1) The placement of telecommunication antennas, including wireless telecommunication antennas on existing buildings, towers or structures shall meet the requirements of the underlying land use district and this section. A site plan and building plan must be submitted to the city as part of the land use permitting process.

(2) Where a tower is nonconforming due to the requirements of this section, additional telecommunication antennas may be permitted to be placed on the tower after being reviewed by the Zoning Administrator.

(H) *Accessory utility buildings.* All buildings and structures accessory to a tower shall conform as follows:

(1) Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for each land use district;

(2) Have ground mounted equipment screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and compliments the architectural character of the surrounding neighborhood.

(I) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers or other illuminating devises, except as required by the Federal Aviation Administration or the Federal Communications Commission or state agency. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

(J) *Abandoned or unused towers.* Abandoned or used towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.

(K) *Public safety telecommunications interference.* Commercial wireless telecommunications services shall not interfere with public safety telecommunications. All applications shall include adequate information that will be reviewed by the City Planning Commission before a permit may be issued. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the city at least ten calendar days in advance of any changes and allow the city to monitor interference levels during the testing process.

(L) *Signs and advertising.* The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(M) *Nonconforming towers.* In order to avoid requiring new towers and to minimize the number of towers needed to serve the city, the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of this amendment may be permitted to increase tower height after being issued a conditional use permit. The City Planning Commission shall consider the following criteria as part of the conditional use permit process:

(1) Tower safety concerns, including tower collapse, falling ice and airplane traffic;

(2) Land use character and history of tower(s);

(3) Comparative visual impact to the surrounding lands of the proposed tower height increase;

(4) Disturbance or conflict with agricultural uses on the property;

(5) Other factors which tend to reduce conflicts or are incompatible with the character and need of the area.

(N) *Screening and landscaping requirements.* A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures and security fencing shall be submitted. The plan shall show the location, size, quantity and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

(O) *Additional submittal requirements.* In addition to the information required elsewhere, applications shall include the following information:

(1) A report from a licensed professional engineer that describes the commercial

(2) wireless telecommunication service tower’s capacity, including the number and type of antennas that it can accommodate;

(3) A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use;

(4) The location of all public and private airports within a three mile radius of the tower site;

(5) Permittee must obtain FAA approval and/or provide documentation that FAA approval is not needed;

(6) Permittee must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed;

(7) An intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems only if that is the basis for not co- locating;

(8) The applicant must submit proof of liability and worker's compensation; and

(9) The owner of the tower shall provide the city with an acceptable financial guarantee in an amount equal to one and one-half times the cost to remove the tower and related infrastructure, including footings and other underground improvements to a depth of 36 inches below existing grade and to restore the site. Failure to remove the structure shall be cause for the city to remove the tower and associated equipment at the expense of the property owners.
(10) (Am. Ord. 25.110, passed 5-1-00)

(P) *Small wireless facility conditions.* The erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

(1) A small wireless facility shall only be collocated on the wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.

(2) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the issuance of a Conditional Use Permit and general standards for use for towers consistent with all applicable provisions of this ordinance.

(3) No wireless facility may extend more than 10 feet above its wireless support structure.

(4) No signage may be located on small wireless facilities unless required to protect public safety.

(4) Where an applicant proposes collocation on a decorative wireless support structure, sign, or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance, or intended purpose of such structure.

(5) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

(Q) *Small wireless facility collocation agreement.* A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter, or affect any then-existing agreement between the city and applicant.

§ 153.074 SEXUALLY-ORIENTED BUSINESSES.

(A) Purpose. The purpose of this section is to control, through zoning regulations, certain land uses that have a direct and detrimental effect on the character of the city's residential and commercial neighborhoods.

(B) Findings of the City Council. The City Council makes the following findings regarding the effect sexually-oriented businesses have on the character of the city. The findings are based on the City Council's study of experiences of other urban areas in the nation where sexually-oriented businesses were located.

(1) Sexually-oriented business can exert a dehumanizing influence on persons attending places of worship; children attending state-licensed family day care homes, state-licensed group family day care homes, and state-licensed child care centers; and people using parks.

(2) Sexually-oriented business can contribute to an increase in criminal activity in the area in which such businesses are located, taxing local law-enforcement services.

(3) Sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the value of the residential housing in the area in which such businesses are located.

(4) The concentration of sexually-oriented businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually-oriented businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating

and the result can be devastating as other businesses and residents move out of the vicinity. Declining real estate values, which can result from the concentration of such businesses, erode the city's tax base.

(C) Conclusions of the City Council. In order to minimize the detrimental effect sexually-oriented businesses have on adjacent land uses, the City Council adopts the following land-use regulations, recognizing that it has a great interest in the present and future character of the city's residential and commercial neighborhoods.

(D) Zoning regulations.

(1) Sexually-oriented businesses shall be prohibited in all of the city's use districts, except Commercial Districts where such businesses shall be a permitted use subject to the conditions in subsection (2) below and the requirements of this chapter.

(2) A sexually-oriented business shall be a permitted use in a Commercial District subject to the following conditions:

(a) No sexually-oriented business shall be located closer than 750 feet from any other sexually oriented business or liquor-serving establishments. Only one sexually-oriented business shall be permitted per building or structure. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual business premises of any other sexually- oriented business.

(b) No sexually-oriented business shall be located closer than 750 feet from any single-family or multi-family dwelling, place of worship, school, public park, state-licensed family day care home, state-licensed group family day care home, or state-licensed child care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest point of the actual premises used as a single-family dwelling, place of worship, school or park, state-licensed family day care home, or state-licensed child care center. In the case of a single-family or multi-family dwelling located in an area used for agricultural purposes, the premises of the residence thereon shall be defined as the minimum lot size required by this chapter.

(c) No sexually-oriented business shall locate in any place which is also used to dispense or consume alcohol.

(d) No sexually-oriented business shall be located in the same building or upon the same property as another such use.

(e) Notwithstanding any other provision of this chapter, a sexually-oriented business shall not be permitted more than one on-premise sign advertising its business. Such on-premise sign shall comply with the applicable requirements of this chapter. Further, no sign shall contain any flashing lights, moving elements, or mechanically changing messages.

(E) *Nonconforming sexually-oriented business.* Sexually-oriented businesses which are classified as legal nonconforming uses may continue in accordance with the provision of this section, except that any such nonconforming use shall be terminated and become illegal on and after January 31, 2004. To the extent possible, the city shall attempt to identify all such uses which become classified as nonconforming under the provision so this section and shall notify the property owners and operators of such uses in writing of the change in status and the terms and conditions which apply. The owner of any property on which an adult use is located may apply to the Council for an extension of the termination date. Any such application shall be in writing and be received by the city no later than January 1, 2003. Failure to submit a timely extension application shall constitute a waiver of the right to request an exception. The applicant shall have the burden of proof to demonstrate the amortization period is an unreasonable burden upon the business and does not allow adequate time to recover a reasonable return upon the business investment and also the time required for an extension. In making its decision, the Council may consider any factor relevant to the issue, including but not limited to:

(1)The degree or magnitude of threat to the public health, safety and general welfare posed by the secondary impacts of the operation.

(2)The length of time that the adult use has been operating.

(3)The ease by which the property could be converted to a conforming use.

(4)The nature and character of the surrounding neighborhood.

(5)The value and condition of the improvements on the property.

(6)The amount of the applicant's investment in the business.

(7)The amount of investment already realized.

(F) *Penalty.* A violation of this section shall be a misdemeanor under Minnesota law, punishable by fine of up to $1,000 or imprisonment of up to 90 days or both.

(Ord. 25.099, passed 6-3-02)

§ 153.075 CANNABIS AND HEMP BUSINESSES.

(A) *Cannabis and Hemp Businesses.* All Cannabis and Hemp Businesses shall comply with the following qualifying criteria. Where required, a conditional use permit may only be issued when the following qualifying criteria are met.

(1) Applicability. The standards within this subsection shall apply to the following uses:

a. Cannabis cultivation
b. Cannabis events
c. Cannabis manufacturing
d. Cannabis mezzobusiness
e. Cannabis microbusiness
f. Cannabis sales
g. Cannabis testing facility
h. Cannabis wholesaling
i. Lower-potency hemp edible manufacturing
j. Lower-potency hemp edible sales

(2) Buffers

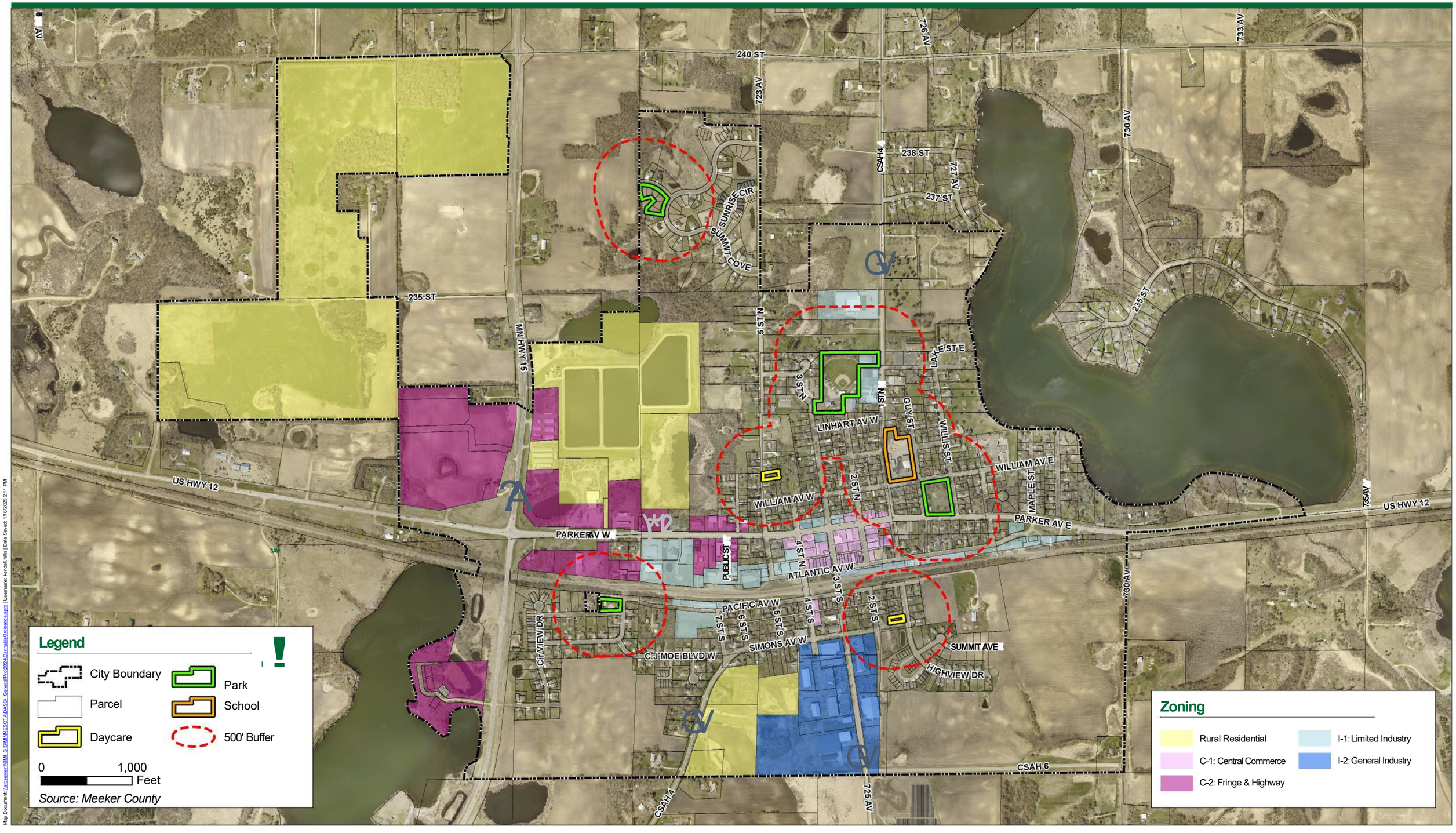
a. Any cannabis business must be setback 500 feet from schools, day care, residential treatment facilities, and attractions within a public park that are regularly used by minors, including a playground or athletic field. These distances are to be measured from the property line of the school, daycare, residential treatment facility, or edge of the attraction within a public park to the closest side of the premises within which the Licensed Product is to be sold.

Cannabis Buffer Map

City of Dassel

February 2025

BOLTON & MENK



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b. Any area used to cultivate or grow cannabis must meet the following setbacks:

	Horizontal Setbacks for Cultivation or Growth of Cannabis (Minimum)
Any property line	50 feet
Minor Arterial Street	150 feet from centerline or 75 feet from ROW, whichever is greater
Major or Minor Collector Street	100 feet from centerline, or 50 feet from ROW, whichever is greater
Any other Public Street	40 feet from ROW

(3) Development Standards

a. Must be licensed by the State of Minnesota and in compliance with the standards set by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

b. The facility shall be secured as required by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

c. Outdoor operations are prohibited, except for outdoor cultivation in the Rural Residential zone. All operations, including but not limited to, cultivation, manufacturing, storage, and sales must occur within a fully enclosed building or facility. Outdoor cultivation in the Rural Residential Zone shall be secured as required by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.

d. Outdoor storage beyond the daily parking of vehicles is prohibited.

e. The facility shall not produce noxious or nuisance causing odors, and is subject to the following conditions:

1. The facility shall be ventilated so that all odors cannot be detected by a person with a normal sense of smell at the exterior of the facility or at any adjoining use or property.
2. Growing cannabis must comply with all applicable laws and shall not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the facilities.
3. An odor maintenance plan must be submitted to the City and approved by the City.
4. At the Zoning Administrator's discretion, the applicant may be required to provide plans that show appropriate odor control systems so as not to produce any noxious or dangerous gases or odors or create any dangers to any person or entity in or near the facility.

f. All mechanical, odor suppression equipment, trash enclosures, and loading and unloading areas to the facility must be screened from all public Right of Way and adjacent properties.

g. Lighting

1. All site lighting must meet City Code requirements. All light fixtures must be downward directed with cut-offs and be architecturally designed to match the overall design of the building.

2. The specifications of all light fixtures must be provided to the City with the application for a conditional use permit.
3. A photometric plan must be submitted to the City with the application for a conditional use permit indicating light measure at the property line.
0. Lighting within a transparent greenhouse structure is permitted between the hours of 4:30 a.m. and 10:00 p.m. Lighting at the site property lines shall not exceed 1.0 foot-candles at any time.

h. Water and Wastewater
   1. Cannabis and hemp businesses cultivating, processing, or manufacturing cannabis or hemp products shall be designed to minimize the use of water on the site, and must include water capture systems, grey-water systems, or other equally effective water conservation measures.
   2. Management of wastewater shall be approved by the City and in accordance with the Office of Cannabis Management, Minnesota Pollution Control Agency, or local ordinances. Where multiple standards exist, the more restrictive of the standards shall apply.

i. Signs
   1. Signs shall be in compliance with the Office of Cannabis Management and City Code Chapter 155, regulating signage displayed on private property. Whenever a more restrictive standard exists, the more restrictive standard shall apply.

j. Security.
   1. The facility shall be secured as required by Minnesota Statutes, Minnesota Rules, and the Office of Cannabis Management.
   2. Any security bars, gates or grills shall be retractable, shall remain open and retracted when the Cannabis or Hemp business is open to the public or otherwise in operation and shall not be installed on the exterior of the building.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective immediately from and after its adoption and publication in the official newspaper of the City of Dassel.

SECTION 6. ADOPTION DATE. This Ordinance 02-2025 was adopted on this 17th day of March, 2025. **§ 153.076 HOME OCCUPATIONS**

(A) Such occupation is carried on in the principal building;

(B) Not more than 25% of the gross floor area of the residence is used for this purpose;

(C) Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted commercial service;

(D) No articles for sale shall be displayed so as to be visible from any street;

(E) No person is employed other than a member of the household residing on the premises;

(F) No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood.

§ 153.077 SOLAR ELECTRIC SYSTEMS.

(A) *Retail Solar Electric Systems.*

(1) Retail solar electric systems are allowed in all zoning districts through the building permit application process.

(2) Roof top solar electric systems shall:

(a) Be mounted parallel to and no more than four feet above the plane of the roof;
(b) Shall not be located closer than 6 feet to any roof edge or peak;
(c) Shall not occupy more than 75% of the area of the roof plane to which it is affixed.

(3) Ground mounted retail electric systems:

(a) Shall be no closer to the street than the principal structure;
(b) Shall not exceed 15 feet in height;
(c) Shall not be in any required setback;
(d) Shall not exceed 10% lot coverage or 10,000 square feet, whichever is less. Square footage is calculated by the area encumbered by the outermost measurements of the solar equipment layout.

(B) *Wholesale Solar Electric Systems.*

(1) Wholesale solar electric systems are only allowed by conditional use in Agricultural, Commercial or Industrial zoning districts . A conditional use permit for a solar
electric system may be limited by the lifespan of proposed equipment and PV panels.

(2) Wholesale solar electric systems shall be set back a minimum of:

(a) 130 feet from the centerlines of public roadways;
(b) 50 feet from property lines adjacent to properties without a residential dwelling;
(c) 100 feet from property lines adjacent to properties with a residential dwelling;
(d) 300 feet from any residential dwelling on an adjacent property.

(3) The maximum height of wholesale solar electric system equipment, structures and accessory appurtenances shall not exceed 15 feet.

(4) Wholesale solar electric systems shall not be lighted, except for shrouded, downcast security lights on major equipment or storage buildings. Signage shall be limited to equipment labeling, security warnings and messages, entrance identification and directional signs, and a single site identification sign. No individual sign shall exceed thirty-six square feet in area or extend more than 15 feet in height.

(5) In addition to typical site and development plan requirements, wholesale solar electric systems shall include the following details for any development process:

(a) Full sets of plans including:
1. Site Plan(s) showing:
   a. Access and maintenance roads
   b. Location of overhead and underground electrical lines
   c. Dimensions, location, and spacing of PV panels
   d. Lighting and signage
   e. Location of equipment and structures associated with the system
   f. Landscaping, including species
   g. Locations of a security fence of at least six feet high
2. Grading Plans and any applicable land disturbance or grading permits
3. Stormwater management plan meeting the applicable watershed district requirements
4. Site inventory and analysis prior to construction, including:
   a. Topography
   b. Tree inventory, including Diameter at Breast Height (BDH), species, height, and canopy diameter
   c. Any notable natural features, including but not limited to water, wetlands, locations of endangered species habitats, and other similar elements

(b) Description of the racking method, including fixed or tracking technology;
(c) Description and location of buildings, inverters, transformers, disconnects & combiners, and other structures and equipment;
(d) Typical elevations or example photos of proposed solar arrays;
(e) Decommissioning plan and site restoration plan, including:
1. Financial assurances accounting for inflation or the minimum amounts in the table below, whichever is greater, for the proposed life of the system to be issued as a performance bond or escrow to the benefit of the Township to facilitate complete decommissioning and restoration of the site in the event that the owner or operator does not decommission the system after abandonment or expiration of the CUP. The performance bond or escrow may be released back to the appropriate entity upon decommissioning the system according to the decommissioning plan;

Minimum Amounts for Initial Solar Farm Escrow Deposit or Surety	
Megawatts (MW) of Solar Energy Farm	**Amount of Required Bond or Escrow**
1 Megawatt or less	$200,000
1.01-1.49 MW	$250,000
1.5-1.99 MW	$300,000
2.0-2.49 MW	$350,000
2.5-2.99 MW	$400,000

3.0-3.99 MW	$450,000
4.0-4.99 MW	$500,000
5.0-5.99 MW	$550,000
Note: After 5.99 MW, the amount will increase $50,000 per every additional half MW.	

2. Restoration of the property to the state prior to the solar system installation
3. Proper recycling of the solar electric system materials and equipment, whenever possible

(f) Landscape installed around and within the perimeter of the project area, and a Maintenance Plan for maintaining the landscape of the property, including:

1. Two rows of native trees, with staggered placement, spaced to completely obscure the solar electric system and all associated structures and equipment from outside view, and native grasses:

a. First row of trees to be evergreen or conifer, to grow to at least 8 feet high and spaced to achieve complete horizontal screening, within 3 years of planting

. Second row of trees to be deciduous, to grow at least 20 feet tall and spaced to achieve adequate screening, within 10 years of planting

a. Native grasses, or well-maintained grass, underneath trees and in spaces uncovered by trees to increase the level of screening

2. Underneath solar panels, the developer must use an erosion control method of vegetation, mulch, erosion control blankets or other effective geotextiles, or a similar method allowed by the city

3. The Maintenance Plan for landscaping and maintenance of the site must include provisions for maintaining foliage, access roads, structure, solar panels, and any other associated equipment. The plan must include provisions and clarity on replacing dead or diseased foliage for the life of the project

(g) 50 feet from property lines adjacent to properties without a residential dwelling;

(h) 100 feet from property lines adjacent to properties with a residential dwelling;

(i) 300 feet from any residential dwelling on an adjacent property.

(C) No solar energy equipment or solar electric systems shall create or cause unreasonable glare on other property or public roadways.

(D) No solar electric system shall create or constitute a public nuisance.

(E) Electric power lines within all ground mounted solar electric systems shall be buried underground, except as required by the utility.

(F) All solar energy systems shall be consistent with applicable State Building Codes, State Electrical Codes, and State Plumbing Codes.

(G) All applicable solar energy equipment shall be certified by either the Underwriters Laboratories (UL) or Canadian Electrical Code (CSA 22.1), or the Solar Rating and Certification Corporation (SRCC) for thermal systems.

(H) All solar electric systems unused, abandoned or inoperable for more than twelve months shall be removed in accordance with the decommissioning plan.

(I) All ground mounted solar electric systems shall include the following details:

(1) Grading and stormwater management plans.

(2) Location of overhead and underground electric lines

(3) Dimensions, location, and spacing of PV panels.

(4) Description of PV racking method, including fixed or tracking technology.

(5) Description and location of buildings, inverters, transformers, disconnects and combiners, and other structures and equipment

(6) Typical elevations of photos of sample solar arrays

(7) Description of vegetation or material under solar system components and method of ground care and maintenance.

(J) Fencing, landscaping, and other screening may be required for any ground mounted solar electric system. Any deviations in setbacks may be considered through a variance process.

(G) All ground mounted solar electric systems shall include the following details:

NONCONFORMING USES AND STRUCTURES

§ 153.085 NONCONFORMING BUILDINGS.

Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this code, may be continued, including through repair or maintenance, but if the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

§ 153.086 NONCONFORMING USE OF BUILDINGS OR LAND.

(A) *Extension*.

(1) A nonconforming use of a building may be extended throughout the building, provided no structural alterations are made therein, except as required by other city codes or ordinances.

(2) A nonconforming use of land shall not be extended or enlarged.

(B) *Relocation*. A nonconforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this chapter.

(C) *Abandonment*. A nonconforming use of a building or land which has been discontinued for a period of more than one year shall not be re-established, and any future use shall be in
conformity with the regulations of this chapter.
(Ord. 25, passed 12-3-74)

§ 153.087 NONCONFORMING LOTS.

A nonconforming lot or existing parcel of record as of the effective date of this chapter shall be in conformance with the ordinance pertaining to lot size; subject, however, to all other provisions of this chapter.
(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75)

ADMINISTRATION AND ENFORCEMENT

§ 153.100 ZONING ADMINISTRATOR.

It shall be the duty of the City Administrator-Clerk-Treasurer to administer the provisions of this chapter.
(Ord. 25, passed 12-3-74)

§ 153.101 PLANNING COMMISSION DUTIES.

(A) The Planning Commission, acting as the Board of Adjustments and Appeals, is authorized to hear requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause practical difficulties, as defined by Minn. Stat. § 462.357, subd. 6. The Planning Commission may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

(B) The Planning Commission shall hear and review all applications for variances from and special use permits provided for within this chapter. The decision of the Planning Commission shall not be final, and any person having an interest affected by such ordinance shall have the right to appeal (within 60 days of the decision) to City Council.

(C) The Planning Commission shall hear and review all applications for amendments to this chapter and shall transmit its recommendations to the City Council for final actions within 60 days of receiving the application. (Ord. 25, passed 12-3-74)

§ 153.102 CONDITIONAL USE PERMITS.

(A) Before a building or premises is devoted to any use classified as a "Use by Conditional Permit" in this chapter, a conditional use permit must be granted by the Planning Commission.

(B) Required exhibits:

(1) Abstractor's certificate, unless varied by Zoning Administrator, showing property owners' names and addresses within 350 feet of the outer boundaries of the property in question;

(2) Any of the following exhibits if required by the Planning Commission: a boundary survey, or if pertinent, a certified survey by a registered land surveyor of any area, including the property in question and 100 feet beyond showing existing utilities, lot and topography and waterways, if pertinent. Soil test to be included, if pertinent, unless waived by the Planning Commission;

(3) Preliminary building and site plans: complete preliminary drawings, if pertinent, site development plan showing building(s) location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs and other site improvements. Building floor plan(s) of all floors. Elevations of all sides of building(s). Sections, details and outline materials specifications as appropriate.

(C) The procedure for obtaining a conditional use permit is as follows:

(1) The property owner or his or her agent shall meet with the Planning Commission to explain his or her situation and obtain an application form;

(2) The applicant shall file the completed application form together with the required exhibits with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;

(3) The City Administrator-Clerk-Treasurer shall transmit the application to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the date and time of the hearing; however, failure of any property owner to receive such notification shall not invalidate the proceedings;

(4) The Planning Commission shall study the application at its next regular meeting to determine possible adverse affects of the proposed conditional use and to determine what additional requirements may be necessary to reduce such adverse effects;

(5) The Planning Commission shall approve, deny or conditionally approve within 60 days after the City Administrator-Clerk-Treasurer receives a complete application for a conditional use permit unless the Planning Commission determines within that 60-day period that an additional 60 days is necessary and informs the applicant in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days. The failure of a vote to approve an application shall not be deemed to be a denial of the application: A motion to deny the application must be adopted.

(Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.085, passed 5-7-90)

(D) In the recommendations by the Planning Commission and action by the City Council the following minimum findings shall be made regarding the conditional use:

(1) The proposed use will not negatively impact the public health, safety and welfare.

(2) The proposed use is consistent with the Comprehensive Plan and this Ordinance.

(3) The proposed use can be adequately served by utilities and essential services, including fire and police protection.

(4) The proposed use will be harmonious with surrounding uses.

(5) The proposed use can be adequately served by the existing transportation system or mitigated effectively by the applicant.

(6) The proposed use will meet all relevant performance standards of this Ordinance.

(7) The potential for any impacts on adjacent properties or the environment can be mitigated by conditions of the permit.

(8) Activities within the proposed use will not create a public nuisance.

(9) The applicant agrees to the conditions the City deems appropriate for issuance of the conditional use permit.

§ 153.103 VARIANCES.

(A) Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

(B) Variances shall only be permitted:

(1) When they are in harmony with the general purposes and intent of the ordinance; and
(2) When the variances are consistent with the comprehensive plan.

(C) "Practical difficulties," as used in connection with the granting of a variance, means that:
(1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
(2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
(3) The variance, if granted, will not alter the essential character of the locality.

(D) Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(E) Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board may permit as a variance the temporary use of a one family dwelling as a two-family dwelling. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(F) Required exhibits:

(1) Abstractor’s certificate, unless varied by Zoning Administrator, showing property owner’s names and addresses within 350 feet of the outer boundaries of the property in question;

(2) Any of the following exhibits if required by the Planning Commission: boundary survey, or if pertinent, a certified survey by a registered land surveyor of an area, including the property in question and 100 feet beyond showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage and topography and waterways, if pertinent. Soil test to be included, if pertinent, unless varied by the Planning Commission;

(3) For one and two-family residential structures and accessory buildings: site plan to scale of area, including property in question and 100 feet beyond showing present and

proposed uses, relation to buildings on property and/or adjoining property, dimensional property lines and labeled streets;

(4) For all multi-family residential (over two dwelling units), commercial, industrial and public and semi-public structures: preliminary building and site plans, complete preliminary drawings, if pertinent, site development plan showing building/s location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs and other site improvements. Building floor plan/s of all floors.
Elevations of all sides of building/s. Sections, details and outline material specifications as appropriate.

(G) The procedure for obtaining a variance from the regulations of this chapter are as follows:

(1)The property owner or his or her agent shall meet with the Planning Commission or City Administrator-Clerk-Treasurer to explain his or her situation and obtain an application form;

(2)The applicant shall file the completed application form, together with the required exhibits with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;

(3)The City Administrator-Clerk-Treasurer shall transmit the application to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question of the date and time of the hearing; however, failure of any property owner to receive such notification shall not invalidate the proceedings;

(4)The Planning Commission shall study the application at its next regular meeting to determine possible effects of the proposed variance and determine what additional requirements may be necessary to reduce such adverse effects;

(5)The Planning Commission shall approve, deny or conditionally approve within 60 days after the City Clerk-Treasurer receives a complete application for a variance unless the Planning Commission determines within that 60-day period that an additional 60 days is necessary and informs the applicant in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.085, passed 5-7-90)

§ 153.104 AMENDMENTS.

(A) Adoption. Amendments to this chapter may be adopted by an affirmative vote of the majority of all the members of the City Council. The adoption or amendment of any portion of this chapter which changes all or part of the existing classification of a zoning district from

residential to either commercial or industrial requires a two-thirds majority vote of all of the members of the City Council.

(B) Kinds of amendments and required public hearings.

(1) An amendment to this chapter may be one of the following:

(a) A change in a district's boundary (rezoning);

(b) A change in a district's regulations;

(c) A change in any other provision of this chapter;

(2) A public hearing shall be held by the Planning Commission for amendments of this chapter. Notice of such hearing shall be published at least once not less than ten days and not more than 30 days prior to the hearing.

(C) *Initiation of proceedings.* Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

(1) By petition of the owner or owners of the property which is proposed to be rezoned;

(2) By recommendation of the Planning Commission;

(3) By action of the City Council.

(D) Required exhibits for re-zoning initiated by property owner.

(1) Abstractor's certificate, unless varied by Zoning Administrator, showing property owners' names and addresses within 350 feet of the outer boundaries of the property in question.

(2) Any of the following exhibits if required by the Planning Commission: boundary survey, or if pertinent, a certified survey by a registered land surveyor of an area, including the property in question and 100 feet beyond showing existing utilities, lot boundaries and dimensions, building, easements, foliage and topography and waterways, if pertinent. Soil test to be included if pertinent.

(E) *Procedure for rezoning.* The procedure for a property owner to initiating a rezoning of his or her property is as follows:

(1) The property owner or his or her agent shall meet with the Planning Commission to explain his or her situation and obtain an application form;

(2) The applicant shall file the completed application form together with the required exhibit with the City Administrator-Clerk-Treasurer and shall pay a filing fee as set forth in the fee schedule, § 36.01;

(3) The City Administrator-Clerk-Treasurer shall transmit the application and required exhibits to the Planning Commission and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings;

(4) The City Administrator-Clerk-Treasurer shall set the date of a public hearing and shall have notice of such hearing published at least once not less than ten days and not more than 30 days prior to the hearing;

(5) The Planning Commission shall hold a public hearing using the services of a planning consultant, if desired, and then shall recommend one of three actions: approval, denial or conditional approval;

(6) The Planning Commission shall transmit its recommendation to the City Council for its official action;

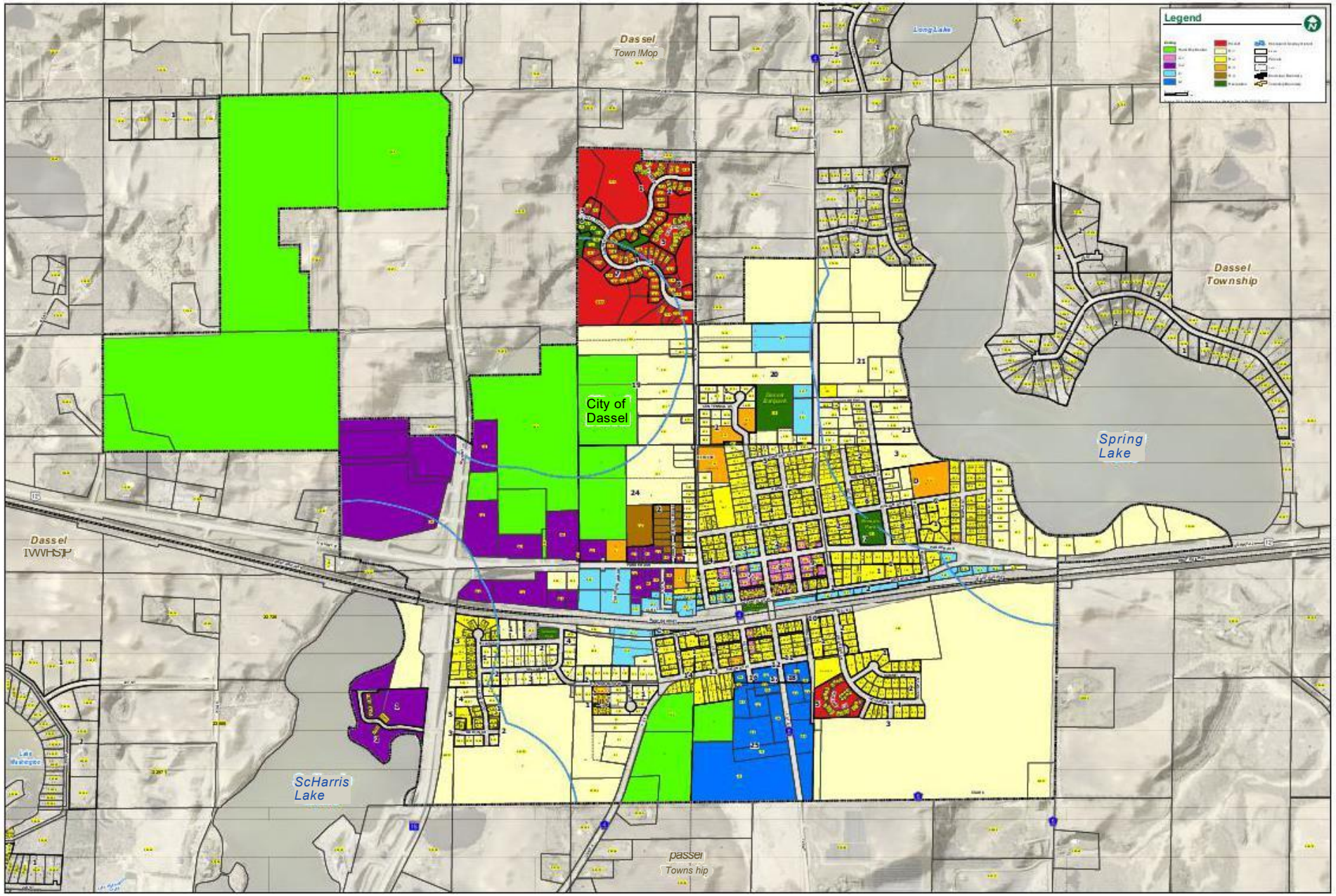
(7) The City Council shall act upon the application within 60 days after receiving the recommendation of the Planning Commission; except that in the case of a petition by the owner or owners of the property which is proposed to be re-zoned, the City Council shall either approve or disapprove the petition within 60 days after the City Clerk-Treasurer received the petition and the required exhibits unless the City Council determines within that 60-day period that an additional 60 days is necessary and informs the petitioner in writing within the first 60-day period of its decision to and the reasons for extending the first 60-day period by an additional 60 days. (Ord. 25, passed 12-3-74; Am. Ord. 25.01, passed 12-15-75; Am. Ord. 25.091, passed 12-5-94)

§ 153.105 ENFORCING OFFICER.

The City Administrator-Clerk-Treasurer is authorized to cause the provisions of this chapter to be properly enforced.
(Ord. 25, passed 12-3-74)

§ 153.998 VIOLATIONS.

Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine as determined by § 10.99. Each week a violation is permitted to exist shall constitute a separate offense.
(Ord. 25, passed 12-3-74)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CHAPTER 154: SHORELAND REGULATIONS

Section

154.01 Statutory authorization
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§ 154.01 STATUTORY AUTHORIZATION.

This shoreland ordinance is adopted pursuant to the authorization and policies contained in M.S. Chapter 103F.201 *et seq*., Minn. Rules, parts 6120.2500 to 6120.3900, and the planning and zoning enabling legislation in M.S. Chapter 462, as they may be amended from time to time.
(Ord. passed 4-17-00)

§ 154.02 POLICY.

The uncontrolled use of shorelands of the City of Dassel, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. 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 and assumed by the City of Dassel.
(Ord. passed 4-17-00)

§ 154.03 JURISDICTION.

The provisions of this chapter shall apply to the shorelands of the public water bodies as classified in § 154.10. Pursuant to Minn. Rules, parts 6120.2500 to 6120.3900, as they may be amended from time to time, no lake, pond, or flowage less than ten acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. 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 chapter.
(Ord. passed 4-17-00)

§ 154.04 COMPLIANCE.

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this chapter and other applicable regulations.
(Ord. passed 4-17-00)

§ 154.05 ENFORCEMENT.

The City of Dassel is responsible for the administration and enforcement of this chapter. Any violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this chapter can occur regardless of whether or not a permit is required for a regulated activity pursuant to § 154.09(A). (Ord. passed 4-17-00)

§ 154.06 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
(Ord. passed 4-17-00)

§ 154.07 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this

chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
(Ord. passed 4-17-00)

§ 154.08 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application. For the purpose of this chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

ACCESSORY STRUCTURE or ***FACILITY.*** Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

BLUFF. A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

(1) Part or all of the feature is located in a shoreland area;

(2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;

(3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and

(4) The slope must drain toward the waterbody.

BLUFF IMPACT ZONE. A bluff and land located within 20 feet from the top of a bluff.

BOATHOUSE. A structure designed and used solely for the storage of boats or boating equipment.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

COMMERCIAL PLANNED UNIT DEVELOPMENTS. Typically, uses 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***.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

COMMISSIONER. The commissioner of the Department of Natural Resources.

CONDITIONAL USE. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in Chapter 153 exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

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.

DUPLEX, TRIPLEX, and ***QUAD.*** A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT. Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

GUEST COTTAGE. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HARDSHIP. The same as that term is defined in M.S. Chapter 462 as it may be amended from time-to-time.

HEIGHT OF BUILDING OR STRUCTURE. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

NONCONFORMITY. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

PLANNED UNIT DEVELOPMENT. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or tease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

PUBLIC WATERS. Any waters as defined in M.S. § 103G.005, subds. 15 and 15a, as they may be amended from time to time.

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.

SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in § 154.11(H).

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

SHORELINE BUFFER ZONE. The shoreline area that extends from 10 to 100 or more feet from the water's edge on to the land and 25 to 50 feet in the lake. The zone shall include at least 50% of the shoreline frontage.

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, ***STEEP SLOPES*** are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

STRUCTURE. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

SUBDIVISION. Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

SURFACE WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use

TOE OF THE BLUFF. The lower point of a 50-foot segment with an average slope exceeding 18%.

TOP OF THE BLUFF. The higher point of a 50-foot segment with an average slope exceeding 18%.

VARIANCE. The same as that term is defined or described in M.S. Chapter 462 (for municipalities), as they may be amended from time to time.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WETLAND. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
(Ord. passed 4-17-00)

§ 154.09 ADMINISTRATION.

(A) *Permits required.*

(1) A permit is required for the construction of structures or structure additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by § 154.11(C). Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary Information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

(2) A permit authorizing an addition to an existing structure shall stipulate that the on-site sewage treatment system must be inspected and an identified nonconforming sewage treatment system, as defined by § 154.11(H), shall be reconstructed or replaced in accordance with the provisions of this chapter.

(B) *Certificate of zoning compliance*. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in division (A) above. This certificate will specify that the use of land conforms to the requirements of this chapter. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this chapter and shall be punishable as provided in § 154.05.

(C) *Variances*.

(1) Variances may only be granted in accordance with M.S. Chapter 462, as it may be amended from time to time and are subject to the following:

(a) A variance may not circumvent the general purposes and intent of this chapter.

(b) For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high-water level.

(2) The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the

notification of the approved variance required in division (D) below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

(D) *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 Dassel will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearing.

(2) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

(3) A copy of approved amendments and subdivisions/plats, and final decisions granting Variances, ordinance amendments, 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.

(Ord. passed 4-17-00)

§ 154.10 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS.

(A) *Shoreland Classification System*. The public waters of the City of Dassel have been classified below consistent with the criteria found in Minn. Rules, part 6120.3300, as it may be amended from time to time, and the Protected Waters Inventory Map for Meeker County, Minnesota. The shoreland area for the waterbodies listed shall be as defined in § 154.08 and as shown on the Official Zoning Map.

B) Lakes are classified as follows:

(1) General Development (GD); and

General Development Lakes	***DNR Public Waters I.D.#***
Spring	47003200

(2) Natural Environment (NE).

Natural Environment Lakes	***DNR Public Waters I.D.#***

Sellards	47003500
Unnamed	47003300

(C) *Land Use District descriptions; criteria for designation*. The land use districts in division (D) below, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the Comprehensive Land Use Plan (when available) and the following criteria, considerations, and objectives:

(1) General considerations and criteria for all land uses:

(a) Preservation of natural areas.

(b) Present ownership and development of shoreland areas.

(c) Shoreland soil types and their engineering capabilities.

(d) Topographic characteristics.

(e) Vegetative cover.

(f) In-water physical characteristics, values, and constraints.

(g) Recreational use of the surface water.

(h) Road and service center accessibility.

(i) Socioeconomic development needs and plans as they involve water and related land resources.

(j) The land requirements of industry which, by its nature, requires location in shoreland areas.

(k) The necessity to preserve and restore certain areas having significant historical or ecological value.

(2) Factors and criteria for planned unit developments:

(a) Existing recreational use of the surface waters and likely increases in use associated with planned unit developments.

(b) Physical and aesthetic impacts of increased density.

(c) Suitability of lands for the planned unit development approach.

(d) Level of current development in the area.

(e) Amounts and types of ownership of undeveloped lands.

(D) *Land Use District descriptions*. The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minn. Rules, part 6120.3200, subp. 3, as it may be amended from time to time: P - Permitted Uses; C - Conditional Uses; N - Prohibited Uses.

Land Use Districts for Lakes		
Use	***General Development Lake***	***Natural Environment Lake***
Single Residential	P	P
Duplex, Triplex, Quad Residential	P	C
Residential PUD	C	C
Surface water-oriented commercial (Resorts are also Commercial PUDs)	C	C
Commercial	P*	C
Commercial PUD (Expansion of PUD involving up to six additional units or sites allowed as a permitted use provided the provisions of § 154.14 are satisfied)	C*	C
Solar Power Facilities (principal land use)	C	C
Parks & historic sites	C	C
Public, semipublic	P*	C
Industrial	C*	N
Agriculture: cropland and pasture	P*	P
Agriculture feedlots	N	N
Forest management	P*	P
Forest land conversion	C*	C
Extractive use	N	N
* No commercial, industrial, public/semi-public, agricultural, forestry, or extractive uses will be permitted to be located on parcels or lots with frontage on Spring Lake.		

(E) *Use and upgrading of inconsistent land use districts*.

(1) The land use districts adopted in this chapter, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, are not consistent with the land use district designation criteria specified in division (C) above. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.

(2) When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply: When a revision to a land use district designation on a lake

is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this chapter on said lake must be revised to make them substantially compatible with the framework in divisions (B) and (C) above.

(3) When an interpretation question arises about whether a specific land use fits within a given "use " category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City of Dassel.

(4) When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question, The City of Dassel will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy subsections (1) and (2) above.

(5) The City of Dassel must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of division (B) above.
(Ord. passed 4-17-00)

§ 154.11 ZONING AND WATER SUPPLY/SANITARY PROVISIONS.

(A) *Lot area and width standards*. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this chapter for the lake classification are the following:

1) *Unsewered Lakes*

(a) General Development

	Riparian Lots		***Non-riparian Lots***	
	Area	Width	Area	Width
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

(b) Natural Environment.

	Riparian Lots		***Non-riparian Lots***	
	Area	Width	Area	Width
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

(2) Sewered Lakes

(a) General Development:

	Riparian Lots		***Non-riparian Lots***	
	Area	Width	Area	Width
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

(b) Natural Environment:

	Riparian Lots		***Non-riparian Lots***	
	Area	Width	Area	Width
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

(3) *Additional special provisions*.

(a) Residential subdivisions with dwelling unit densities exceeding those in the tables in subsection (1) above can only be allowed if designed and approved as residential planned unit

developments under § 154.14. Only land above the ordinary high-water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high-water level and at the building line. The sewer lot area dimensions in subsection (1) above can only be used if publicly owned sewer system service is available to the property.

(b) Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:

1. each building must be set back at least 200 feet from the ordinary high water level;

2. each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

3. watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

4. no more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

(c) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:

1. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

2. If docking, mooring, or over-water storage of more than six watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	***Required increase in frontage (percent)***
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

3. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of no riparian lots in the subdivision who are provided riparian access rights on the access lot.

4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercrafts allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation

alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography, as much as practical, from, view from the public water, assuming summer, leaf-on conditions.

(B) *Placement, design, and height of structures*.

(1) *Placement of structures on lots*. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Proposed structures shall be drawn on the site plan, along with structures on adjoining lots. Structures shall be located as follows:

(a) Structure and on-site sewage system setbacks (in feet) from ordinary high-water level.*

	Setbacks*	
Classes of Public Waters	***Structures***	
	Unsewered	***Sewered***
Lakes:		
General Development	75	75
Natural Environment	150	150

*One water-oriented accessory structure designed in accordance with § 154.11(B)(2)(b) of this ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

(b) Additional structure setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback from:	***Setback in ft.***
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal or state highway	50
Right-of-way line of town road, public street or other roads or streets not classified and additional setback requirements of this chapter	20

(f) Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(g) Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public water frontage, or, if located on lots or parcels with public waters frontage, must

either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(e) Storage of recreational camping vehicles and watercraft. No more than one recreational camping vehicle and one watercraft may be stored outside for another person on each lot. An unoccupied recreational camping vehicle and watercraft stored outside may remain no longer than 30 days on a lot unless owned by the lot owner. A recreational camping vehicle shall not be considered an accessory structure or facility.

1. Recreational camping vehicles shall not be closer to the ordinary highwater mark than the structure setback.

(2) *Design criteria for structures*.

(a) High water elevations. 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 as follows: For lakes, 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, whichever is higher.

(b) Water-oriented accessory structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in § 154.11(B)(1) of this ordinance if this water-oriented accessory structure complies with the following provisions:

1. The structure or facility must not exceed ten feet in heigh, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;

2. The setback of the structure or facility from the ordinary high water level must be at least ten feet;

3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

4. The roof may be used as a deck with safety railes, but must not be enclosed or used as a storage area;

0. The structure or facility must not be designed or used for human contain water supply or sewage treatenfacilities; and habitation and must not

1. As an alternative for general development and recreational water-oriented accessory structures usd solely for watercraft storage, and including storage of related development waterbodies, boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

(c) Stairways, lifts, and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.

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 open-space recreational properties, and planned unit developments.

3. Canopies or roofs are not allowed on stairways, lifts, or landings.

4. Stairways, lifts, and landings shall be constructed above the ground on posts or pilings 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.

6. Residential lots shall have no more than one lift and one stairway.

7. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (1) to (5) above are compiled with in addition to the requirements of Minn. Rules, Chapter 1340, as it may be amended from time to time.

(d) Significant historic sites. No structure may be placed on a significant historic site in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

(e) Steep slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

(3) *Height of structures*. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

(C) *Shoreland alterations*. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

(1) *Vegetation alterations*.

(a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by division (D) below are exempt from the vegetation alteration standards that follow.

(b) Removal or alteration of vegetation is allowed subject to the following standards:

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, water-oriented accessory structures or facilities and other permitted uses, 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. Along rivers, existing shading of water surfaces is preserved.

c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

d. Open burning of trees, branches and other vegetation does not occur within 200 feet of the shoreline.

(2) *Topographic alterations/grading and filling*.

(a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

(b) Public roads and parking areas are regulated by division (D) below.

(c) Notwithstanding subsections (a) and (b) above, a grading and filling permit will be required for:

1. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones.

2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(d) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

1. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland (This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.):

a. Sediment and pollutant trapping and retention.

b. Storage of surface runoff to prevent or reduce flood damage.

c. Fish and wildlife habitat.

d. Recreational use.

e. Shoreline or bank stabilization.

f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

5. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.

6. Fill or excavated material must not be placed in a manner that creates an unstable slope.

7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30% or greater.

8. Fill or excavated material must not be placed in bluff impact zones.

9. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner of the Minnesota DNR under M.S. § 103G.245, as it may be amended from time to time.

10. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

12. All shoreline must be preserved in its natural state, by either maintaining or creating a Shoreline Buffer Zone. The buffer zone shall contain any one or combination of native trees, shrubs, wildflowers, grasses, sedges, and emergent and submergent aquatic plants.

(e) Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

(D) *Placement and design of roads, driveways and parking areas*.

(1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a county road engineer that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

(2) 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.

(3) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of division (C)(2) above must be met.

(E) *Stormwater management*. The following general and specific standards shall

apply: (1) *General standards*.

(a) When possible, existing natural drainageways, wetlands, 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 and protected as soon as possible and facilities or methods used to retain sediment on the site.

(c) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

(2) *Specific standards*.

(a) Impervious surface coverage of lots must not exceed 25% of the lot area.

(b) When constructed facilities are used for stormwater management, documentation must be provided by an engineer, soil and water conservation district specialist or hydrologist that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

(c) New constructed stormwater outfalls and the with a diameter of 15 inches or larger draining into public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(F) *Special provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses*.

(1) No commercial, industrial, public/semi-public, agricultural, forestry, or extractive uses will be permitted to be located on parcels or lots with frontage on Spring Lake. These developments may only be located within the districts as permitted in § 154.10(D) as identified on the Shoreland District Zoning Map.

(2) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters, other than Spring Lake, provided the use complies with provisions of § 154.11. Those uses with water-oriented needs must meet the following standards:

(a) in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

(b) uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

(c) 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:
   a. No higher than ten feet above the ground, and no greater than 32 square feet in size; and
   b. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
3. Other lighting must 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.

(3) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the

normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(4) Agriculture use standards. Animal feedlots are not permitted to be located on parcels or lots with public waters frontage to preserve the water quality of the lake.

(G) *Conditional uses*. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established county-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

(1) *Evaluation criteria*. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

(a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

(b) The visibility of structures and other facilities as viewed from public waters is limited.

(c) The site is adequate for water supply and on-site sewage treatment.

(d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(2) *Conditions attached to conditional use permits*. The City of Dassel Planning Commission, upon consideration of the criteria listed above and the purposes of this chapter, shall attach such

conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

(a) Increased setbacks from the ordinary high water level.

(b) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.

(c) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(H) *Water supply and sewage treatment*.

(1) 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.

(2) Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

(a) Publicly-owned sewer systems must be used where available.

(b) All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", and all future amendments, along with other related State Agency Rules referenced in Minn. Rules Chapter 7080, as it may be amended from time to time, a copy of which is hereby adopted by reference and declared to be a part of this chapter.

(c) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in division (B) above.

(d) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subsections (e)1. through (e)4. below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

(e) Evaluation criteria:

1. Depth to the highest known or calculated ground water table or bedrock;

2. Soil conditions, properties, and permeability;

3. Slope;

4. The existence of lowlands, local surface depressions, and rock outcrops;

(3) Regulation and upgrade. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with § 154.12.
(Ord. passed 4-17-00)

§ 154.12 NONCONFORMITIES.

All legally established nonconformities as of the date of this chapter may continue, but they will be managed according to applicable state statutes and other regulations of this county for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

(A) *Construction on nonconforming lots of record*.

(1) Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of § 154.11(A) may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this chapter are met.

(2) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

(3) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of § 154.11(A) the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of § 154.11(A) as much as possible.

(B) *Additions/expansions to nonconforming structures*.

(1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of § 154.11. Any deviation from these requirements must be authorized by a variance pursuant to § 154.09(C).

(2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

(a) The structure existed on the date the structure setbacks were established.

(b) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.

(c) The deck encroachment toward the ordinary high water level does not exceed 15% of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.

(d) The deck is constructed primarily of wood, and is not roofed or screened.

(C) *Nonconforming sewage treatment systems*.

(1) A sewage treatment system not meeting the requirements of Section § 154.11(H) must be upgraded, at a minimum, at any time a land transfer occurs or when a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level. For the purpose of this section, a land transfer occurs when a Certificate of Real Estate Value is required to be filed or when a transfer of ownership interest in a corporation, partnership, cooperative or other entity results in a change in possessory or use rights to a parcel of property or structure located thereon.

(2) The City of Dassel will require upgrading or replacement of any nonconforming system identified through a program of education, inspection or examination of records within a reasonable period of time which will not exceed one year from proper notification. Sewage systems installed according to all applicable local shoreland management standards adopted under M.S. § 103F.201, as it may be amended from time to time, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming. (Ord. passed 4-17-00)

§ 154.13 SUBDIVISION/PLATTING PROVISIONS.

(A) *Land suitability*. Each lot created through subdivision, including planned unit developments authorized under § 154.14, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the City of Dassel Zoning Administrator shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(B) *Consistency with other controls*. Subdivisions must conform to all official controls of the City of Dassel. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with §§ 154.11(B) and (H) can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of § 154.11(A), including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

(C) *Information requirements*. Sufficient information must be submitted by the applicant for the City of Dassel Zoning Administrator to make a determination of land suitability. The information shall include at least the following:

(1) Topographic contours at two-foot intervals from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.

(2) The surface water features required in M.S. § 505.02, subd. 1, as it may be amended from time to time, to be shown on plats.

(3) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.

(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.

(6) A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

(D) *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.

(E) *Platting*. All subdivisions that create two or more lots or parcels that are $2^1/_2$ acres or less in size shall be processed as a plat in accordance with M.S. Chapter 505, as it may be amended from time to time. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

(F) *Controlled access or recreational lots*. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in § 154.11(A).
(Ord. passed 4-17-00)

§ 154.14 PLANNED UNIT DEVELOPMENTS (PUD's).

(A) Types of PUD's permissible. Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in § 154.10(B) and the Official Zoning Map.

(B) Processing of PUD's. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or less new dwelling units or sites since the date this 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 division (E) below. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

(C) Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

(1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two-foot intervals. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial. or a combination of the two.

(2) A property owners association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of division (F) below.

(3) Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in division (F) below.

(4) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

(5) Those additional documents as requested by the city that are necessary to explain how the PUD will be designed and will function.

(D) *Site "Suitable Area" evaluation*. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in division (E) below.

(1) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high-water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions		
	Sewered (feet)	***Unsewered (feet)***
General Development Lakes First Tier	200	200
General Development Lakes Second and Additional Tiers	200	267
Natural Environment Lake	320	400

(2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high-water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

(E) *Residential and commercial PUD density evaluation*. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody but must not be transferred to any other tier closer.

(1) Residential PUD "Base" density evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in division (F) below.

(2) Commercial PUD "Base" density evaluation.

(a) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

(b) Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratios*		
***Average unit floor area (sq. ft.)**	***Sewered General Development Lakes; First Tier on Unsewered General Development Lakes***	***Second and additional tiers on unsewered general development lakes; Natural Environment Lakes***
200	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.150	.075

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

(c) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

(d) Divide the total floor area by tier computed in subsection (c) above by the average inside living area size determined in subsection (a) above. This yields a base number of dwelling units and sites for each tier.

(e) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria of this chapter.

(3) *Density increase multipliers*.

(a) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in § 154.11 are met or exceeded and the design criteria in division (F) below are satisfied. The allowable density increases in subsection (b) below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50% greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25% greater than the minimum setback.

(b) Allowable dwelling unit or dwelling site density increases for residential planned unit developments.

Density evaluation tiers	***Maximum density increase within each tier (percent)***
First	50
Second	100
Third	200
Fourth	200
Fifth	200

(F) *Maintenance and design criteria*.

(1) *Maintenance and administration requirements*.

(a) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(b) Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure longterm preservation and maintenance of open space. The instruments must include all the following protections:

1. Commercial uses prohibited (for residential PUD's).

2. Vegetation and topographic alterations other than routine maintenance prohibited.

3. Construction of additional buildings or storage of vehicles and other materials prohibited.

4. Uncontrolled beaching of watercraft prohibited.

(c) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owner's association with the following features:

1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.

2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.

3. Assessments must be adjustable to accommodate changing conditions.

4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(2) *Open space requirements*. Planned unit developments must contain open space meeting all of the following criteria:

(a) At least 50% of the total project area must be preserved as open space.

(b) Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities are developed areas and shall not be included in the computation of minimum open space.

(c) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.

(d) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the public.

(e) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

(f) Open space must not include commercial facilities or uses but may contain water oriented accessory structures or facilities if permitted.

(g) The appearance of open space areas, including topography; vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.

(h) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50% of the shore impact zone area of existing developments or at least 70% of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50% of the shore impact zone must be preserved in its natural state.

(3) *Erosion control and stormwater management*. Erosion control and stormwater management plans must be developed and the PUD must:

(a) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

(b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25% of the tier area, except that for commercial PUD's 35% impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with § 154.11(C).

(4) *Centralization and design of facilities*. Centralization and design of facilities and structures must be done according to the following standards:

(a) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and § 154.11(B) and (H). On-site sewage treatment systems must be located in the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

(b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high-water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high-water level must be increased in accordance with § 154.14(E)(3) for developments with density increases.

(c) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous

beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

(d) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the city, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

(e) Accessory structures and facilities must meet the required principal structure setback and must be centralized.

(f) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in § 154.11(B)(1) of this ordinance and are centralized.

(g) Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

(1) Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

(2) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

(3) Shore and bluff impact zone deficiencies must be evaluated, and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

(a) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.

(b) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.

(c) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior 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 division (E) above may be allowed to continue but must not be allowed to be increased, either at the time of conversion or

in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means. (Ord. passed 4-17-00)

CHAPTER 155
REGULATION OF SIGNAGE DISPLAYED ON PRIVATE PROERTY

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§ 155.01 REPEAL PREVIOUS SIGN REGULATIONS

(A) The definitions of BILLBOARD; SIGN; SIGN, FLASHING; SIGN, ILLUMINATED; and SIGN, SURFACE AREA OF shall be struck from the Zoning Ordinance General Provisions § 153.008 DEFINITIONS.

(B) The existing sign ordinance, § 153.058 SIGNS, adopted the 3rd day of December 1974 as amended, is hereby repealed.

(C) The existing sign policy, § 153.058 SIGNS the "Sign Policy City of Dassel" passed on the 6th Day of August 2012, as amended, is hereby repealed.

§ 155.02 FINDINGS; PURPOSE

(A) ***Findings***. The City Council hereby finds as follows:

(1) Signs provide an important medium for advertisement, communication, and expression of thought.

(2) Signs have a substantial impact on the character and quality of the environment and the community.

(3) Signs with the following characteristics can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare:

(a) Signs placed together in a quantity that increases the complexity of the driving environment.

(b) Signs that cause the perception of motion.

(c) Signs that are excessively bright.

(d) Signs that are illegible or difficult to read.

(e) Signs that are excessive in size.

(f) Signs that are poorly maintained.

(g) Signs that are Obscene.

(B) ***Purpose and Intent.*** Other than prohibiting signs that the State of Minnesota defines as Obscene, it is not the purpose or intent of this chapter to regulate the message displayed on any sign, nor is it the intent of this chapter to have content-based restrictions or content-based enforcement. It is not the purpose or intent of this chapter to regulate any building design or any display not defined as a sign, nor any sign which cannot be viewed from a roadway.

The purpose and intent of this chapter is to:

(1) Regulate the number, location, size, type, Sign Illumination and other physical characteristics of signs displayed on Private Property within the city in order to promote the public health, safety and welfare.

(2) Provide for the safety of the traveling public by limiting distractions, hazards, and obstructions.

(3) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter and light pollution that is harmful to the appearance of the community.

(4) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

(5) Protect the US Constitutional 1st Amendment rights of our citizens and businesses and ensure everyone is treated equally under this chapter by removing discretion normally afforded to the zoning authority.

§ 155.03 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted this chapter in each section, subsection, sentence, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

§ 155.04 DEFINITIONS

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

AERIAL VEHICLE. A maned, unmanned or remotely controlled vehicle capable of becoming airborne and flying at low altitudes and displaying signage, including but not limited to a miniature airplane, drone, hot air balloon, or a gas filled balloon.

ABANDONED SIGN.

(1) Any Sign and/or its supporting Sign Structure which remains without a message or whose display surface remains blank for a period of one year or more.

(2) Any sign which pertains to a time, event, or purpose which no longer applies is deemed to have been abandoned.

(3) Any Handheld Sign found to be unattended.

(4) Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the Premise remains vacant for a period of one year or more.

(5) Any Freestanding Sign or Building Sign remaining on a Property after demolition of a Principal Building shall be deemed to be abandoned.

(6) Signs removed by the City that remain at Dassel City Hall unclaimed by their owner for more than 30 business days.

ADMINISTRATOR. The Administrator or City Clerk/Treasurer of the City of Dassel, or designee.

AWNING SIGN. A Permanent Sign printed, woven or otherwise manufactured into a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a Wall or roof of a structure primarily over a window, walk, or the like.

BANNER SIGN. A Temporary Sign made of a durable fabric or similar medium or heavy weight pliable material.

BUILDING SIGN. Any Permanent Sign attached to or supported by any structure used or intended for supporting or sheltering any use or occupancy.

CITY. The City of Dassel as defined by its city limits.

C/I DISTRICT. Any district zoned for commercial or industrial uses.

DWELLING. A building or structure or portion thereof used for, or capable of use as, a living residence or for commercial operation of a business.

DYNAMIC COPY SIGN. *A* Permanent Sign or portion thereof with characters, letters, images or illustrations that can be changed or rearranged manually or electronically without altering the Sign Face of the sign.

FLAG. Any fabric or similar lightweight material attached at only one end, either attached on the side with the shortest dimension and flown from a straight, rigid staff or pole or hung inside a building and displayed through a window.

FLASHING SIGN. A Sign illuminated using an internal or external light source or sources which do not remain constant in illumination or are not stationary in appearance or constant in intensity and color at all times when the sign is in use. For the purposes of this chapter, a Dynamic Copy Sign is not a Flashing Sign unless it also meets this definition of a Flashing Sign.

FREESTANDING SIGN. Any Permanent Sign including its Sign Structure which is independent from any building or other structure.

GABLE. The angular portion of the Wall bordered by the edges of a pitched roof. The bottom of the gable is a line parallel to grade at the lowest point where the roof meets the wall.

GRADE. The final ground elevation after construction of the level ground plane. Earth mounding criteria for landscaping and screening is not part of the final grade.

HANDHELD SIGN. Any sign held off of the ground by an individual person or a group of people. handheld sign is not calculated into the Total Sign Faces or Total Site Signage of a Premise.

HEIGHT OF SIGN. The height of the sign shall be computed as the vertical distance measured from the base of the sign at Grade to the top of the highest point of the sign, its Sign Structure or any attached component.

HOLIDAY AND SEASONAL DECORATIONS. Ornaments, figures, statues, inflatable characters, lighting, and related items that are displayed for a temporary period of time to celebrate the current season, a federally recognized holiday, or locally celebrated holiday.

INFLATABLE SIGN. Any Temporary Sign that is given shape by pressurized or blown air.

NON-C/I DISTRICT. Any district not zoned for commercial or industrial uses. These districts may be residential, recreational or agricultural.

OBSCENE. Obscene as defined in Minn. Stat. §617.241.

PARAPET (WALL). That portion of building Wall that rises above the roof level.

PERMANENT SIGN. Any Sign that is anchored into the ground or the framework of a building and built of materials sufficient to withstand harsh weather, direct sunlight, and last for a period greater than 10 years with minimal maintenance.

PORTABLE SIGN. Any Temporary Sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another type of sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. Handheld Signs, Sandwich Board Signs, and Yard Signs are not Portable Signs.

PREMISE. A Property or the portion of a property leased to a business, person, or persons that is occupied by a business or residence.

PRINCIPAL BUILDING. The building in which the primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other buildings with clearly accessory uses shall not be considered Principal Buildings.

PRIVATE PROPERTY. Premises or Property not owned or under the management or control of the State of Minnesota, the County of Meeker, the City of Dassel, or other governmental entity, and not part of any public right-of-way.

PROPERTY. An entire property with a single Property ID as officially recorded by Meeker County.

PROPERTY OWNER. The legal owner or owners of Premises or of Property as officially recorded by Meeker County. For the purposes of this chapter, the lessee or lessees of a Premise have the same rights, privileges and responsibilities as the Property Owner.

PUBLIC ART. Works of art that are:

(1) Commissioned by the City of Dassel or Dassel Area Historical Society, or
(2) Donated to and accepted by the City of Dassel or Dassel Area Historical Society, or
(3) Purchased with a majority of public funds and displayed on public or City of Dassel property.

PUBLIC RIGHT-OF-WAY. Publicly used land managed by a government unit through which streets, sidewalks, and utilities run. See Minn. Stat. §237.162.

ROOF SIGN. Any Building Sign attached to the sloped side of a pitched roof with only one Sign Face, or attached to a flat roof of a building with one or more Sign Faces.

SANDWICH BOARD SIGN. An 'A' shaped Temporary Sign with one or two Sign Faces that is hinged at the top and open at the bottom to provide support.

SETBACK, FRONT. The minimum horizontal distance permitted between the Public Right-of-Way and the nearest portion of a Sign Structure. In instances in which a Property has fronts on two Public Right-of-Ways, front setbacks are required on both street frontages.

SETBACK, REAR. The minimum horizontal distance permitted between the property line opposite the principal street frontage and the nearest portion of the Sign Structure.

SETBACK, SIDE. The minimum horizontal distance permitted between the side lot line and the nearest portion of the Sign Structure.

SIGHT TRIANGLE. The triangular area formed at the intersection of the Public Rights-of-Way of two intersecting streets or alleys. This is an isosceles triangle with its two 25-foot-long equal sides starting at the intersection of the Public Rights-of-Way and following the boundaries of the public Rights-of-Way away from the intersection. For a Sign in the Public Right-of-Way, the line of the triangle connecting the two points away from the intersection is extended in both directions to meet the roadway.

SIGN. Any letter, word or symbol, poster, picture, statuary, image, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether virtual, holographic, projected, painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires, devices and structures, which is intended to advertise, inform or to attract or which does attract the attention of operators and occupants of motor vehicles.

The following items shall **NOT** be considered Signs subject to the regulation of this chapter:

(1) Public Art.

(2) Holiday and Seasonal Decorations.

(3) Cemetery markers.

(4) Historical Markers placed by the Dassel Area Historical Society, Minnesota Historical Society or an affiliated organization.

(5) Identification nameplates installed by manufacturers or distributers.

(6) Building numbers required by Chapter 96.

(7) Road signs placed by:

(a) MNDOT

(b) Meeker County

(c) The City of Dassel for the purpose of identification, directional indications, and traffic management.

(8) Items that would normally be considered as signs, but are not sufficiently visible from the roadway as to attract the attention of operators and occupants of motor vehicles.

(9) Informational or warning signs such as, but not limited to "No Parking", "Private Property", "No Hunting or Trespassing", "Beware of Dog(s)", "Deaf Child", etc.

SIGN FACE. The surface of the Sign upon, against, or through which the message of the sign is exhibited. The sign face includes background images and colors, and components of the Sign Structure that act as a background or part of the display. A Flag does not have a sign face.

SIGN ILLUMINATION. The use of any luminous energy that is redirected, stored, artificially created or converted from other forms of energy whether it is in the visible spectrum or imperceptible to humans that has the intent or effect of creating, enhancing or illuminating any Sign or Sign Structure.

SIGN STRUCTURE. Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

SIGN FACE SURFACE AREA. The computed surface area of the shape created by connecting all of the outermost points of the Sign Face.

TEMPORARY SIGN. A Sign designed to be displayed for limited periods of time, or any sign that is not a Permanent Sign.

TOTAL SIGN FACES. The maximum permitted count of the Sign Faces of all Signs on the Private Property and the Public Right-of-Way directly abutting the Private Property, excluding Yard Signs, Sandwich Board Signs, Window Signs, Flags and Handheld Signs.

TOTAL SITE SIGNAGE. The maximum permitted sum of all Sign Face Surface Areas of all Signs on the Private Property and the Public Right-of-Way directly abutting the Private property, excluding Yard Signs, Sandwich Board Signs, Window Signs, Flags and Handheld Signs.

VEHICLE SIGN. Any vehicle or trailer which was specifically built to act as a Sign or has a current primary purpose of acting as a sign and is visible from a street. A vehicle with signage which has a primary purpose of delivery, vending or transportation and is not parked and visible from a street for more than 72 consecutive hours is not a vehicle sign.

WALL. Any structure which defines the exterior boundaries or courts of a building or structure.

WALL SIGN. Any Building Sign attached parallel to, but within two feet of a Wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure on Private Property, which is supported by such wall or building, and which displays only one Sign Face.

WINDOW SIGN. Any Sign that is placed inside or upon the window panes of glass and is visible from the exterior of the window.

YARD SIGN. A Temporary Sign secured by inserting no more than two legs of the frame material directly into the ground.

§ 155.05 PERMIT REQUIRED

(A) No Sign may be erected, structurally-altered, reconstructed, or moved in the City without first securing a permit from the City.

(B) No sign face may be added or altered from an existing sign structure without first obtaining a permit.

(C) In determining whether to approve or deny a permit, the content of the sign shall not be considered other than to verify it is not Obscene.

(D) If the proposed Sign is within the Right-of-Way of the state trunk highway or Meeker County roadway, the application shall be accompanied by proof that the applicant has obtained a permit from the state or county for the sign.

(E) If the proposed structure is in compliance with all the requirements of this chapter, and all other city, county and state regulations met, the permit shall be issued. Otherwise, to ensure fairness, it shall be denied.

§ 155.06 PERMIT EXEMPTIONS

(A) The following action or Signs shall **NOT** require a permit. These exemptions, however, shall not be construed as relieving the Private Property Owner(s) of the responsibility of its erection, maintenance and compliance with the provisions of this chapter or any other law or ordinance regulating the same:

(1) Changing the content of an existing Sign Face.
(2) Banner Signs
(3) Handheld Signs
(4) Yard Signs
(5) Building Signs with a Sign Face of 6 sf. or less with no illumination and without electrical power.
(6) Window Signs that are unpowered or powered only by a standard grounded 110 v. receptacle.
(7) Sandwich Board Signs

§ 155.07 FEES

Sign permit fees shall be established annually by the City Council in the fee schedule adopted at the first meeting of the year.

§ 155.08 MAINTENANCE AND INSPECTIONS

(A) *Maintenance.* All Signs, including legal nonconforming signs meeting the applicable conditions defined by Minn. Stat. §462.357 sub. 1(e), together with all their supports, braces, guys, and anchors, shall be kept in repair, neatly painted or finished, free of rust, and in proper state of preservation. The display surfaces of all signs shall be kept in good condition, free of fading, no missing letters or other sign face components, neatly painted, posted, and electronics fully functional at all times. Every sign and the immediate surrounding premises shall be maintained by the Property Owner to be clean, free and clear of obnoxious substances, rubbish, weeds with mowed grass or otherwise neatly landscaped.

(B) *Inspection.* All Signs shall be subject to inspection by the Administrator. The Administrator or his or her designee is authorized to enter upon any Premise to ascertain compliance with this chapter. Such entrance shall be made during business hours unless an emergency exists.

§ 155.09 PROHIBITED SIGN INSTALLATIONS AND FEATURES

(A) The following are prohibited on Private Property:

(1) Flashing Signs.
(2) Lasers, arc lamps, beacons, and search lights.
(3) Vehicle Signs not participating in an event where the city has approved the closing of the city street to traffic for that event.
(4) Signs with mirrored, polished metal or reflective materials.
(5) Signs using ultraviolet lights.
(6) Signs, other than Awning Signs that overhang the Public Right-of-Way.
(7) Signs utilizing wires or guy wires.
(8) Signs suspended or flown by any aerial vehicle, manned or unmanned, below treetop level or without prior FAA authorization.
(9) Signs not posted by authorized government officials or their designees within easements, parks, Property zoned as Recreational, publicly-owned land, or a Public Right-of-Way with the following exceptions:

(a) Sandwich Board Signs displayed according to the Sandwich Board Sign Regulations.
(b) Handheld Signs displayed according to the Handheld Sign Regulations.

(10) Signs painted, attached or in any other manner affixed to:

(a) Trees, rocks, or similar natural surfaces.
(b) Public utility poles, bridges, towers, or similar public structures by anyone other than authorized utility company, railroad or government officials.

(11) Temporary Signs attached to the Sign Structure of a previously existing sign but excluding Banner Signs displayed in compliance with Banner Sign Regulations.

(12) Signs, Sign Structures, or items attached to them that move or change position but excluding Flags displayed in compliance with Flag Regulations.
(13) Signs that utilize fire, water, or smoke.
(14) Signs that produce sound.
(15) Signs that are Obscene.

Any Sign types or display locations not expressly permitted in this ordinance are prohibited.

§ 155.10 GENERAL REGULATIONS FOR ALL SIGNS DISPLAYED ON PRIVATE PROPERTY

(A) No Sign may, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign, signal or sight line.
(B) All Signs, excluding Temporary Signs, shall be constructed in a manner and of such material that they shall be safe, substantial, and withstand winds up to 75 miles per hour and properly function in temperatures as low as -40°F or as high as 110°F.
(C) All Signs shall be properly secured, supported, braced and kept in good repair so that public safety and traffic safety are not compromised.
(D) Signs requiring electrical power shall be subject to the electrical requirements of the Electrical Code of the State of Minnesota.
(E) No Sign may be attached to or placed upon any building that obstructs any window or door or fire escape
(F) No Sign may be attached to any fire escape.
(G) No Sign Face greater than two sf. shall exceed a ratio of:

(1) Height to width ratio of 5 to 1.
(2) Width to height ratio of 10 to 1.

§ 155.11 SIGN ILLUMINATION REGULATIONS FOR SIGNS DISPLAYED ON PRIVATE PROPERTY

(A) Illuminating devices giving off an intermittent or rotating beam or rays of light are prohibited.
(B) All external light sources shall focus all emitted light onto the Sign Face.
(C) No light may shine or directly reflect into the sky.
(D) All illumination sources must be of the same color except for the following:

(1) LED Dynamic Copy Signs.
(2) Signs with a sign face made of colored LEDs.
(3) Signs utilizing neon tubes.

(E) All Illuminated Signs shall be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
(F) The light emitted from or reflected from a Sign may not exceed .30 foot-candles (3.229 Lux) over the ambient light reading at any point along the property line at any time, day or night.
(G) All Illuminated Signs shall be equipped with a means to immediately turn off the Sign or Sign Illumination if it malfunctions, and the Property Owner shall immediately do so

when notified by the Administrator that it is not complying with the standards in this (A) chapter.

§ 155.12 REGULATIONS SPECIFIC TO SIGN TYPES DISPLAYED ON PRIVATE PROPERTY.

(A) BANNER SIGNS.

(1) Banner Signs shall meet the following requirements:

(a) Must be stretched tightly and secured at all ends sufficiently to prevent:

(i) Significant movement in the wind

(ii) Detachment in an unexpected or excessive wind.

(2) When placed over another Sign Face, a Banner Sign shall be considered part of the underlying sign face.

(B) DYNAMIC COPY SIGNS.

(1) The transition from one display of copy to the next must be instantaneous. All other effects including, but not limited to flipping panels, scrolling, rolling, animations, or flashing while changing from one display to another are prohibited.

(2) The content of each display of copy must be independent of all other displays of copy. Consecutive displays of copy on a single sign are prohibited when the next message answers a question posed on the prior message, or completes a sentence or thought.

(3) The Sign's illumination complies with the Sign Illumination Regulations.

(C) FLAGS.

(1) Flags may be displayed in windows from the inside of a building as a Window Sign.

(2) With the exception of a Window Sign, Flags may not be used as a Building Sign.

(3) Each Flag shall not exceed 100 sf. in size.

(D) HANDHELD SIGNS.

(1) A Handheld Sign shall meet the following requirements:

(a) It is not to be illuminated.

(b) It does not exceed eight sf. in size per Sign Face Surface Area.

(c) It has a maximum of two Sign Faces.

(d) The Height of the Sign does not exceed 60 inches.

(e) It is not displayed in an intersection Sight Triangle.

(f) The sign shall remain stationary while being held or supported; it may not spin, shake or otherwise move.

(2) The Handheld Sign is being held on Private Property, with the permission of the Property Owner, or

(3) It is being held on Public Right-of-Way and the following conditions are met:

(a) If a sidewalk exists in the Public Right-of-Way, there is at least four feet of unobstructed sidewalk to provide continuous access for pedestrians, bicyclists, and people using mobility devices.
(b) The person or persons holding or supporting the Sign and the sign are four feet or more from the curb.

(4) If there are multiple people holding Signs, there is sufficient space between Signs so that the view of objects around or behind them is not obstructed from passing motorists and pedestrians.
(5) Any person or persons holding a Handheld Sign shall obey any request of any Employee or Designee of the City of Dassel to temporarily move or relocate to accommodate city activities such as, but not limited to snow removal, sidewalk maintenance, or lawn mowing.

(E) INFLATABLE SIGNS.

(1) An Inflatable Sign must comply with the following requirements:

(a) No more than one Inflatable Sign may be displayed by one Property Owner on one Private Property per calendar year.
(b) The Inflatable Sign may be displayed for any part of up to three consecutive days per calendar year.
(c) The Height of the Sign may not exceed 15 feet.
(d) The Inflatable Sign is not intended to move when in use.
(e) The Inflatable Sign is sufficiently secured to prevent it from breaking free during an unexpected wind.
(f) The Inflatable Sign is on Private Property and meets the Setback, Front requirements.

(F) PORTABLE SIGNS.

(1) A Portable Sign may have one Sign Face or two Sign Faces directly opposite each other with the maximum Sign Face Surface Area of 32 sf. for each Sign Face.
(2) No more than one Portable Sign is permitted per Private Property
(3) A Portable Sign may not be visible on a Private Property for more than 180 days in a calendar year.

(G) ROOF SIGNS.

(1) Roof Signs may not be painted on or applied directly to the roof surface.

(H) SANDWICH BOARD SIGNS.

(1) A Sandwich Board Sign shall meet the following requirements:

(a) It is not illuminated.
(b) It has a maximum of two Sign Faces.
(c) Each Sign Face Surface Area must not exceed eight sf.
(d) The Height of Sign is between 36 inches and 60 inches.
(e) The Sign is not placed in an intersection Sight Triangle.
(f) It must be weighted down sufficiently to prevent movement or toppling during unexpected or excessive wind.
(g) It is on Private Property with the permission of the Property Owner or,
(h) It is on the Public Right-of-Way:

(i) Of a City street maintained by the City of Dassel, and
(ii) Is placed with the permission of the Property Owners of the Property or Premises directly abutting the Public Right-of-Way, and
(iii) The Sandwich Board Sign is a minimum of four feet from the curb.

(2) Sandwich Board Signs may be placed on a public sidewalk if the following conditions are met:

(a) There is a minimum of four feet of unobstructed sidewalk between the sign and the edge of the sidewalk parallel to and nearest to the roadway.
(b) It does not have a footprint or prevent the use of more than four feet of sidewalk.
(c) It is placed so that it will not obstruct pedestrian or bicycle traffic, and will not obstruct or interfere in any way with a pedestrian having mobility limitations.
(d) It is placed with the permission of the Property Owner of the Property or Premises directly abutting the public sidewalk where the Sandwich Board Sign is placed.
(d) The sidewalk is free of snow, ice or other conditions that decrease the normal width of the sidewalk.

(3) Sandwich Board Signs are not included in Total Site Signage or Total Sign Faces calculations.
(4) Sandwich Board Signs may be removed by the city if they interfere with any city activities such as, but not limited to snow removal, sidewalk maintenance, or lawn mowing.

(I) WINDOW SIGNS.

(1) Window Signs may not consume more than 50% of the total window surface area of any one side of a building.
(2) Window Signs may not cover window locks, handles, or latches from the inside of the building or otherwise slow, hinder or block the opening and egress out of a window in case of emergency.
(3) Window Signs are not included in Total Site Signage or Total Sign Faces calculations.

(J) YARD SIGNS.

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(1) Yard Signs may only be displayed on Private Property for a total of 180 days within a calendar year.
(2) Yard Signs are not included in Total Site Signage or Total Sign Faces
(3) A Yard Sign shall meet the following requirements:

(a) It is not illuminated.
(b) It has one Sign Face or two back-to-back sign faces.
(c) It is placed on Private Property with permission of the Property Owner.
(d) It is not placed on the Public Right-of-Way.
(e) It is not placed in an intersection Sight Triangle.
(f) It must be secured sufficiently to prevent movement or toppling during unexpected or excessive wind.

§ 155.13 RESTRICTIONS, PLACEMENT, AND SIZES APPLICABLE TO SIGNS DISPLAYED ON PRIVATE PROPERTY IN NON-C/I DISTRICTS

	Five or fewer Dwellings per platted Private Property	Six or more Dwellings per platted Private Property or C/I use by conditional use permit
Banner Signs	**Prohibited**	• **One Banner Sign Face is permitted per Private Property.** • **Max. Height of Sign: 6 ft.** • **Max. Sign Face Surface Area: 24 sf.** • **A single Banner Sign is not to be displayed more than 30 days in a calendar year.** • **Any number of Banner Signs may not be displayed more than 60 days in a year on a Private Property.**
Building Sign	• **Wall Signs, Window Signs or Awning Signs are permitted.** • **Max. area for all building Sign Face Surface Areas: 4 sf.**	• **Wall Signs, Window Signs or Awning Signs are permitted.** • **Max. total building Sign Face Surface Areas: 24 sf.**
Dynamic Copy Signs	**Prohibited**	**Prohibited**
Flags	• **Max. Height of Sign: 20 ft.** • **Up to 3 Flags may be displayed on each Private Property.**	• **Max. Height of Sign 20 ft.** • **Up to 3 Flags may be displayed on each Private Property.**
Freestanding Sign	**Prohibited**	• **One Sign Structure per Private Property with:** **(A) Up to two Sign Faces.** ***(E)*** **Max. Sign Face Surface Area 16 sf.** **(B) Max. Height of Sign: 6 ft.**
Handheld Signs	**Permitted**	**Permitted**
Inflatable Signs	**Prohibited**	**Prohibited**
Portable Signs	**Prohibited**	**Permitted**
Setback, Front	• **2 ft.**	• **2 ft.**
Setback, Rear	• **Signs in rear yards are prohibited.**	• **Signs in rear yards are prohibited.**
Setback, Side	• **10 ft.**	• **10 ft.**
Sandwich Board Signs	**Prohibited**	**Prohibited**

	Five or fewer Dwellings per platted Private Property	Six or more Dwellings per platted Private Property or C/I use by conditional use permit
Yard Signs	• **No more than 2 Yard Signs.** • **Max. Sign Face Surface Area per Sign Face: 6 ft.** • **Max. Height of Sign: 5 ft.**	• **No more than 2 Yard Signs.** • **Max. Sign Face Surface Area per Sign Face: 6 ft.** • **Max. Height of Sign: 5 ft.**
Total Sign Faces	• **2**	• **3** • **When the Property is C/I by conditional use permit, 1 additional Sign Face is permitted for each additional Dwelling on the Property.**
Total Site Signage	• **4 sf.**	• **32 sf.** • **When the Property is C/I by conditional use permit, 20 sf. of additional Sign face area is permitted for each additional Dwelling on the Property.**

§ 155.14 RESTRICTIONS, PLACEMENT, AND SIZES APPLICABLE TO SIGNS DISPLAYED ON PRIVATE PROPERTY IN C/I DISTRICTS

	C/I Districts
Banner Signs	• **Up to 2 Banner Sign Faces are permitted per Private Property.** • **The Maximum Height for a Banner Sign is the lowest of the following:** **(A) The height of the highest Parapet of the Principal Building on the side of the building it is mounted on, or** **(B) 6 ft. above the height of the outside Wall, excluding the Gable, of a Principal Building which has no Parapet, or** **(C) 1 ft. below the peak of the roof structure it is mounted on, or** **(D) 20 ft.** • **Max. Sign Face Surface Area: 30 sf.** • **A single Banner Sign is not to be displayed more than 45 days in a calendar year.** • **Any number of Banner Signs may not be displayed more than 60 days in a year on a Private Property except when installed against the Wall of the Principal Building and secured in a frame or with fasteners— not ropes, straps, or bungee cords.**
Building Sign	**Wall Signs, Roof Signs, Banner Signs and Awning Signs are permitted; no other Building Signs are permitted.** **Building Signs may only be installed on the Principal Building.** • **The maximum Height for a Building Sign is the same as that set forth above for Banner Signs.** • **The maximum Sign Face Surface Area of all Building Signs is the largest of the following:** **(A) 4 sf.** **(B) 15% of the area of the building face.** **Awning Signs made of fabric may project 6 ft. or less from the Wall.** **Awning Signs made of rigid materials may project 1 ft. or less from the Wall.**
Dynamic Copy Signs	**Permitted**
Flags	**35 ft. maximum, computed under definition of Height of Sign.**

	C/I Districts
Freestanding Sign	• 1 Freestanding Sign is permitted on each Private Property if there is 25 ft. of space between the nearest point of the Principal Building and the Public Right-of-Way, and a Building Sign exists on the property. • The Maximum Height for a Freestanding Sign is the same as that set forth above for Banner Signs. • The ground area of 50% of the Sign Face area around the base of all Freestanding Signs shall be landscaped with shrubs and ground covers that can withstand the environmental conditions of the site and will provide seasonal interest. • Up to 2 Sign Faces. • Max. Sign Face Surface Area for each Sign Face on properties with a platted front lot dimension of: (A) 100 linear ft. or less is 80 sf. (B) More than 100 linear ft. is 100 sf.
Handheld Signs	Permitted
Inflatable Signs	Permitted
Portable Signs	Permitted
Sandwich Board Signs	• Prohibited when there is a Yard Sign on the Property. • Otherwise, one Sandwich Board Sign is permitted on a Private Property or the Public Right-of-Way directly abutting the Private Property for each Dwelling.
Setback, Front	• If the Height of Sign is eight feet or less: 2 ft., otherwise 10 ft. • Inflatable Signs: The Setback, Front as determined above, or $1^1/_2$ times the Height of Sign, whichever is greater.
Setback, Rear	• Signs not within the area confined by the Setback, Side and the Setback, Front and the front of the building are prohibited.
Setback, Side	• Sandwich Board Signs: 5 ft. • Freestanding Signs and Portable Signs shall be the greater of the following calculations: o 10 ft. o 40% of the length of the frontage. • All other signs 10 ft.
Total Sign Faces	• 3 • One additional Sign Face is permitted for each additional Dwelling on the Private Property.
Total Site Signage	• 200 sf. • 40 sf. of additional sign face area is permitted for each additional Premise on the property.
Yard Signs	• Prohibited when there is a Sandwich Board Sign on the Private Property. • Max. Sign Face Surface Area for each Sign Face: 15 sf. • 8 ft. maximum calculated under definition of Height of Sign.

§ 155.15 NON-COMMERCIAL SIGNS DURING ELECTION SEASON

In compliance with the Minnesota Election Season Pre-emption statute, Minn. Stat. § 211B.045, the City allows non-commercial signs of any size or number during election season, which runs from 46 days before the state general primary until 10 days after the state general election. Non-commercial signs are ones that do not advertise products, goods, businesses, or services but which express opinions or points of view. Political campaign signs are non-commercial signs.

Signs containing non-commercial speech are permitted anywhere and anytime advertising or business signs are permitted, subject to the same regulations applicable to advertising and business signs.

§ 155.16 PROPERTY OWNER RESPONSIBILITY AND LIABILITY

The Property Owner is responsible for any Sign whether or not it is permitted, whether it is in compliance or non-compliance, or is legally non-compliant, that is displayed on their Private Property or in the Public Right-of-Way directly abutting their property. All Signs shall be safe, not distracting to passing vehicles, and may not create any condition that could contribute to an injury or loss. Should an injury or loss occur that is caused in whole or in part by the condition or location of the Sign, the Property Owner, as the responsible party, may be liable therefore.

§ 155.17 EXISTING NON-COMPLIANT TEMPORARY AND PERMANENT SIGNS

Any Temporary Sign or Permanent Sign LEGALLY existing and in use at the time of passage of this ordinance may continue to be displayed as it was as a legally non-compliant sign, including through subsequent maintenance and repair and through restoration resulting from damage or destruction from fire or other peril, as long as the following conditions are met:

(1) Within 60 days of the passage of this chapter the sign is registered as a preexisting legally noncompliant sign with the City of Dassel. Registration shall include submittal of a color, high-resolution photograph accurately depicting the condition of the sign as it existed at the time of passage of this chapter.
(2) The sign meets all maintenance requirements at the time of registration.
(3) The sign continues to meet all maintenance requirements while in use.

Any Temporary Sign or Permanent Sign that fails to meet the applicable regulations or requirements of this chapter must be removed.

§ 155.18 NON-COMPLIANCE AND ENFORCEMENT

(A) Any Sign legally posted and removed as permitted by Minn. Stat. §211B.045 governing noncommercial and election signs proceeding and following a state general election shall not be found in noncompliance.
(B) Should there be multiple Property Owners, the Administrator may contact and/or take enforcement action against whichever Property Owner or the Administrator determines is appropriate or is most reachable.

(C) The Administrator shall order the repair of any Sign that is not maintained in accordance with the maintenance provisions of this chapter.

(D) In the case of an emergency condition that may cause immediate harm, the Administrator shall order immediate repair or removal of any Sign or sign components to abate the condition.

(E) The Administrator shall order necessary modifications or the removal of any Abandoned Sign or noncompliant sign to ensure the enforcement of this ordinance.

(F) Signs not posted by authorized government officials or their designees within the Public Right-of-Way, easements, Parks, Property zoned as Recreational, or publicly-owned land, may be immediately removed by any employee or agent of the City of Dassel. The signs will be made available for pickup during regular business hours at Dassel City Hall. If they are not picked up within 30 business days, the signs will be considered abandoned and will be destroyed and/or disposed of in an appropriate manner.

(G) Failure by a Property Owner to comply with the provisions of this chapter, or failure to comply with the Administrator's order abating an emergency condition or order to maintain, repair or remove a Sign:

(1) Shall be a **Misdemeanor and** enforceable under City Ordinance **§10.99 General Penalty,** as well as enforceable under any other procedures available to the City for enforcement of ordinance violations.

(2) The Administrator may direct city staff, or may hire qualified contractors, to maintain, repair or remove a Sign when the Property Owner fails to do so within the timeframe specified by the Administrator or when not maintained or repaired to the standards specified by this chapter.

(H) In any instance where the City of Dassel has incurred expenses maintaining, repairing, removing, destroying or disposing of a sign, the City may assess the Property Owner, the Private Property itself, or the property directly abutting the Public Right-of-Way where the sign is placed to recover the full cost incurred.

§ 155.19 VARIANCES NOT PERMITTED

To ensure consistent application and enforcement of this chapter, variances from the regulations and enforcement provisions of this chapter are not permitted. Any updates to this chapter shall be made only through the ordinance amendment procedures so that everyone will benefit from any enhancements. Requests for an amendment to this chapter may be made through the City Clerk/Treasurer or directly to the City Council.

§ 155.20 APPEALS

(A) Since the City is allowed no discretion in the sign permit approval process, appeals as noted hereafter will be decided only on whether or not there were missing or incorrect facts that were material to the permit application, or whether or not the application meets the applicable objective criteria set forth in this chapter

(B) The initial determination on these issues is made by the Administrator. If the Administrator denies the application for any of these reasons, the Administer shall make written findings to that effect that will be sent to the applicant along with the written denial of permit.

(C) If a permit is denied by the Administrator:

(1) Within 10 business days, the applicant may request in writing that an appeal be heard by a quorum of the Planning and Zoning Commission. Said request is to be submitted in writing to the City of Dassel Clerk/Treasurer as follows:

(a) the request is sent via post with delivery signature and confirmation, or
(b) delivered in person and a date-stamped and signed receipt obtained.
(c) the request includes a copy of the denial of permit, copies of all documents submitted with permit application, a copy of the letter of denial, and a statement with supporting facts as to why the appeal should be granted.

(D) If the appeal to the full Planning and Zoning Committee is denied:

(1) Within 10 business days of notice of denial the applicant may request in writing that an appeal be heard by a quorum of the City Council. This request in writing is to be submitted to the City of Dassel Clerk/Treasurer. The letter must:

(a) Be sent via post with delivery signature and confirmation, or
(b) Delivered in person and a date-stamped and signed receipt obtained.
(c) Include a copy of the denial of permit.
(d) Include copies of all documents submitted with permit application.
(e) Include a copy of the letter of denial.
(f) Include a copy of the finding by the Planning and Zoning Committee
(g) Include a statement with supporting facts as to why the appeal should be granted.

(F) As elected representatives of the City of Dassel, the decision of the City Council is final.

This ordinance shall take effect on its passage and publication.

Adopted the 15th of July, 2019 and published the 26th of July, 2019.

CHAPTER 156—HISTORIC PRESERVATION

AN ORDINANCE ESTABLISHING A HERITAGE PRESERVATION COMMISSION AND GRANTING AUTHORITY TO RECOMMEND DESIGNATION OF HISTORIC PRESERVATION SITES.

THE CITY COUNCIL OF THE CITY OF DASSEL DOES ORDAIN:

That the Code of Ordinances of the City of Dassel, TITLE XV: LAND USAGE, is hereby amended by the addition of the following new Chapter 156, as follows:

§ 156.01 DECLARATION OF PUBLIC POLICY AND PURPOSE.

The Council of the City of Dassel hereby declares as a matter of public policy that the preservation, protection, perpetuation, and enhancement of buildings, structures, areas and districts and other objects having a special historical, community, or aesthetic interest or value, is in the interest of the prosperity, civic pride and general welfare of the citizens of Dassel. To this end, a Heritage Preservation Commission is hereby established and charged with the stewardship of Dassel's heritage.

The purposes of this ordinance are to:

a) Safeguard the heritage of the City of Dassel by preserving properties which reflect elements of the City's cultural, social, economic, political, visual, or architectural history;

b) Protect and enhance the City of Dassel's appeal and attraction to residents, visitors, and tourists, while enhancing its economic viability through the protection and promotion of its unique character as related to its history and heritage;

c) Enhance the visual and aesthetic character, diversity and interest of the City of Dassel;

d) Foster civic pride in the beauty and notable accomplishments of the past;

e) Strengthen the local economy through the protection and promotion of Dassel’s unique historic character;

f) Promote the preservation and continued use of historic properties for the education and general welfare of the people of the City of Dassel; and

g) Provide educational opportunities on heritage preservation, act in an advisory capacity to its citizens, approve gifts and contributions for heritage preservation purposes and recommend use of gifts and contributions to advance heritage preservation.

§ 156.02 DEFINITIONS:

As used herein, the following terms have the following meanings.

ALTERATION. Any act that changes the exterior architectural appearance or exterior feature of a structure, site or area.

ADDITION. Any act or process which changes the exterior architectural features of a building or structure designated for preservation by adding to, joining with, or increasing the size or capacity of the structure.

COMMISSION. The Dassel Heritage Preservation Commission established by the Dassel City Council pursuant to this Chapter.

CONSTRUCTION. The act of altering an existing structure, building an addition to an existing structure, or the erection of a new principal building or accessory structure on a lot or property.

CONTRIBUTING. A designation applied to a building, structure or site which adds to the overall character and significance of an historic district due to its architectural or historical merit and its compatibility with other buildings, structures and sites within a historic district. A contributing structure has its major character defining features intact and although minor alterations may have occurred, they are generally reversible.

DEMOLITION. Any act that destroys or removes more than 30% of the building or other structure.

HISTORIC DESIGNATION ORDINANCE. An ordinance enacted supplementary to this Chapter by which the Dassel City Council designates a landmark, a historic district, or a historic resource for historic preservation.

HISTORIC DISTRICT. A contiguous geographical area containing one or more landmarks or historic resources and designated as a "Historic District" by ordinance of the City Council according to the criteria and procedures set forth in this Chapter.

HISTORIC RESOURCE. A landmark, site or structure located within a designated historic district having historic significance contributing to the district.

HISTORIC SIGNIFICANCE. Having character, interest or value as part of the development, heritage or culture of the community, county, state or nation, as the location of an important event, or through identification with a person or persons who made important contributions to the development of the community, county, state or nation.

HISTORIC SURVEY. An investigation of, followed by an identification and inventorying of potential landmarks, historic districts, and historic resources within the City of Dassel, and including a written report citing applicable criteria and standards that support the historic significance of each.

LANDMARK. A property, site, structure or object designated as a "Landmark" by the City Council as having a high degree of historical, cultural and/or architectural significance.

NATIONAL REGISTER OF HISTORIC PLACES. The nation's official list of properties worthy of preservation as designated by the United States Department of Interior, National Park Service. Nominations of properties within Minnesota to this list are made through the auspices of the Minnesota State Historic Preservation Office.

NEW CONSTRUCTION. The building of a new principal building or accessory structure within a historic district or on a landmark site.

NONCONTRIBUTING. A building, structure, site or object located within a historic district that does not have architectural or historic significance, and does not add to the character and significance of an historic district, due to a lack of architectural or historical merit or its incompatibility with other buildings, structures and sites.

OBJECT. As distinguished from buildings and structures, objects are those creations that are primarily artistic in nature or are relatively small in scale. Examples of objects include: fountains, murals, monuments, sculptures or statuary.

PERIOD OF SIGNIFICANCE. The length of time when a property or collection of properties were associated with important events, activities, or persons. With respect to a historic district, the period begins with the district's earliest remaining structures and ends when the last historically significant resource was constructed.

PROPERTY OWNER(S). An individual, individuals or entities that have title or ownership interest in a proposed landmark or in a contributing historic resource located within a proposed historic district.

SITE ALTERATION PERMIT. Written approval authorizing specified alternations to a designated landmark or to a contributing historic resource that do not adversely affect its historic significance.

SITE. The location of a proposed or designated landmark or contributing historic resource.

STRUCTURE. Anything created, constructed or erected having a permanent or semipermanent location in or on another structure or in or on the ground.

§ 156.03 HERITAGE PRESERVATION COMMISSION ESTABLISHED.

Subd. 1. ***Creation of Commission.*** There is hereby established a City of Dassel Heritage Preservation Commission (hereinafter, the "Commission") for the purpose of advancing the Public Policy of the City of Dassel as set forth above.

Subd. 2. ***Membership of the Commission.*** The Commission shall consist of the following:

a) Not less than five (5) and not more than seven (7) voting members appointed by the City Council. Any voting member appointed to serve on the Commission shall be a resident of Dassel and have a demonstrated interest in historic preservation.

b) At least one (1) voting member shall also be a member of the Meeker County Historical Society. The Chairperson or designee of the Dassel Planning & Zoning Commission shall be an ex-officio, non-voting member of the Commission. The City Council shall appoint a Council member to act as a non-voting liaison between the City Council and the Commission.

c) The composition of the Commission shall include as a voting member, or if not a resident of Dassel as a nonvoting advisor, up to two (2) preservation related professionals with

training or expertise in architecture, architectural history, archaeology, planning, real estate, design, building trades, landscape architecture, or law.

Subd. 3. ***Appointments to Commission and Terms of Office.*** Appointments of members to the Commission shall be for a term of three years commencing on the date of City Council appointment. In the case of appointments made to fill a vacancy on the Commission, the term of the appointment shall be for the remainder of the term vacated. If the vacancy occurs with less than 45 days remaining in the term, the Council may allow the term to expire without appointing a person to fill the vacancy for the balance of the term, after which the Council shall appoint a member for the new full term. Members may be reappointed for consecutive terms.

The terms of office of any non-voting advisors shall be determined by the Council at the time of their appointments.

Subd. 4. ***Member Compensation*****.** Members appointed to the Commissioners shall serve without compensation.

Subd. 5. ***Commission Meetings***. The Commission shall hold its first meeting within 30 days after the minimum five (5) voting members of the Commission have been appointed. Thereafter, the Commission shall hold regular quarterly meetings and in addition shall meet more frequently as needed when called by the Chair to review and address organizational matters arising out of or relating to historic preservation issues. All meetings shall be properly noticed and open to the public in accordance with open meeting requirements.

Subd. 6. ***Commission Organization***. At the first meeting of the Commission it shall elect from its voting members a chairperson, vice chairperson and secretary. The chair person shall preside over meetings of the Commission and shall have the right to vote. The vice chairperson shall, in cases of absence or disability of the chairperson, perform the duties of the chairperson. The secretary shall keep a record of all resolutions, proceedings and action of the Commission

The Commission shall make such by-laws as it may deem advisable and necessary for the conduct of its affairs and for the purpose of carrying out the intent of this Chapter which bylaws shall be consistent with the ordinances of the City of Dassel and the laws of the State of Minnesota.

Subd. 7. ***Quorum and Voting.*** A majority of the voting members shall constitute a quorum. Each voting member of the Commission shall be entitled to one (1) vote. Except as otherwise expressly provided in other provisions of this Chapter, the affirmative vote of a majority of Commission members present at a meeting shall be required for the approval of plans or the adoption of any resolution, motion or other action of the Commission.

§156.04 COMMISSION INVOLVEMENT IN DESIGNATING HISTORIC PRESEREVATION LANDMARKS AND DISTRICTS.

Subd. 1. ***Purpose.*** This section provides the Commission with authority to undertake identification and recommendation to the City Council of historic properties, objects, and districts for preservation.

To accomplish the intent and purpose of this section, the city shall provide the Commission with staff support and supplies as reasonably necessary.

Subd. 2. ***Preliminary Identification of Potential Landmarks and Districts.*** The Commission shall undertake, or cause to be undertaken a historic survey to identify and inventory potential landmarks, historic districts, and historic resources that are of historical, architectural, archaeological, engineering, or cultural significance and that meet the criteria of a landmark or historic district.

The Commission may recommend to the Council that a professional individual or individuals with expertise in conducting historic surveys be retained for this survey. If the Council authorizes the retention of such an expert, the Commission shall work with the city in pursuing grants or other funding to finance a professional historic survey.

Subd. 3. ***Criteria for Designation of Landmarks or Historic Districts.*** The historic survey and the designation of potential landmarks or historic districts shall take into consideration the following criteria:

a) It should be at least 50 years old, unless it has achieved historic significance and is of exceptional importance.

b) It possesses character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Dassel, the State of Minnesota, or the United States.

c) It has maintained its physical integrity, in that it retains original design features, materials, and/or character, or has been accurately restored.

d) It is at its original location, or is at a site of a significant historic event.

e) It is identified with a person or persons who significantly contributed to the culture and development of the City of Dassel or Minnesota.

f) It is an embodiment of distinguishing characteristics of an architectural style, period, form or treatment.

g) It exemplifies cultural, political, economic, or social heritage of the Dassel area community.

h) It is identified as work of an architectural or master builder whose individual work has influenced the development of the City of Dassel.

d) It embodies elements of architectural design, detail, material, or craftsmanship which represent a significant architectural innovation.

i) Its unique location, scale or other physical characteristics represent an established and familiar visual feature of a neighborhood, a district, the community, or the City of Dassel.

Subd. 4. ***Commission Findings, Recommendations, and Report.*** If, based upon the historic survey the Commission determines that certain properties, structures, sites, or

geographical areas are eligible for designation as a landmark or as an historic district, it shall prepare written findings, recommendations and a report supporting this determination. The report shall include but is not necessarily limited to the following:

a) A physical description of each proposed landmark or proposed district;

b) A statement explaining the historic significance of each;

c) Maps depicting the boundaries of each landmark or historic district; and

d) Representative photographs.

Subd. 5. ***Public Informational Hearing on Preliminary Designations.*** Following the historic survey and completion of the Commission's findings, recommendations and report, and prior to the Commission taking any further action or making any recommendation to the City Council, the Commission shall hold a public informational hearing to educate and receive public input. The Commission shall cause to be published in the City's official newspaper a notice of the public informational hearing at least ten (10) days prior to the date of the hearing. Additionally, a notice of the hearing shall be mailed at least (10) days before the day of the hearing to all property owners of record of properties proposed to be designated for heritage preservation, and to all owners of property situated wholly or partly within 300 feet of the proposed historic preservation site. The notice shall state that a copy of the historic survey and a copy of the Commission's findings, recommendations, and report is available for viewing at the Dassel City offices during normal business hours.

Subd. 6. ***Modifications to the Commission's Initial Findings, Recommendation, and Report Following Public Hearing*****.** Following the public hearing the Commission may make such modifications concerning its findings, recommendations, and report as it deems appropriate in consideration of the input received at the public hearing. These modifications may include a recommendation to initially proceed with historic preservation action only on certain but not all of the properties, structures, sites or geographical areas identified, and defer action on the others. The Commission may later pursue preservation action on any properties for which preservation action had been deferred.

Subd. 7. ***Planning & Zoning Commission Review***. Following the public informational hearing the Commission shall by majority vote preliminarily determine which if any of the proposed landmarks or districts may be designated for historic preservation. The Commission shall advise the Planning & Zoning Commission (P&Z) of this determination, and transmit to the P&Z for a 60-day review the complete historic survey and the Commission's findings, recommendations, and report.

The Commission shall request from P&Z its comments on the proposed designations as it may relate to the City Zoning Code or any Comprehensive Plan of the City, the effect of the proposed designation upon the surrounding neighborhood, and any other planning considerations which may be relevant to the proposed designations. The P&Z comments shall become part of the official record concerning the proposed designations.

Subd. 8. ***Proposed Program for Preservation.*** For each proposed landmark and for each historic resource within a proposed historic district that is being considered for recommendation to the City Council, the Commission shall create a proposed program for

rehabilitation and preservation ("Program for Preservation"). The United States Secretary of the Interior's Standards for Treatment of Historic Properties shall be among the standards used to create this Program.

Subd. 9. ***State Historic Preservation Office Review.*** In accordance with Minnesota Statutes §471.193, all proposed designations, along with the historic survey and its findings, recommendations and report shall be submitted to the Minnesota State Historic Preservation Office (SHPO) for a 60-day review period. SHPO's comments on the proposed designations shall be sent to the Commission for consideration. The SHPO review may be conducted concurrently with the P&Z review referenced in Subd. 6 of this section. Thereafter, the Commission may make such modifications concerning the proposed designation as it deems necessary in consideration of the comments by SHPO.

Subd. 10. ***Commission Review and Final Recommendations to the City Council.*** Following completion of the steps set forth in Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9 of this section, the Commission shall undertake a final review and determine by majority vote which historic preservation designations, if any, should be recommended to the City Council.

§156.05 CITY COUNCIL ADOPTION OF HISTORIC DESIGNATION ORDINANCE

Subd. 1. ***Submittal of Commission's Recommendation and Support Documentation to City Council.*** The Commission shall forward to the City Council the Commission's final findings, recommendations and report, together with the historic survey and the comments of P&Z and SHPO. As part of this submittal, the Commission shall also submit a proposed Historic Designation Ordinance incorporating the Commission's recommendation.

Subd. 2. ***Public Hearing and Adoption of Historic Designation Ordinance.*** The City Council shall schedule and hold a public hearing on adoption of the proposed Historic Designation Ordinance. Final adoption of this ordinance requires a three-fifths vote of all City Council members to be effective.

Subd. 3. ***Objection by Property Owner(s) to Proposed Designations.*** If a majority of property owners within a proposed historic district, or if the owner or owners of a proposed landmark or of a proposed historic resource located within a proposed historic district objects to the designation, such objection shall be submitted in writing, shall state the basis for the objection, and shall be submitted to the City Council at or before the scheduled public hearing. If a written objection is timely received by the City Council and not withdrawn, final adoption of the Historic Designation Ordinance requires a four-fifths vote of all Council members to be effective.

Subd. 4. ***Post-Designation Public Notice.*** Within 30 days following the adoption of the designation ordinance the property owner(s) of each designated Landmark or historic resource within a designated historic district shall be given notice of the designation and the necessity of obtaining a Site Alteration Permit prior to undertaking any material change in the exterior appearance of the site.

Subd. 5. ***Identification Plaque.*** Landmarks or historic resources within a historic district having been designated for historic preservation by the City Council may be awarded a

numbered plaque, and with the owner's consent it may be displayed on the exterior of the site in full public view. The plaque is to remain the property of the City and shall be removed by request of the Commission should the site be altered so as to destroy its historic integrity.

Subd. 6. ***Amendment of Designations.*** A historic designation ordinance may be amended as appropriate to add or delete designations of landmarks, historic districts, or historic resources located within a historic district, provided any amendment is consistent with this Chapter

Subd. 7. ***Recording of Preservation Sites.*** The City Clerk/Treasurer shall record with the Meeker County recorder the legal descriptions of all designated landmarks, historic resources and historic districts.

Subd. 8. ***Renewed Recommendation to Designate Historic Properties.*** If the vote by the City Council fails to approve the recommended designation of a landmark or historic district or historic resource, the Commission may, after the expiration of two (2) years from the Council vote, renew its recommendation for designation provided the then current criteria for designation are met.

§ 156.06 SITE ALTERATION PERMITS.

Subd. 1. ***Circumstances Requiring a Site Alteration Permit.*** A Site Alteration Permit shall be required for alteration of a designated landmark or an historic resource located within an historic district that involves any of the following:

a) Painting, alteration of architectural details and other related exterior alterations.

b) Installation or removal of awnings, shutters, canopies, and similar appurtenances.

c) Application or use of exterior materials of a different kind, type, color, or texture than those already in use which will substantially cover one or more sides of the structure. This provision applies to roofing as well as siding.

d) Installation of exterior signs.

e) Construction of a new building or auxiliary structure.

f) Any addition to or alteration of an existing structure which increases the square footage of the structure or otherwise alters its size, height, contour, or outline.

g) Change or alteration of a structure's architectural style.

h) Alteration of a roof line.

i) Demolition in whole or in part, unless the structure is required to be demolished in accordance with Minnesota Statutes Ch. 463 or the Dassel City Code.

Subd. 2. ***Circumstances Not Requiring a Site Alteration Permit.***

The following shall not require a Site Alteration Permit:

a) Ordinary maintenance;

b) Work affecting only the interior of a structure;

c) Relocating movable items such as planters or furniture;

d) Replacement of roofing with the same type and color of roofing materials;

e) Construction that does not affect the historically significant features of the historic resource.

Subd. 3. ***Application for a Site Alteration Permit.*** In addition to any other requirements that may be imposed by the P&Z, the Application for a Site Alteration Permit shall, to the extent relevant and necessary for an understanding an evaluation of the Application, be accompanied by detailed plans including a property plan, building elevations and design details and materials. In addition to the Site Alteration Permit, other relevant city permits may be required.

Two sets of the Application for a Site Alteration Permit shall be submitted by the applicant to the City; one set for the P &Z for its review and recommendations in accordance with §156.04, Subd. 6 of this Chapter; the other for the Commission for its review as set forth hereafter.

Subd. 4. ***Commission Review of Applications for a Site Alteration Permit*****.** The Commission shall review all Applications for a Site Alteration Permit for the purpose of approval, disapproval, or approval subject to terms or conditions.

Subd. 5. ***Guidelines Applicable to Commission Review.*** All comments, recommendations, and decision of the Commission with respect to a requested Site Alteration Permit shall be in accordance with the final Program for Preservation generated under §156.04, Subd. 7 of this Chapter for the particular site for which the permit is sought.

The following Secretary of the Interior's Standards for Treatment of Historic Properties shall be applied by the Commission in its review of Applications for Site Alteration Permits:

a) A site is to be used as it was historically, or given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

b) The historic character of a property is to be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property should be avoided if possible.

c) Each property is to be recognized as physical representation of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property are to be preserved.

f) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of mission features will be substantiated by documentary and physical evidence.

g) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

h) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken.

i) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

j) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

§ 156.07 WRITTEN FINDINGS RELATING TO SITE ALTERATION PERMIT.

The Commission shall approve, disapprove, or approve with conditions an Application for Site Alteration Permit under this Chapter. In doing so the Commission shall make written Findings based on the Program for Preservation of the Landmark or historic resource as follows:

a) In the case of a proposed alteration or addition to existing buildings, the Commission shall make written findings on how the structure may be architecturally or historically affected. To be considered are the existing exterior appearance, building height, building width, depth, or other dimensions, roof style, type of building materials, ornamentation, paving and setback.

b) In the case of the proposed demolition of a building, prior to the approval of demolition, the Commission shall make written findings on the following:

1. Architectural and historic merits of the building.

2. The effect on surrounding buildings.

3. In the case of partial demolition, the effect on any new proposed construction on the remainder of the building and on surrounding buildings.

4. The economic value or usefulness of the building as it now exists, or if altered or modified, in comparison with the value or usefulness of any proposed structures designated to replace the present building or buildings.

c) In the case of a proposed new building, the Commission shall make written findings on how the building will, or by reason of its location on the property, materially affect the architectural or historic value of buildings on adjacent sites or in the immediate vicinity within the site.

§ 156.08 TIME LIMITATIONS ON COMMISSION ACTION

If within forty-five (45) days from the filing of an Application for Site Alteration Permit the Commission has neither approved nor denied the Permit application, the plans and permit application shall be deemed to have been approved by the Commission. If all other requirements of the City have been met, the City shall authorize a permit for the proposed work. No permit shall be issued and no work commenced in the event the Commission disapproves the Site Alteration Permit.

§ 156.09 APPEAL TO THE CITY COUNCIL.

The Commission, in any written decision denying a permit application shall advise the applicant of the right to appeal to the City Council and shall include a copy of this section in all such written decisions. The appeal must be brought within ten (10) working days of the date of the Commission's recommendations or decision.

The appeal shall be deemed perfected upon receipt by the City Clerk/Treasurer, or authorized city representative, of the notice of appeal and statement setting forth the grounds for the appeal. The City Clerk/Treasurer shall transmit a copy of the notice of appeal and statement to the City Council and a copy to the Commission. The City Council may overturn or modify the Commission's recommendations and/or decision by a three-fifths vote of all members of the City Council.

§ 156.010 EMERGENCY REPAIR PERMIT

In emergency situations where immediate repair is needed to protect the safety of a building or structure and its inhabitants, the City Clerk/Treasurer and/or designated City building official may approve the repair without prior Commission action. When an emergency repair permit is issued pursuant to this section, the City Clerk/Treasurer shall immediately notify the Commission of its action and specify the facts or condition constituting the emergency situation.

§ 156.011 ENFORCEMENT

In case any building or structure subject to the regulation of this Chapter is to be erected or constructed, reconstructed, altered, repaired, converted, maintained, moved, or

subjected to demolition in violation of this Chapter, the Chairman of the P&Z may, in addition to any other remedies:

a) Institute civil action for injunctive relief to stop, prevent, or abate a violation of this ordinance.

b) Issue a stop work order to prevent a continuing violation of this Chapter.

Work which proceeds in violation of this Chapter, in contravention of a stop work order, or in disregard of a court ordered injunction, shall be a public nuisance subject to the remedies available to the City under its public nuisance ordinances.

§ 156.012 ADDITIONAL POWERS AND DUTIES OF THE COMMISSION.

a) The Commission shall work in cooperation with the Meeker County Area Historical Society to fulfill the requirements of this Chapter.

b) The Commission shall ensure that annual reports are prepared by October 31st of each year as required in accordance with Minnesota Statutes §471.193 Subd. 6 for submission to the Minnesota State Historic Preservation Office and shall file copies with the Dassel City Administrator for distribution to the City Council.

c) The Commission shall periodically review the historic survey and update it as appropriate. This historic survey and updates thereto shall be maintained by the City Clerk/Treasurer at City Hall.

d) The Commission shall work for the continuing education of the citizens of Dassel focusing on civic and architectural heritage of the City.

e) The Commission may recommend to the City the acceptance of gifts and contributions for historic preservation, and work with the City staff in the preparation of applications for grants and other funding for the purpose of historic preservation.

i) On or before December 1 of each year, the Commission shall submit to the City Council for approval a proposed budget for Commission operations during the upcoming fiscal year.

§ 156.013 REPOSITORY OF DOCUMENTS

The office of the City Clerk /Treasurer is designated as the repository for at least one copy of all studies, reports, recommendations and programs required under this section. It is recommended that a second copy be kept with the Dassel Area Historical Society. These files will be maintained in accordance with Minnesota Statutes §138.17.

§ 156.014 RECORDING OF HERITAGE PRESERVATION SITES.

The office of the City Clerk/Treasurer shall record or file with the Meeker County recorder the legal description of all landmarks and historic resources located within an historic district of the City of Dassel.

This ordinance shall be in full force and effect thirty (30) days from and after its passage and publication according to law.

Passed by the City Council of the City of Dassel, Minnesota, this 15th day of April, 2019.

TABLE OF SPECIAL ORDINANCES

Table

I. FRANCHISES

II. ZONING MAP CHANGES

III. ANNEXATIONS

TABLE I: FRANCHISES

Ord. No.	*Date Passed*	*Description*
	-	Granting a franchise to Northern States Power Company to construct, operate, repair and maintain an electric distribution system and transmission lines in the city for a term of 20 years.
	- -	Granting a franchise to the Minnesota Natural Gas Company to operate a gas system within the city for a term of 25 years.
	- -	Granting a franchise to the Pioneer Telephone Company to erect and maintain poles and wires on the streets and public ways of the city for telephone service.
10.011	4-6-92	Granting a franchise to the Northern States Power Company to construct, operate, repair and maintain in the city an electric distribution system.

TABLE II: ZONING MAP CHANGES

Ord. No.	*Date Passed*	*Description*
		Changing Block 17, Block 18 and Block 25 (except Lot 2), Auditor's Replat of the Village from an A District to an I-1 District; and Block 16, Block 25 (except Lot 2 of Block 25), south 122 feet of Lot 2 and Lot 1 (except the north 178 feet and east 17 feet), Southside Addition to the Village, Auditor's Replat of the Village from an I-1 District to an I-2 District.
25.02	12-5-77	Changing Lots 11 and 12, Block 2, Olive E. Nelson Addition of the Village, Auditor's Replat of the Village from an R-2 District to a C-2 District.
25.084	10-17-88	Changing Lot 1 of Lot C (except east 30 feet of north 163 feet) Ames Subdivision to the city, Replat of the Village from a C-2 District to a R-2 District.
25.086	5-21-90	Changing Lot 6, Lot 7 and east $^1/_2$ of Lot 8, Block 6, Replat of the city, from a C2 District to an I-1 District.
25.087	4-6-92	Changing Lot 3, Block 2, Dassel Heights Addition, from an R-2 District to a PUD-R District.
25.089	5-17-93	Changing Government Lot 6 of Auditor's Replat, Lot B and Lot 3 of Lot C from an R-2 District to an I-1 District; and the north 10 feet of Lot 16 and Lot 17, Block 7 from an I-2 District to a C-1 District.

Ord. No.	*Date Passed*	*Description*
25.090	8-2-93	Changing Lots 4 and 5 and south $^1/_2$ Lot 3, Block 6, from an C-1 District to an I1 District.
25.092	8-8-96	Changing the east 93 feet of Lot 2 of Lot C, Government Lot 6 of Auditor's Replat from an R-2 District to an I-1 District.
25.093	6-16-97	Changing part of the northwest quarter of Section 34, Township 119, Range 29 (160 feet east of Galiger's Addition, thence 535 feet south more or less, thence 160 feet west; thence north 535 feet more or less to point of beginning) to the city, from an A (agriculture) District to a R-2 (residential) District.
25.094	2-17-98	Changing Outlot A ex. Parcel #23-0449 and Parcel #23-0450 Comers Addition, Replat from an I-2 (General Industry) District to a R-2 (Residential) District.
25.095	11-16-98	Changing the south 394.74 feet of the east 301.00 feet of the northeast quarter of Section 34, Township 119, Range 29 containing 2.73 acres from an A (Agriculture) District to an R-2 (Residential) District.
25.096	10-16-00	Changing part of Lot 1 of Lot H, beginning in the northwest corner east 80 feet, south 100 feet, west 80 feet, north 100 feet, except road from a C-2 (Fringe and Highway Commerce) District to a R2 (Residential) District.
25.097	12-18-00	Changing Lot 3 of Lot D, Block 20, Auditor's Replat from an I-1 (Limited Industry) District to an R-2 (Residential) District.

Ord. No.	*Date Passed*	*Description*
25.098	12-18-00	Changing the east half of Lot 1, Block 20, Auditor's Replat from an I-1 (Limited Industry) District to a R-2 (Residential) District.
09-2003	6-16-03	Changing Section 33, Township 119, Range 29, Part Government Lot 8 from an R-2, (One and Two Family Residential), to C-2 (Highway Commerce).
11-2003	9-2-03	Changing a part of GL 4 from R-2 (One and Two-Family Residential) to PUD-R (Planned Unit Development Residential).

TABLE III: ANNEXATIONS

Ord. No.	***Date Passed***	***Description***
04-2003	3-17-03	Annexing certain property located at Section 33, Township 119, Range 29.
12-2003	9-15-03	Annexing certain property located at Section 27, Township 119, Range 29.
03-2004	3-15-04	Annexing certain property located at Section 33, Township 119, Range 29.

PARALLEL REFERENCES

References to Minnesota Statutes
References to 1974 Code
References to Ordinances

REFERENCES TO MINNESOTA STATUES

M.S. Cite	*Code Section*
12.25	34.01, 34.04
12.31	34.06
14.57 - 14.70	110.18
Chapter 16B	150.02
16B.59—16B.75	150.01
16B.62, subd. 1	150.02, 150.03
16B.65	150.02
16B.70	150.03
17.711—17.729	95.04
88.16—88.22	92.70
93.44—93.51	154.08
103G.005, subd. 15	154.08
103G.005, subd. 15A	154.08
103F.201	154.12
103F.201 *et seq*.	154.01
103G.245	154.11
115.01, subd. 8	52.35
115.07	52.35
Chapter 169	70.01, 72.22, 75.01, 75.04
169.045, subd.7	75.05
169.35	70.01
169.89, subd. 1	73.98
169.522	75.05
216B.097	51.24
216C.06, subd. 2	153.101
237.162	93.29
237.163	93.29
260.185	130.99
300.06	93.23
303.06	111.06
307.08	154.08
Chapter 327	151.01
327.14—327.28	151.01
327.31—327.36	151.02, 153.008
Chapter 329	112.03
333.01	111.06
3401.414	110.15

M.S. Cite	*Code Section*
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340A.409	110.05
340A.801	110.05
347.51	94.12
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463.17	92.20
463.351—462.365	32.04
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617.241—617.299	111.17
624.717	130.01
Chapter 1813	95.04

1974 Code Section	*2002 Code Section*
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Chapter 2.01, § 3	30.03
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Chapter 2.01, § 5	30.05
Chapter 2.01, § 6	30.06
Chapter 2.02, § 1	30.21
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3.04	5-20-75	32.02
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