# ROSEVILLE, MINNESOTA
# CITY CODE

Published by the authority and direction of the Mayor and City Council of the City of Roseville.

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|---|---|
| Daniel J. Roe | Mayor |
| Jason Etten | Councilmember |
| Lisa Laliberte | Councilmember |
| Tammy McGehee | Councilmember |
| Robert Willmus | Councilmember |
| Patrick J. Trudgeon | City Manager |

First codified in 1959 and revised in 1971, 1973, 1975, 1978, 1980, 1983, 1985, 1988, and 1990, and recodified in 1995.

## PREFACE

This city code of the City of Roseville, as supplemented, contains ordinances up to and including Ordinance 1498 passed April 11, 2016. Ordinances of the City adopted after said ordinance supersede the provisions of this city code to the extent that they are in conflict or inconsistent therewith. Consult the office of the City Manager in order to ascertain whether any particular provision of the code has been amended, superseded or repealed. (May, 2016)

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# ADOPTING ORDINANCE

ORDINANCE NO. 1160

AN ORDINANCE ADOPTING
THE CITY CODE OF ROSEVILLE, MINNESOTA

BE IT ORDAINED by the Mayor and City Council of the City of Roseville, Minnesota, a Minnesota Municipal Corporation:

## I.

Section 1.010. Adoption of Code.
Section 1: From and after the date of passage of this Ordinance, the City Code of the City of Roseville, Minnesota prepared by Sterling Codifiers, Inc., containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the Mayor and City Council of the City, shall be accepted in all courts as the Official Code and Law of the City as enacted by the Mayor and City Council.
Section 2: There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with a continuous supplement service, whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the Official City Code is identified by the proper catch line and is inserted in the proper place in each of the official copies, three (3) copies of which shall be maintained in the office of the City Clerk, certified as to correctness and available for inspection at any and all times that said office is regularly open.
Section 3: All ordinances of a general nature included in this Official City Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the Mayor and City Council shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Official City Code. All ordinances of a special nature, such as, but not limited to, tax levy ordinances, bond ordinances, franchises, zoning code amendments, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the City Code. Such ordinances are not intended to be included in the Official City Code.
Section 4: It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.
Section 5: All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

## II.

This Ordinance and the Code adopted by the same shall be in full force and effect from and after its passage and approval in accordance with law, as printed and published in book form.
PASSED by the City Council of the City of Roseville this 8th day of May, 1995.

# TITLE 1
# ADMINISTRATION

# CHAPTER 101
# OFFICIAL CITY CODE

SECTION:

101.01: Title
101.02: Acceptance
101.03: Amendments
101.04: Code Alterations
101.05: Court Proceedings
101.06: Severability Clause
101.07: Construction of Words

## 101.01: TITLE:

Upon adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of Roseville. This City Code of ordinances shall be known and cited as the *ROSEVILLE CITY CODE* and is hereby published by authority of the City Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 101.04 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (1995 Code)

## 101.02: ACCEPTANCE:

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect. (1995 Code)

## 101.03: AMENDMENTS:

Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1995 Code)

## 101.04: CODE ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Manager shall see that the replacement pages are properly inserted in the official copies maintained in the office of the City Manager. (1995 Code)

## 101.05: COURT PROCEEDINGS:

A. Violations of Former Ordinances: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not. Any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect shall be governed by the former ordinance. Proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
B. Application of Provisions: This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
C. Effect of Provisions: Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed. The provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions. This Chapter shall not be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person or as waiving any right of the City under any ordinance or provision in force at the time of the adoption of this City Code. (1995 Code)

## 101.06: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1995 Code)

## 101.07: CONSTRUCTION OF WORDS:

A. Rules of Construction: When interpreting this Code, the following rules of construction shall be applied, except where the application of any rule of construction would result in an interpretation clearly contrary to the plain intent of a provision or of any section or chapter in which a given provision appears. The rules are as follows:
1. Common Usage: All words and phrases used in this Code shall be interpreted and understood in accordance with the common and acceptable usage, but any technical words and phrases, or such others which have acquired a specific or peculiar meaning, shall be interpreted and understood in accordance with such technical, specific or peculiar meaning.
2. Gender; Singular and Plural: If any word in this Code expresses male or female gender, it shall be extended to and shall be applied to both genders and every word expressing the plural number shall extend to and be applied to one person or thing as well as several persons or things.
3. Tenses: The use of any verb in the present tense shall include the future when applicable and the use of any verb in the future tense shall include the present when applicable.
B. Application of Minnesota Statutes: In addition to the rules of construction contained in subdivision A hereof, the rules and canons of construction, presumptions and miscellaneous provisions pertaining to construction contained in Minnesota Statutes chapter 645 governing statutory construction are hereby adopted by reference and made a part hereof as if fully set

forth herein. All references contained in these statutory provisions to laws and statutes shall be construed to apply and refer to the provisions of this Code and all references to the legislature shall be construed to apply to the City Council or appropriate governing body.

C. Changes for Clarification: The word "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subdivision" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances. (1995 Code)

# CHAPTER 102
# GENERAL PENALTY

SECTION:

102.01 General Penalty
102.02 Issuance of Ordinance Violation Summons

## 102.01: GENERAL PENALTY:

A. General Offense: Unless otherwise provided in City Code, any person violating any provision of the City Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $1,000.00, or by imprisonment not to exceed 90 days, or both, or any different amounts adopted by statute. In either case the costs of prosecution may be added[1]. (Ord. 1067, 9-25-89; amd. 1995 Code)

B. Petty Misdemeanor Offense: A petty misdemeanor offense is an offense which is prohibited by statute which does not constitute a crime and is classified as a petty misdemeanor for which a sentence of a fine of not more than $300.00 or any different amounts adopted by statute may be imposed[2]. (1995 Code)

C. Administrative Offense:

1. Purpose: Administrative offense procedures, established pursuant to this Section, are intended to provide the City with an alternative to traditional criminal charges for violations of certain ordinance provisions.

2. Definitions:

a. Administrative Offense: A violation of a provision of this Code that is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Subsection 11., hereafter, and which may or may not have associated compliance requirements.

3. Notice: Any officer of the Police Department or any other person employed by the City, authorized under Section 102.02 of this Code shall, upon determining that there has been a violation of ordinance or Code, notify the violator or, in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, the amount of the scheduled penalty and required compliance actions, if applicable.

4. Recovery of Administrative Costs: The owner of the premises, where an administrative offense ticket has been issued by the City's Community Development Department, shall be personally liable for the cost of the City for inspection of said property and administrative costs as allowed per Minnesota Statute 429.101. Staff shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the City Manager.

5. Notice Contestation and Hearing: Any person contesting an administrative offense may, within seven days of the time of issuance of the notice, request, in writing, a hearing. The Hearing Officer shall forthwith conduct an informal hearing to determine if a violation has occurred. The Hearing Officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the Hearing Officer, the violator shall pay the

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[1] M.S.A. §§412.231, 609.033(3), 609.033 and 609.034

[2] M.S.A. §609.0332

penalty imposed.

6. Hearing Officer: The City Manager shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section.

7. Payment of Penalty: Once notice is given, the alleged violator must pay the specified fine within seven days of the time of issuance of the notice, unless contesting the notice pursuant to Subsection 5.of this Chapter. The amount of the fine shall be set forth on the schedule of penalties for the violation as adopted by the City Council. The penalty may be paid in person or by mail and payment shall be deemed to be an admission of the violation.

8. Failure to Pay Penalty and/or Administrative Costs: In the event a party charged with an administrative offense fails to pay the penalty when due, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. In the event a party does not pay the monetary penalty and/or administrative costs, the City may seek to collect the costs of the administrative offense procedures per Section 407.07 and/or 906 of this Code.

a. If the penalty and/or administrative cost is unpaid, the City Manager shall, on or before September 1, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statute 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statues 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.

9. Failure to Comply: If a violation requires code compliance within a set period of time and the compliance does not occur by the deadline specified, the City may initiate an abatement process, as provided in Chapter 407 of the City Code, and/or charge the party with a misdemeanor.

10. Disposition of Penalties: All penalties collected pursuant to this Section shall be paid to the City Treasurer and may be deposited in the City's general fund.

11. Offenses and Penalties: Offenses that may be charged as administrative offenses are infractions to the City Code. Monetary penalties associated with offenses shall be identified in the City’s Fee Schedule. Subsection 314.05

12. Subsequent Offenses: In the event a party is charged with a subsequent administrative offense within an 18 month period for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 100% above the previous administrative penalty. The City shall only increase the penalty twice within this period. (Ord. 1134, 1-24-94)

(Ord. 1366, 4-21-2008)

## 102.02: ISSUANCE OF ORDINANCE VIOLATION SUMMONS:

The persons hereinafter named, as employees or agents of the City, shall have power to issue summons with complaints incorporated therein (citations) in the form adopted by rule by the Municipal Court, but such issuance by those named shall relate only to offenses involving the City Code; building construction, operation or maintenance; fire and fire prevention; public health and sanitation; and zoning. No such employee or agent hereinafter authorized to issue said summons shall be authorized to arrest or otherwise take a violator into custody or to secure a promise to appear in court in lieu of arrest.

Those authorized are as follows:

Fire Marshal

Fire Inspector

Director of Public Works
Chief Code Enforcement Officer
Code Enforcement Officer
Electrical Inspector
Reserve Police Officer
Community Service Officer
Director of Community Development

Other employees or agents of the City specifically designated, in writing, by the City Manager shall also have such authority. (Ord. 1019, 8-10-87; amd. 1995 Code)

# CHAPTER 103
# CITY OFFICIALS

SECTION:


103.01: City Election
103.015: Campaign Contribution Reporting
103.02: Mayor and City Council Terms
103.03: Mayor and City Council Compensation
103.04: City Clerk
103.05: City Manager Purchasing Authority
103.06: Filling a Mayor or Council Vacancy


## 103.01: CITY ELECTION:

A. Election Date Fixed: The city general election shall be held on the first Tuesday after the first Monday in November of each even numbered year, beginning with the 2006 election. (Ord. 1264, 6-3-2002)

B. Primary Election Date: Whenever there are candidates for election to municipal office in excess of two for the office of mayor or in excess of two for each office of council member, then a municipal primary election shall be held for such office or offices on the same date as the state primary election in each even-numbered year. (Ord. 1158, 3-27-1995) (Ord. 1389, 3-22-2010)

## 103.015: CAMPAIGN CONTRIBUTION REPORTING:

A. A candidate for election to a City office must file a report with the City Clerk that includes the name of the candidate, the name and address of the person responsible for filing the report; and:
   1. States the name, address and employer, or occupation if self-employed, of any individual, and the name and address of any committee, or organization, which within the previous one year period has made one or more contributions that in the aggregate are greater than $50, and the amount and date of each contribution; or
   2. States that within the previous one year period no individual, committee, or organization has made one or more contributions that in the aggregate are greater than $50.

B. The report required under this section must be filed:
   1. Ten days before a primary, general, or special election; and
   2. Thirty days after a general or special election, regardless of whether the candidate won or lost in the primary election.

C. A candidate that intentionally fails to file the report as required in this section is guilty of a misdemeanor. When a candidate fails to file the report by the day it is due, the City Clerk shall immediately notify that candidate of the failure to file. If the report is not filed within five business days of the date the notice is mailed, the City Clerk shall immediately notify the City Attorney of the alleged violation of this section.

D. For the purposes of this section, the term “contribution” has the meaning given it in the state statutes constituting the Minnesota Election Law.

(Ord. 1312, 12-6-2004)

## 103.02: MAYOR AND CITY COUNCIL TERMS:

A. Terms: The term of office for mayor and council members shall be four years.
B. Transition Provisions: The terms of the mayor and council member who will be elected at the 2003 city election shall end the first business day of January 2007 and those offices will be filled at the 2006 city election. The term of the council member elected at the 2005 election with the most votes shall end on the first business day of January 2011 and that office shall be filled at the 2010 city election, and the terms of the two council members elected at the 2005 election with the second and third most votes shall end the first business day of January 2009 and those offices will be filled at the 2008 city election. (Ord. 1264, 6-3-2002)

## 103.03: MAYOR AND CITY COUNCIL COMPENSATION:

The Mayor and members of the City Council shall receive a stipend for their service to the city as follows:

Effective January 1, 2000, until December 31, 2001:

| | |
|---|---|
| Mayor | $750.00 per month |
| Council members | 570.00 per month |

Effective January 1, 2002, and thereafter:

| | |
|---|---|
| Mayor | $775.00 per month |
| Council members | 585.00 per month |

This stipend offsets any local expenses incurred by elected officials in the course of their duties. (Ord. 1227, 7-12-1999)

## 103.04: CITY CLERK:

The city manager shall act as and perform all duties of the city clerk and the office of the city clerk as set forth in chapter 412 of Minnesota statutes. In the absence of the city manager, the assistant city manager shall perform all of the duties of the city clerk. (Ord. 437, 9-14-1964; amd. 1995 Code)

## 103.05: CITY MANAGER PURCHASING AUTHORITY:

The manager shall be the chief purchasing agent of the city. All purchases for the city and all contracts shall be made or let by the manager when the amount of the purchase or contract does not exceed $5,000.00 but all claims resulting therefrom shall be audited and approved by the council as provided by law. (Ord. 1261, 4-15-2002)

## 103.06: FILLING A MAYOR OR COUNCIL VACANCY:

A. Appointment: The Council shall appoint an eligible person to fill a vacancy in the office of Mayor or City Council member as soon as is practicable after the vacancy occurs. The person appointed shall serve for the unexpired portion of the term unless a special election is required hereunder or by state law.
B. Special Election: A special election shall be held to fill a vacancy in the office of Mayor or City Council member if the vacancy occurs more than ten weeks before the first day to file affidavits of candidacy for the regular city election that is to be held during the final year of the unexpired term. This special election shall be held as soon after the vacancy is declared as is practical under state law. No special primary election shall occur in cases of special elections held pursuant to this section.

(Ord. 1299, 11-24-2003) (Ord. 1373, 7-28-2008)

# CHAPTER 104
# PERSONNEL POLICY

SECTION:

104.01: Purpose and Scope; Personnel Appointments
104.02: Promotions and Separations (Rep. by Ord. 1230, 8-23-1999)
104.03: Benefits
104.04: Compensation
104.05: Miscellaneous Regulations

## 104.01: PURPOSE AND SCOPE; PERSONNEL APPOINTMENTS:

A. Purpose: It shall be the purpose of this chapter to establish a uniform and equitable system of personnel administration for employees of the city. This chapter may be referred to as the *PERSONNEL ORDINANCE*. The City Council has the sole authority to change any of the provisions of this chapter. The city manager has the sole authority to interpret and implement the provisions of this chapter. The city reserves the right to amend, modify or repeal any provision of this chapter without prior notice to any employee who might be covered by it. (Ord. 1135, 2-14-1994)

B. Employees Covered: This chapter shall establish the employment relationship of all city employees except the following:
1. All elected officials and members of boards and commissions;
2. City manager and city attorney; and
3. Persons hired to provide services for the city on a contractual basis. (Ord. 1231, 11-8-1999)

C. Provisions Superseded in Certain Cases: The provisions of this chapter shall be superseded in the following cases:
1. Any employee included in a collective bargaining agreement, entered into in accordance with the Minnesota Public Employment Labor Relations Act (MSA Chapter 179) shall be exempt from any sections of this chapter which are governed by a collective bargaining agreement. (Ord.1401, 12-13-2010)
2. Nothing in this chapter shall be effective to the extent that it is inconsistent with the "Veterans Preference Act", Section 197.455, Minnesota Statutes. (Ord.1401, 12-13-2010)
3. Nothing in this chapter shall be effective to the extent that it is inconsistent with the rules of the Roseville police civil service commission or with chapter 419, Minnesota Statutes, "Police Civil Service Commissions". (Ord. 1135, 2-14-1994)

D. Definitions: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this subsection:
CITY MANAGER: The city manager appointed by the City Council or the person designated by the manager to act in that capacity in a given situation.
PAID-ON-CALL FIREFIGHTERS: Employees whose schedules are flexible and vary based on the employee's availability and management's need. Employees who respond to calls for work on an on-call basis and are paid by the call. Paid-on-call fire staff members are not eligible for benefits except where specified. (Ord.1401, 12-13-2010)
PAID TIME OFF: Compensated leave which combines traditional vacation and sick leave into one bank of available time off. (Ord. 1339, 6-20-2006)
REGULAR FULL-TIME: A position that is regularly scheduled for a forty (40) hour week. Regular full-time positions are approved by the City Council and generally are expected to continue for more than one year. Employees that hold regular full-time positions are eligible

for benefits and paid leave.

REGULAR PART-TIME: A position that is regularly scheduled for less than forty (40) hours per week. Regular part-time positions are approved by the City Council and generally continue for more than one year. Regular part-time staff regularly schedule for twenty (20) or more hours per week but less than forty (40) are eligible for partial benefits and paid leave where specified. (Ord.1401, 12-13-2010)

SERVICE CREDIT: The unit used to measure the period of time required for an employee to be eligible for benefits.

SICK BANK: An employee's accrued and unused sick leave, in excess of 96 hours, as of June 30, 2006, to a maximum of 640 hours. (Ord. 1339, 6-20-2006)

TEMPORARY SEASONAL: Positions in this category meet one of the following definitions: Employees hired in a position limited by duration of a specific project or task. Temporary employees normally do not exceed six months with a period of at least a month off between seasonal or temporary projects with the City. Temporary employees are not eligible for benefits. Temporary positions include positions created to handle periodic increases in work load, seasonal work and special projects. Temporary and seasonal employees may work full or part-time and are not subject to all City policies, only those provided to them in their new employee orientation or during ongoing training.

A position that has been established as an internship, or as part of another specialized program is also included in this category. (Ord. 1230, 8-23-1999; amd. Ord. 1231, 11-8-1999); (Ord.1401, 12-13-2010)

E. City Manager Authority: The city manager makes all employment-related decisions within the city, including personnel appointments. The city manager is also responsible for providing work direction to staff. The city manager may dismiss, demote, or suspend any employee. (Ord. 1230, 8-23-1999)

F. Physical Examination: All candidates for municipal service may be required to undergo a physical examination as a condition of employment in conjunction with an offer of employment. The examination shall be conducted by a physician selected by the city manager. All costs of the examination shall be paid by the city.

G. Background Investigations: The city will conduct a background investigation of an applicant for a position where justified by the job requirements or where allowed or required by state or federal law. This may include investigation of past criminal convictions by the police department or by the bureau of criminal apprehension. (Ord. 1135, 2-14-1994)

H. Probationary Period: (Rep. by Ord. 1230, 8-23-1999)

I. Completion of Probationary Period: (Rep. by Ord. 1230, 8-23-1999)

J. Employment of Relatives: For purposes of this policy, a "relative" is defined as mother, father, son, daughter, brother, sister, grandchild, grandparent, stepchild, stepparent, or legal guardian. However, relatives of employees will not be employed when a conflict of interest exists. In order to ensure the lack of bias, prejudice and/or favoritism, or its appearance, relatives or those living in the same household as current employees and City Council members are not eligible for employment in a job classification in which a conflict of interest may occur or is not in the best interest of the City as determined by the City Manager. City Manager approval is required for all full-time and part-time regular positions. Spouses of employees or elected officials are also excluded from employment as a bona fide occupational requirement, when a conflict of interest exists. The following list highlights situations that would constitute a conflict of interest:

- Where one employee would supervise or have authority to appoint, remove, or discipline a spouse or a relative.
- Where one spouse or relative would be responsible for auditing the work of another.
- Where a policy level employee of an organization or company is related to a policy level employee or official of the city and there is a contract or agreement between the

entities, such that there is a potential appearance of inappropriate influence.
- Where confidentiality of the city would be jeopardized.

Promotions or transfers of a spouse or relative, which would result in a conflict of interest, will not be acted upon until the conflict is satisfactorily resolved. (Ord.1401, 12-13-2010)

K. Equal Employment Opportunity:
1. State and Federal Regulations: The city provides equal opportunity to all employees and applicants for employment in accordance with all applicable state and federal laws, directives and regulations.
2. Discrimination: Discrimination based on race, creed, color, national origin, place of residence, disability, marital status, status with regard to public assistance, sex, sexual orientation, veteran status, pregnancy, age or any other class protected by state or federal law is prohibited in all personnel policies, programs and practices.
3. Responsibility of City Manager: The city manager is responsible for implementing this policy. Failure of any city employee to act in a manner consistent with this policy may result in disciplinary action against that employee. (Ord. 1230, 8-23-1999)

## 104.02: PROMOTIONS AND SEPARATIONS: (Rep. by Ord. 1230, 8-23-1999)

## 104.03: BENEFITS:

A. Employee Benefits: Employees hired in regular full-time positions are eligible to receive Paid Time Off, paid holidays and any other benefits which are approved by council resolution. Regular part-time employees who work at least 20 hours per week are eligible for paid holidays on a pro rata basis and any other benefits which are approved by council resolution.

B. Service Credit: Service credit for a regular or probationary full-time employee begins on the date of employment and is calculated as follows:
1. Full-Time Employee, Twelve or More Days: A regular or probationary full-time employee who works 12 or more days in a calendar month will receive full service credit for that month.
2. Full-Time Employee, Twelve Or Less Days: A regular or probationary full-time employee who works less than 12 days in any calendar months will not receive service credit for that month unless the time off is covered by approved sick leave, vacation, military leave or family/medical leave.
3. Temporary Employee Transferred to Full-Time: A temporary employee transferred to a regular position will not receive any service credit for service prior to such transfer.
4. Regular Part-Time Employee Transferred to Full-Time: A regular, part-time employee who transfers to a regular full-time position will receive credit for prior service. The prior service will be calculated by multiplying the number of months of prior service by the budgeted full-time equivalent status of the part-time position.

C. Paid Time Off: Paid Time Off is provided to allow employees equitable leave time for both illness and rest and relaxation. Paid Time Off will be granted to eligible employees according to earned service credit.

D. Legal Holidays Occurring during Paid Leave Period: When a recognized holiday falls on a working day during an employee's Paid Time Off, the day of the holiday will not be counted as a day of Paid Time Off.

E. Rate of Accumulation of Paid Time Off: Regular full-time employees shall earn Paid Time Off at the following rates:
1. First through Fourth Year: Beginning with the initial date of employment through the end of the fourth year of service credit, the employee shall earn 5.538 hours bi-weekly.
2. Fifth through Fourteenth Year: Beginning with the fifth year of service credit through the end of the fourteenth year of service credit, the employee shall earn 7.077 hours bi-weekly.
3. Fifteenth Year On: Beginning with the fifteenth year of service credit, the employee shall

earn 8.615 hours bi-weekly.

F. Paid Time Off on Termination of Employment: An employee who terminates his/her employment shall receive, upon termination, unused Paid Time Off.

G. Carryover and Disposition of Paid Time Off: Each employee shall be permitted to carry over up to a maximum of 500 hours from one year to the next. Allowable disposition of hours in excess of the maximum may be contributed to deferred compensation accounts or pre-dedicated for use within the first quarter of the following year.

H. Sick Bank: Eligible employees may utilize the sick leave bank, until the bank is used up or the bank sunsets in 2025, for the following:

1. Personal illness or injury.
2. Personal medical or dental appointments.
3. Illness or injury of a spouse, child, parent or other member of an employee's household which requires the employee's care and attention.
4. Medical or dental appointments of a spouse, child, parent or any other member of an employee's immediate household which require the employee's care and attention.

I. Application of Workers' Compensation Benefits to Paid Time Off or Sick Bank Program: In cases of absence where an employee receives compensation benefits under workers' compensation, the total compensation received from both workers' compensation and Sick Bank, and Paid Time Off shall not exceed the amount of pay normally received. Paid Time Off and/or Sick Bank benefits may be paid in an amount such that the benefits plus the workers' compensation benefits equal the normal pay received.

J. Bereavement Leave: In cases of a death in an employee's immediate family, a regular employee's department head may authorize leave benefits for such absences up to a maximum of three days for each occasion. For purposes of this section, "immediate family" includes spouse, child, siblings, parents, parents-in-law, grandchildren, and grandchildren of the employee's spouse, grandparents, grandparents-in-law, brothers-in-law, sisters-in-law and any other member of an employee's immediate household. (Ord. 1135, 2-14-1994); (Ord.1401, 12-13-2010)

K. Mandated Leaves: The city will comply with the provisions of any federal or state laws that grant employees leave time, such as the Family and Medical Leave Act. (Ord. 1230, 8-23-1999)

L. Special Leave: The manager may allow an employee special leave at full pay for attendance at conferences benefiting the municipality. (Ord. 1135, 2-14-1994)

M. Military Leave of Absence: (Rep. by Ord. 1230, 8-23-1999)

N. Leave of Absence Without Pay: Upon request of an employee, leave of absence without pay may be granted by the city manager. Such leave of absence shall not exceed a period of 12 weeks and, if applicable, shall be taken simultaneously with any leaves mandated by law, such as the Family and Medical Leave Act. Prior to requesting leave under this section, an employee must first exhaust all accrued Paid Time Off and Sick Bank if leave is due to injury or illness. The leave may be extended beyond 12 weeks to a maximum of one year by the city manager. No Paid Time Off benefits shall accrue during a period of leave of absence without pay. A leave of absence without pay will be considered a break in service for purposes of computing service credit if it exceeds 12 weeks. (Ord. 1230, 8-23-1999)

O. Official Holiday: The following shall be the official holidays for all employees subject to this chapter:

New Year's Day, January 1.
Martin Luther King, Jr., Birthday, the third Monday in January.
Presidents' Day, the third Monday in February.
Memorial Day, the last Monday in May.
Independence Day, July 4.
Labor Day, the first Monday in September.

Veterans' Day, November 11.
Thanksgiving Day, the fourth Thursday in November.
Post-Thanksgiving Day, the day following Thanksgiving Day.
One-half day (afternoon) Christmas Eve Day, December 24.
Christmas Day, December 25.
One floating holiday annually, to be designated by the City Manager.

When New Year's Day, Independence Day, Veterans' Day or Christmas Day fall on a Sunday, the following day shall be a holiday.

When New Year's Day, Independence Day, Veterans' Day, or Christmas Day fall on a Saturday, the preceding day shall be a holiday.

When Christmas Eve Day falls on a Saturday or a Sunday, the 1/2 day will be taken on the preceding Friday afternoon. (Ord. 1135, 2-14-1994)

P. Severance Pay: Severance pay shall be paid to the following city employees who terminate their employment:

1. Retirement: Regular, full-time employees who meet the eligibility requirements for receipt of a pension pursuant to the Public Employees Retirement Association Statute, Minnesota Statutes Chapter 353, with ten or more years of service with the city who terminate their employment because of retirement.

2. Reduction of City Employment or Change in Municipal Operations: Regular, full-time employees with ten or more years of service with the city who terminate their employment because of reduction of city employment or changes in city operations.

3. Death of Employee: Regular, full-time employees, with ten or more years of service with the city, who die before they terminate their employment shall have severance pay as calculated in this section paid to their named beneficiary or their estate if they fail to name a living beneficiary.

The severance pay shall be in an amount Paid Time Off plus 50% of accumulated Sick Bank hours, but in no event shall such payment of Sick Bank hours exceed the equivalent of 320 hours at the employee's wage rate at the time of such separation. (Ord. 1230, 8-23-1999)

Q. Part-Time Firefighters: The members of the fire department shall organize themselves into a firefighter's relief association. The City Council shall establish by resolution pension and funeral benefits for part-time firefighters. (Ord. 1231, 11-8-1999)

(Ord. 1339, 6-20-2006)

## 104.04: COMPENSATION:

A. Rates of Pay: The City Council shall, by resolution, establish and, from time to time, revise a position classification and pay plan.

B. Payday: All regular employees shall be paid on the day set by resolution of the council.

C. Payroll Deductions: Automatic payroll deductions shall be made as required for federal and state government taxes and the various pension plans. Employees may elect to have payroll deductions made for a city employee group insurance or flexible benefit plan, a deferred compensation account, United States savings bonds, charity drive contributions, bank and credit union accounts and union dues. (Ord. 1135, 2-14-1994)

D. Overtime Pay: Employees who are eligible for overtime under the guidelines of the Fair Labor Standards Act (FLSA) will be compensated at the rate of time and one-half for all hours worked in excess of 40 hours per week. This compensation will take the form of either time and one-half pay or, where permitted by the Fair Labor Standards Act, compensatory time. Compensatory time is paid time off at the rate of 1 and one-half hours off for each hour of overtime worked. (Ord. 1230, 8-23-1999)

E. Resignation: When an employee resigns, he/she shall receive pay for any accrued unused Paid Time Off. No payment shall be made for unused sick bank leave benefits. (Ord. 1339, 6-20-

2006)

F. Indebtedness to the City: If any employee owes any money or leave time to the city at the time of his/her termination, his/her final pay will be applied against this amount in whatever amount necessary to pay it off. A receipt shall be given to the employee for the amount applied against the debt. (Ord. 1135, 2-14-1994)

## 104.05: MISCELLANEOUS REGULATIONS:

A. Travel Expenses: When traveling on city business, an employee will be reimbursed for his/her travel expenses. In order to receive such reimbursement, the employee shall, immediately upon return to work, fill out and submit the appropriate claims form.

B. Car Expenses: An employee required to use his/her personal automobile on city business shall be reimbursed at the rate currently permitted by the Internal Revenue Service for allowable travel expense purposes.
Claims for mileage shall designate date of travel, purpose of travel and miles traveled. Certain employees designated by the city manager may receive a vehicle allowance in lieu of reimbursement for expenses.

C. City Tools and Equipment: City tools and equipment shall not be used for anything other than city purposes unless approved by the council.

D. Outside Employment: An employee's activities outside working hours must not interfere with the performance of the employee's job with the city. An employee must have the approval of his/her department head before obtaining outside employment. An employee must notify his/her department head of the outside employer's name and address, the hours of his/her work and a description of duties.

E. Political Activity: No city employee shall directly or indirectly:
1. During his/her hours of employment, solicit or receive political funds.
2. At any time use his/her authority or official influence to compel any employee:
   a. to apply for membership in or to become a member of a political organization.
   b. to pay or promise to pay any assessment, subscription or political contribution.
   c. to take part in any political activity. (Ord. 1153, 9-26-1994)

F. Layoffs: When necessary due to reorganization or budgetary constraints, layoffs of regular full-time and part-time employees may occur. The City Manager will decide which job classes within a department are subject to layoff. Within a department and job class, the City Manager will consider job performance, qualifications and length of service to determine which employee(s) will be affected by the layoff. (Ord. 1230, 8-23-1999)

G. Conflict of Interest: It is expected that every employee shall exercise good judgment in avoiding becoming involved with conflicting outside business interests. These include, but are not limited to, the following:
1. Those in which an employee has financial interest in, or receives benefits from, a business in which he/she occupies a position which may enable him/her to influence the placing of city business either inside or outside the city government.
2. Those in which an employee accepts full-time or part-time work elsewhere, where such activity interferes with their duties and job performance at the city.
3. Those in which an employee may gain access to information not generally available to the public which may allow him/her to directly or indirectly gain anything of value.

H. Endorsement of Products or Services: No employees of the City will endorse any product or service offered by a private business, which will ultimately be used in sale or advertising promotions. This includes statements of interpretation about the product or service or the providing of information in such a manner which implies endorsement.

I. Acceptance of Gratuities: Minnesota Statutes section 471.895, prohibiting the giving of gifts by interested persons and the receipt of such gifts by public officials is hereby adopted by

reference. (Ord. 1153, 9-26-1994)

J. Smoking Policy: Smoking is not permitted in any city building or city vehicle. Smoking includes carrying a lighted cigarette, cigar or pipe. This policy is in compliance with requirements of the Minnesota Clean Indoor Air Act.
In an effort to provide and promote a healthy, comfortable and productive working environment, use of tobacco products (e.g. chewing tobacco, smoking, etc.) is prohibited in all city buildings, vehicles and equipment. (Ord.1401, 12-13-2010)

K. Harassment: The harassment of any employee of the city by any other employee or nonemployee is prohibited. The city will not tolerate the harassment of any of its employees and will take immediate, positive steps to stop it when it occurs. The city manager shall establish and administer a detailed policy prohibiting harassment, including specific measures which will be taken when harassment occurs. (Ord. 1339, 6-20-2006)

L. Alcohol and Other Drug Use: All employees are strictly prohibited from using, possessing, selling, transferring or being under the influence of drugs or alcohol while working or performing job duties or while on the City's premises or while operating the City's vehicles, machinery or equipment. "Drugs" are defined as any controlled substance.
Any employee found to be in violation of this policy is subject to discipline up to and including termination of employment and, in certain circumstances, to legal prosecution.(Ord. 1135, 2-14-1994) (Ord.1401, 12-13-2010)

M. Criminal History and Driving Record Background Checks.

1. The City of Roseville Police Department is authorized to conduct a criminal history and driving record background investigation on any applicant who is a finalist for a paid or volunteer position with the City of Roseville. All finalist applicants must provide the City of Roseville with written authorization to investigate the applicant's criminal history and driving record, and provide the results to the City Manager or designee. Any finalist applicant who does not grant the City written authorization to investigate the applicant's criminal history and driving record will not be considered for the position

2. Pursuant to Minn. Stat. § 364.05, if the applicant is denied employment based on the findings of the criminal history and driving record background investigation, the City shall inform the applicant in writing of the following:

a. The grounds and reasons for the denial or disqualification;

b. The opportunity to request reconsideration of the City's decision and to provide the City with competent evidence of rehabilitation and present fitness for the position within five days of the notice of denial;

c. The applicable complaint and grievance procedure as set forth in section Minn. Stat. § 364.06;

d. The earliest date the person may reapply for a position with the City; and

e. That all competent evidence of rehabilitation will be considered upon reapplication.

3. This section shall apply to all positions of the City, including those represented by a bargaining unit, full-time, part-time and seasonal, and volunteer (as determined appropriate by the City). Paragraph two of this section does not apply to those positions listed as exceptions under Minn. Stat. § 364.09.

4. The City of Roseville Police Department is authorized to contract with other entities, individuals or corporations to conduct criminal history and driving record background checks. The City's authority to conduct such background checks is subject to any requirements in state law relating to background checks for specific types of applicants.

5. The City of Roseville Police Department is authorized to conduct criminal history background checks on license applicants as required by City Code and/or State law.

(Ord. 1295, 9-15-2003)

# CHAPTER 105
# INDEMNIFICATION

SECTION:

105.01: Definitions
105.02: City Indemnification
105.03: Types of Claims
105.04: Amount
105.05: Immunity
105.06: Insurance
105.07: Exceptions
105.08: Interference

## 105.01: DEFINITIONS:

For the purpose of this chapter, the following definitions are stated:

COMMISSION MEMBERS: All persons serving on a commission established by the City Council or by state law as a part of city government. This also includes any member of a commission or other entity appointed or approved by the City Council, pursuant to a joint powers agreement with other governmental bodies.

EMPLOYEES: All employees of the city including part time employees and volunteers working under the direct supervision of a city employee. (Ord. 1269, 9-23-2002)

## 105.02: CITY INDEMNIFICATION:

In accordance with applicable state statutes, the city will defend, insure, and indemnify all employees, officers, commission members and City Council members of the city against losses sustained by liability claims for damages resulting from their torts, including those which the city claims immunity, which arise out of their conduct in the course of and scope of their employment or official actions.

The city will provide defense or reimburse legal fees of its appointed and elected officials in proceedings which may be related to their service as city officials, including any legal action taken to enforce this chapter, to the same extent and in accord with the state statutory provisions applicable to nonprofit corporations[3]. Issues or disputes regarding eligibility, or the scope of coverage under this section shall be made by those members of the City Council disinterested in the proceeding, or upon the request of any council member by a special committee established by the City Council upon the recommendation of the city attorney. (Ord. 1269, 9-23-2002)

## 105.03: TYPES OF CLAIMS:

The indemnification and insurance set forth in section 105.02 of this chapter includes claims arising out of accidents, occurrences, acts or omissions, or to reimburse any elected official who takes legal action against the city or its employees or officials for failure to provide public information to an elected official, or where the public information is provided in a discriminatory

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[3] M.S.A. 317A.521

manner. (Ord. 1269, 9-23-2002)

## 105.04: AMOUNT:

The indemnification of section 105.02 of this chapter applies regardless of the amount of the claim, even if claims are in excess of limits set by Minnesota law. (Ord. 1269, 9-23-2002)

## 105.05: IMMUNITY:

By adoption of this chapter, the city does not waive any limit or immunity from liability established by Minnesota law, and reserves the right to assert such limits or immunity in defending any person pursuant to this chapter. (Ord. 1269, 9-23-2002)

## 105.06: INSURANCE:

The City Council will have sole discretion to purchase insurance or self-insure for the protection of the persons covered by this chapter. (Ord. 1269, 9-23-2002)

## 105.07: EXCEPTIONS:

The insurance and indemnification established by this chapter shall not apply to the following acts or conduct:

A. Action or conduct beyond the scope of a person's employment or responsibility.
B. Intentional acts which violate any of the following: criminal statutes, ordinances or regulations of the United States, the state of Minnesota or the city except as allowed pursuant to Minnesota statutes 317A.521 and 465.76.
C. Intentional acts which violate an established city policy as set forth by the city manager or City Council. (Ord. 1269, 9-23-2002)

## 105.08: INTERFERENCE:

It shall be a violation of this code, punishable by misdemeanor prosecution, for any employee or elected official to interfere with the indemnification or reimbursement process. (Ord. 1269, 9-23-2002)

# CHAPTER 106
# CITY DEPARTMENTS

SECTION:

106.01: City Manager
106.02: Departments
106.03: Administration
106.04: Community Development
106.05: Finance
106.06: Fire
106.07: Parks and Recreation
106.08: Police
106.09: Public Works

## 106.01: CITY MANAGER:

All departments and personnel of the city shall be subject to the control and direction of a city manager, who shall be appointed by the council in accordance with state law. The city manager shall be responsible to the council for the proper administration of all matters relating to the City and shall have the powers and duties specified in state law and as delegated by ordinance, resolution or other action of the council. (Ord. 1268, 9-23-2002)

## 106.02: DEPARTMENTS:

The city shall have the following departments:

Administration
Community Development
Finance
Fire
Parks and Recreation
Police
Public Works

(Ord. 1268, 9-23-2002)

## 106.03: ADMINISTRATION:

The Administration Department shall include the City Manager, Assistant City Manager, City Clerk, and other personnel. The Administration Department is responsible for management, human resources, election administration, and communications activities. The Manager shall be responsible for the performance of all duties assigned by law to the city clerk. (Ord. 1268, 9-23-2002)

## 106.04: COMMUNITY DEVELOPMENT:

The Community Development Department shall be under the direction of the City Manager and Community Development Director and is responsible for community planning, land use, economic development, housing, building code and related programs. (Ord. 1268, 9-23-2002)

## 106.05: FINANCE:

The Finance Department shall be under the direction of the City Manager and Finance Director and is responsible for budget, investment, accounting, and other financial services. The Finance Director shall serve as treasurer for the City, in addition to other assigned duties. (Ord. 1268, 9-23-2002)

## 106.06: FIRE[4]:

There is established a Fire Department consisting of a fire chief to be appointed by the City Manager and other subordinate officers and personnel as determined. The Department shall be responsible for the provision of emergency services including prevention and suppression of fires, the protection of life and property against fire, natural disasters, and other events. The Fire Department shall also be responsible for administration of the State Fire Code. The members of the Fire Department may organize themselves into a Firefighters Relief Association. (Ord. 1268, 9-23-2002)

## 106.07: PARKS AND RECREATION:

The Department of Parks and Recreation shall be under the direction of the City Manager and Parks and Recreation Director and is responsible for management and operations of the City's Park and Recreation facilities and programs. (Ord. 1268, 9-23-2002)

## 106.08: POLICE:

The Police Department shall be under the direction of the Police Chief who shall be responsible to and under the direct supervision of the City Manager. The Police Department is responsible for the preservation of public peace and order, the prevention and detection of crime, the apprehension of offenders, the protection of persons and property and the enforcement of state laws and city ordinances, and the rendering of emergency services. (Ord. 1268, 9-23-2002)

## 106.09: PUBLIC WORKS:

The Public Works Department shall be under the direction of the City Manager and Public Works Director, and is responsible for the design, construction and maintenance of public facilities, the provision of utility services, including recycling collection and operation and maintenance of city vehicles. (Ord. 1268, 9-23-2002)

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[4] See also Chapter 902 of this code.

# CHAPTER 107
# EMERGENCY MANAGEMENT

SECTION:

107.01: Establishment
107.02: Coordination with Other Agencies
107.03: Personnel
107.04: Director of Emergency Management
107.05: Recruitment and Training

## 107.01: ESTABLISHMENT:

The Department of Emergency Management is hereby established pursuant to the requirements of Chapter 12, Minnesota Statutes, to provide for the exercise of necessary powers during emergencies for the purposes set forth in Chapter 12. (1995 Code)

## 107.02: COORDINATION WITH OTHER AGENCIES:

The Emergency Management functions of the City shall be coordinated to the extent practicable with comparable functions of the Federal, State and other local governments as well as private agencies. (1995 Code)

## 107.03: PERSONNEL:

Emergency Management personnel shall consist of personnel employed by the City and any other volunteer or paid member of the local Emergency Management Department engaged in carrying on emergency management functions in accordance with the provisions of this Chapter. (1995 Code)

## 107.04: DIRECTOR OF EMERGENCY MANAGEMENT:

The Emergency Management Department shall be under the supervision and control of the Director of Emergency Management, who shall be appointed by the Mayor for an indefinite period and who may be removed by the Mayor at any time. The Director shall have direct responsibility for the administration of the Emergency Management Department. (1995 Code)

## 107.05: RECRUITMENT AND TRAINING:

In cooperation with existing departments and agencies, the Director shall organize, recruit and train personnel that may be required on a volunteer basis to carry out the Emergency Management Plan of the City. The Director may dismiss any emergency management volunteer at any time and require him/her to surrender any equipment and identification device furnished by the City. (1995 Code)

# CHAPTER 108
# PUBLIC HEARINGS

SECTION:

108.01: Procedure for Conducting Certain Public Hearings

## 108.01: PROCEDURE FOR CONDUCTING CERTAIN PUBLIC HEARINGS:

A. Hearings: When a public hearing involving the Comprehensive Plan, zoning or subdivision regulations is required by this Code or by a Minnesota statute, the Planning Commission shall hold the public hearing. All parties interested shall be given an opportunity to be heard. The Planning Commission, after citing the reason, may request the City Council to extend the review period for up to 60 days.

B. Notice: Notice of the time and place of such hearing shall be published in the designated legal newspaper no less than ten nor more than thirty days prior to the hearing. In the event the hearing involves a particular parcel of land, mailed notice shall be given by the City to the owner and each of the property owners within 500 feet of the outside boundaries of the parcel and to State, County, and Federal agencies, if applicable. Failure to mail notice or failure of the property owner to receive the notice shall not invalidate the proceedings. (Ord. 1357, 1-14-2008)

C. Council Hearings: The City Council shall hold further hearings using the notice procedure in subsection B of this Section only in the event that such hearings are required by other sections of this Code, by State statute, or because the Planning Commission has failed to hold the required hearing or make a recommendation. If not previously done in response to a Planning Commission request, the City Council may extend the review period for up to 60 days. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or action of the City Council. (Ord. 1175A, 11-25-1996)

# CHAPTER 109
# PORT AUTHORITY

SECTION:

109.01: Recitals
109.02: Bonding Authorization

## 109.01: RECITALS

A. Pursuant to Minnesota Statutes, Section 469.082, the City of Roseville Minnesota (the "City") may exercise all of the powers of a port authority provided by Minnesota Statutes, Section 469.048 to 469.068; and
B. the City proposes to undertake a redevelopment project consisting of redeveloping its park system and constructing a new fire station because of water infiltration and mold problems at an existing fire station located at Woodhill and Lexington (the "Project") in the exercise of its legal powers and in furtherance of its goals and purposes, and requires financing for the Project; and
C. the City believes that it is desirable and necessary it issue general obligation bonds to provide funds to finance the Project.

## 109.02: BONDING AUTHORIZATION

Pursuant to and in accordance with the provisions of this Ordinance and the provisions of Minnesota Statutes, Sections 469.060 and 469.082 and Chapter 475, the issuance of general obligation bonds by the City, in one or more series, in fully registered form, and in the aggregate principal amount not to exceed $27,000,000 (the "Bonds"), for the purpose of providing funds to assist in financing the Project, together with such costs of issuance and related costs as may be incidental to the issuance of the Bonds is hereby authorized and found to be proper. The Bonds shall be issued and sold by the City in the exercise of its port authority powers for the purpose of financing the Project. The City Council hereby gives specific consent to the pledge of the City's full faith, credit, and resources to the payment and security of the Bonds and authorizes the levy of taxes for the payment of the Bonds. The issuance of the Bonds shall be further subject to the consent and approval of the City Council by resolution as to the form, content, and specific details of the Bonds and their rate or rates of interest.
(Ord. 1419, 10-24-2011)

# TITLE 2
# COMMISSIONS

# CHAPTER 201
# ADVISORY COMMISSIONS

SECTION:

201.01: Establishment
201.02: Purpose
201.03: Membership
201.04: Terms
201.05: Compensation
201.06: Organization
201.07: Meetings and Reports

## 201.01: ESTABLISHMENT:

A. All permanent standing advisory commissions to the City shall be established by adoption of an ordinance under this Title, and shall be governed by the provisions of this Chapter.
B. From time to time, the City Council may elect to establish other advisory groups by adoption of a resolution establishing, among other things, the purpose, membership, organization, duties and term of service for such advisory groups.

## 201.02: PURPOSE:

Advisory Commissions are established to provide a method for citizen input and are advisory to the City Council. No advisory commission shall have decision-making authority for the City, except as expressly established by this Code or State Statutes.

## 201.03: MEMBERSHIP:

A. All members of advisory commissions shall be residents of the City, and shall be appointed by majority vote of the City Council.
B. In addition to the regular commission members, the City Council may appoint additional residents of the city who are the age of 18 or under and enrolled in high school to serve one-year terms as ex-officio youth commissioners.

## 201.04: TERMS:

A. Term Length: Members shall serve terms of three years, except for youth members and the first members appointed following the creation of the commission. First members shall be appointed as follows: At least one third of members shall be appointed for three-year terms, up to one third of the members shall be appointed for two-year terms, and the balance of the members shall serve a one-year term. Term length for any member will be established by the Council at the time of the appointment.

B. Oath of Office: Every appointed member, before beginning his or her duties shall take an oath stating that he or she will faithfully discharge of the duties of the commission to which he or she was appointed. Individual commissioners are expected to understand and adhere to the Roseville Ethics Code and attend the annual ethics training.

C. Expiration of Terms: A member's term shall expire on March 31 of the year of the expiration

of the term, or at such time as a successor is appointed.

D. Term Limits: Members are eligible to serve two consecutive full terms on a commission in addition to any partial term served to complete an unexpired term resulting from a vacancy or an initial term upon creation of a commission. Upon completion of service on one commission, residents can be eligible for appointment to another commission, or after a period of at least one year, for appointment to the same commission on which they have previously served.

E. Vacancies: Vacancies during a term shall be filled by the City Council for the unexpired portion of a term. A vacancy occurs in any of the following circumstances: resignation, residence outside the city, removal or death. The City Council reserves the right to defer filling commission vacancies for any length of time deemed necessary.

F. Attendance: It is the expectation that Commissioners attend all meetings of the commission. An absence is considered the same whether it is excused or unexcused. If a commissioner is absent three consecutive meetings and/or misses a total of 30% or more of commission meetings in a rolling 12 month period, the staff liaison or commission chair will forward the information to the City Council.

G. Removal: Members may be removed by the City Council without cause. A member's removal shall be by majority vote of the City Council. In addition:

1. If a member fails to comply with the Roseville Ethics Code, the member may be removed by the City Council.

2. If a member has absences from more than three consecutive commission meetings, or is absent from more than 30% of the meetings in any rolling 12 month period, the member may be removed by the City Council.

## 201.05: COMPENSATION:

Members of all advisory commissions shall serve without compensation.

## 201.06: ORGANIZATION:

A. Election of Officers: At the first meeting following the start of new regular terms of appointment, or at such other time as required by State Statutes, each advisory commission shall elect a chair and vice-chair from among its appointed members for a term of one-year and appoint a member to serve on the Ethics Commission as described in Chapter 207 of this code.

B. Governing Documents: City Code and State Statutes will govern commission activities. A commission shall not adopt separate by-laws or rules to govern commission duties or activities.

C. Committees, Subcommittees and Task Forces: Commissions may by majority vote appoint committees or subcommittees of their own members from time to time as required for the conduct of their business. The formation of any other committees, task forces and/or alternate workgroups would be subject to the provisions of this Chapter and shall be created only after approval of the City Council. Subcommittees shall report on work underway and completed on a regular basis to the full commission.

D. Logo and Materials: To reflect the official nature of the commission and to preserve consistency of the City's brand, only the official city logo or a Council-approved derivative of the logo, that contains the words "City of Roseville," shall be used on commission materials.

E. Accessibility: Commission members will be available to residents of the city by providing a

preferred phone number or email address that can be used on the city website and/or on print materials.

F. Staff Liaison: Each commission will be served by a staff liaison to assist in meeting planning and commission processes and serve as a conduit to city staff and the City Council.

G. New Commissioner Training: New commission members will receive both general and commission-specific training from the staff liaison and commission chair before beginning their term. (Ord. 1498, 4/11/2016)

## 201.07: MEETINGS AND REPORTS:

A. Meeting Schedule: Prior to the start of each calendar year, each commission shall adopt a regular meeting schedule for the coming year. Commissions may amend their regular meeting schedule, cancel meetings, or call special meetings as needed by majority vote at a regular commission meeting. Commissions shall meet at least quarterly, except as otherwise required by this Code or State Statutes. A special meeting of a commission may be called by the commission chair and/or the City Manager between regular meetings after consultation and approval of both parties.

B. Joint Meeting with City Council: At least once a year, each commission shall meet with the City Council to report on the previous year's work and to discuss work plans and pending issues for the upcoming year. Commissions may request additional joint meetings with the City Council whenever necessary to share information or seek guidance. A staff liaison is assigned to assist each commission and will work with the City Manager to schedule any joint meetings.

C. Open Meeting Law and Data Practices: All meetings of a quorum of a commission need to be properly noticed and shall be subject to the requirements of State Statutes section 13D, as applicable. Individual commissioners are expected to understand and adhere to applicable state laws and statutes. When a vacancy exists on a commission, a quorum shall consist of a majority of the commission's non-vacant seats.

D. Rules of Order: All commissions shall be subject to the same Rules of Order as are adopted annually by the City Council.

E. Meetings: Commission meetings shall be held in a public place and the time, date, and location of the meeting shall be publicly noticed. Commission must allow time for public comment on each agenda item and at a Public Comment portion of the agenda at the beginning of each meeting. All meetings shall be televised and recorded for future reference. External site tours by a Commission shall be exempt from being televised, but such tours shall be publicly noticed as all other Commission meetings.

F. Minutes and Reports: Commissions are required to keep a record of its meetings and actions available through the City, as well as other recommendations, reports, studies and other documents created or performed by or for a commission. Minutes of the meeting shall be detailed in the same way as the City Council minutes are written.
(Ord. 1481, 07-20-2015) (Ord. 1498, 4/11/2016)

# CHAPTER 202
# PLANNING COMMISSION

SECTION:

202.01: Establishment and Membership
202.02: Meetings and Reports
202.03: Preparation of Comprehensive Plan
202.04: Procedure for Adoption of City Comprehensive Plan
202.05: Adoption of City Comprehensive Plan by City Council
202.06: Means of Executing Plan
202.07: Zoning Code and City Comprehensive Plan

## 202.01: ESTABLISHMENT AND MEMBERSHIP:

A City Planning Commission for the City is hereby established, which shall be subject to Chapter 201 of the City Code. The Planning Commission shall be the City planning agency and shall have the powers and duties given such agencies generally by Minnesota Statutes, sections 462.351 through 462.364, as amended, and as conferred upon it by this Chapter. (Ord. 194, 4-19-1955; 1995 Code)

The Planning Commission shall consist of seven members appointed by the City Council.

## 202.02: MEETINGS AND REPORTS:

The Commission shall hold at least one regular meeting each month. It shall keep a record of its resolutions, transactions, and findings, which shall be a public record. (Ord. 194, 4-19-1955; 1995 Code)

## 202.03: PREPARATION OF COMPREHENSIVE PLAN:

It shall be the function and duty of the Planning Commission to prepare and recommend a Comprehensive City Plan for the development of the City, including proposed public buildings, street arrangements, public utility services, parks, playgrounds and other similar developments, the use of property, the density of population and other matters relating to the development of the City. Such Plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the Commission's program of work. (Ord. 194, 4-19-1955; 1995 Code)

## 202.04 PROCEDURE FOR ADOPTION OF CITY COMPREHENSIVE PLAN:

The Planning Commission may, at any time, recommend to the City Council, the adoption of the City Comprehensive Plan, any section of it or any substantial amendment thereof. Before making such recommendation to the City Council, the Planning Commission shall hold at least one public hearing, as provided for in Chapter 108 of this Code. The recommendation by the Planning Commission to the City Council shall be by a resolution of the Commission, approved by the affirmative votes of not less than 5/7$^{ths}$ of its total membership. The Commission may from time to time recommend minor amendments to the City Comprehensive Plan or any section thereof without the public hearing mentioned herein providing that a majority of its members are of the opinion that such hearing is not necessary or in the public interest. (Ord.

1175A, 11-25-1996)

If an amendment to the Comprehensive Plan Future Land Use Map is requested by a property owner, the applicant shall hold an open house meeting with residents and property owners in the vicinity of the affected property prior to submitting an application for the amendment. Requirements for such an open house are as follows:

A. Purpose: To provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.
B. Timing: The open house shall be held not more than 30 days prior to the submission of an application for Comprehensive Plan Future Land Use Map Amendment approval and shall be held on a weekday evening beginning between 6:00 p.m. and 7:00 p.m. and ending by 10:00 p.m.
C. Location: The open house shall be held at a location in or near the neighborhood affected by the proposed amendment, and (in the case of a site near Roseville's boundaries) preferably in Roseville. In the event that such a meeting space is not available the applicant shall arrange for the meeting to be held at the City Hall Campus.
D. Invitations: The applicant shall prepare a printed invitation identifying the date, time, place, and purpose of the open house and shall mail the invitation to the recipients in a list prepared and provided in electronic format by Community Development Department staff. The recipients will include property owners within 500 feet of the project property, members of the Planning Commission and City Council, and other community members that have registered to receive the invitations.
E. Summary: A written summary of the open house shall be submitted as a necessary component of an application for Comprehensive Plan Future Land Use Map Amendment approval. (Ord. 1362, 3-24-2008)

## 202.05: ADOPTION OF CITY COMPREHENSIVE PLAN BY CITY COUNCIL:

Upon receiving a recommendation from the Planning Commission for the establishment or amendment of a plan, the City Council shall follow procedure as set forth in Chapter 108 of this Code. The City Council may adopt such plan or amendments by a majority vote of its members or by a larger majority if required by statute. (Ord. 1175A, 11-25-1996)

## 202.06: MEANS OF EXECUTING PLAN:

Upon the adoption of the City Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect such Plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City. Such means shall consist of a zoning plan, the control of subdivision plats, a plan for future street locations, etc. (Ord. 194, 4-19-1955)

## 202.07: ZONING CODE AND CITY COMPREHENSIVE PLAN:

The Planning Commission may, upon its own motion or upon instruction by the City Council, prepare revisions to the Zoning Code and/or Plan for the City. Before recommending such Code and/or Plan to the City Council, the Planning Commission shall hold at least one public hearing as provided for in Chapter 108 of this Code. The same procedure shall apply for the preparation of any overall street plan or acquisition of lands for public purposes. (Ord. 1175A, 11-25-1996) (Ord. 1481, 07-20-2015)

# CHAPTER 203
# POLICE CIVIL SERVICE COMMISSION

SECTION:

203.01: Establishment
203.02: Statute Adopted

## 203.01: ESTABLISHMENT:

There is established a Police Civil Service Commission, the duties of which shall be those provided in Minnesota Statutes, Chapter 419, and which shall be subject to Chapter 201 of the City Code. (Ord 221, 10-22-56)

## 203.02: STATUTE ADOPTED:

The City accepts and adopts all of the provisions of Minnesota Statutes, Chapter 419. (Ord. 221, 10-22-56) (Ord. 1481, 07-20-2015)

# CHAPTER 204
# PARKS AND RECREATION COMMISSION

SECTION:

204.01: Establishment and Membership
204.02: Scope, Duties and Functions

## 204.01: ESTABLISHMENT AND MEMBERSHIP:

There is established a parks and recreation commission of the city, which shall consist of nine members appointed by the City Council and which shall be subject to Chapter 201 of the City Code. (Ord. 1253, 6-26-2001)

## 204.02: SCOPE, DUTIES AND FUNCTIONS:

The duties and functions of the commission shall be as follows:

A. Serve in an advisory capacity to the City Council, City Manager and Director of Parks and Recreation on parks and recreation matters.
B. Maintain an interest in and an understanding of the functions and operations of the parks and recreation department.
C. Maintain an interest in and an understanding of the city school system and promote the greatest possible utilization of school and municipal recreation programs.
D. Endeavor to secure a full and complete understanding of the city's needs and desires for parks and recreational facilities and be sensitive to the acceptance within the community of the current program.
E. Convey to the City Council their understanding of the community's sentiment regarding recreation and parks and to submit recommendations to the City Council on parks and recreation programs and policy.
F. Review conditions and adequacy of city park property.
G. Provide hearings to groups or individuals, upon request, regarding parks and recreation matters.
H. Keep informed and consider all financial aspects pertaining to parks and recreation.
I. Consider proper names for city park property.
J. Propose regulations for control of city park property to the City Council.
K. Advise and assist architectural engineers on preparation of specific plans prior to the presentation to the City Council for formal approval.
L. Represent the city at community functions where appropriate and approved by the City Council.
M. Represent the city at meetings with other community, county or state boards of similar nature where appropriate and approved by the City Council.

N. Perform other duties and functions or conduct studies and investigations as specifically

directed or delegated by the City Council. (Ord. 1038, 6-27-1988)

O. Shall act in all matters relating to the Urban Forest Management Ordinance contained in Chapter 706 of this code, and shall act as the Tree Board as set forth in section 706.03 of this code. (Ord. 1481, 07-20-2015)

# CHAPTER 205
# HUMAN RIGHTS COMMISSION

SECTION:

205.01: Establishment and Membership
205.02: Scope, Duties and Functions

## 205.01: ESTABLISHMENT AND MEMBERSHIP:

There is established a human rights commission of the city, which shall consist of seven members appointed by the City Council and which shall be subject to Chapter 201 of the City Code. (Ord. 566, 2-19-1968)

## 205.02: SCOPE, DUTIES AND FUNCTION:

The purpose of the commission is to encourage full participation in the affairs of this community and uphold the Minnesota Human Rights Act by advising the City Council on long range programs to improve community relations in the city. Additionally the commission will work to increase inclusion by providing educational and social opportunities that support topics and issues of human rights. (Ord. 566, 2-19-1968; amd. 1995 Code, Ord. 1324, 08-08-2005) (Ord. 1381, 04-27-2009) **(Ord. 1498, 4/11/2016)**

In fulfillment of its purpose, the commission's duties and responsibilities shall be to:

A. Enlist the cooperation of agencies, organizations and individuals in the community in an active program directed to create equal opportunity and eliminate discrimination and inequalities.
B. Advise the mayor, the City Council and other agencies of the government of human relations and civil rights problems. Act in an advisory capacity with respect to planning or operation of any city department on issues of civil and human rights and recommend the adoption of such specific policies or actions as are needed to provide for full equal opportunity in the community.
C. Develop such programs of formal and informal education as will assist in the implementation of the Minnesota state act against discrimination, and provide for the commission's assumption of leadership in recognizing and resolving potential problem areas in the community. (Ord. 566, 2-19-1968; amd. 1995 Code)
D. Monitor statistical and other data trends in our city and identify and recommend to the city council ways to encourage mutual understanding among our citizens about the community's diversity through, but not limited to:
    1. connecting and partnering with neighborhood, community, educational, business and social services groups and organizations;
    2. co-sponsoring citywide neighborhood or facilitating community events which would include opportunities for heritage and cultural events; and
    3. programs for engaging citizens and community leaders in a holistic approach including dialogues, education and training about diversity issues.
E. Partner with various commissions on new ways to bring the community together.

(Ord. 1381, 4-27-2009)
(Ord. 1481, 07-20-
2015) (Ord. 1498,
4/11/2016)

# CHAPTER 206
# PUBLIC WORKS, ENVIRONMENT, AND TRANSPORTATION COMMISSION

SECTION:

206.01: Establishment and Membership
206.02: Scope, Duties and Functions

## 206.01: ESTABLISHMENT AND MEMBERSHIP:

There is established a public works, environment, and transportation commission of the city which shall consist of seven members appointed by the City Council and which shall be subject to Chapter 201 of the City Code. (Ord. 1260, 4-15-2002) (Ord. 1313, 12-6-2004)

## 206.02: SCOPE, DUTIES AND FUNCTIONS:

The duties and functions of the commission shall be as follows:

A. Serve in an advisory capacity to the City Council, City Manager and Director of Public Works on public works, environmental, and transportation matters. (Ord. 1313, 12-6-2004)
B. Maintain an interest in and an understanding of the functions and operations of the Public Works Department.
C. Maintain an interest in and an understanding of federal, state, county, regional and other public works, environmental, and transportation services that impact City services. (Ord. 1313, 12-6-2004)
D. Perform other duties and functions or conduct studies and investigations as specifically directed or delegated by the city. (Ord. 1260, 4-15-2002) (Ord. 1481, 07-20-2015)

# CHAPTER 207
# ETHICS COMMISSION

SECTION:

207.01: Establishment and Membership
207.02: Scope, Duties and Functions

## 207.01: ESTABLISHMENT AND MEMBERSHIP:

There is established an ethics commission of the City which shall consist of one member from each City Advisory commission and which shall be subject to Chapter 201 of the City Code. (Ord. 1498, 4/11/2016)

The ethics commission shall hold an annual meeting and otherwise meet on an as-needed basis or when an ethics complaint is filed.

## 207.02: SCOPE, DUTIES AND FUNCTIONS:

The duties and functions of the Commission shall be as follows:

A. Serve in an advisory capacity to the City Council on matters involving any ethics code adopted by the City Council.
B. Administer any ethics code adopted by the City Council.
C. Perform other duties and functions or conduct studies as specifically directed or delegated by the City Council. (Ord. 1338, 6-12-2006) (Ord. 1481, 07-20-2015)

# CHAPTER 208
# FINANCE COMMISSION

SECTION:

208.01: Establishment and Membership
208.02: Scope, Duties and Functions

## 208.01: ESTABLISHMENT AND MEMBERSHIP:

There is established a Finance Commission of the City which shall consist of seven members appointed by the City Council and which shall be subject to Chapter 201 of the City Code. A minimum of three members shall have financial management experience or training.

## 208.02: SCOPE, DUTIES AND FUNCTIONS:

The City Council has created the Finance Commission to serve in an advisory capacity regarding the City's financial matters to make recommendations that will provide clarity, transparency and accessibility of financial information, to review policies and offer strategies for improved budgeting and funding for present-day operations and future needs, and to review the city's financial affairs.

The duties and functions of the Commission may include:

A. Advise on short and long-term financial policy matters, including but not limited to cash reserve funds, budgets, financing, and capital replacement policies.
B. Review and recommend funding strategies for the Capital Improvement Plan.
C. Recommend budget goals, including but not limited to local tax rate and tax levy targets, management of enterprise funds, and spending levels,
D. Review and recommend standardized budget and financial reporting methods and tools to make financial communications and budget information more transparent, comprehensible, and accessible to the public.
E. Review and recommend the annual timeline and process for creating City budgets.
F. Review the annual financial information, the annual audit report and management letter, the adequacy and effectiveness of financial controls, and the city's investment policy and portfolio. (Ord. 1481, 07-20-2015)

# CHAPTER 209
# COMMUNITY ENGAGEMENT COMMISSION

SECTION:

209.01: Establishment and Membership
209.02: Scope, Duties and Functions

## 209.01: ESTABLISHMENT AND MEMBERSHIP:

There is established a Community Engagement Commission of the City which shall consist of seven members appointed by the City Council and which shall be subject to Chapter 201 of the City Code..

## 209.02: SCOPE, DUTIES AND FUNCTIONS:

The City Council has created the Community Engagement Commission to serve in an advisory capacity regarding the effective and meaningful involvement of Roseville residents in their community. The Commission shall make recommendations, review policies, and suggest strategies that will help to improve City communication and increase a sense of community.

The duties and functions of the Commission may include:

A. Review and recommend opportunities to collaborate with neighborhood, community, educational, business, and social services groups and organizations.
B. Recommend strategies for and actively promote and encourage effective and meaningful volunteerism as well as participation on advisory boards, task forces, commissions, and other participatory civic activities.
C. Review and recommend ways to improve the City's public participation process and policies, identify under-represented groups, remove any barriers, and engage and promote increased participation of all residents (both homeowners and rental populations), businesses, and community and neighborhood organizations.
D. Review and recommend ways to improve the City's communication efforts, both printed and electronic, to facilitate effective two-way communication between the City and its residents, businesses, community and neighborhood organizations including making information available in multiple languages.
E. Collaborate with City staff to explore and inform the City Council regarding other government efforts in the area of community engagement, as well as the latest trends, technologies, tools, methods, and information used to facilitate community engagement, communication, and volunteer efforts.

F. Advise the City Council on the community's visioning process.

(Ord. 1462, 2-10-2014) (Ord. 1481, 07-20-2015)

# TITLE 3
# BUSINESS REGULATIONS

# CHAPTER 301
# GENERAL LICENSE REGULATIONS

SECTION:

301.01: Application
301.02: Applications for Licenses and Permits
301.03: License and Permit Fees
301.04: Prorating of License
301.05: Investigations
301.06: Duration
301.07: Display of License
301.08: Transfer of License
301.09: Revocation or Suspension of License

## 301.01: APPLICATION:

The provisions of this Chapter shall govern the application for and issuance of licenses and permits in the City, except as may otherwise be specifically provided in this Code in regard to particular licenses or permits. (1995 Code)

## 301.02: APPLICATIONS FOR LICENSES AND PERMITS:

Applications for licenses and permits shall be filed in writing with the City Manager for presentation to the City Council. Each such application shall contain the following information:

A. Full name, date of birth and residence (or registered office in the case of corporation) of applicant.
B. Name and address of the location or place of business for which the license or permit is required and the kind of business to be carried on at said address.
C. Such other information as this Code or the City Manager requires. (1995 Code)

## 301.03: LICENSE AND PERMIT FEES:

The fees shall be as established by the City Fee Schedule in Section 314.05.

## 301.04: PRORATING OF LICENSE:

The fee for licenses granted after the commencement of the license year shall be prorated on a quarterly basis unless specified otherwise in this Code. (1995 Code)

## 301.05: INVESTIGATIONS:

Before granting or denying any license application, the City Council may order such investigation of the applicant, applicant's business or proposed business and the premises on which it is to be conducted as it shall deem necessary. (1995 Code)

## 301.06: DURATION:

Unless specifically provided for elsewhere in this Code, all licenses or permits shall terminate on June 30 of each year after issuance. (Ord. 597, 4-18-69; amd. 1995 Code)

## 301.07: DISPLAY OF LICENSE:

Each license shall be displayed by the licensee in a conspicuous place upon the premises. (1995 Code)

## 301.08: TRANSFER OF LICENSE:

Unless specifically provided for elsewhere in this Code, application for a transfer of a license shall be made to the City Manager. If the transfer is approved by the City Council, a new license shall be issued upon payment of 25%of the annual license fee, prorated for the period of issuance on a quarterly basis. (1995 Code)

## 301.09: REVOCATION OR SUSPENSION OF LICENSE:

The City Council may suspend or revoke any license for violation of this Code or any State or Federal statute or regulation after following applicable statutory provisions and where none, after reasonable notice and a due process hearing. (1995 Code)

# CHAPTER 302
# LIQUOR CONTROL

SECTION:

302.01: Adoption of State Law
302.02: License Required
302.03: Application
302.04: License Fees
302.05: Ineligibility
302.06: Delinquent Taxes and Charges
302.07: Granting of License
302.08: Conditions of License
302.09: Hours of Sale
302.10: Evacuation of On-sale Establishments
302.11: Sale Outside of Structure on Licensed Premises
302.12: On-sale of Intoxicating Malt Liquor
302.13: Off-sale License Regulations
302.14: Prohibited Conduct
302.15: Civil Penalty

## 302.01: ADOPTION OF STATE LAW:

Except where inconsistent with this Chapter, the provisions of Minnesota Statutes, chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds and licenses, hours of sales and all other matters pertaining to the retail sale, distribution and consumption of non-intoxicating malt liquor, wine and intoxicating liquor are adopted and made a part of this Chapter as if set out in full. (Ord. 972, 5-13-85)

## 302.02: LICENSE REQUIRED:

A. General Requirement: No person, except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell or keep for sale in the City any non-intoxicating malt liquor or intoxicating liquor without a license to do so as provided in this Chapter.

B. Types of Licenses:
1. Intoxicating liquor licenses shall be of nine (9) kinds: On-sale, On-sale Wine, On-sale Brewer Taproom, Club, Special Sunday, Off-sale, Off-sale Brewery, Off-sale Microdistillery, and On-Sale Microdistillery Cocktail Room. (Ord.1428, 7-24-2012) (Ord. -----, 6-8-15)
2. Non-intoxicating malt liquor licenses shall be of two kinds: On-sale and Off-sale.

C. Expiration: All intoxicating liquor and non-intoxicating malt liquor licenses shall expire on December 31 of each year.

D. On-sale Intoxicating Liquor Licenses: On-sale intoxicating liquor licenses shall be issued only to hotels and restaurants and shall permit On-sale of intoxicating liquor only, for consumption on the licensed premises only, in conjunction with the sale of food. For the purposes of this Chapter, the following definitions are adopted:

HOTEL: A hotel is any establishment having a resident proprietor or manager where, in consideration of payment, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than 50 guest rooms with bedding and other usual, suitable and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests, which employs an adequate staff to provide suitable and usual service and which maintains, under the same management and control as the rest of the establishment and has, as an integral part of the establishment, a dining room of at least one thousand 1,800 square feet.

Such dining room shall have appropriate facilities for seating not less than one 100 guests at one time. Where the guest seating capacity is between 100and o174, at least 50% of the gross sales of the restaurant portion of the establishment must be attributable to the service of meals. Where the seating capacity is 175 or more, at least 25% of the gross sales of the restaurant portion of the establishment must be attributable to the service of meals.

RESTAURANT: A restaurant is any establishment, other than a hotel, having appropriate facilities to serve meals, for seating not less than 100 guests at one time and where, in consideration of payment, meals are regularly served at tables to the general public and which employs an adequate staff for the usual and suitable service to its guests.

Where the seating capacity of the establishment is between 100 and 174, at least 50% of the gross sales of the establishment must be attributable to the service of meals. Where the seating capacity is 175 or more, at least 25% of the gross sales of the establishment must be attributable to the service of meals.

E. On-sale Wine Licenses: On-sale wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes 340A.404, subdivision 5, and shall permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. To qualify for a license under this subsection, a restaurant must have appropriate facilities for seating at least 25 guests at a time, regularly serve meals at tables to the public for a charge and employ an adequate staff. (Ord. 972, 5-13-85)

F. On-sale Brewer Taproom License: On-sale brewer taproom liquor licenses shall permit the licensee to sell intoxicating malt liquor that has been produced for consumption on the premises in accordance with MN Statutes section 340A.26. The license shall be exempt from any accompanying sale of food requirements contained in other on-sale license categories. On-sale Brewer Taproom liquor licenses shall include the following restrictions:

1. The Requirements of section 302.10 shall apply to the closing time of Brewery Taprooms as established in this chapter. (Ord. 1428, 7-16-2012)

G. Club License: Club licenses for the sale of intoxicating beverages to be consumed on the licensed premises may be issued to any clubs meeting the requirements of Minnesota Statute 340A.404, subdivision 1. (1995 Code)

H. Special License for Sunday Sales: A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant or club which has an On-sale license. A special Sunday license is not needed for Sunday sales of wine license.

I. Off-sale Intoxicating Liquor Licenses: Off-sale licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor in original packages for consumption off the premises only. Such licenses may be issued in accordance with the provisions of this Chapter.

J. On-sale Non-intoxicating Malt Liquor Licenses: On-sale licenses shall permit the

licensee to sell non-intoxicating malt liquor for consumption on the premises only.

K. Off-sale Non-intoxicating Malt Liquor Licenses: Off-sale licenses shall permit the licensee to sell non-intoxicating malt liquor in original packages for consumption off the premises only. (Ord. 972, 5-13-1985)

L. Off-Sale Brewery Malt Liquor License: Off-sale brewery malt liquor licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor that has been produced and packaged on the licensed premises in accordance with MN Statutes section 340A.28(Ord.1406, 4-25-2011)

M. Temporary On-sale Licenses: Temporary On-sale licenses may be issued to a club or charitable, religious or nonprofit organization in existence for at least three years in connection with social events within the City, for up to three days in accordance with Minnesota Statutes section 340A.404, subdivision 10. (1995 Code)

N. Temporary On-sale License In Central Park: Upon payment of the fee and submission of a completed application form, the City Manager is authorized to approve a temporary On-sale license for the sale and distribution of non-intoxicating malt liquor to a club, charitable, religious or other nonprofit organization in existence at least three years, for such sale and distribution in Central Park only for a time not to exceed three consecutive days, provided the following conditions are met:

1. Insurance: Proof of liquor liability insurance in an amount equal to and in the form required by subsection 302.03C of this Chapter is filed with the application.

2. Security Plan: A security plan, approved by the Chief of Police, is filed along with the application.

3. Hours of Sale: In addition to the limitation on hours found elsewhere in this Code, the hours of sale shall be only during the time that Central Park is open to the public. Sales and distribution shall be located only in a shelter building or a temporary shelter, such as a tent, approved by the City Manager.

In the event the City Manager denies the application, for any reason, the applicant may appeal the decision of the City Manager to the City Council. (Ord. 1102, 9-23-1991)

O. Intoxicating Liquors at The Roseville Skating Center: Intoxicating liquor may be sold within controlled areas at the Roseville Skating Center only under the following conditions:

1. The intoxicating liquor may only be sold by the holder of a retail on-sale intoxicating liquor license issued by the City or by an adjacent municipality.

2. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the Roseville Skating Center for such event, and may dispense intoxicating liquor only to persons attending the event.

3. The licensee must deliver to the City a certificate of insurance providing liquor liability coverage satisfactory to the City, naming the City of Roseville, to the full extent of statutory coverage, as an additional named insured.

4. All other rules and regulations established by the City relating to the sale or dispensing of intoxicating liquor at the Roseville Skating Center are complied with. (Ord. 972, 5-13-1985) (Ord.1398, 10-18-2010)

P. Off-Sale Microdistillery Licenses: Off-Sale Microdistillery licenses shall permit the licensee to sell distilled spirits, as that term is defined under Minnesota Statutes section 340A.101, manufactured on-site, subject to all regulations and restrictions contained in this Chapter and Minnesota Statutes section 340A.22 (Ord.----,6-8-2015)

Q. On-Sale Microdistillery Cocktail Room Licenses: On-Sale Microdistillery Cocktail Room Licenses shall permit the licensee to sell distilled liquor produced by the distiller for consumption on the distiller's premises, subject to all regulations and restrictions contained in this Chapter and Minnesota Statutes section 340A.22. (Ord.----, 6-8-2015)

## 302.03: APPLICATION:

A. Requirements: The requirements set forth in this Section shall apply to applications for those licenses named in Section 302.02 of this Chapter.

B. Form:

1. Information Required: Every application for a license under this Chapter shall state the name of applicant, applicant's age, presentations as to applicant's character, with such references as the City Council may require, applicant's citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long applicant has been in that business at that place and such other information as the City Council may require from time to time.

2. Verification: In addition to containing such information, the application shall be in the form prescribed by the State Liquor Control Director and shall be verified and filed with the City Manager. No person shall make a false statement in an application.

3. Subsequent Data: From time to time, at the request of the City Manager, a licensee will provide data to the City concerning that portion of its revenue attributable to the sale of food and the sale of liquor and/or wine. (Ord. 972, 5-13-1985)

C. Liability Insurance:

1. Policy Limits: Prior to the issuance or renewal of a license under this Chapter, the applicant shall file with the City Manager a certificate of insurance in a form to be provided by the City covering liquor liability, loss of means of support and pecuniary loss in the amount of ($500,000.00 of coverage because of bodily injury to any one person in any one occurrence; $1,000,000.00 because of bodily injury to two or more persons in any one occurrence; $100,000.00 because of injury to or destruction of property of others in any one occurrence; $200,000.00 for loss of means of support or pecuniary loss to any one person in any one occurrence; and $500,000.00 for loss of means of support or pecuniary loss for two or more persons in any one occurrence.

2. Annual Aggregate Limits: Annual aggregate limits as provided by Minnesota Statutes section 340A.409 shall not be less than $1,000,000.00.

In the event such policy provides for ($1,000,000.00 annual aggregate limits, said policy shall further require that in the event that the policy limits are reduced in any given year because of the $1,000,000.00annual aggregate policy limit, the insurance carrier shall provide the City with written notice of said reduction in policy limits within 30days of said reduction becoming effective. (Ord. 1175, 10-28-1996)

3. Further Requirements: After the reduction becomes effective, the City Council may require the licensee to take further action with regard to liability insurance in order to protect citizens of the City during the period of the reduced aggregate policy limit.

4. Applicability: The requirements of this Section shall be applicable to new licenses issued after the effective date of this subsection and for renewals applied for after the effective date of this subsection. (Ord. 1046, 9-12-1988)

D. Approval of Insurance: Liability insurance policies shall be approved as to form by the City Attorney. Operation of a licensed business without having on file with the City, at all times, a certificate of insurance as required in subsection C of this Section is a cause for revocation of the license. All insurance policies shall state that the City will be given ten days' notice, in writing, of cancellation. (Ord. 972, 5-13-1985)

E. Insurance Not Required: Subsection C of this Section does not apply to licensees who by affidavit establish that they are not engaged in selling any intoxicating or non-intoxicating malt liquor in Central Park and that:

1. They are On-sale 3.2 percent malt liquor licenses with sales of less than $10,000.00 of 3.2 percent malt liquor for the preceding year;

2. They are Off-sale 3.2 percent malt liquor licenses with sales of less than $20,000.00 of 3.2 percent malt liquor for the preceding year;
3. They are holders of On-sale wine licenses with sales of less than $10,000.00 for wine for the preceding year; or
4. They are holders of temporary wine licenses issued under law. (Ord. 1175, 10-28-1996)

## 302.04: LICENSE FEES:

A. Annually: Annual license fee shall be as established by the City Fee Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)
B. Fee:
1. Payment: $500.00 of the On-sale intoxicating liquor and wine licenses and the entire license fee for all other licenses shall be paid at the time of application. The remaining balance, if any, shall be paid prior to the time of issuance of the license.
2. Refund: All fees shall be paid into the General Fund of the City. Upon rejection of any application for a license or upon the withdrawal of the application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant except where the rejection is for willful misstatement on the license application.
3. Proration: The fee for On-sale intoxicating liquor and On-sale wine licenses granted after the commencement of the license year shall be prorated on a monthly basis. The fee for On-sale non-intoxicating malt liquor licenses granted after the commencement of the license year shall be prorated on a quarterly basis.
4. Investigation: At the time of each original application for a license, except special club, On-sale non-intoxicating malt liquor and Off-sale non-intoxicating malt liquor licenses, the applicant shall pay, in full, an investigation fee. The investigation fee shall be $300.00. No investigation fee shall be refunded. (Ord. 972, 5-13-1985; amd. 1995 Code)

## 302.05: INELIGIBILITY:

No license shall be granted to any person made ineligible for such a license by state law[1]. (Ord. 972, 5-13-1985)

## 302.06: DELINQUENT TAXES AND CHARGES:

No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the city are delinquent and unpaid. (Ord. 972, 5-13-1985)

## 302.07: GRANTING OF LICENSE:

A. Investigation and Issuance: The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the City Council shall, in its discretion, grant or refuse the application. At least ten days published notice of the hearing shall be given, setting forth the name of the applicant and the address of the premises to be licensed.
B. Person and Premises Licensed; Transfer: Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Before a transfer

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[1] M.S.A. §340A.402.

is approved, the transferee shall comply with the requirements for a new application. Any transfer of the controlling interest of a licensee is deemed a transfer of the license. Transfer of a license without prior City Council approval is a ground for revocation of the license. (Ord. 972, 5-13-1985) (Ord. 1390, 3-29-2010)

## 302.08: CONDITIONS OF LICENSE:

Every license is subject to the conditions in the following subsections and all other provisions of this chapter and any other applicable ordinance, state law or regulation:

A. Licensee's Responsibility: Every licensee is responsible for the conduct of licensee's place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises, authorized to sell intoxicating liquor there, is deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.
B. Inspections: Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the city to enter, inspect and search the premises of the licensee during business hours without a warrant.
C. Manager and Server Training: With the exception of temporary on-sale licenses issued pursuant to Section 302.02, subparts k and l, all licensees and their managers, and all employees or agents employed by the licensee that sell or serve alcohol, shall complete, to the City's satisfaction, a city approved or provided liquor licensee training program. Both the City's approval of the training and the required training shall be completed:
1. Prior to licensure or renewal for licensees and managers, or
2. Prior to serving or selling for any employee or agent, and
3. Every year thereafter unless probationary extension is granted for hardship reasons.
All licensees shall maintain documentation evidencing that this provision has been met, and produce such documentation as part of each application for licensure or renewal and upon reasonable request made by a peace officer, health officer or properly designated officer or employee of the city pursuant to the inspections provision noted above. An applicant's or licensee's failure to comply with this provision in its entirety is sufficient grounds for denial or non-renewal of a requested license. (Ord. 1243, 11-27-2000) (Ord. 1390, 3-29-2010)

## 302.09: HOURS OF SALE:

The hours for the sale of intoxicating or non-intoxicating liquor for consumption on the premises shall be those allowed under Minnesota Statute §340A.504. On-Sale brewer taprooms shall be limited to the hours of 8:00a.m. – 1:00a.m., Sunday through Saturday. (Ord. 1428, 7-16-12) (Ord. 1475, 12-8-2014)

## 302.10: EVACUATION OF ON-SALE ESTABLISHMENTS:

A. Thirty Minute Restriction: All patrons of an on-sale establishment selling intoxicating liquor or non-intoxicating malt liquor must vacate the premises within 30 minutes of the termination of sales by Minnesota Statute §340A.504. Any patron who remains on the licensed premises or any licensee or licensee's employee who allows a patron to remain on the licensed premises beyond the 30 minute limit is in violation of this subsection. (Ord. 1056, 3-16-1989) (Ord. 1290, 8-11-2003)
B. Extension of Restriction for Sale of Food: If an on-sale establishment remains open for the sale of food beyond the 30 minute evacuation limit, all intoxicating liquor and non-intoxicating malt liquor must be secured within the 30 minute limit in such a manner as to prevent consumption. Any patron who consumes intoxicating liquor or non-

intoxicating malt liquor on the licensed premises or any licensee or employee of licensee who allows such consumption or allows intoxicating liquor or non-intoxicating malt liquor to remain unsecured on the licensed premises beyond the 30 minute limit is in violation of this subsection. (Ord. 1056, 3-16-1989)

## 302.11: SALE OUTSIDE OF STRUCTURE ON LICENSED PREMISES:

The sale of wine and intoxicating liquors, pursuant to any of the licenses issued in accordance with this chapter, shall be limited to sale and consumption inside of a structure on the licensed premises, unless the licensee applies for and receives permission from the City Council for sale and consumption outside of a structure on the licensed premises by an endorsement to the license. Issuance of an outside sale and consumption endorsement shall be accomplished as follows:

A. Application: The licensee shall make written application using forms provided by the city and there shall be a nonrefundable application fee of twenty five dollars ($25.00) at the time of making application.
B. Notice: The owners of all property adjacent to the licensed premises will be given written notice of the fact that such an application has been made and of the date and time of the City Council meeting at which the application will be considered by the City Council.
C. Endorsement: The City Council may, in its discretion, issue such an endorsement or refrain from issuing such an endorsement and may impose conditions to the endorsement such as, but not limited to, screening, time of day limitations and noise limitations. (Ord. 972, 5-13-1985)

## 302.12: ON-SALE OF INTOXICATING MALT LIQUOR:

The holder of an on-sale wine license who is also licensed to sell non-intoxicating malt liquor and whose gross receipts are at least 60% attributable to the sale of food may sell intoxicating malt liquor at on-sale without an additional license. (Ord. 1021, 9-28-1987)

## 302.13: OFF-SALE LICENSE REGULATIONS:

In addition to the other requirements of state law or this chapter, the following regulations are applicable to off-sale intoxicating liquor licenses:

A. Number of Off-Sale Liquor Licenses:
   1. The number of Off-sale Liquor Licenses which may be issued is 10.
   2. The number of Off-sale Brewery Malt Liquor Licenses is not limited.
   3. The number of Off-Sale Microdistillery Licenses is not limited.

   (Ord. 1406, 4-25-2011) (Ord.----, 6-8-2015)
B. Use of License: If a license is not used within one year, the license shall automatically terminate.
C. Size of Premises: A licensed premises shall have at least 1,600 square feet of sales floor space including sales coolers and excluding walk-in storage coolers.
D. Considerations: In addition to the other requirements of this chapter and applicable state law in determining whether or not to issue an off-sale license for a particular premises, the City Council shall consider all relevant factors relating to the health, safety and welfare of the citizens of the city such as, but not limited to, effect on market value of neighboring properties, proximity to churches and schools and effect on traffic and parking.
E. Delivery of Alcoholic Beverages; Identification Required: A person authorized to serve,

sell, or deliver alcoholic beverages must determine through legitimate proof of identification that all deliveries of wine, beer, and alcoholic beverages are accepted only by eligible persons who are 21 years of age or older.

F. Delivery Records: Upon any delivery of alcoholic beverages off the licensed premises, the seller, purchaser, and delivery recipient (if other than the purchaser) must sign an itemized purchase invoice. The invoice shall detail the time, date, and place of delivery. The licensee must retain the delivery records for a period of one year. The records shall be open to inspection by any police officer or other designated officer or employee of the city at any time. (Ord. 1243, 11-27-2000)

G. Off-Sale Brewery Malt Liquor Sunday Sales: Subject to all other regulations and restrictions contained in this Chapter and Minnesota Statutes sections 340A.24 and 340.504, Off-sale Brewery Malt Liquor licensees may sell malt liquor in growlers, as that term is defined in Minnesota Statutes section 340A.285, at off-sale on Sundays between the hours of 8:00 a.m. and 10:00 p.m.(Ord. ----, 6-8-2015)

## 302.14: PROHIBITED CONDUCT:

A. Policy: Certain acts or conduct on premises licensed pursuant to this chapter or licensed pursuant to Minnesota statutes, chapter 340A, are deemed contrary to public welfare and are prohibited and no license issued pursuant to this chapter or licensed pursuant to Minnesota statutes, chapter 340A, may be held or maintained where such acts or conduct is permitted. (Ord. 808, 11-21-1977)

B. Prohibited Conduct: The prohibited acts or conduct referred to in subsection A of this section are:

1. The employing or use of any person in the sale or service of beverages in or upon the licensed premises where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

2. The employing or use of the services of any host or hostess while such host or hostess is unclothed or in such attire, costume or clothing as described in subsection B1 of this section.

3. The encouraging or permitting of any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

4. The permitting of any employee or person to wear or use any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.

5. The permitting of any person to perform acts of or acts which simulate:

a. With or upon another person, sexual intercourse, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law.

b. Masturbation or bestiality.

c. With or upon another person the touching, caressing or fondling of the buttocks, anus, genitals or female breast.

d. The displaying of the pubic hair, anus, vulva, genitals or female breasts below the top of the areola.

6. The permitting of any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in subsections B5a through B5d of this section.

7. The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

8. The permitting or showing of film, still pictures, electronic reproductions or other reproductions depicting:

a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral

copulation, flagellation or any sexual acts which are prohibited by law.
b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
c. Scenes wherein a person displays the vulva, or the anus or the genitals.
d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the activities described in subsections B1 through B7 of this section.

C. Revocation of License: Any license issued pursuant to this chapter, licensed pursuant to Minnesota statutes, chapter 340A, shall be revoked if any of the acts of conduct described in this section occur on the licensed premises. (Ord. 808, 11-21-1977; amd. 1995 Code)

## 302.15: CIVIL PENALTY:

A. Penalty For Noncompliance: In addition to any criminal penalties which may be imposed by a court of law, the City Council may suspend a license for up to 60 days, may revoke a license and/or may impose a civil fine on a licensee not to exceed $2,000.00 for each violation on a finding that the license holder or its employee has failed to comply with a statute, rule or ordinance relating to alcoholic beverages, non-intoxicating malt liquor or wine.

B. Minimum Penalty: The purpose of this section is to establish a standard by which the City Council determines the civil fine, the length of license suspensions and the propriety of revocations, and shall apply to all premises licensed under this chapter. These penalties are presumed to be appropriate for every case; however, the council may deviate in an individual case where the council finds that there exist certain extenuating or aggravating circumstances, making it more appropriate to deviate, such as, but not limited to, a licensee's efforts in combination with the state or city to prevent the sale of alcohol to minors or, in the converse, when a licensee has a history of repeated violations of state or local liquor laws. When deviating from these standards, the council will provide written findings that support the penalty selected. When a violation occurs, the staff shall provide information to the City Council to either assess the presumptive penalty or depart upward or downward based on extenuating or aggravating circumstances. The staff shall notify the licensee of the information being considered and acted upon by the City Council.

(1) Except as otherwise provided in this Chapter, the following violations will subject the licensee to the following administrative penalties:

| **OFF SALE - Type of Violation** | **1st Violation** | **2nd Violation** | **3rd Violation** | **4th Violation** |
|---|---|---|---|---|
| Sale of alcoholic beverage to a person under the age of 21 | $1,000 and<br>0 day suspension | $2,000 and<br>3 day suspension | $2,000 and<br>7 day suspension | Revocation |
| Sale of alcoholic beverage to an obviously intoxicated person | $1,000 and<br>1 day suspension | $2,000 and<br>3 day suspension | $2,000 and<br>7 day suspension | Revocation |
| Refusal to allow City inspectors or police admission to premises | $1,000 and<br>3 day | $2,000 and<br>7 day | Revocation | N/A |

| | | | | |
|---|---|---|---|---|
| | suspension | suspension | | |
| After hours sale, possession by a patron or consumption of alcoholic beverages | $1,000 and<br><br>3 day suspension | $2,000 and<br><br>7 day suspension | Revocation | N/A |
| Illegal gambling on premises | $1,000 and<br><br>3 day suspension | $2,000 and<br><br>7 day suspension | Revocation | N/A |
| Sale of alcoholic beverages while license is under suspension | 30 day suspension | Revocation | N/A | N/A |
| Commission of a felony related to licensed activity | Revocation | N/A | N/A | N/A |

(Ord. 1408, 5-16-2011)

| ON SALE & 3.2 - Type of Violation | 1st Violation | 2nd Violation | 3rd Violation | 4th Violation |
|---|---|---|---|---|
| Sale of alcoholic beverage to a person under the age of 21 | $1,000 and 1 day suspension | $2,000 and 5 day suspension | $2,000 and 15 day suspension | Revocation |
| Sale of alcoholic beverage to an obviously intoxicated person | $1,000 and 1 day suspension | $2,000 and 5 day suspension | $2,000 and 15 day suspension | Revocation |
| Failure of an on-sale licensee to take reasonable steps to prevent a person from leaving the premises with an alcoholic beverage (on-sale allowing off-sale) | $1,000 and 1 day suspension | $2,000 and 5 day suspension | $2,000 and 15 day suspension | Revocation |
| Refusal to allow City inspectors or police admission to premises | $1,000 and 7 day suspension | $2,000 and 14 day suspension | Revocation | N/A |
| After hours sale, possession by a patron or consumption of alcoholic beverages | $1,000 and 7 day suspension | $2,000 and 14 day suspension | Revocation | N/A |
| Illegal gambling on premises | $1,000 and 7 day suspension | $2,000 and 14 day suspension | Revocation | N/A |
| Sale of alcoholic beverages while license is under suspension | 60 day suspension | Revocation | N/A | N/A |
| Sale of intoxicating liquor with only 3.2 percent malt liquor license | Revocation | N/A | N/A | N/A |
| Commission of a felony related to licensed activity | Revocation | N/A | N/A | N/A |

(Ord. 1408, 5-16-2011)

(2) Any prior violation that occurred more than 36 calendar months immediately preceding the most current violation will not be considered in determining successive violations.

(3) In addition to the administrative penalties identified above, the city may in appropriate circumstances choose to not renew a license at the end of its current term for non-compliance with any provision of this Chapter or for any other reason allowed by law. (Ord. 1390, 3-29-2010) (Ord. 1422, 11-28-2011)

C. Hearing and Notice: If, after considering the staff's information, the City Council proposes to suspend, revoke or not renew a license, the licensee shall be provided written notice of the City Council's proposed action and shall be given the opportunity

to request a hearing on the proposed penalty by providing the City a written notice requesting a hearing within ten days of the mailing of the notice of the City Council's proposed action. The notice of the proposed action of the City Council shall state the reasons for such suspension, revocation, or non-renewal and the action the City Council proposes to take, shall inform the licensee of the right to request a hearing prior to the action being final, and shall inform the licensee of the date the City Council's proposed action will be considered a final decision if a hearing is not requested. Any hearing, if requested, will be conducted in accordance with Minnesota statutes section 340A.415 and sections 14.57 to 14.69 of the Administrative Procedures Act ("APA"). If a hearing is requested, the licensee shall be provided a hearing notice at least ten days prior to the hearing, which shall state the date, time and place of the hearing and the issues involved in the hearing. An independent hearing officer shall be selected by the City Council to conduct the hearing and shall make a report and recommendation to the City Council pursuant to the provisions of the APA. The City Council shall consider the independent hearing examiner's recommendation and issue its final decision on the suspension or revocation. (Ord. 1243, 11-27-2000; Ord. 1280, 3-31-03) (Ord, 1336, 5-08-2006) (Ord. 1422, 11-28-2011)

# CHAPTER 303
# AMUSEMENT DEVICES; AREAS AND GAMEROOMS

SECTION:

303.01: Amusement Devices; Areas and Gamerooms Defined
303.02: License and Conditional Use Permit Required
303.03: Application for License Requirements
303.04: Location Restrictions
303.05: Hours of Operation
303.06: Gambling Devices
303.07: Cigarette Sales Prohibited
303.08: Conditional Use Permit Requirements

## 303.01: AMUSEMENT DEVICES; AREAS AND GAMEROOMS DEFINED:

For the purposes of this Code, the term "Amusement Devices, Areas and/or Gamerooms" shall mean any for-profit enterprise or business which provides areas within a building, room or outdoor space with capacity for eight or more customers at one time, wherein customers play games, watch game playing, wait to play or que to enter or are being entertained. Examples of such business uses are: video, laser, pool or other table game areas; arcades, carnivals and circuses. This definition excludes physical exercise or health centers, theaters, private lodges or clubs, restaurants and bars and all tax-exempt operations. (Ord. 1144, 6-13-1994)

## 303.02: LICENSE AND CONDITIONAL USE PERMIT REQUIRED:

A. No person shall establish, maintain or operate an amusement device area or gameroom as herein defined within the City without first having obtained an annual license and a conditional use permit to do so. Any proposal for such business or enterprise as defined in Section 303.01 shall apply for a City annual business license as set forth in Sections 301.01 through 301.09 and a conditional use permit as set forth in Section 1013.01. The application and annual fee for the business license and the fee for the conditional use permit shall be as established in Section 314.05.
(Ord. 1275, 11-18-2002) (Ord. 1379A, 11-17-2008)

B. Each conditional use permit approved for amusement device areas or gamerooms shall be contingent upon issuance of an annual business license. At such time as the business license lapses or is denied, the conditional use permit shall also be considered null and void.

C. Each license shall be issued for a period of one year; however, if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee to be determined by the City with any fraction of a month counted as one month. No refund of any fees shall be made. Every license shall expire the last day of June.

D. Amusement devices, areas, and gameroom businesses and enterprises approved and in existence on the effective date of this Chapter shall comply by submitting an initial license application prior to June 30, 1995, for 1995-1996. Such businesses shall be deemed as pre-existing conditional uses, subject to the standards and criteria of this Code, except Section 303.04.

E. Licenses are not transferable. Change in ownership of the site or the business on the site shall cause the license to expire. The new owner may apply for a new license and City Council approval. (Ord. 1144, 6-13-1994)

## 303.03: APPLICATION FOR LICENSE REQUIREMENTS:

License application requirements shall include the following:

A. The applicant's birth date, correct name, social security number, driver's license number, post office address and residence, length of time the applicant has resided within the State of Minnesota and applicant's places of residence for the ten years preceding application.
B. Applicant's signed approval for Police Department to complete a criminal and personal background investigation.
C. Five letters of references.
D. If a Minnesota corporation, the name, address and phone number of the principal in charge of the premises. If a partnership, each active partner shall supply the same information as the applicant. (Ord. 1144, 6-13-1994)

## 303.04: LOCATION RESTRICTIONS:

The operation of any amusement devices, areas or game room business or enterprise with a capacity for more than eight customers at one time shall be restricted to a commercially zoned area consistent with the City's Zoning Code.
(Ord. 1144, 6-13-1994) (Ord. 1468, 06-09-2014)

## 303.05: HOURS OF OPERATION:

No licensee shall operate between the hours of 11:00 P.M. and 7:00 A.M. Licensees located within shopping centers or malls shall have the same hours of operation as the center or mall. (Ord. 1144, 6-13-1994)

## 303.06: GAMBLING DEVICES:

No gaming or gambling, as defined in Chapter 304 of this Title shall be permitted within the commercial public assembly business or enterprise location. (Ord. 1144, 6-13-1994)

## 303.07: CIGARETTE SALES PROHIBITED:

It shall be unlawful to permit the sale of cigarettes on the premises. (Ord. 1144, 6-13-1994)

## 303.08: CONDITIONAL USE PERMIT REQUIREMENTS:

In addition to the requirements listed in Section 1013.01, a conditional use permit shall include, but not be limited to, the following reports, standards and plans which are to be submitted as part of the annual license application or as otherwise stated:

A. Insurance Coverage: The City may require proof of liability insurance coverage in amounts not less than $1,000,000.00 each.
B. Security: The City may require the applicant to provide on-site security agents at indoor and outdoor locations during peak periods which are identified in the pedestrian, maintenance and traffic management plans.
C. Lighting Plan: An exterior lighting plan shall provide for installation and maintenance of lighting standards in parking and entry areas. The standards shall include light intensity as follows:
   1. 20 foot-candles within 75 feet of entry or exit.
   2. Five foot-candles throughout the parking lot.

D. Traffic Management: A traffic management plan shall provide for parking and circulation. The plan shall illustrate:
1. Number of spaces estimated to be in use during afternoon and evening business hours or performances. The total number of spaces available on the site shall accommodate two complete shifts of customers when the facility is used at capacity.
2. The traffic circulation plan within the car and bus parking areas and any traffic direction signage.
3. Entrance and exit capacity on driveways.

E. Pedestrian Plan: An exterior (out of the parking areas) and indoor pedestrian queuing plan shall be provided with staggered entry times to gaming areas and a managed one-way entry, multi-way building exit system for customers.

F. Emergency Evacuation Plan: An evacuation plan shall include a weekly attendance total, reported on a monthly basis (to City Fire Marshal) to determine capacity and routing for evacuation. The evacuation plan shall describe the exit locations, designated fire lanes, routing, crowd management techniques and staff training necessary for evacuation.

G. Maintenance Building Report: An annual maintenance and building report shall include records of all maintenance and building improvements during the previous year. This report shall include records of improvements to bathrooms, seats, carpet, windows, doors, heating and air handling equipment, water and sewer services, exterior landscaping, parking and lighting. The trash collection systems for inside the building and in parking areas shall be illustrated and methods for screening exterior trash collection areas must be provided.

H. Signs: Exterior and interior marquee or wall signs shall illustrate entry areas and hours of operation or starting times for events.

I. On-Site Manager: An on-site manager shall be on the site at all times when the business is open to the public. The on-site manager shall have his/her name and business phone number prominently displayed in the front entry or lobby at all times.

J. Employee Training Program: All employee training programs shall include a 12 month roster of employees and a description of the employee training program. The employee training program shall include health, sanitation, safety, crowd management, maintenance and evacuation training. Employees shall be in recognizable uniform, shirt or jacket.

K. Food/Sanitarian Inspection Report: A copy of the most recent Ramsey County Department of Health Food/Sanitarian inspection report shall be submitted with license application. It shall include all actions taken to comply with the inspection reports.

L. License Fees: License fees, as established by the City Fee Schedule in Section 314.05, shall cover all annual City administration and life/safety expenses and inspections. (Ord. 1379A, 11-17-2008)

M. Noise: Noise levels from machinery or customers shall be identified in a noise plan. Such noise shall not cause a disturbance to adjacent and surrounding uses which would cause the normal operation of said uses to be damaged or unreasonably disturbed.

# CHAPTER 304
# LAWFUL GAMBLING

SECTION:

304.01: Lawful Gambling Permitted
304.02: Number of Licenses and Permits
304.03: Approval of Licenses
304.04: Contributions
304.05: Law Enforcement and Administrative Costs
304.06: Gambling Exempt from State Licensing Requirements
304.07: Video Games of Chance

## 304.01: LAWFUL GAMBLING PERMITTED:

Lawful gambling as regulated in Minnesota Statutes Chapter 349 is permitted in the City if the organization conducting such activities meets the following criteria:

A. Is licensed by the Minnesota Gambling Control Board.
B. Is a tax exempt organization pursuant to 501(c) of the Internal Revenue Code or has a 501(c) application pending with the Internal Revenue Service.
C. Maintains an address within the City.
D. Has been in existence at least three consecutive years prior to the date it begins its gambling operations.
E. Complies with all of the provisions of this Chapter. (Ord. 1114, 8-24-1992)

## 304.02: NUMBER OF LICENSES AND PERMITS:

A. No organization licensed pursuant to Minnesota Statutes Chapter 349 may conduct lawful gambling at more than two locations within the city, except any organization that does not conduct bingo and has prior to April 1, 1992, operated lawfully at more than one location, may continue to operate at the locations licensed as of that date. (Ord. 1138, 4-25-1994) (Ord. 1412, 7-11-2011)
B. The maximum number of bingo hall licenses and locations issued pursuant to Minnesota Statutes Chapter 349 within the City shall be one. Once the bingo hall license is issued by the City, it shall be limited to the location and to the owner specified on the license. Any change of location or ownership without the approval of the City shall result in the termination of the license. (Ord. 1244, 12-18-2000) (Ord. 1412, 7-11-2011)
C. The maximum number of licensees conducting gambling at the bingo hall license location described in subsection B of this section shall be five.
D. The maximum number of premises permits issued pursuant to Minnesota Statutes Chapter 349 in addition to one bingo hall license described in subsection A of this section shall be eight. Except as provided in subsection E of this section the gambling allowed at those locations shall be confined to pull-tabs, paddlewheels, raffles, and tipboards as defined and regulated under Minnesota Statutes Chapter 349. (Ord. 1412, 7-11-2011)
E. An organization in existence and qualified under section 501(c)7 or section 501(c)19 of the internal revenue code and which had its principal place of business or place of conducting meetings in the City prior to and continuing since 1980 may be granted a

premises permit to conduct all lawful gambling operations on their own premises. Such organizations are not eligible for a bingo hall license as provided in Minnesota statutes section 349.164 and may conduct gambling activities or bingo only on their own property. (Ord. 1138, 4-25-1994) (Ord. 1412, 7-11-2011)

## 304.03: APPROVAL OF LICENSES:

A. Required Documentation: Any organization applying to the Gambling Control Board for a premises permit, bingo hall license or for the renewal of the same to conduct lawful gambling in the city shall, within ten days of making such application, file the following with the City:
1. Application: A duplicate copy of the Gambling Control Board application along with all supporting documents submitted to the Gambling Control Board.
2. Corporate Documents: A copy of the Articles of Incorporation and Bylaws of the organization.
3. Officers and Directors: The names and addresses of all officers and directors of the organization.
4. Written Procedures: A copy of the organization's written procedures and/or criteria for distribution of funds derived from lawful gambling, its standardized application form and its written fiscal control procedures.
5. IRS Exempt Letter: A copy of the Internal Revenue Service's tax exempt letter.
6. Felony Conviction: Confirmation that no employee or principal officer of the organization has been convicted of a felony. No employee or organization whose principal officers or employees have a felony conviction shall be employed or retained in a gambling-related activity by any permitted organization.
7. Investigation Reports: A copy of all records, all testimony or other information submitted to the
State of Minnesota or Federal Government as part of any previous or current investigation or inquiry on any matter related to gambling.

B. Investigation: Upon receipt of the materials required by subsection A of this section, and not later than 60days from receipt of notice from the Gambling Control Board, City staff shall investigate the applicant and based upon said investigation, the City Council shall act on the application.

C. Resolution: The action of the City Council to approve an application for a premises permit or bingo hall license within the city shall be by resolution. Failure to receive a majority affirmative vote of the City Council shall constitute a denial of the application.

D. Additional Documents: Copies of any other reports or documents which are required to be subsequently filed by such organization with the Gambling Control Board, including monthly financial statements, shall be filed with the City within ten days of filing such materials with the Gambling Control Board.

E. Compliance: to assure compliance with this Chapter, the City may require a premises permit holder or bingo hall licensee to provide copies of records as allowed under Minnesota Statutes. (Ord. 1327, 10-10-05)

F. Suspension: Approval of a premises permit issued by the City under any part of this Chapter may be suspended by the City for violation of Chapter or revoked or any renewal delayed, for failure to meet the qualifications set out in subsection A or a willful violation of any part of this Chapter or a failure to comply, for any reason, with any provision, guarantee or claim made in an applicant's original license application to either the City or the State of Minnesota.

G. Liability of City: No license or permit issued by the City grants the licensee a property right or entitlement to the license or permit. The City may not issue, renew nor revoke the license or permit for any reason and will not incur liability for any damages

including, but not limited to, direct, consequential or incidental damages, deprivation of property, loss of income, loss of profits or loss of livelihood.

H. Employment of Certified Public Accountant: All organizations conducting Bingo at the Bingo hall in the City shall use a certified public accounting firm for all accounting, bookkeeping and tax preparation services related directly to lawful gambling and charged as an allowable expense of the gambling operation. All agreements providing for such services shall be in writing and shall be submitted to the City as part of the application for review by the City to determine compliance with local and State regulations and laws. Any such agreements entered into or modified after issuance of a license or permit shall be filed with the City prior to the new agreement or modification becoming effective. The initial approval and the continuance of a license or permit are contingent upon such agreements complying with this Chapter and State statutes and regulations. (Ord. 1412, 7-11-2011)

I. Management: All licensees and permittees in the City will assure continuous and active management of the gambling operation and will not delegate managerial responsibilities, will work continuously to operate in the most efficient manner to increase the amount of available lawful proceeds, will maintain the lowest possible costs and will encourage and use volunteers to the fullest extent possible. (Ord. 1114, 9-24-92)

## 304.04: CONTRIBUTIONS:

A. Each organization conducting lawful gambling within the City shall contribute at least 10% of its net profits derived from lawful gambling in the City to a fund administered and regulated by the City. The City then shall make disbursements to the Roseville Community Fund, administered by the North Suburban Community Foundation, a Minnesota nonprofit corporation. This contribution shall be for the purposes defined in Minnesota Statutes Chapter 349. The City's directive to the Roseville Community Fund, administered by the North Suburban Community Foundation, as to the use of the funds shall be made at the time of the City's adoption of its annual budget or any amendments thereto. (Ord. 1327, 10-10-05) (Ord. 1412, 7-11-2011)

B. Each organization conducting lawful gambling shall expend or contribute a minimum of 75% of its net profits from Roseville gambling sites by the end of each premises permit year. The remaining percentage may be carried over to the subsequent permit or license year. The City Council may grant a variance authorizing the organization to carry over more that 25% of all its net profits for expenditure in the subsequent permit or license year.

C. In the event any organization contributes to the City any sum in excess of the10% as required in subsection A above, said funds will be deposited and allocated to the Roseville Community Fund, as administered by the North Suburban Community Foundation. In the event the Roseville Community Fund, as administered by the North Suburban Community Foundation is in any way unable to receive the allocated funds as set forth in subsection A above, the funds will be deposited in an interest bearing escrow account in a bank located in the City and allocated to uses by further order of the City Council. (Ord. 1114, 9-24-92) (Ord. 1412, 7-11-2011)

## 304.05: LAW ENFORCEMENT AND ADMINISTRATIVE COSTS:

All organizations conducting lawful gambling within the City shall, within 30days of the end of each month, pay to the City an amount equal to 3% of the gross receipts from lawful gambling conducted in the City in such month, less amounts actually paid for prizes, to cover the City's law enforcement and administrative costs in regulating lawful gambling.

(Ord. 1114, 9-24-92)

## 304.06: GAMBLING EXEMPT FROM STATE LICENSING REQUIREMENTS:

A. Organizations which conduct lawful gambling which is exempt from State gambling licensing requirements may conduct such gambling within the City upon receipt of a permit from the City, except this requirement does not apply to door prizes or raffles and bingo where total prizes are less than $1,500 in a calendar year. (Ord. 1327, 10-10-05)

B. An application for such a permit, along with a fee as prescribed by the Fee Schedule, shall be made at least 30 days prior to the date such gambling is to be conducted. The application shall contain the following:
   1. The name of the organization.
   2. The address of the organization.
   3. The place where such gambling will occur.
   4. The total prizes to be awarded.
   (Ord. 1327, 10-10-05)

C. Within 30 days of filing any reports with the Gambling Control Board, the organization shall file a copy of such reports with the City.

D. The provisions relating to law enforcement and administrative costs set forth in Section 304.05 shall not apply to gambling permitted pursuant to this Section. All other provisions of this Chapter apply to such organizations. (Ord. 1114, 9-24-92)

## 304.07: VIDEO GAMES OF CHANCE:

"Video games of chance", as defined by Minnesota Statutes, are prohibited in the City. (Ord. 1114, 9-24-92)

# CHAPTER 305
# CHRISTMAS TREE SALES – Repealed ( Ord. 1454, October 21, 2013)

# CHAPTER 306
# CIGARETTE AND TOBACCO PRODUCTS

SECTION:

306.01: Definitions
306.02: License Required
306.03: Application
306.04: Prohibited Sales
306.05: Indoor Smoking Prohibited
306.06: Identification
306.07: Violations
306.08: Appeal

## 306.01: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:
INDIVIDUALLY PACKAGED: Any package containing only one individually wrapped item. Included are single packs of cigarettes or single cans or containers of tobacco related products. Not included are cartons containing two or more individually packaged packs of cigarettes or similar packages containing multiple cans or containers of tobacco related products.
SELF SERVICE MERCHANDISING: An open display of tobacco products which the public has access to without the intervention of an employee.
TOBACCO RELATED PRODUCT: Cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed and other smoking tobacco, snuff, snuff flower, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scrips, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe, rolling paper or other tobacco related devices. Also, and products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product. And, shall include electronic cigarettes or other devices that can be used to deliver nicotine or any other substance or flavorings to the person inhaling from the device. This Chapter does not apply to devices that have been approved or otherwise certified for sale by the U.S. Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose. (Ord. 1424 02-13-12) (Ord. 1455, 10-21-13)

## 306.02: LICENSE REQUIRED:

No person shall keep for retail sale or sell at retail any tobacco product as defined in this Chapter without a license. (Ord. 1133, 1-24-94)

## 306.03: APPLICATION:

The application shall state the full name and address of the applicant, the location of the building and the part to be used by the applicant under the license, the kind of business conducted at such location and such other information as shall be required by the application

form. (Ord. 1133, 1-24-94)

## 306.04: PROHIBITED SALES:

No person shall sell or give away any tobacco related product to any person under the age of 18 years, no person shall sell or dispense any tobacco product through the use of a vending machine, and it shall be unlawful for any person to offer for sale any individually packaged tobacco related product by means of self-service merchandizing. All sales must be made in such a manner that requires the vendee to specifically ask for the tobacco product and all other sales are unlawful. (Ord. 1133, 1-24-94)

## 306.05: INDOOR SMOKING PROHIBITED:

It shall be unlawful to light, inhale, exhale, or any combination thereof, of tobacco, tobacco products, or tobacco related devices by any person in any retail establishment. (Ord. 1424, 02-13-12)

## 306.06: IDENTIFICATION:

Any person who sells a tobacco product must require identification if such person has any reason to believe that the purchaser is less than 18 years of age. (Ord. 1133, 1-24-94)

## 306.07: VIOLATIONS:

A. Misdemeanors: Any person who violates this Chapter shall be guilty of a misdemeanor.
B. Penalty for Noncompliance: In addition to any criminal penalties which may be imposed by a court of law, the City Manager may suspend or revoke a license on a finding that the license holder or its employee has failed to comply with this Chapter.
C. Minimum Penalty: In no event shall a penalty be less than:
   1. For a first violation, the mandatory minimum penalty shall be the administrative penalty imposed pursuant to City Code Section 102.01C.
   2. For a second violation in 12 months the mandatory minimum penalty shall be suspension for two days.
   3. For a third violation in 12 months the mandatory minimum penalty shall be suspension for five days.
D. Hearing and Notice: Revocation or suspension of a license shall be preceded by a hearing before the City Manager. A hearing notice shall be given at least ten days prior to the hearing, including notice of the time and place of the hearing and shall state the nature of the charges against the licensee. (Ord. 1133, 1-24-94)

## 306.08: APPEAL:

The aggrieved party may appeal the decision of the City Manager within ten days of receiving notice of the City's action. The filing of an appeal stays the action of the City Manager in suspending or revoking a license until the City Council makes a final decision. The City Council may modify the suspension or revocation. (Ord. 1133, 1-24-94)

# CHAPTER 307
# CONSTRUCTION LICENSES AND BONDS

SECTION:


307.01: Licenses Required
307.02: Fee
307.03: Commercial General Contractors
307.04: Qualifications
307.05: Revocation or Suspension
307.06: Period of Suspension
307.07: Revocation upon Violations
307.08: Failure to Pay Claim
307.09: Liability Insurance


## 307.01: LICENSES REQUIRED:

Licensing is required for all residential building and remodeling contractors who provide only one service and all commercial building and remodeling contractors who are not required to have a State license. (1995 Code)

A. Cement work, cement block work, cement block laying or brick work.
B. General construction including erection, alteration or repair of building.
C. Demolition of buildings.
D. Plastering, outside stucco work or lathing and dry wall.
E. Heating.
F. Gas installation including heating, appliances, devices or machinery, etc.
G. Sign and billboard erecting.
H. Excavators (for basements, foundations, grading of lots, etc.). (Ord. 487, 4-11-66; amd. 1990 Code)
I. Water and sewer excavating, installation and connection.
J. Tree removal.
K. Ventilation system cleaning. (Ord. 906, 5-10-82)

Residential general contractors, roofing contractors and manufactured housing installers must be licensed by the Minnesota Department of Commerce. (1995 Code)

## 307.02: FEE:

The fee for each license shall be paid annually. The required fee will be in an amount set by the Council. (Ord. 801, 3-14-77; amd. 1995 Code)

## 307.03: COMMERCIAL GENERAL CONTRACTORS:

A. A license granted to a general contractor shall include the right to perform all of the work included in his/her general contract. Such license shall include any or all of the persons performing the work which is classified and listed in Section 307.01, providing that each person performing such work is in the regular employ of such general contractor and qualified under State law and the provisions of this Code to perform such work. In these cases, the general contractor shall be responsible for all of the work so performed.

B. Subcontractors on any work shall be required to comply with the Sections of this Code pertaining to license, bond, qualifications, etc. for their particular type of work. (Ord. 190, 7-20-54; amd. 1995 Code)

## 307.04: QUALIFICATIONS:

Each applicant for a license shall satisfy the Chief Code Enforcement Officer that he/she is competent by reason of education, special training and experience, and that he/she is equipped to perform the work for which a license is requested. (Ord. 190, 7-20-54; amd. 1995 Code)

## 307.05: REVOCATION OR SUSPENSION:

The Council may suspend or revoke the license of any person licensed under this Code who violates any of its provisions or whose work is found to be improper, defective or so unsafe as to jeopardize life or property. The person holding such license shall be given 20 days notice and granted the opportunity to be heard before such action is taken. If and when such notice is sent to the legal address of the licensee and he/she fails or refuses to appear at the hearing, his/her license will be automatically suspended or revoked five days after date of hearing. (Ord. 190, 7-20-54)

## 307.06: PERIOD OF SUSPENSION:

When a license is suspended, the period of suspension shall be not less than thirty days or more than one year, such period being determined by the Council. (Ord. 190, 7-20-54)

## 307.07: REVOCATION UPON VIOLATIONS:

When any person holding a license has been convicted for a second time by a court of competent jurisdiction for violation of any of the provisions of this Code, the Council shall revoke the license of the person so convicted. Such person may not make application for a new license for a period of one year. (Ord. 190, 7-20-54)

## 307.08: FAILURE TO PAY CLAIM:

The failure to pay within 60 days, any legitimate claim the City may have against a contractor shall constitute a cause for revocation of license. (Ord. 233, 7-23-57)

## 307.09: LIABILITY INSURANCE:

A. Any person holding a license under Section 307.01 shall file with the Manager policies of public liability and property damage which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that they shall not be cancelled without ten days written notice to the City.
B. Public liability insurance shall not be less than $100,000.00 for injuries including accidental death to any one person, and subject to the same limit for each person in an amount of not less than $300,000.00 on account of any one accident and property damage insurance in the amount of not less than $100,000.00for each accident and not less than $100,000.00aggregate. No work shall be done under license until said insurance policies shall have been filed and approved by the City Manager. (Ord. 897, 1-25-82)

# CHAPTER 308
# CONVERSATION PARLORS

SECTION:

308.01: Definitions
308.02: License Required
308.03 License Fee
308.04: Application
308.05: Granting, Denying or Revocation of Licenses
308.06: Construction and Maintenance Requirements
308.07: Inspection
308.08: Identification
308.09: Business Hours
308.10: Rules and Regulations

## 308.01: DEFINITIONS:

For the purpose of this Chapter, a "conversation parlor" shall mean any establishment advertising, offering or selling the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, regardless of whether other goods or services are also simultaneously advertised, offered or sold, and regardless of whether those other goods or services are also required to be licensed. The term conversation parlor shall not include bona fide legal, medical, psychiatric, psychological or counseling services by a person or firm appropriately licensed, nor shall it include bona fide educational institutions or panels, seminars or other similar services offered by such institutions, nor shall it include churches or synagogues. (Ord. 793, 9-20-76)

## 308.02: LICENSE REQUIRED:

No person shall engage in the business of operating a conversation parlor in the City without a license. (Ord. 793, 9-20-76)

## 308.03: LICENSE FEE:

The annual license fee[1] shall be as established by the City Fee Schedule in Subsection 314.05 (Ord. 793, 9-20-76) (Ord. 1379A, 11-17-2008)

## 308.04: APPLICATION:

The initial application for a license shall be made by completing an application form provided by and containing such information as is required by the City Manager. A separate license shall be obtained for each separate place of business. (Ord. 793, 9-20-76)

## 308.05: GRANTING, DENYING OR REVOCATION OF LICENSES:

A. Licenses may be granted only in the appropriate zone to be determined by the City Council and laws and ordinances of the City.

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[1] See Section 301.03 of this Title for license fees.

B. Licenses may be denied or revoked if the premises of the conversation parlors do not meet the requirements of the City Council and of the building, safety and sanitation regulations of the City and the State of Minnesota.
C. Licenses may be denied or revoked if there is any fraud or deception involved in the license application.
D. Licenses may be denied or revoked if the applicant or persons in applicant's employ are not complying with, or have a history of, violations of the laws and ordinances that apply to health, safety or moral turpitude.
E. An application may be denied if the City Council determines that the issuance of such a license would be detrimental to the health, welfare or safety of the citizens of the City. (Ord. 793, 9-20-76; amd. 1995 Code)

## 308.06: CONSTRUCTION AND MAINTENANCE REQUIREMENTS:

A. Construction Materials: All conversation parlors and all rest rooms and bathrooms used in connection with such conversation parlor shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth.
B. Required Equipment: All rest rooms used in connection with conversation parlors shall be provided with mechanical ventilation with two cfm per square foot of floor area, a minimum of 15 foot-candles of illumination, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
C. Janitor's Closet: Each conversation parlor establishment shall have a janitor's closet, which shall be provided for the storage of cleaning supplies. Such closet shall have mechanical ventilation with two cfm per square foot of floor area and a minimum of ten foot-candles of illumination. Such closet shall include a mop sink.
D. Sanitary Conditions: Floors, walls and equipment in conversation parlors and rest rooms must be kept in a state of good repair, and sanitary at all times.
E. Locked Doors Prohibited: Doors to all rooms inside a conversation parlor shall not be locked or capable of being locked. (Ord. 793, 9-20-76)

## 308.07: INSPECTION:

During business hours, all conversation parlors shall be open to inspection by City Building and License Inspectors, Health Authority and police officers. (Ord. 793, 9-20-76)

## 308.08: IDENTIFICATION:

Upon demand by any police officer, any person engaged in providing services in any licensed premises shall identify themselves giving their true legal name and correct address. (Ord. 793, 9-20-76)

## 308.09: BUSINESS HOURS:

No customers or patrons shall be allowed to enter the licensed premises after 1:00 A.M. and before 8:00 A.M. daily. No customers or patrons shall be allowed to remain upon the licensed premises after 2:00 A.M. and before 8:00 A.M. daily. (Ord. 793, 9-20-76)

## 308.10: RULES AND REGULATIONS:

A. License shall be granted only to establishments which meet the safety and sanitary requirements of the applicable building, housing, health and safety code regulations of the City and the State of Minnesota.
B. It shall be grounds for denial or revocation of a license if the applicant or persons in applicant's employ violate City ordinances or the laws of the State of Minnesota on the

premises.

C. It shall be grounds for rescinding a license granted to any person under this Chapter if the owner, manager, lessee or any of the employees are found to be in control or possession of any alcoholic beverage or of a narcotic drug or controlled substance on the premises, the possession of which is illegal as defined by Minnesota Statutes[1] or by rules of the City Code.

D. All employees and customers of the establishment shall at all times have their breasts, buttocks, genitals and anus covered by a nontransparent material. (Ord. 793, 9-20-76)

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[1] M.S.A. §340A.101 et seq. and M.S.A. §152.01 et seq.

# CHAPTER 309
# MASSAGE THERAPY ESTABLISHMENTS

SECTION:

309.01: Definitions
309.02: License for Massage Therapy Establishment
309.03: Granting, Denying or Rescinding of Licenses
309.04: Practice of Massage Therapy Only by Licenses Persons
309.05: Revocation or Suspension of License
309.06: Restrictions and Regulations
309.07: Violations, Penalty

## 309.01: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:
CHAIR MASSAGE: A massage provided to a fully-clothed individual, and limited to the neck, shoulders, arms, and back, where the massage is not provided in a massage therapy establishment; and provided the individual giving the massage meets the requirements specified in Section 309.04 (A). (Ord. 1329, 11-14-05)
MASSAGE THERAPIST: A person who practices massage therapy.
MASSAGE THERAPY: The rubbing, stroking, kneading, tapping or rolling of the body with the hands or other parts of the body for the exclusive purposes of relaxation, physical fitness or beautification and for no other purpose.

The practice of massage therapy is hereby declared to be distinct from the licensed practice of medicine, osteopathy, chiropractic, physical therapy, podiatry and nursing, as well as athletic coaches and trainers. Persons engaged in those professions are exempt from the provisions of this Chapter.

MASSAGE THERAPY ESTABLISHMENT: Any room, or premise wherein a person may receive a massage from a massage therapist for a fee; where massages are given on more than 14 calendar days in any given calendar year. (Ord. 1329, 11-14-05)
SANITARY: Free from the vegetative cells of pathogenic microorganisms. (Ord. 1142, 6-13-1994)

## 309.02: LICENSE FOR MASSAGE THERAPY ESTABLISHMENT:

A. License Required: No person shall engage in the business of operating a massage therapy establishment within the City without first having obtained the required license.
B. Application Fee: The initial application for a license shall be made by completing an application form provided by and containing such information as required by the City Manager and by paying a nonrefundable application fee, as established by the City Fee Schedule in Section 314.05. (Ord. 1329, 11-14-05)
C. Separate License Required Fee: A separate license shall be obtained for each place of business, the fee for which shall be as established by the City Fee Schedule in Section 314.05. (Ord. 1329, 11-14-05)

## 309.03: GRANTING, DENYING OR RESCINDING OF LICENSES:

A. Zoning Compliance: Massage Therapy Establishment licenses may be granted only to

establishments associated with and operating within the confines of and incidental to a properly zoned beauty parlor (salon), health club, office, shopping mall, or similar areas open to the public. (Ord. 1329, 11-14-05)

B. Building, Safety and Sanitation Regulations: Licenses may be denied or rescinded if the premises of the massage therapy establishments do not meet the requirements of the City Council, and of the building, safety and sanitation regulations of the City and State.

C. Fraud or Deception: Licenses may be denied or rescinded if there is any fraud or deception involved in the license application.

D. History of Violations: Licenses may be denied or rescinded if the applicant, licensee or employee of the same fails to comply with, or have a history of violations of the laws or ordinances which apply to health, safety or moral turpitude.

E. Additional Conditions: The City Council may attach such reasonable conditions to the license as it, in its sole discretion, deems to be appropriate. (Ord. 1142, 6-13-1994)

(Ord. 1283, 6-16-03)

## 309.04: PRACTICE OF MASSAGE THERAPY ONLY BY LICENSED PERSONS:

A. Application for License: Any person or business desiring to be licensed as a massage therapy establishment shall file an application on forms provided by the City Manager. The application shall contain such information as the City Manager may require, including: (Ord. 1329, 11-14-05)

1. The applicant's full name, address, social security number and written proof of age.

2. The name and address of the licensed massage therapy establishment by which the applicant expects to be employed.

3. A statement concerning whether the person has been convicted of or entered a plea of guilty to any crime or ordinance violation and, if so, information as to the time, place and nature of such crime or offense.

4. Proof that the applicant meets the following educational requirements:

a. A diploma or certificate of graduation from a school approved by the American Massage Therapist Association or other similar reputable massage association; or

b. A diploma or certificate of graduation from a school which is either accredited by a recognized educational accrediting association or agency or is licensed by the State or local government agency having jurisdiction over the school.

c. Each applicant shall also furnish proof at the time of application of a minimum of 600 hours of successfully completed course work in the following areas:

(1) The theory and practice of massage, including, but not limited to, Swedish, Esalen, Shiatsu and/or foot reflexology techniques; and

(2) Anatomy, including, but not limited to, skeletal and muscular structure and organ placement; and

(3) Hygiene.

B. Fee: The annual license fee for a massage therapist is as established by the City Fee Schedule in Section 314.05. Ord. 1329, 11-14-05)

C. Review of Application: License applications shall be reviewed by the Police Department.

D. Denial of Application: The license application may be denied for any of the following reasons:

1. Fraudulent Statements: The application contains false, fraudulent, or deceptive statements.

2. Prior Conviction: The applicant has been convicted of or entered a plea of guilty within the previous three years to a violation of this Chapter or of any other law regulating the practice of massage, or of any law prohibiting criminal sexual conduct,

prostitution, pandering, indecent conduct or keeping of a disorderly house.
3. Noncompliance: The applicant has not complied with a provision of this Chapter.
4. Underage: The applicant is less than eighteen (18) years of age. (Ord. 1142, 6-13-94)

## 309.05: REVOCATION OR SUSPENSION OF LICENSE:

A license may be revoked or suspended for any of the following reasons:

A. Application Fraud: Fraud, deception or misrepresentation in connection with the registration application.
B. Violation of Chapter: A violation of any provision of this Chapter.
C. Criminal Conviction: Conviction of a criminal sexual conduct, prostitution, pandering, indecent conduct or keeping a disorderly house.
D. Conviction Arising out of Practice of Massage Therapy: Conviction of any crime or ordinance violation arising out of the practice of massage therapy.
E. Lack of Skill: Exhibition of a demonstrable lack of skill in the practice of massage therapy. (Ord. 1142, 6-13-94)

## 309.06: RESTRICTIONS AND REGULATIONS:

A. Display of License: Any person registered as a massage therapist hereunder shall display such license, or a true copy thereof, in a prominent place at such person's place of employment.
B. Identification: Upon demand of any police officer at the place of employment, any person licensed hereunder shall produce correct identification, identifying himself/herself by his/her true legal name and correct address.
C. Inspection: During business hours, all massage therapy establishments shall be open to inspection by City Building and License Inspectors, Health Officers and police officers.
D. Therapist, Change of Location: Any person licensed hereunder shall practice massage only at such location or locations as are designated in the license. Any person registered hereunder shall inform the City Manager, in writing, of any change in location prior to its occurrence.
E. Hours: No customers or patrons shall be allowed to enter or remain on the licensed premises after 9:00 P.M. or before 8:00 A.M. daily.
F. Alcohol or Drugs Prohibited: No beer, liquor, narcotic drug or controlled substance, as such terms are defined by State statutes or the City Code shall be permitted on licensed premises.
G. Violation of Building, Safety or Health Regulations: Violation of any law or regulation relating to building, safety or health shall be grounds for revocation or any license.
H. Locks on Doors: There shall be no locks on doors of massage rooms.
I. Appropriate Covering Required:
   1. Patron: Whenever a massage is given, it shall be required by the massage therapist that the person who is receiving the massage shall have her breasts and his/her buttocks and genitals covered with a nontransparent material. For purposes of receiving a chair massage, patrons must stay fully-clothed at all times. (Ord. 1329, 11-14-05)
   2. Therapist: Any massage therapists performing any massages shall at all times have her breasts and his/her buttocks and genitals covered with a nontransparent material. (Ord. 1142, 6-13-94)
J. With the exception of chair massages, all other types of massages shall take place in a private room subject to the conditions and restrictions noted above. (Ord. 1329, 11-14-05)

## 309.07: VIOLATIONS, PENALTY:

Every person who violates this Chapter is guilty of a misdemeanor. (Ord. 1142, 6-13-94)

# CHAPTER 310
# MISCELLANEOUS LICENSE SECTION

Section:

310.01: License Required

## 310.01: LICENSE REQUIRED:

No person shall conduct or engage in any of the following businesses or activities without first obtaining a license:

A. Firearm Sales: Businesses in which there is sold any handgun, rifle, shotgun or similar firearm.
B. Veterinary Hospital: A facility for the care and treatment of animals within the City. (Ord. 597, 4-28-69; amd. 1995 Code)
C. Gasoline Stations: Any place, building, pump or device maintained and used for the main purpose of selling or dispensing gasoline or other oils for use in motor vehicles of any kind.
D. Private Gasoline Pumps: Pumps from which gasoline or other fuel for internal combustion engines is dispensed into a vehicle for private use and not sold to the public.
E. Theaters: Any place, either within a building or in the open air, where moving pictures, film pictures or other pictures are displayed and an admission charge is made. (1995 Code)

# CHAPTER 311
# PAWNBROKERS AND PRECIOUS METAL DEALERS

SECTION:

311.01: Purpose
311.02: Definitions
311.03: License Required
311.04: Application for License
311.05: Investigation by Police Department
311.06: Term of License and Renewals
311.07: License Fees
311.075: Billable Transaction Fees
311.076: Bond Required
311.08: Ineligible Persons and Locations
311.09: Requirements of Licensees
311.10: Alarm System Required
311.11: Suspension or Revocation of License
311.12: Prohibited Acts
311.13: Adoption of Statutes by Reference

## 311.01: PURPOSE:

The City Council finds that pawnbrokers and precious metal dealer regulation is appropriate because such activities provide an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen property easily and quickly. The City Council also finds that consumer protection regulation of such activities is warranted because customers of such businesses frequently seek their services during times of desperate financial circumstances.

To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the automated pawn system (APS). (Ord. 1275, 11-18-2002)

## 311.02: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ACCEPTABLE IDENTIFICATION: Acceptable forms of identification are a current valid Minnesota driver's license, a current valid Minnesota identification card, or a current valid photo driver's license or identification card issued by another state or province of Canada.
BILLABLE TRANSACTIONS: Every reportable transaction conducted by a pawnbroker, except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession.
ISSUING AUTHORITY: The City of Roseville.
ITEM CONTAINING PRECIOUS METAL: An item made in whole or in part of metal and

containing more than one percent (1%) by weight of silver, gold or platinum.
MINOR: Any natural person under the age of eighteen (18) years.
PAWNBROKER: A person who loans money on deposit or pledge of personal property or other valuable thing or who deals in the purchasing of personal property or other valuable thing on condition of selling that same thing back again at a stipulated price or who loans money secured by chattel mortgage or personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this chapter shall be applicable. Pawnbroker does not include businesses or persons who engage in transactions in which a used or secondhand item is exchanged for a new item and the value of the new item exceeds the value of the secondhand item, or who buys and sells used goods or equipment of a specialized nature such as exercise or sporting equipment, or children's clothes. A bank, savings and loan association or credit union shall not be deemed a pawnbroker for purposes of this chapter.
PAWNSHOP: Any business establishment operated by a pawnbroker.
PERSON: One or more natural persons; a partnership, 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.
PRECIOUS METAL DEALER: Any person engaging in the business of buying coins or secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects. Persons conducting the following transactions shall not be deemed to be precious metal dealers:

A. Transactions at occasional "garage" or "yard" sales, or estate sales or auctions held at the decedent's residence, except that precious metal dealers must comply with the requirements of Minnesota statutes, sections 325F.734 to 325F.742, for these transactions.
B. Transactions regulated by Minnesota statutes, chapter 80A.
C. Transactions regulated by the federal commodity futures commission act.
D. Transactions involving the purchase of precious metal grindings, filings, slag, sweepscraps or dust from an industrial manufacturer, dental lab, dentist or agent thereof.
E. Transactions involving the purchase of photographic film such as lithographic and x-ray film or silver residue or flake covered in lithographic and x-ray film processing.
F. Transactions involving coins or bullion in ingots.
G. Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a person who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with the requirements of Minnesota statutes, sections 325F.734 to 325F.742.
H. Transactions between precious metal dealers if both dealers are licensed under Minnesota statutes, section 325F.733, or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under Minnesota statutes, section 325F.733.
I. Transactions in which the buyer of the secondhand item containing precious metal is engaged primarily in the business of buying and selling antiques and the items are resold in an unaltered condition except for repair, and the items are resold at retail and the buyer paid less than $2,500.00 for secondhand items containing precious metals purchased within any period of twelve 12 consecutive months.

PRECIOUS METALS: Silver, gold or platinum.
REDEMPTION PERIOD: The date by which an item of property that has been pawned

must be redeemed by the pledger without risk that the item will be sold. Such date must be a day on which the pawnbroker or precious metal dealer is open for regular business. REPORTABLE TRANSACTION: Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended, or for which a unique transaction number or identifier is generated by their point of sale software, is reportable, except:

A. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.
B. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired. (Ord. 1275, 11-18-2002)

## 311.03: LICENSE REQUIRED:

No person shall exercise, carry on or be engaged in the trade or business of pawnbroker or precious metal dealer within the city unless such person is currently licensed under this section to be a pawnbroker or precious metal dealer, respectively. No more than one pawn broker license shall be issued by the City at any time and priority shall be given to qualified applicants for renewal of existing license. (Ord. 1275, 11-18-2002) (Ord. 1414, 9-12-2011)

## 311.04: APPLICATION FOR LICENSE:

Every application for license under this section, whether for a natural person, partnership, corporation or other organization, shall be made on a form supplied by the city and shall contain all information as required on that form by law.

All applications for a license under this chapter shall be signed and sworn to under oath or affirmation by applicant. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

Any falsification on a license application shall result in the denial of a license.

When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application within 14 days. The manager shall be subject to the investigation required by section 311.05 of this chapter, and to payment of the investigation fee required by this chapter, which shall be paid in advance.

The designation of a new manager shall not cause the license to become invalid before a decision is rendered, provided proper notice and application are made by the applicant. A proposed new manager shall be referred to as the interim manager. In the event an interim manager is rejected, the licensee shall designate another interim manager and make the required application within 14 days of the decision. If a proposed manager is rejected, the decision may be appealed to the City Council by filing a written notice of appeal with the city manager within ten days after being notified of the rejection. (Ord. 1275, 11-18-2002)

## 311.05: INVESTIGATION BY POLICE DEPARTMENT:

A. Investigation and Report: All applications shall be referred to the police department for

verification and investigation of the facts set forth in the application. The police department shall make a written report and recommendation to the City Council as to issuance or non-issuance of the license. The City Council may order and conduct such additional investigation as it deems necessary.

B. Cost of Investigation; Deposit: An applicant for any license under this section shall deposit with the city, at the time an original application is submitted, $500.00 to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this section. If the investigation and verification process is conducted outside the state of Minnesota, the city may require the actual investigation costs not exceeding $1,500.00. (Ord. 1275, 11-18-2002)

## 311.06: TERM OF LICENSE AND RENEWALS:

A. Term: All licenses issued through this section shall be for a period of 12 months beginning January 1, prorated on a monthly basis.

B. Renewal: A license under this section will not be renewed:
1. If the City Council determines that the licensee has failed to comply with the provisions of this chapter in a preceding license year.
2. There would be sufficient grounds not to issue a license in the first instance. (Ord. 1275, 11-18-2002)

## 311.07: LICENSE FEES:

The license application fees for pawnbrokers' and precious metal dealers' licenses shall be as established by the City Fee Schedule in Section 314.05. (Ord. 1275, 11-18-2002) (Ord.1379A, 11-17-2008)

## 311.075: BILLABLE TRANSACTION FEES:

A. Licensees shall pay a monthly transaction fee on all billable transactions as set forth in section 301.03 of this title. Such fee shall be due and payable within 30days. Failure to timely pay the billable transaction fee shall constitute a violation of this chapter. (Ord. 1275, 11-18-2002)

## 311.076: BOND REQUIRED:

At the time of filing an application for a license, the applicant shall file a bond in the amount of $10,000.00 with the city. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the city attorney. The bond must be conditioned on the licensee observing all ordinances of the city and all laws relating to the business of pawnbroker or precious metal dealer, and the licensee accounting for and delivering to any person legally entitled thereto any articles which may have come into the possession of the licensee as pawnbroker or precious metal dealer, or in lieu thereof such licensee paying the person or persons the reasonable value thereof. The bond shall contain a provision that it may not be canceled without thirty days advance written notice to the licensing authority. (Ord. 1275, 11-18-2002)

## 311.08: INELIGIBLE PERSONS AND LOCATIONS:

A. Ineligible Persons: No licenses under this chapter shall be issued to an applicant who is a natural person, general or managing partner, manager, proprietor or agent if such applicant:
1. Is a minor at the time the application is filed;
2. Has been convicted of any offense related to the occupation licensed or involving

moral turpitude;
3. Is not a citizen of the United States or a resident alien;
4. Is not of good moral character or repute;
5. Holds an intoxicating liquor license under this code;
6. Has had a pawnbroker or precious metal dealer license revoked elsewhere; or
7. Other good and sufficient reason in the sole discretion of the City Council.

B. Ineligible Locations: The following locations shall be ineligible for licenses under this chapter:
1. No license shall be granted or renewed for operation on any property on which taxes, assessments or other financial claims of the state, county, school district or city are due, delinquent or unpaid.
2. No license shall be granted or renewed if the property on which the business is to be conducted is owned or controlled by a person who is ineligible for a license.
3. The property is not properly zoned.

C. Multiple Brokers or Dealers Prohibited: No license shall be issued for multiple pawnbrokers or precious metal dealers at one location. (Ord. 1275, 11-18-2002)

## 311.09: REQUIREMENTS OF LICENSEES:

A. Record Keeping: All licensees shall maintain a computerized system for the creation, maintenance, and storage of transactional records regarding licensed activities. At the time of a receipt of an item of property, whether purchased or pawned, the pawnbroker or precious metal dealer shall immediately record, on computer disc or if the computer is temporarily unavailable in a book or journal which has page numbers that are preprinted and in an indelible ink, the following information:
1. Description of Item: An accurate description of the item of property including, but not limited to, any trademark, identification number, serial number, model number, brand, brand name or other identifying mark on such item;
2. Date and Time: The date and time the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records. Transaction identifiers must be consecutively numbered;
3. Description of Person: The name, address, residence phone number, date of birth, and accurate description including: sex, height, weight, race, color of eyes and color of hair of the person from whom the item of property was received;
4. Identification Number: The identification number and state or nation of issue from any of the following forms of identification of the person from whom the item of property was received:
   a. A valid driver's license;
   b. A valid state or national picture identification;
5. Price: The price of the item paid and whether the item was purchased or pawned;
6. Fees: A list of all fees and charges which the transaction may be subject to;
7. Statement: A signed statement from the person from whom the item of property is received that there are no liens on the item, that it is not stolen and that the person has the right to sell it.
8. Photograph or Video Recording: The licensee must also take a color photograph or color video recording of:
   a. Each customer involved in a billable transaction.
   b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

The photograph taken must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and

correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for four months, and furnish it to the police department upon request.

9. Digitized Photographs: Effective 60 days from the date of notification by the police department licensees must fulfill the color photograph requirements by submitting them as digital images, in a format specified by the issuing authority, electronically cross referenced to the reportable transaction they are associated with.

10. Renewals, Extensions and Redemptions: For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, the type of transaction, interest charges accrued, and any amount paid for the transaction or the article. When an article of purchased or forfeited property is sold or disposed of by a licensee the records shall contain an account of such sale with the date, the amount for which the article was sold, and the full name, current address, and telephone number of the person to whom sold.

B. Inspection of Records: The pawnbroker or precious metal dealer shall make available the information required in subsection A of this section at all reasonable times for inspection by the city police department or other representative of the city.

The information required in this section shall be retained by the pawnbroker or precious metal dealer for at least five years. Entries of required digital images shall be retained a minimum of 120 days.

C. Daily Reports to Police Are Required: The pawnbroker or precious metal dealer shall submit daily to the police department all information required by this section regarding every reportable transaction by transferring it from their computer to the automated pawn system. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.

D. Data Transfer Failures:

1. If a licensee is unable to successfully transfer the required reports by electronic means, the licensee must provide the police department printed copies of all reportable transactions along with the videotape(s) for that date, by 12:00 noon the next business day;

2. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports and must be charged a $50.00 reporting failure penalty, daily, until the error is corrected; or

3. If the problem is determined to be outside the licensee's system, the licensee must

provide the required reports and resubmit all such transaction via modem when the error is corrected.

4. If a licensee is unable to capture, digitize or transmit the photographs required by this chapter, the licensee must immediately take all required photographs with a still camera, cross reference the photographs to the correct transaction, and make the pictures available to the police department upon request.

5. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

6. The police department may, upon presentation of extenuating circumstances by the licensee, delay the implementation of the daily reporting penalty imposed by this section.

E. Police Order to Hold Property: Whenever the city police department notifies the pawnbroker or precious metal dealer not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the police department.

F. Holding Period of Pawnbrokers: Any item sold or pawned to a pawnbroker for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for 60 days after the date of the sale or pawn. However, an individual may redeem an item pawned 72 hours after the item was received on deposit by the pawnbroker, excluding Sundays and legal holidays.

G. Receipt: The pawnbroker or precious metal dealer shall provide a receipt to the seller or pledger of any item of property received, which shall include:

1. The name, address and phone number of the pawnbroker or precious metal dealer business.

2. The date on which the item was received by the pawnbroker or precious metal dealer.

3. A description of the item received and amount paid to the pledger or seller in exchange for the item pawned or sold.

4. The signature of the pawnbroker or precious metal dealer or agent.

5. The last regular business day by which the item must be redeemed by the pledger without risk that the item will be sold and the amount necessary to redeem the pawned item on that date.

6. The annual rate of interest charged on pawned items received.

7. The name, address, and signature of the seller or pledger.

H. Hours of Operation: No pawnbroker or precious metal dealer shall be open for the transaction of business on any day of the week before 7:00 A.M. or after 10:00 P.M.

I. Minors: The pawnbroker or precious metal dealer shall not purchase or receive personal property of any nature on deposit or pledge from any minor.

J. Inspection of Items: The pawnbroker or precious metal dealer shall at all times during the term of the license allow the city police department to enter the premises where the pawnbroker or precious metal dealer business is located, for the purpose of inspecting such premises and inspecting the items, wares and merchandise therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of.

K. License Display: A license issued under this section must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application.

L. Maintenance of Order: A licensee under this section shall be responsible for the conduct of the business being operated and shall maintain conditions of order.

M. Prohibited Goods: No licensee under this section shall accept any item of property

which contains an altered or obliterated serial number or "operation identification" number or any item of property whose serial number has been removed.

N. Payment by Check: Payment of more than $250.00 by a licensee for any article deposited, left, purchased, pledged or pawned shall be made only by a check, draft, or other negotiable or nonnegotiable instrument which is drawn against funds held by a financial institution. This policy must be posted in a conspicuous place in the premises.

O. Holding Period for Precious Metal Dealers: Any item received by a precious metal dealer for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for two weeks after the date of the sale.

P. Storage Sites: All items must be stored within the licensed premises building except the city may permit the licensee to designate one locked and secured warehouse building within the city within which the licensee may store only cars, boats and other motorized vehicles. No item may be stored in the designated warehouse building that is not reported in the records pursuant to subsection A of this section. The licensee shall permit immediate inspection of the warehouse at any time during business hours by the city, and failure to do so is a violation of this chapter. Oversized items may not be stored in parking lots or other outside areas. All provisions in this section regarding record keeping and reporting shall apply to oversized items.

Q. Off Site Sales Storage: All items accepted by a licensee at a licensed location in the city shall be for pledge or sale through a licensed location in the city. No licensee under this section shall sell any items which are transferred from a non-licensed facility or a licensed facility outside the city. (Ord. 1275, 11-18-2002)

## 311.10: ALARM SYSTEM REQUIRED:

An alarm system, professionally installed and approved by the city manager or his/her designee, must be installed at the licensed premises. (Ord. 1275, 11-18-2002)

## 311.11: SUSPENSION OR REVOCATION OF LICENSE:

A. Violation: The City Council may suspend or revoke a license issued under this chapter upon a finding of a violation of:
   1. Any of the provisions of this chapter;
   2. any state statute regulating pawnbrokers or precious metal dealers;
   3. any state or local law relating to moral character and repute. Any conviction by the pawnbroker or precious metal dealer for theft, receiving stolen property or any other crime or violation involving stolen property shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.

B. Notice; Hearing: Except in the case of a suspension pending a hearing on revocation, a revocation or suspension by the City Council shall be preceded by written notice to the licensee and a public hearing. The written notice shall give at least eight (8) days' notice of the time and place of the hearing and shall state the nature of the charges against the pawnbroker or precious metal dealer. The council may, without any notice, suspend any license pending a hearing on revocation for a period not exceeding 30 days. The notice may be served upon the pawnbroker or precious metal dealer by United States mail addressed to the most recent address of the business in the license application. (Ord. 1275, 11-18-2002)

## 311.12: PROHIBITED ACTS:

A. No pawnbroker or precious metal dealer licensed under this chapter shall:
   1. Lend money on a pledge at a rate of interest above that allowed by law;
   2. Possess stolen goods;

3. Sell pledged goods before the time to redeem has expired;
4. Refuse to disclose to the pledger, after having sold pledged goods, the name of the purchaser or the price for which the item sold;
5. Make a loan on a pledge to a minor or purchase property from a minor;
6. Accept for pawn, sale or consignment any article or property if the article or property belongs to another, of if another person has a security interest in the property; or
7. Receive any article or property from a person of unsound mind or an intoxicated person.

B. No person shall:
1. Pawn, pledge, sell, assign, lease or deposit with a pawnbroker or precious metal dealer any article of property not their own, or any article of property in which another person has a security interest.
2. Give false or fictitious name, date of birth, address, telephone number, or identification card to a pawnbroker or precious metal dealer. (Ord. 1275, 11-18-2002)

(Ord. 1319, 04-25-2005)

## 311.13: ADOPTION OF STATUTES BY REFERENCE:

Minnesota statutes, sections 325J.01 et seq., 1996, are hereby adopted by reference. Wherever this chapter is more restrictive than said statutes, this chapter will control. Wherever said statutes are more restrictive than this chapter, said statutes shall control. (Ord. 1275, 11-18-2002)

# CHAPTER 312
# LOCAL LODGING TAX

SECTION:

312.01: Definitions
312.02: Imposition of Tax
312.03: Collections
312.04: Exemptions
312.05: Advertising No Tax
312.06: Payments and Returns
312.07: Examination of Return, Adjustments, Notices and Demands
312.08: Refunds
312.09: Failure to File a Return
312.10: Penalties
312.11: Administration of Tax
312.12: Examination of Records
312.13: Violations
312.14: Use of Proceeds and Annual Report
312.15: Appeals
312.16: Effective Date

## 312.01: DEFINITIONS:

As used in this chapter, the following words and terms shall have meanings given to them by this section:
CITY: The city of Roseville.
DIRECTOR: The Finance Director of the City.
LODGER: The person obtaining lodging from an operator.
LODGING: The furnishing for consideration of lodging by a hotel, motel, rooming house, tourist court, or resort, except where such lodging shall be for a continuous period of 30 days or more to the same lodger.
OPERATOR: A person who provides lodging to others, or any officer, agent or employee of such person.
PERSON: Any individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate or any other combination of individuals. Whenever the term "person" is used in any provision of this chapter prescribing and imposing a penalty, the term as applied to a corporation, association, or partnership, shall mean the officers or partners thereof as the case may be.
RENT: The total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself. (Ord. 1200, 3-23-1998)

## 312.02: IMPOSITION OF TAX:

There is hereby imposed a tax of 3% on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by

the operator to the city and shall be extinguished only by payment to the city. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator is authorized and required by this chapter to collect from a lodger. (Ord. 1200, 3-23-1998)

## 312.03: COLLECTIONS:

Each operator shall collect the tax imposed by this chapter at the time rent is paid. The tax collections shall be held in trust by the operator for the city. The amount of tax shall be separately stated from the rent charged for the lodging. (Ord. 1200, 3-23-1998)

## 312.04: EXEMPTIONS:

An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the city to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing under penalty of perjury on forms provided by the city. All such claims shall be forwarded to the city when the returns and collections are submitted as required by this chapter. (Ord. 1200, 3-23-1998)

## 312.05: ADVERTISING NO TAX:

It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any party thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent ($0.01) shall be considered an additional cent ($0.01). (Ord. 1200, 3-23-1998)

## 312.06: PAYMENTS AND RETURNS:

The taxes imposed by this chapter shall be paid by the operator to the city not later than 25 days after the end of the month in which the taxes were collected. At the time of payment the operator shall submit a return upon such forms and containing such information as the city may require. The return shall contain the following minimum information:

A. The total amount of rent collected for lodging during the period covered by the return.
B. The amount of tax required to be collected and due for the period.
C. The signature of the person filing the return or that of an agent duly authorized in writing.
D. The period covered by the return.
E. The amount of uncollectible rental charges subject to the lodging tax.
F. A copy of the "Minnesota state sales and use tax return" submitted by the operator for the period covered by the return.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this chapter previously paid as a result of any transaction the consideration for which became uncollectible during such reporting period, but only in proportion to the portion of such consideration which became uncollectible. (Ord. 1200, 3-23-1998)

## 312.07: EXAMINATION OF RETURN, ADJUSTMENTS, NOTICES AND DEMANDS:

The Director may rely upon the "Minnesota state sales and use tax return" filed by the operator with the state in determining the accuracy of a return filed under this chapter.

However, the Director shall be authorized to make any investigation or examination of the records and accounts of the person making the return, if the Director reasonably determines that such steps are necessary for determining the correctness of the return. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the city within ten days after receipt of a notice thereof, given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the city within ten days after determination of such refund. (Ord. 1200, 3-23-1998)

## 312.08: REFUNDS:

Any person may apply to the Director for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one year after such tax was paid, or within one year from the filing of the return, whichever period is the longer. The Director shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the Director shall credit the amount of the allowance against any taxes due under this chapter from the claimant and the balance of said allowance, if any, shall be paid by the Director to the claimant. (Ord. 1200, 3-23-1998)

## 312.09: FAILURE TO FILE A RETURN:

A. If any operator required by this chapter to file a return shall fail to do so within the time prescribed, or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within five days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the Director shall make a return or corrected return, for such person from such knowledge and information as the Director can obtain, and assess a tax on the basis thereof, which tax, less any payments theretofore made on account of the tax for the taxable period covered by such return shall be paid within five days of the receipt of written notice and demand for such payment. Any such return or assessment made by the Director shall be prima facie correct and valid, and such person shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.
B. If any portion of a tax imposed by this chapter, including penalties thereon, is not paid within 30 days after it is required to be paid, the city may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.
C. Upon a showing of good cause, the Director may grant an operator one 30-day extension of time within which to file a return and make payment of taxes as required by this chapter provided that interest during such period of extension shall be added to the taxes due at the rate of 10% per annum. (Ord. 1200, 3-23-1998)

## 312.10: PENALTIES:

If any tax imposed by this chapter is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to 10% of the amount remaining unpaid. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of 10% per annum from the

time such tax should have been paid until it is paid. Any interest and penalty shall be added to the tax and be collected as part thereof. (Ord. 1200, 3-23-1998)

## 312.11: ADMINISTRATION OF TAX:

The Director shall administer and enforce the assessment and collection of taxes imposed by this chapter. The Director shall cause to be prepared blank forms for the returns and other documents required by this chapter and shall distribute the same throughout the city and furnish them on application, but failure to receive or secure them shall not relieve any person from any obligation required of him or her under this chapter. (Ord. 1200, 3-23-1998)

## 312.12: EXAMINATION OF RECORDS:

The Director and those persons acting on behalf of the Director, authorized in writing by the Director, may examine the books, papers and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this chapter. Every such operator is directed and required to give to the Director, or such other authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized. (Ord. 1200, 3-23-1998)

## 312.13: VIOLATIONS:

Any person who shall willfully fail to make a return required by this chapter; or who shall fail to pay the tax after written demand for payment; or who shall fail to remit the taxes collected or any penalty or interest imposed by this chapter, after written demand for such payment; or who shall refuse to permit the city to examine the books, records and papers under his or her control; or who shall willfully make any incomplete, false or fraudulent return shall be guilty of a misdemeanor. (Ord. 1200, 3-23-1998)

## 312.14: USE OF PROCEEDS AND ANNUAL REPORT:

95% of the proceeds obtained from the collection of taxes pursuant to this chapter shall be used in accordance with Minnesota statutes section 469.190, as the same may be amended from time to time, to fund a local convention or tourism bureau for the purpose of marketing and promoting the city as a tourist or convention center. Commencing in January 2003, the Roseville Visitors Association shall, for its most recent calendar year, provide an annual year end report of its operations and its financial condition to the Roseville City Council in writing and by oral presentation at a City Council meeting. (Ord. 1259, 4-8-2002)

## 312.15: APPEALS:

A. Any operator aggrieved by any notice, order or determination made by the Director under this chapter may file a petition for review of such notice, order or determination detailing the operator's reasons for contesting the notice, order or determination. The petition shall contain the name of the petitioner, the petitioner's address and the location of the lodging subject to the order, notice or determination.
B. The petition for review shall be filed with the city within ten days after the notice; order or determination for which review is sought has been mailed or served upon the person requesting review.
C. Upon receipt of the petition, the city manager, or the manager's designee, shall set a date for a hearing and give the petitioner at least five days prior written notice of the date, time and place of the hearing.
D. At the hearing, the petitioner shall be given an opportunity to show cause why the

notice, order or determination should be modified or withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's own expense.

E. The hearing shall be conducted by the city manager, or the manager's designee, provided only that the person conducting the hearing shall not have participated in the drafting of the order, notice or determination for which review is sought.

F. The person conducting the hearing shall make written findings of fact and conclusion based upon the applicable sections of this chapter and evidence presented. The person conducting the hearing may affirm, reverse or modify the notice, order or determination made by the Director.

G. Any decision rendered by the city manager, or the manager's designee, pursuant to this section may be appealed to the City Council. A petitioner seeking to appeal the decision must file a written notice of appeal with the city within ten days after the decision has been mailed to the petitioner. The matter will thereupon be placed on the council agenda as soon as it is practical. The council shall then review the findings of fact and conclusions to determine whether they are correct. Upon a determination by the council that the findings and conclusions are incorrect, the council may modify, reverse or affirm the decision of the city manager, or the manager's designee, upon the same standards as set forth in subsection F of this section. (Ord. 1200, 3-23-1998)

## 312.16: EFFECTIVE DATE:

This chapter shall be in force and effect from July 1, 1998. (Ord. 1224, 6-29-1999)

# CHAPTER 313
# MANUFACTURED HOME PARK CLOSINGS

SECTION:

313.01: Purpose
313.02: Definitions
313.03: Notice of Closing
313.04: Notice of Public Hearing
313.05: Public Hearing
313.06: Payment of Relocation Costs to Displaced Owners
313.07: Payment of Additional Compensation to Displaced Owners
313.08: Payment of Relocation Costs to Displaced Renters
313.09: Penalty

## 313.01: PURPOSE:

In view of the peculiar nature and problems presented by the closure or conversion of manufactured home parks, the City Council finds that the public health, safety and general welfare will be promoted by requiring compensation to displaced homeowners and renters in such parks. The purpose of this chapter is to require park owners to pay displaced residents reasonable relocation costs and purchasers of manufactured home parks to pay additional compensation, pursuant to the authority granted under Minnesota Statutes, section 327C.095. (Ord. 1235, 2-28-2000)

## 313.02: DEFINITIONS:

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:
CLOSURE STATEMENT: A statement prepared by the park owner clearly stating the park is closing, addressing the availability, location and potential costs of adequate replacement housing within a 25 mile radius of the park that is closing and the probable relocation costs of the manufactured homes located in the park.
DISPLACED OWNER: A resident of an owner-occupied manufactured home who rents a lot in a manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the city.
DISPLACED RENTER: A resident of a renter-occupied manufactured home who rents both the lot and the manufactured home in the manufactured home park, including the members of the resident's household, as of the date the park owner submits a closure statement to the city.
DISPLACED RESIDENT: Displaced owner or displaced renter.
LOT: An area within a manufactured home park, designed and used for the accommodation of a manufactured home.
MANUFACTURED HOME: A structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight feet or more in width or 40 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 system contained in it.
PARK OWNER: The owner of a manufactured home park and any person acting on behalf

of the owner in the operation or management of a park.
PERSON: Any individual, corporation, firm, partnership, incorporated and unincorporated association or any other legal or commercial entity. (Ord. 1235, 2-28-2000)

## 313.03: NOTICE OF CLOSING:

If a manufactured home park is to be closed, converted in whole or part to another use or terminated as a use of the property, the park owner shall, at least nine months prior to the closure, conversion to another use or termination of use, provide a copy of a closure statement to a resident of each manufactured home and to the City's Community Development Director. (Ord. 1235, 2-28-2000)

## 313.04: NOTICE OF PUBLIC HEARING:

Upon receipt of the closure statement, the Community Development Director shall schedule a hearing on the proposed park closing before the city's planning commission. The city shall mail a notice at least ten days prior to the public hearing to a resident of each manufactured home in the park stating the time, place and purpose of the hearing. The park owner shall provide the city with a list of the names and addresses of at least one resident of each manufactured home in the park at the time the closure statement is submitted to the city. (Ord. 1235, 2-28-2000)

## 313.05: PUBLIC HEARING:

A public hearing shall be held before the city planning commission for the purpose of reviewing the closure statement and evaluating what impact the park closing may have on the displaced residents and the park owner. (Ord. 1235, 2-28-2000)

## 313.06: PAYMENT OF RELOCATION COSTS TO DISPLACED OWNERS:

A. After service of the closure statement by the park owner and upon submittal by the displaced owner of a contract or other verification of relocation expenses, the park owner shall pay to the displaced owner the reasonable cost of relocating the manufactured home to another manufactured home park located within a 25 mile radius of the park that is being closed, converted to another use, or ceasing operation. Reasonable relocation costs shall include:
   1. The actual expenses incurred in moving the displaced owner's manufactured home and personal property, including the reasonable cost of disassembling, moving and reassembling sheds and any attached appurtenances, such as porches, decks, skirting and awnings, which were not acquired after notice of closure or conversion of the park, and utility "hook-up" charges.
   2. The cost of insurance for the replacement value of the property being moved.
   3. The cost of repairs or modifications that are required in order to take down, move and set up the manufactured home.
B. If a displaced owner cannot relocate the manufactured home within a mile radius of the park which is being closed or some other agreed upon distance, and the displaced owner elects not to tender title to the manufactured home, the displaced owner is entitled to relocation costs based upon an average of relocation costs awarded to other residents in the park.
C. A displaced owner compensated under this section shall retain title to the manufactured home and shall be responsible for its prompt removal from the manufactured home park.

D. The park owner shall make the payments under this section directly to the person performing the relocation services after performance thereof, or, upon submission of written evidence of payment of relocation costs by a displaced resident, shall reimburse the displaced resident for such costs.
E. The displaced owner must submit a contract or other verified cost estimate for relocating the manufactured home to the park owner as a condition to the park owner's liability to pay relocation expenses. (Ord. 1235, 2-28-2000)

## 313.07: PAYMENT OF ADDITIONAL COMPENSATION TO DISPLACED OWNERS:

If a displaced owner either cannot or chooses not to relocate the manufactured home within a 25 mile radius of the park that is being closed or some other agreed upon distance and tenders title to the manufactured home, the displaced owner is entitled to additional compensation to be paid by the purchaser of the park in order to mitigate the adverse financial impact of the park closing. In such instance, the additional compensation shall be an amount equal to the estimated market value or the tax assessed value of the manufactured home, whichever is greater, as determined by an independent appraiser experienced in manufactured home appraisal approved by the city. The purchaser shall pay the cost of the appraisal or shall reimburse the city for any advances it makes to such appraiser for such cost. The purchaser shall pay the additional compensation into an escrow account, established by the park owner, for distribution upon transfer of title to the home. Such compensation shall be paid to the displaced owners no later than the 90 days prior to the earlier of closing of the park or its conversion to another use. (Ord. 1235, 2-28-2000)

## 313.08: PAYMENT OF RELOCATION COSTS TO DISPLACED RENTERS:

A. After service of the closure statement by the park owner and upon submittal by the displaced renter of a contract or other verification of relocation expenses, the park owner shall pay to the displaced renter reasonable costs of relocating. Reasonable relocation costs shall include:
   1. The actual expenses incurred in moving the displaced renter's personal property.
   2. The cost of insurance for the replacement value of the property being moved.
   3. The difference between new lot rent and closed lot rent for a period of two years, if the new lot rent is greater than the old lot rent. (Ord. 1235, 2-28-2000)

## 313.09: PENALTY:

A. Violation of any provision of this chapter shall be a misdemeanor.
B. Any provisions of this chapter may be enforced by injunction or other appropriate civil remedy.
C. The city shall not issue a building permit in conjunction with reuse of manufactured home park property unless the park owner has paid reasonable relocation costs and the purchaser of the park has provided additional compensation in accordance with the requirements of this chapter. Approval of any application for rezoning, platting, conditional use permit, planned unit development or variance in conjunction with a park closing or conversion shall be conditional on compliance with the requirements of this chapter. (Ord. 1235, 2-28-2000)

# CHAPTER 314
# FEE SCHEDULE

SECTION:

314.01: Purpose and Findings
314.02: Other Fee References
314.03: Authority
314.04: Penalty
314.05: Fee Schedule
314.051: General Business Licenses and Fees
314.052: Administrative Fines
314.053: Building Permit & Plan Review Fees
314.054: Electrical Permits

## 314.01: PURPOSE AND FINDINGS

The City of Roseville annually adopts a Fee Schedule which establishes the fees and charges for service for the City's regulatory functions. The presence of a fee schedule allows regulatory-type fees to be easily identified in one document, as opposed to being scattered throughout City Code. In addition, a fee schedule adopted on an annual basis provides the City Council the opportunity to review fees for services in a comprehensive manner.

## 314.02: OTHER FEE REFERENCES

By enacting this ordinance, all fee amounts previously established and contained herein are hereby amended as submitted.

## 314.03: AUTHORITY

The authority to enact the fees identified herein is established by City Code.

## 314.04: PENALTY

Failure to pay the fees identified herein is subject to penalties and interest as established by City Code.

## 314.05: FEE SCHEDULE

The 2013 Fee Schedule is as shown in 314.051 – 314.054. (Ord. 1431, 11-19-2012), (Ord. 1433, 01-28-2013) (Ord. 1458, 11-18-2013) (Ord. 1484, 11/24/2015)

## 314.051: GENERAL BUSINESS LICENSES AND FEES

| Item / Description | City Code | 2015 Amount | 2016 Amount |
|---|---|---|---|
| Amusement device – per machine | $303 | $ 15.00 | $ 15.00 |
| Benches in right-of-way | $703 | $50.00 | $50.00 |
| Assessment searches | | | |
| • Deferred / Pending | N/A | $0.00 | $0.00 |
| • Historical | N/A | $100.00 | $100.00 |
| Bowling alley | | | |
| • First alley | $303 | $70.00 | $70.00 |
| • Each additional alley | $303 | $20.00 | $20.00 |
| Burial Permit | $401 | $100.00 | $100.00 |
| Cigarettes, sale of | $306 | $200.00 | $200.00 |
| Compost and Woodchip Delivery from Compost Site | N/A | $40.00 | $40.00 |
| Construction noise variance | $405.03 | $450.00 | $450.00 |
| Conversation parlors | $308 | $10,000.00 | $10,000.00 |
| Copy charges per page | N/A | $0.25 | $0.25 |
| CPR Training charge per student | N/A | $80.00 | $80.00 |
| Daycare facility inspection fee | N/A | $40.00 | $40.00 |
| Dog and cat license | | | |
| • 2 Year; sterilized | $501 | $10.00 | $10.00 |
| • 2 Year; sterilized and micro chipped | $501 | $5.00 | $5.00 |
| • 2 Year; non-sterilized | $501 | $35.00 | $35.00 |
| • 2 Year; non-sterilized and micro chipped | $501 | $25.00 | $25.00 |
| • Lifetime; sterilized | $501 | $30.00 | $30.00 |
| • Lifetime; sterilized and micro chipped | $501 | $5.00 | $5.00 |
| • Lifetime; non-sterilized | $501 | $150.00 | $150.00 |
| • Lifetime; non-sterilized, but micro chipped | $501 | $100.00 | $100.00 |
| • Duplicate / address change | $501 | $5.00 | $5.00 |
| • Special multiple; 2 Year | $501 | $40.00 | $40.00 |
| Dog kennels | $501 | $75.00 | $75.00 |
| DVD / VHS Copy | N/A | $5.00 | $5.00 |
| Encroachment Agreement Application fee | N/A | $300.00 | 300.00 |

| Item / Description | City Code | 2015 Amount | 2016 Amount |
|---|---|---|---|
| Erosion control inspection permit | | | |
| Less than 1 acre | $1017 | 600.00 | 625.00 |
| 1 to 5 acres | $1017 | 880.00 | 900.00 |
| More than 5 acres | $1017 | 1,320.00 | 1,400.00 |
| Erosion control permit *renewal* | | | |
| Less than 1 acre | $1017 | 220.00 | 220.00 |
| 1 to 5 acres | $1017 | 320.00 | 320.00 |
| More than 5 acres | $1017 | 480.00 | 480.00 |
| Erosion control escrow fee | $1017 | 3,000/acre | 3,000/acre |
| Excavation, grading, and surfacing | $705 | See below | See below |
| False alarm fees – Police | | | |
| • Third false alarm | $506 | $100.00 | $100.00 |
| • Fourth | $506 | $200.00 | $200.00 |
| • Fifth | $506 | $300.00 | $300.00 |
| • Sixth | $506 | $400.00 | $400.00 |
| • Seventh and all subsequent alarms | $506 | $500.00 | $500.00 |
| False alarm fees – Fire | | | |
| • Third false alarm | $506 | $300.00 | $300.00 |
| • Fourth | $506 | $400.00 | $400.00 |
| • Fifth and all subsequent alarms | $506 | $500.00 | $500.00 |
| • Construction-related | N/A | $150.00 | $150.00 |
| Fertilizer, sale of | $408 | $30.00 | $30.00 |
| Fertilizer, applicator | $408 | $100.00 | $100.00 |
| Firearms, sale of | $310 | $30.00 | $30.00 |
| Fireworks, sale of consumer (existing retail) | N/A | $100.00 | $100.00 |
| Fireworks, sale of consumer (stand-alone, temporary) | N/A | $350.00 | $350.00 |
| Fire rescue and extrication fee | N/A | $400.00 | $400.00 |
| Fire safety training | N/A | $80.00 / hr | $80.00 / hr |
| Fuel storage tank inspection | N/A | $100.00 | $100.00 |
| Game room | $303 | $175.00 | $175.00 |
| Gas pumps – private business | $310 | $60.00 | $60.00 |
| Gasoline stations | $310 | $130.00 | $130.00 |
| Horse | $501 | $5.00 | $5.00 |
| Hospitals-veterinary | $310 | $80.00 | $80.00 |

| Item / Description | City Code | 2015 Amount | 2016 Amount |
|---|---|---|---|
| ~~Leaf Pickup fee~~ | | ~~55.00~~ | ~~0.00~~ |
| Liquor licenses: | | | |
| • On sale intoxicating liquor license | $302 | $7,000.00 | $7,000.00 |
| • On sale wine license (75 seats or less) | $302 | $750.00 | $750.00 |
| • On sale wine license (75+ seats) | $302 | $1,500.00 | $1,500.00 |
| • Temporary on sale (3 days) | $302 | $50.00 | $50.00 |
| • Temporary on sale in Central Park | $302 | $20.00 | $20.00 |
| • Sunday on sale license | $302 | $200.00 | $200.00 |
| • Special club license | $302 | | |
| 51-200 members | $302 | $300.00 | $300.00 |
| 201-500 | $302 | $500.00 | $500.00 |
| 501-1,000 | $302 | $650.00 | $650.00 |
| 1,001-2,000 | $302 | $800.00 | $800.00 |
| 4,001-6,000 | $302 | $1,000.00 | $1,000.00 |
| More than 6,000 | $302 | $2,000.00 | $2,000.00 |
| • On sale brewery taproom | $302 | $3,000.00 | $3,000.00 |
| • On sale microdistillery cocktail room | $302 | $750.00 | $750.00 |
| • Off sale intoxicating liquor license | $302 | $750.00 | $750.00 |
| • Off sale intoxicating liquor (if conditions of MN Statute 340A.408 (Sub. 3c) are met | $302 | $300.00 | $300.00 |
| | $302 | $200.00 | $200.00 |
| Liquor License – investigation fee | $302 | $300.00 | $300.00 |
| Liquor License – sale outside of premises | $302 | $25.00 | $25.00 |
| Massage therapist | $309 | $100.00 | $100.00 |
| Massage therapy business establishment | $309 | $150.00 / 300.00 | $150.00/$300.00 |
| Meter Deposits | N/A | See below | See below |
| Open burning permit | N/A | $90.00 | $90.00 |
| Park Dedication – residential | $1103 | $3,500.00/unit | $3,500.00/unit |
| Park Dedication – other (b) | $1103 | 7.0 % of fmv | 7.0% of fmv |
| Pawn Shop license | $311 | $10,000.00 | $10,000.00 |
| Pathway patching fee | | | |
| Concrete sidewalk – 2 panels | | $675.00 | $675.00 |
| Bituminous (12’ x 8’) | | $500.00 | $500.00 |
| Pawn shop and precious metal dealer license | $311 | $13,000.00 | $13,000.00 |
| Pawn shop fee (per transaction) | N/A | $2.90 | $2.90 |
| Pool and billiards | | | |
| First table | $303 | $70.00 | $70.00 |
| Each additional table | $303 | $20.00 | $20.00 |

| Item / Description | City Code | 2015 Amount | 2016 Amount |
|---|---|---|---|
| Precious metal dealer | $311 | $10,000.00 | $10,000.00 |
| Public improvement contract application fee (a) | N/A | $550.00 | $550.00 |
| Recycling contractor | $403 | $125.00 | $125.00 |
| Rental Registration (Housing) (d) | $907 | $25.00 | $35.00 |
| Rental Registration – Mid Year (Jan 1-Jun 30) (d) | $907 | $12.50 | $17.50 |
| Rental Registration – Administrative Fine | $907 | $100.00 per unit | $100.00 per unit |
| Right-of-way permits | $703/$707 | $325.00 | $400.00 |
| Sewer connection fees | $802 | see below | see below |
| Sewer usage fees | $802 | separate resolution | separate resolution |
| Soil contamination | $406 | $1/cu.yd. up to $300 | $1/cu.yd. up to $300 |
| Solid waste hauler | $402 | $125.00 | $125.00 |
| Stormwater drainage fees | $803 | separate resolution | separate resolution |
| Stormwater residential permit<br>Stormwater residential permit renewal (5-years) | n/a | $250.00<br>$100.00 | $250.00<br>$100.00 |
| Street patching fee (c) | n/a | $650/$1,300 | $650/$1,300 |
| Theaters – per viewing screen | $310 | $70.00 | $70.00 |
| Tree planting and removal | $706 | separate ordinance | separate ordinance |
| Utility service location fee | N/A | $100.00 | $100.00 |
| Vehicle forfeiture impound fee (per day) | N/A | $20.00 | $20.00 |
| Water connection fees | $801 | see below | see below |
| Water usage fees | $801 | separate resolution | separate resolution |
| Water tower permit – private use | $801 | separate resolution | separate resolution |
| Well permit | $801 | separate resolution | separate resolution |
| Wireless permit fee | $1205 | negotiated | negotiated |

(a) In addition to the $550 base fee, a charge of 4% (increased from 3%) of the total improvement cost is also collected. This fee is an escrow and is estimated only. Actual costs will be collected when the improvements are completed.
(b) Calculation is made on 7% of the estimated fair market value of unimproved land, as determined by the Ramsey County Assessor's office on the date of approval of the plat or subdivision.
(c) Street patching fee is $650 without a curb, and $1,300 with a curb.
(d) Includes technology fee.

(Ord.1400, 11-22-2010) (Ord. 1421, 11-28-2011) (Ord. 1431, 11-19-2012) (Ord. 1433, 01-28-2013)

Meter Deposit Fees

| Meter | 2015 | 2016 |
|---|---|---|
| Res. 5/8” Meter | $190.00 | $190.00 |
| ¾” Meter | $215.00 | $215.00 |
| 1” Meter | $240.00 | $240.00 |
| 1.5” Meter | $440.00 | $440.00 |
| 2” Meter Disc | $535.00 | $535.00 |
| 2” Meter Compound | $1,340.00 | $1,340.00 |
| 3” Meter Compound | $1,910.00 | $1,910.00 |
| 6” Meter Compound | $5,430.00 | $5,430.00 |

## 314.052: ADMINISTRATIVE FINES

| Item / Description | City Code | 2015 Amount | 2016 Amount |
|---|---|---|---|
| Alcohol and Tobacco Sales: | | | |
| Purchase, possession - underage | | $150.00 | $150.00 |
| Lending ID to underage person | | $100.00 | $100.00 |
| Selling tobacco – underage | | $200.00 | $200.00 |
| Selling alcohol – underage | | $250.00 | $250.00 |
| License holder | N / A | $300.00 | $300.00 |
| Other violation | | $100.00 | $100.00 |
| Parking: | | | |
| Snowbird | N / A | $25.00 | $25.00 |
| Fires: No open fires | | $25.00 | $25.00 |
| Fire Code | N / A | $100.00 | $100.00 |
| Animals: | | | |
| Vicious animal | | $50.00 | $50.00 |
| Barking dog | | $50.00 | $50.00 |
| Animal at large | | $50.00 | $50.00 |
| Other animal violation | N / A | $50.00 | $50.00 |
| Miscellaneous: | | | |
| Building code | | $100.00 | $100.00 |
| Fill permits | | $100.00 | $100.00 |
| Failure to apply for license | | $50.00 | $50.00 |
| Fireworks – use, possession, sale | | $250.00 | $250.00 |
| Land use | | $100.00 | $100.00 |
| Licenses (not occurring elsewhere) | | $50.00 | $50.00 |
| Illegal dumping | | $150.00 | $150.00 |
| Consuming alcohol-unauthorized places | | $250.00 | $250.00 |
| Tampering with Civil Defense System | | $250.00 | $250.00 |
| Seat belts | | $25.00 | $25.00 |

| | | | |
|---|---|---|---|
| Expired license plates | | $35.00 | $35.00 |
| Missing plate/tab | | $35.00 | $35.00 |
| Trespassing | | $150.00 | $150.00 |
| Golf cart / ATV violation | | $50.00 | $50.00 |
| Noise complaint | | $250.00 | $250.00 |
| Park ordinance violation | | $25.00 | $25.00 |
| Peddling | | $75.00 | $75.00 |
| Property nuisance starting with 3rd call(a) | 511 | $75.00 | $75.00 |
| Public nuisance | | $100.00 | $100.00 |
| Regulated businesses | | $100.00 | $100.00 |
| Signs | | $50.00 | $50.00 |
| Snowmobiles | | $50.00 | $50.00 |
| Discharge, display of weapon | N / A | $250.00 | $250.00 |
| Wetland / Shore land | | $100.00 | $100.00 |

(Ord. 1387, 11-16-2009) (Ord. 1396, 9-20-2010) (Ord. 1400, 11-22-2010) (Ord.1421, 11-28-2011) (Ord. 1431, 11-19-2012)

## 314.053: BUILDING PERMIT & PLAN REVIEW FEES

**Building Permit and Plan Review Fees**

City Code Sections; 307, 801, 802, 901, 1014

Building Permit Fee – Zoning and Inspections:

Permit fee to be based on job cost valuation. The determination of value or valuation shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

| Total Valuation | 2015 Amount | 2016 Amount |
|---|---|---|
| $1 - $500 | $31.00 | $31.00 |
| $501 - $2,000 | $31.00 for the first $500 value, plus $4 for each additional $100 value or fraction thereof | $31.00 for the first $500 value, plus $4.00 for each additional $100 value or fraction thereof |
| $2,001 - $25,000 | $83.50 for the first $2,000 value, plus $16.55 for each additional $1,000 value or fraction thereof | $83.50 for the first $2,000 value, plus $16.55 for each additional $1,000 value or fraction thereof |
| $25,001 - $50,000 | $464.15 for the first $25,000 value, plus $12.00 for each additional $1,000 value or fraction thereof | $464.15 for the first $25,000 value, plus $12.00 for each additional $1,000 value or fraction thereof |

| Total Valuation | 2015 Amount | 2016 Amount |
|---|---|---|
| $50,001 - $100.000 | $764.15 for the first $50,000 value, plus $8.45 for each additional $1,000 value or fraction thereof | $764.15 for the first $50,000 value, plus $8.45 for each additional $1,000 value or fraction thereof |
| $100,001 - $500,000 | $1,186.65 for the first $100,000 value, plus $6.75 for each additional $1,000 value or fraction thereof | $1,186.65 for the first $100,000 value, plus $6.75 for each additional $1,000 value or fraction thereof |
| $500,0001 - $1,000,000 | $3,886.65 for the first $500,000 value, plus $5.50 for each additional $1,000 value or fraction thereof | $3,886.65 for the first $500,000 value, plus $5.50 for each additional $1,000 value or fraction thereof |
| In excess of $1,000,000 | $6,636.65 for the first $1,000,000 value, plus $4.50 for each additional $1,000 value or fraction thereof | $6,636.65 for the first $1,000,000 value, plus $4.50 for each additional $1,000 value or fraction thereof |
| Inspections outside of normal business hours | $67.25 | $68.50 |
| Re-inspection fees (per State Building code) | $67.25 | $68.50 |
| Misc. inspection fees | $67.25 | $68.50 |
| Additional plan review fee required by revisions | $67.25 | $68.50 |

Building Permit Fee – Engineering:

| Total Valuation | 2015 Amount | 2016 Amount |
|---|---|---|
| $1 - $500 | $5 | $5 |
| $501 - $2,000 | $5 | $5 |
| $2,001 - $25,000 | $25 | $25 |
| $25,001 - $50,000 | $50 | $50 |
| $50,001 - $100.000 | $75 | $75 |
| $100,001 - $500,000 | $100 | $100 |
| $500,0001 - $1,000,000 | $200 | $200 |
| In excess of $1,000,000 | $300 | $300 |

Demolition Permit Fee:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Tenant improvement/remodeling prior to building permit | $73.00 | $75.00 |
| Structures not connected to utilities | $94.00 | $96.00 |
| Residential structures connected to city utilities | $160.00 | $163.00 |
| Commercial structures connected to city utilities | $415.00 | $425.00 |

Electrical Permit Fee:
Set through yearly contract with Contract Electrical Inspector

Fire Safety Inspection Fee:
An amount equal to eight percent (8%) of the amount determined by the Building Permit Fee (except for single-family dwellings) to be charged and used to defray the cost of fire safety inspections (Ord. 1237, 3-13-2000, eff. 5-1-2000)

Grading Plan Review Fee – Planning & Zoning:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| 50 cubic yards or less | $79 | $80 |
| 51 – 10,000 cubic yards | $156.00 for the first 1,000 cubic yards, plus $10.00 for each additional 1,000 yards or fraction thereof | $160.00 for the first 1,000 cubic yards, plus $10.00 for each additional 1,000 yards or fraction thereof |
| 10,001 – 100,000 cubic yards | $312.00 for the first 10,000 cubic yards, plus $5.00 for each additional 10,000 yards or fraction thereof | $318.00 for the first 10,000 cubic yards, plus $5.00 for each additional 10,000 yards or fraction thereof |
| In excess of 100,000 cubic yards | $832.00 for the first 100,000 cubic yards, plus $10.00 for each additional 10,000 yards or fraction thereof | $848.00 for the first 100,000 cubic yards, plus $10.00 for each additional 10,000 yards or fraction thereof |

Grading Plan Review Fee – Engineering:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| 50 cubic yards or less | $25 | $25 |
| 51 – 10,000 cubic yards | $25 | $25 |
| 10,001 – 100,000 cubic yards | $50 | $50 |
| In excess of 100,000 cubic yards | $75 | $75 |

Grading Permit Fee – Planning & Zoning:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| 50 cubic yards or less | $79 | $80 |
| 1 – 1,000 cubic yards | $104.00 for the first 100 cubic yards, plus $20.00 for each additional 100 yards or fraction thereof | $106.00 for the first 100 cubic yards, plus $20.00 for each additional 100 yards or fraction thereof |
| 1,001 – 10,000 cubic yards | $312.00 for the first 1,000 cubic yards, plus $31.00 for each additional 1,000 yards or fraction thereof | $318.00 for the first 1,000 cubic yards, plus $32.00 for each additional 1,000 yards or fraction thereof |
| 10,001 – 100,000 cubic yards | $624.00 for the first 10,000 cubic yards, plus $102.00 for each additional 10,000 yards or fraction thereof | $636.00 for the first 10,000 cubic yards, plus $104.00 for each additional 10,000 yards or fraction thereof |
| In excess of 100,000 cubic yards | $1,560.00 for the first 100,000 cubic yards, plus $82.00 for each additional 10,000 yards or fraction thereof | $1,590.00 for the first 100,000 cubic yards, plus $84.00 for each additional 10,000 yards or fraction thereof |

Grading Permit Fee – Engineering:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| 50 cubic yards or less | $ 25.00 | $ 25.00 |
| 1 – 1,000 cubic yards | $25.00 | $25.00 |
| 1,001 – 10,000 cubic yards | $50.00 | $50.00 |
| 10,001 – 100,000 cubic yards | $75.00 | $75.00 |
| In excess of 100,000 cubic yards | $100.00 | $100.00 |

Investigation Fee: Work without a Permit

Whenever any work for which a permit is required from the city has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Manufactured Home Permit Fee:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| New installation | $270.00 | $275.00 |

Mechanical Permit Fee - Residential:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Air conditioning – new | $48.00 | $49.00 |
| Air conditioning – replacement | $60.00 | $61.00 |
| Warm air furnace – new | $100.00 | $102.00 |
| Warm air furnace - replacement | $60.00 | $61.00 |
| Hot water boilers – new | $100.00 | $102.00 |
| Hot water boilers – replacement | $60.00 | $61.00 |
| Unit heaters | $60.00 | $61.00 |
| Swimming pool heaters | $60.00 | $61.00 |
| Misc. work & gas piping | 1.28% of job cost | 1.28% of job cost |

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Gas fireplace | $60.00 | $61.00 |
| Minimum fee | $60.00 | $61.00 |
| In floor heat | $84.00 | $85.00 |
| Solar panel installation | $1.28 % of job cost / $156.00 min fee | $1.28 % of job cost / $160.00 min fee |

Mechanical Permit Fee - Commercial:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| All commercial work | 1.28% of job cost / $60.00 min fee | 1.28% of job cost / $61.00 min fee |

House Moving Permit Fee:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Over private property only | $93.00 | $95.00 |
| Over public streets | $135.00 | $137.00 |
| Investigation fee per hour | $67.00 | $68.50 |

Multi-Family Rental Licensing:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Multi-Family Rental License annual fee | $ 20.00/unit + $100.00/building | $ 20.00/unit + $102.00/building |
| Reinstatement fee | $100.00 | $102.00 |
| Per Unit Re-inspection fee (after 1st re inspection) | $65.00 | $66.00 |
| Failure to renew license within 30 days of expiration: Penalty Fee | $500 (penalty will double every two weeks until license is paid) | $500 (penalty will double every two weeks until license is paid) |
| Appeal to Council | $0.00 | $50.00 |

Plumbing Permit Fee:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Administrative/minimum fee | $60.00 | $61.00 |
| Additional for each fixture opening | $10.00 | $10.00 |
| Miscellaneous work | 1.28% of job cost | 1.28% of job cost |
| Backflow prevention verification | $27.00 | $28.00 |

Plan Review Fee:
When a building permit is required and a plan is required to be submitted, a plan checking fee shall be paid. Plan checking fees for all buildings, except for construction costs in R-1 and R-2 zones which do not involve new single family structures and are of less than $15,000, shall be sixty five percent (65%) of the building permit fee as set forth in Section 901.06 of this chapter, except as modified in M.S.B.C. Section 1300. (Ord. 1110, 4-13-1992)

The plan review fees specified are separate fees from the permit fees and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee shall be charged.

Expiration of plan review:
Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Refund Fee:
The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize a refunding of permit fees paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize a refunding of plan review fees paid when an application for a permit for which a plan review fee has paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

Sewer Connection Permit Fee – Planning & Zoning:

| Description | 2015 Amount | 2016 Amount |
|---|---:|---:|
| Residential | $94.00 | $96.00 |
| Commercial | $297.00 | $303.00 |
| Repair | $60.00 | $61.00 |
| Disconnect – residential | $84.00 | $85.00 |
| Disconnect – commercial | $166.00 | $169.00 |

Sewer Connection/Inspection Permit Fee – Engineering:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Connection: Residential | $ 5.00 | $ 25.00 |
| Connection: Commercial | $25.00 | $75.00 |
| Connection: Repair | $5.00 | $25.00 |
| Connection: Inspection | n/a | $75.00 |
| Disconnect – residential | $25.00 | $25.00 |
| Disconnect – commercial | $75.00 | $75.00 |

Sign Permit Fee:
Utilize building permit fee schedule. No plan review fee

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Permanent Sign – minimum fee | $55.00 | $55.00 |
| Annual Sign | $100.00 | $100.00 |
| Temporary Sign | $25.00 | $30.00 |
| Attention-Getting Device | $25.00 | $30.00 |

Swimming Pool Permit Fee – Planning & Zoning:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Residential In-ground pool | $ 208.00 | $ 212.00 |
| Residential Seasonal pool | $24.00 | $25.00 |
| Commercial pool | Utilize building Permit fee Schedule | Utilize building Permit fee Schedule |

Swimming Pool Permit Fee – Engineering:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Residential pool | $15.00 | $15.00 |
| | | |

Water Connection Permit Fee – Planning & Zoning:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Residential | $ 94.00 | $96.00 |
| Commercial | $297.00 | $303.00 |
| Repair | $60.00 | $61.00 |
| Disconnect – residential | $84.00 | $85.00 |
| Disconnect – commercial | $166.00 | $169.00 |

Water Connection/Inspection Permit Fee – Engineering:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Connection: Residential | $ 5.00 | $25.00 |
| Connection: Commercial | $25.00 | $75.00 |
| Connection: Repair | $5.00 | $25.00 |

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Connection: Inspection | n/a | $75.00 |
| Disconnect – residential | $25.00 | $25.00 |
| Disconnect – commercial | $75.00 | $75.00 |
| Water main tapping fee | $325.00 | $0.00 |

Water Meter Program Fees – Engineering:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Manual Meter Read Surcharge | n/a | $ 40.00/qtr. |
| Non-Standard Water Meter No-Read Fee | n/a | $50.00 |
| Denial of Access to Water Meter | n/a | $100.00/qtr. |

Residential Property Improvement Permit Fee (Fences, Walls, Sheds, Driveways, Draintile System) – Planning & Zoning:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Driveway permits | $ 50.00 | $ 55.00 |
| Fence permits – residential | $67.00 | $52.00 |
| Fence permits - commercial | Use Permit Fee Schedule | Use Permit Fee Schedule |
| Shed permits | $57.00 | $52.00 |
| Drain tile | $115.00 | $115.00 |
| Plan Review Fee – Hourly Rate | $0.00 | $68.50 |
| Other – utilize building permit fee schedule | | |

Miscellaneous Fees:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Minimum roofing fee | $100.00 | $102.00 |
| Garage only re-roofing fee | $55.00 | $56.00 |
| Minimum window replacement fee | $90.00 | $92.00 |
| Minimum siding replacement fee | $90.00 | $92.00 |
| Administrative fee for abatement per hour | $67.25 | $68.50 |
| Wood burning fireplace | $90.00 | $92.00 |
| Verification of state contracting license | $5.00 | $5.00 |
| Replacement inspection card | $20.00 | $21.00 |
| Re-stamping job site plan sets | $30.00 | $31.00 |
| Certificate of Occupancy – conditional | $100.00 | $102.00 |
| Certificate of Occupancy – full | $0.00 | $0.00 |
| Certificate of Occupancy – copy | $0.00 | $0.00 |
| City contractor license fee | $92.00 | $94.00 |
| Administrative fee – R1 or R2 zones | $67.25 | $68.50 |
| Administrative fee – other zones | $67.25 | $68.50 |
| Footing/foundation permits – residential | $100.00 | $102.00 |
| Footing/foundation permits – commercial | $468.00 | $477.00 |
| Construction deposit – residential | $800.00 | $800.00 |
| Construction deposit – commercial | $4,000.00 | $4,000.00 |
| SAC Admin Fee | $35.00 | $36.00 |

| | | |
|---|---|---|
| Description | 2015 Amount | 2016 Amount |
| SAC Research Fee – Hourly Rate | $0.00 | $68.50 |
| Lead Abatement License Fee | $5.00 | $5.00 |
| Property Age Verification Fee | $5.00 | $5.00 |
| ~~Outdoor storage/display permit: 1 occurrence~~ | ~~50.00~~ | ~~0.00~~ |
| ~~Outdoor storage/display permit: multiple~~ | ~~75.00~~ | ~~0.00~~ |
| ~~Outdoor sales/display permit: 1 occurrence~~ | ~~50.00~~ | ~~0.00~~ |
| ~~Outdoor sales/display permit: multiple~~ | ~~75.00~~ | ~~0.00~~ |
| ~~Outdoor temporary event: 1 occurrence~~ | ~~50.00~~ | ~~0.00~~ |
| ~~Outdoor temporary event: multiple~~ | ~~75.00~~ | ~~0.00~~ |
| Outdoor storage/display permit:1-5 occurrences | $0.00 | $50.00 |
| Outdoor storage/display permit: 6-10 occurrences | $0.00 | $100.00 |
| Outdoor storage/display permit: 11 or more | $0.00 | $200.00 |
| Outdoor sales/display permit: 1-5 occurrences | $0.00 | $50.00 |
| Outdoor sales/display permit: 6-10 occurrences | $0.00 | $75.00 |
| Outdoor sales/display permit: 11 or more | $0.00 | $200.00 |
| Outdoor temporary event: 1-5 occurrences | $0.00 | $50.00 |
| Outdoor temporary event: 6-10 occurrences | $0.00 | $75.00 |
| Outdoor temporary event: 11 or more | $0.00 | $200.00 |

**Community Development Department Permit and Miscellaneous Fees**

| Item/Permit | 2015 Amount | 2016 Amount |
|---|---|---|
| City Consultant and/or City Attorney Review/Research - Comm./Industrial/Multi-family land use, subdivision, economic development, utility, building permit review, traffic, or development or redevelopment projects or proposals payable as escrow or at building permit | 100% of direct cost billed to applicant | 100% of direct cost billed to applicant |
| Planned Unit Development – Amendment # | $400 | $410 |
| Planned Unit Development – Escrow (Amendment)**** | $2,000 minimum | $2,000 minimum |
| PUD Escrow (historical data collection & analysis; site plan & survey review & analysis; city approval analysis; letter creation) | Staff hourly rate/1.9 times per hour. $50.00 per hour minimum | $68.50 per hour One hour minimum |
| Rezoning of Project Site or Parcel** # | $650 | $675 |
| Zoning Code Text Amendment** # | $600 | $625 |
| Comprehensive Plan – Amendment** # | $900 | $925 |
| Conditional Use - Residential** # | $500 | $510 |
| Conditional Use - Commercial** # | $750 | $775 |
| Subdivision – Escrow**** | 2,500 minimum | 2,500 minimum |
| Minor Subdivision # | 650 minimum | 675 minimum |
| Subdivision Escrow (historical data collection & analysis; site plan & survey review & analysis; city approval analysis; letter creation) | Staff hourly rate/1.9 times per hour. $50.00 per hour minimum | $68.50 per hour One hour minimum |
| Subdivision – Preliminary Plat # | $550 | $575 |
| Subdivision - Final Plat # | $500 | $510 |
| Tree Preservation Restoration & Landscape Plan Application | $0.00 | $50.00 |

| Item/Permit | 2015 Amount | 2016 Amount |
|---|---|---|
| Tree Preservation Restoration & Landscape Plan Escrow | $0.00 | As determined by Comm. Dev. Staff |
| Variance - Residential** # | $350 | $360 |
| Variance – Non Residential** # | $450 | $475 |
| Interim Use** # | $650 | $675 |
| Interim Use extension** # | $200 | $225 |
| Administrative Deviation # | $100 | $110 |
| Zoning Compliance Letter (historical data collection & analysis; site plan & survey review & analysis; city approval analysis; letter creation) | Staff hourly rate/1.9 times per hour. $50.00 per hour minimum | $68.50 per hour One hour minimum |
| Residential Variance Appeal Fee | $150 | $150 |
| Commercial Variance Appeal Fee | $300 | $300 |
| Master Sign Plan – residential/institutional | $250 | $250 |
| Master Sign Plan – commercial | $350 | $350 |
| Accessory Dwelling Unit Permit | $100 | $100 |
| Tax Increment Finance (establishment of district or review of proposal, including city consultants) | $15,000 deposit – minimum fee plus consultants fees | $15,000 deposit – minimum fee plus consultants fees |
| Planning Commission Agendas/Year (mailed) | $10.00* | $10.00* |
| Planning Commission Minutes/Year (mailed) | $15.00* | $15.00* |
| Comprehensive Plan CD | $20.00* | $20.00* |
| Zoning Code CD | $20.00* | $20.00* |
| Research Staff Time | Staff hourly rate/1.9 times per hour. $50.00 per hour minimum | $68.50 per hour One hour minimum |
| Copying | $.25/sheet | $.25/sheet |
| Maps*** – 8 ½ x 11 (black and white) – existing PDF maps | No Charge* | No Charge* |
| Maps – 8 ½ x 11 (color) – existing PDF maps | $1.00* | $1.00* |
| Maps – 11 x 17 (color) – existing PDF maps | $2.00* | $2.00* |
| Maps – 17 x 22 (color) – existing PDF maps | $10.00* | $10.00* |
| Maps – 22 x 34 (color) – existing PDF maps | $20.00* | $20.00* |
| Maps – 34 x 44 (color) – existing PDF maps | $40.00* | $40.00* |
| City Address Book (11x17)* – existing PDF maps | $100.00 per book* | $100.00 per book* |

* Free/no charge on internet city home page and available for review at library and city hall

** If multiple requests (such as a subdivision, a variance, and a conditional use permit) are part of one application, City charges only for most expensive permit application

*** Maps/data that are to be created as custom requests are to be charged at a time and materials rate. (GIS Coordinator hourly rate times 1.9 multiplier)

**** The amount listed under the PUD and Subdivision Escrow is the minimum amount required for the application. A higher amount, as determined by the City, may be required for projects that will take a significant amount of time. City Attorney costs shall be paid as part of this escrow.

\# Includes technology fee

(Ord. 1387, 11-16-2009) (Ord. 1421, 11-28-2011) (Ord. 1431, 11-19-2012) (Ord. 1432, 11-19-2012)

## 314.054: ELECTRICAL PERMITS

**Electrical Permit Fees**

**A.** Minimum fee for each separate inspection of an installation, replacement, alteration or repair is limited to one inspection only:

| 2015 Amount | 2016 Amount |
|---|---|
| $35.00 | $40.00 |

**B.** Services, changes of service, temporary services, additions, alterations or repairs on either primary or secondary services shall be computed separately:

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| 0 to 300 amp | $50.00 | $ 50.00 |
| 301 to 400 amp | $58.00 | $58.00 |
| 401 to 500 amp | $72.00 | $72.00 |
| 501 to 600 amp | $86.00 | $86.00 |
| 601 to 800 amp | $114.00 | $114.00 |
| 801 to 1,000 amp | $142.00 | $142.00 |
| 1,001 to 1,100 amp | $156.00 | $156.00 |
| 1,101 to 1,200 amp | $170.00 | $170.00 |
| Add $14 for each add'l 100 amps | | |

**C.** Circuits, installation of additions, alterations, or repairs of each circuit or sub-feeder shall be computed separately, including circuits fed from sub-feeders and including the equipment served, except as provided for in (D) through (K):

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| 0 to 30 amp | $ 8.00 | $ 8.00 |
| 31 to 100 amp | $10.00 | $10.00 |
| 101 to 200 amp | $15.00 | $15.00 |
| 201 to 300 amp | $20.00 | $20.00 |
| 301 to 400 amp | $25.00 | $25.00 |
| 401 to 500 amp | $30.00 | $30.00 |
| 501 to 600 amp | $35.00 | $35.00 |
| 601 to 700 amp | $40.00 | $40.00 |
| Add $5 for each add'l 100 amps | | |

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Residential panel replacement | N/A | $ 100.00 |
| Residential sub panel | N/A | $40.00 |
| Minimum fee: Inspection only | N/A | $40.00 plus $1 State Surcharge |
| Minimum fee: Rough-in & Final | N/A | $80.00 plus $1 State Surcharge |
| | | |

| Description | 2015 Amount | 2016 Amount |
|---|---|---|
| Minimum fee: Single-family dwelling or townhouse not over 200 amps (3 inspections max) | N/A | $175.00 plus $1 State Surcharge |
| Apartment buildings: per unit (excludes cover service, unit feeders & house panels | N/A | $70.00 |
| Swimming pool (up to 2 inspections) | N/A | $80.00 |
| Additions, remodels, or basement additions (up to 10 circuits and 2 inspections) | N/A | $80.00 |
| Accessory structures: panel | N/A | $50.00 |
| Accessory structures: per circuit | N/A | $8.00 |
| Accessory structures: inspection | N/A | $80.00 |
| Traffic signals: per standard | N/A | $7.00 |
| Street & Parking lot lights: per standard | N/A | $4.00 |
| Transformers and generators: up to 10KVA | N/A | $10.00 |
| Transformers and generators: 11-75KVA | N/A | $40.00 |
| Transformers and generators: 76-299KVA | N/A | $60.00 |
| Transformers and generators: over 299KVA | N/A | $150.00 |
| Retro fit lighting (per fixture) | N/A | $0.65 |
| Sign transformer (per each) | N/A | $8.00 |
| Remote control & signal circuits (per device) | N/A | $0.75 |
| Re-inspection fee (in addition to all others) | N/A | $40.00 |
| | | |
| ** Permit Fee is doubled if work is started before permit is issued ** | | |

(Ord.1387, 11-16-2010) (Ord. 1421, 11-28-2011) (Ord. 1458, 11-18-2013)

# TITLE 4
# HEALTH AND SANITATION

# CHAPTER 401
# BURIAL OF THE DEAD

SECTION:

401.01: Permit Required
401.02: Prohibited Outside Cemetery
401.03: Method of Burial
401.04: Lands Designated as Cemeteries

## 401.01: PERMIT REQUIRED:

No cemetery, place of burial or crematorium of the dead human person shall be established or set apart, nor shall any existing cemeteries or crematoriums be enlarged without a permit issued by the City Council after payment of a fee as established in Section 314.05 (Ord. 1072, 2-26-90; amd. 1995 Code) (Ord. 1379A, 11-17-2008)

## 401.02: PROHIBITED OUTSIDE CEMETERY:

No burial of any dead body or any part of the dead body of a human being, or any other disposition of such dead body shall be made in any place which is not a duly dedicated cemetery. (Ord. 412, 3-9-64)

## 401.03: METHOD OF BURIAL:

Within 24 hours of the arrival of any human body on the cemetery premises, it shall be buried as follows:

A. It shall be buried in a single grave and covered by at least two feet of earth.
B. No burials shall be made where one container containing a body shall be placed above another regardless of the depth of the grave.
C. All excavations for graves shall be made for a single grave and covered before any further excavation for additional graves are made within four feet of such excavation. (Ord. 507, 9-19-66)

## 401.04: LANDS DESIGNATED AS CEMETERIES:

The City Council shall make an inventory of all cemeteries and crematoriums existing in the City prior to October 1, 1989, and by resolution determine the boundaries of each and thereafter preserve records of which lands are cemeteries. No other lands shall be considered cemeteries until proper permits are issued under Section 401.01 of this Chapter. (Ord. 1072, 2-26-90)

# CHAPTER 402
# SOLID WASTE COLLECTION

SECTION:

402.01: Purpose
402.02: Definitions
402.03: License for Hauler Required
402.04: Requirements for License
402.05: Expiration of License
402.06: Revocation
402.07: Hauler's Equipment
402.08: Report to City
402.09: Collection Required
402.10: Residential Dwelling Zones
402.11: Date and Time of Collection
402.12: Preparation for Collection
402.13: Placement of Containers

## 402.01: PURPOSE:

It is the intent of the City Council, by means of this Chapter, to establish a system of complete regular garbage, other refuse, special wastes and yard waste collection throughout the City. The system is intended to assure that the disposal of such materials is accomplished in a sanitary and environmentally acceptable manner and that the health of the residents of the City is properly safeguarded. (Ord. 1097, 8-12-91)

## 402.02: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:
COMMERCIAL ESTABLISHMENT: Any premises where a commercial or industrial enterprise of any kind is carried on and shall include, but not be limited to, motels, office buildings, manufacturing plants, curbs, nursing homes, churches and schools.
CURBSIDE: The area of public right of way between the property line and the curb or edge of the street, but not on the street.
GARBAGE: Animal and vegetable waste resulting from the handling, preparation, cooking, serving and consumption of food.
MULTIPLE RESIDENTIAL DWELLING: Any building containing more than four dwelling units, except townhouses, with individual kitchen facilities for each unit.
OTHER REFUSE: Ashes, rags, brush and tree trimmings less than six inches in diameter, non-recyclable glass, cans, paper, boxes and similar wastes.
PERSON: Individuals, partnerships, corporations and other legal entities.
RECYCLABLES: Materials which may be recycled or reused through recycling processes.
RESIDENTIAL DWELLING: Any building containing one to four dwelling units (single-family, duplex, triplex and fourplex) and any building with up to eight dwelling units contiguous to each other (townhouses) sharing no more than two common walls, such building to be of the row house type as contrasted to multiple dwelling apartment structures.
SOLID WASTE: Garbage, other refuse, special wastes, yard wastes and other discarded

solid material resulting from residential, industrial and commercial operations from community activities.
SOLID WASTE HAULER: A collector or transporter of solid waste.
SPECIAL WASTE: Large appliances, furniture, oversized materials including mattresses and carpeting, automotive parts including tires and batteries, scrap metal, brush and tree trimmings more than six inches in diameter, tree stumps, Christmas trees, construction and demolition debris and other materials collected, processed and disposed of as a separate waste stream.
YARD WASTE: Lawn clippings, leaves, weeds, garden wastes and soft bodied plants.
ZONE: A residential area in which garbage, other refuse, special waste and yard waste is collected on the same day, the boundaries and day of collection of which are established by the City Manager. (Ord. 1097, 8-12-91)

## 402.03: LICENSE FOR HAULER REQUIRED[1]:

No person shall act as a solid waste hauler in the City without first obtaining the appropriate license issued by the City. Any person desiring a license to collect solid waste in the City shall submit a completed license application form along with the license fee and certificate of insurance required in Section 402.04 hereof. (Ord. 1097, 8-12-91)

## 402.04: REQUIREMENTS FOR LICENSE:

A. License Fee: Payment of the license fee as established by the City Fee Schedule in Section 314.05 shall be required prior to issuance of such license[2].
B. Liability Insurance: Before a solid waste hauler license shall be issued, the applicant shall provide a certificate of liability insurance for all vehicles in at least the sum of $600,000.00 for bodily injury damage and $200,000.00 for property damage.
C. Workers' Compensation Insurance: Before a solid waste hauler license shall be issued, the applicant shall file with the City a certificate indicating statutory workers' compensation coverage or evidence of self insured status approved by the State of Minnesota[3].
D. Minimum Services: Before a solid waste hauler license may be issued, an applicant shall provide the following minimum services at a price indicated on the application form:
   1. Residential Dwellings:
      a. Weekly collection of garbage and other refuse to be disposed at a site designated by Ramsey County.
      b. Weekly collection of yard waste to be disposed of according to law.
      c. Monthly collection of special waste to be disposed of according to law.
      d. At least three different volume based rates including 32 gallon, 64 gallon and 96 gallon service per week.
      e. Walk up service for those customers who request it.
   2. Multiple Residential Dwellings and Commercial Establishments:
      a. Weekly collection of garbage and other refuse to be disposed of at a site designated by Ramsey County.
      b. Weekly collection of yard waste to be disposed of according to law.

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[1] See Chapter 301 of this Code.

[2] See Section 301.03 of this Code for amount of license fee.

[3] M.S.A. §187.121.

c. Monthly collection of special waste to be disposed of according to law. (Ord. 1097, 8-12-91)

E. Schedule of Rates: Before a solid waste hauler license shall be issued, the applicant shall file a schedule of rates to be charged during the licensing period for which the application is made. Every licensee shall provide written notification to the City and the licensee's customers at least 60 days in advance of any change in rates to be implemented during the license period. (Ord. 1097, 8-12-91)

## 402.05: EXPIRATION OF LICENSE:

All licenses shall expire annually on December 31 except that licenses issued prior to December 31, 1991, shall expire December 31, 1992. (Ord. 1097, 8-12-91)

## 402.06: REVOCATION:

A licensee's failure to comply with the provisions of this Code or any of the conditions attached to the license shall be grounds for license revocation without refund of the license fee. (Ord. 1097, 8-12-91)

## 402.07: HAULER'S EQUIPMENT:

Licensees shall use equipment so constructed that the solid waste material shall not leak or spill during transport to the disposal site. The equipment shall be kept clean and as free from offensive odors as possible and shall not be allowed to stand in any street or public place longer than is necessary to collect the solid waste materials. The licensee shall also ensure that the collection site is left free of litter. (Ord. 1097, 8-12-91)

## 402.08: REPORT TO CITY:

Licensees shall submit to the City a semi-annual report summarizing their business in the City on a form provided for such purpose. Upon request, licensee shall provide documentation supporting the data reported to the City. (Ord. 1097, 8-12-91)

## 402.09: COLLECTION REQUIRED:

Every single residential dwelling, multiple residential dwelling, commercial establishment and any other establishment generating solid waste shall make arrangements for the collection and disposal of solid wastes with a hauler licensed to do business in the City. Exceptions may be approved by the City Manager for environmentally sound alternatives. (Ord. 1097, 8-12-91)

## 402.10: RESIDENTIAL DWELLING ZONES:

The City shall be divided into zones by the City Manager for solid waste collection from residential dwellings. Solid waste from those residential dwellings within each zone shall be collected on the same day. (Ord. 1097, 8-12-91)

## 402.11: DATE AND TIME OF COLLECTION:

Licensees may collect solid waste during the times as provided for refuse handling in subsection 405.03C of this Title. (Ord. 1097, 8-12-91)

## 402.12: PREPARATION FOR COLLECTION:

Garbage, other refuse, yard waste and special waste must be separated for solid waste

collection as follows:

A. Garbage and Other Refuse: Garbage and other refuse shall be placed in containers that are watertight with a tight-fitting lid and impervious to insects, rodents, vermin and the absorption of moisture.
B. Yard Waste: Yard waste shall be bagged separately for collection.
C. Special Waste: Special waste shall be separately placed out for collection. (Ord. 1097, 8-12-91)

## 402.13: PLACEMENT OF CONTAINERS:

A. Residential Dwellings: Garbage containers, other refuse, yard waste and special waste at residential dwellings shall be out of public view except on the day of pickup. Such solid waste containers may be placed at curbside for collection (unless walk-up arrangements have been made with the hauler) prior to 7:00A.M. At no time shall solid waste containers or containers remain on curbside for longer than 24 consecutive hours.
B. Multiple Residential Dwellings and Commercial Establishments: Garbage containers, other refuse, yard waste and special waste at multiple residential dwellings and commercial establishments shall be out of public view. (Ord. 1097, 8-12-91)

# CHAPTER 403
# RECYCLING COLLECTION

SECTION:

403.01: Purpose
403.02: Definitions
403.03: Scavenging for Recyclables; License
403.04: License for Recycling Contractor
403.05: Requirements for License
403.06: Expiration of License
403.07: Revocations
403.08: Licensee's Equipment
403.09: Report to City
403.10: Recycling Service
403.11: Hours of Collection
403.12: Placement of Containers for Collection
403.13: Recycling Fee
403.14: Existing Agreement

## 403.01: PURPOSE:

It is the intent of the City, by means of this Chapter, to establish a system of curbside recycling as a public utility for Residential Dwellings and Multi-Family Complexes in the City. (Ord. 1098, 8-12-1991; Ord. 1280, 03-31-2003)

## 403.02: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:
CURBSIDE: The area of public right of way between the property line and the curb or edge of the street, but not on the street.
CURBSIDE RECYCLING: The regularly scheduled collection of targeted recyclables by a recycling contractor selected by the City.
MULTI-FAMILY COMPLEXES: A dwelling unit, or series of dwelling units, such as an apartment complex, that does not fit the definition of Residential Dwelling in this section. (Ord. 1280, 03-31-03)
PERSON: Individuals, partnerships, corporations and other legal entities.
RECYCLABLES: Materials which may be recycled or reused through recycling processes including targeted recyclables.
RECYCLING CONTRACTOR: A collector or transporter of recyclables.
RESIDENTIAL DWELLING: Any building containing one to four dwelling units (single-family, duplex, triplex and fourplex), and any building with units contiguous to each other (townhouses) sharing no more than two common walls and not having a centralized refuse and recycling pickup location, such building to be of the row house type as contrasted to multiple dwelling apartment structures. (Ord. 1280, 03-31-2003)
TARGETED RECYCLABLES: Aluminum or other metal food and beverage cans, food and beverage glass containers, newsprint, corrugated cardboard, magazines, designated plastic containers and other materials designated by the City Manager. (Ord. 1098, 8-12-1991)

## 403.03: SCAVENGING FOR RECYCLABLES; LICENSE:

It is unlawful for any person to scavenge or otherwise collect recyclables at the curb or from recyclable containers without a license from the City. (Ord. 1098, 8-12-1991)

## 403.04: LICENSE FOR RECYCLING CONTRACTOR[1]:

No person shall act as a recycling contractor in the City without first obtaining the appropriate license issued by the City. Any person desiring a license to collect recyclables in the City shall submit a completed license application form along with the license fee and the required certificate of insurance. (Ord. 1098, 8-12-1991)

## 403.05: REQUIREMENTS FOR LICENSE:

A. License Fee: Payment of the license fee as prescribed from time to time by City Council resolution shall be required prior to issuance of such license[2].
B. Liability Insurance: Before a recycling contractor license shall be issued, the applicant shall provide a certificate of liability insurance for all vehicles in at least the sum of $600,000.00 for bodily injury damages and$200,000.00 for property damages.
C. Workers' Compensation Insurance: Before a recycling contractor license shall be issued, the applicant shall file with the City a certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the State of Minnesota[3]. (Ord. 1098, 8-12-1991)

## 403.06: EXPIRATION OF LICENSE:

All licenses shall expire annually on December 31. (Ord. 1098, 8-12-1991)

## 403.07: REVOCATIONS:

A licensee's failure to comply with the provisions of this Code or any of the conditions attached to the license shall be grounds for license revocation, without refund of the license fee. (Ord. 1098, 8-12-1991)

## 403.08: LICENSEE'S EQUIPMENT:

Licensees shall use equipment so constructed that the recyclables will not spill during transport. The equipment shall be kept clean and shall not be allowed to stand in any street or public place longer than is necessary to collect recyclables. The licensee shall also ensure that the collection site is left free of litter. (Ord. 1098, 8-12-1991)

## 403.09: REPORT TO CITY:

Licensees shall submit to the City a semi-annual report on a form provided by the City for such purpose. Upon request, licensees shall provide receipts which certify tonnages and markets reported to the City. (Ord. 1098, 8-12-1991)

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[1] See Chapter 301 of this Code.

[2] See Section 301.03 of this Code for amount of licensing fee.

[3] M.S.A. §187.121.

## 403.10: RECYCLING SERVICE:

The City shall contract with a recycling contractor to serve as the exclusive curbside collector of targeted recyclables from Residential Dwellings and Multi-Family Complexes. In such contract, the City Council shall determine the schedule and frequency of the collection. (Ord. 1098, 8-12-1991; Ord. 1280, 03-31-2003)

## 403.11: HOURS OF COLLECTION:

Licensees may collect recyclables during times as provided for "Refuse Handling" in subsection 405.03C of this Title. (Ord. 1098, 8-12-1991)

## 403.12: PLACEMENT OF CONTAINERS FOR COLLECTION:

Recycling containers shall be located out of the public view except on the day of pickup. Recycling containers must be placed at curbside for collection prior to 7:00 A.M. on collection day. At no time shall containers remain on curbside for longer than 24 consecutive hours At Multi-Family Complexes, containers shall be located in a place determined by the pertinent Licensee and Complex owner or manager, and said containers shall be located out of the public view. (Ord. 1098, 8-12-1991) (Ord. 1280, 03-31-2003)

## 403.13: RECYCLING FEE:

A. Fee: All Residential Dwellings and Multi-Family Complexes shall pay a recycling fee. The fee shall be charged quarterly as part of the City utility bill and shall be due along with the utility bill. The fee shall be as prescribed from time to time by City Council resolution. (Ord. 1280, 03-31-2003)
B. Penalty: Each quarterly billing for a recycling fee not paid when due shall incur a penalty charge of 10% of the amount past due.
C. Action to Collect: Any amount due, including penalties, for recycling fee in excess of 90 days past due on October 1 of any year shall be certified to the County Auditor for collection with real estate taxes in the following year. (Ord. 1098, 8-12-1991)

## 403.14: EXISTING AGREEMENT:

If any Multi-Family Complex in the City on the date of adoption of this ordinance has in place a valid contract with a private recycling contractor that provides for recycling of all Targeted Recyclables, then, upon proof of the existence of the contract, the Multi-Family Complex is exempt from participation in the City recycling program and the fee in Section 403.13, provided 1) the contract remains in force, and 2) the private recycling contractor meets all the requirements in this Chapter. In no event shall the exemption extend beyond December 31, 2007, at which time all Multi-Family Complexes shall be covered hereunder. (Ord. 1280, 03-31-2003)

# CHAPTER 404
# AIR POLLUTION CONTROL

SECTION:

404.01: Adoption of State Standards
404.02: Open Burning

## 404.01: ADOPTION OF STATE STANDARDS:

Air Pollution Control Rules, Regulations, and Air Quality Standards of Minnesota Pollution Control Agency, 1969 Edition, as amended, is hereby adopted by reference into the City Code as if fully set forth. (Ord. 625, 7-20-70)

## 404.02: OPEN BURNING:

A. Prohibited: Except as provided in subsection B, all open burning is prohibited in the City.

B. Exceptions: Recreational campfires, fires for the purpose of bona fide Fire Department training, as approved by the Fire Chief, and open burning of trees resulting from extensive storm damage, at a central collection site, when approved by the Fire Chief. The following requirements shall apply to all recreational fires:
1. The minimum distance to a structure or property line shall be 25 feet.
2. The maximum permitted size shall be 3 feet in diameter.
3. The permitted fuels - charcoal or one 1 inch minimum diameter wood, no trash or garden residue.
4. The maximum duration shall be four hours.
5. No combustible materials shall be placed within a three foot radius of fire.
6. The fire shall be constantly attended by a responsible adult.
7. A means of extinguishing the fire shall be present (such as a garden hose or a fire extinguisher).
8. Recreational fires shall be used for cooking, social or recreational purposes. Disposing of trash, debris, grass, tree trimmings, or similar materials shall not be allowed.

C. Permits Required: It shall be the duty of the Fire Chief and/or Fire Marshal to investigate requests for and to issue open burning permits for the purposes stated in subsection B.

D. Institutional Recreation Burning Permits: The Fire Chief and/or Fire Marshal may issue institutional recreation burning permits for schools, social clubs and other organizations, in situations where unique circumstances preclude the ability of the institution to meet the standards of the Code. Conditions may be attached to the permit. (Ord. 1152, 9-26-94)

E. Prairie Grass/Vegetative Ground Cover Burning Permits: The Fire Chief and/or Fire Marshal may issue burning permits to allow the burn-off of prairie grass and vegetative ground cover on the following terms:
1. Notice of the issuance of the permit shall be given to property owners within 350 feet of the subject property at least three days prior to the burn.
2. Conditions may be imposed by the Fire Chief and/or Fire Marshal, including but not limited to a condition that the City Fire Department may conduct or supervise a burn

where safety considerations warrant it.

3. The permitee shall pay the fee as established by the City's Fee Schedule in Section 314.05.

(Ord. 1352, 8-27-2007)

# CHAPTER 405
# NOISE CONTROL

SECTION:

405.01: General Prohibition
405.02: Specific Restrictions
405.03: Hourly Restrictions of Certain Operations
405.04: Noise Variances
405.05: Enforcement and Impact Statements

## 405.01: GENERAL PROHIBITION:

No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions contained in Section 405.02 below. (Ord. 927, 6-30-1983)

## 405.02: SPECIFIC RESTRICTIONS:

A. Horns, Audible Signaling Devices, Etc.: No person shall sound any audible signaling device on any vehicle except as a warning of danger.
B. Exhaust: No person shall discharge the exhaust or permit the discharge of exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises, and complies with all applicable State laws and regulations.
C. Defective Vehicles or Loads: No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
D. Loading, Unloading, Unpacking: No person shall create loud and excessive noise in loading, unloading or unpacking any vehicle.
E. Radios, Phonographs, Paging Systems, Etc.: No person shall use, operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 P.M. and 7:00A.M., in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent or at a distance of 50 feet if the source is located in a structure or building, shall be prima facie evidence of a violation of this Chapter.
F. Participation In Noisy Parties Or Gatherings: No person shall participate in any party or other gathering of people giving rise to noise disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. 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.
G. Loudspeakers, Amplifiers for Advertising, Etc.: No person shall operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production

or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment.

H. Amplified sound from motor vehicles: It shall be a violation of this Chapter to play, operate or permit the playing, use of operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or alley, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this section is produced or reproduced by any such device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this section is guilty of the violation. (Ord. 1315, 02-14-2005)

I. Animals: The provisions of Chapter 501 of this Code shall govern unreasonable noises created by animals.

J. Schools, Churches, Etc.: No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning or church when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents.

K. Air Conditioning Units: No person shall place, maintain or operate an air conditioning unit in such a manner so as to unreasonably disturb the peace, quiet and comfort of persons using adjacent properties. (Ord. 927, 6-30-1983)

## 405.03: HOURLY RESTRICTIONS OF CERTAIN OPERATIONS:

A. Recreational Vehicles: No persons shall, between the hours of 10:00 P.M. and 7:00 A.M., drive or operate any minibike or other recreational vehicle not licensed for travel on public highways.

B. 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 maintenance equipment, except between the hours of 7:00 A.M. and10:00 P.M. on any weekday, or between the hours of 9:00A.M. and 9:00 P.M. on any weekend or legal holiday. Snow removal equipment is exempt from this provision.

C. Refuse Handling: No person shall collect or remove garbage or refuse in any residential district except between the hours of 7:00 A.M. and 10:00P.M. on any weekday or between the hours of 9:00 A.M. and 9:00 P.M. on any weekend or legal holiday.

D. 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 9:00A.M. and 9:00 P.M. on any weekend or legal holiday.

E. Snowmobiles: Snowmobiles shall be operated only at times allowed by Section 604.03 of this Code. (Ord. 927, 6-30-1983)

## 405.04: NOISE VARIANCES:

Any person may apply to the City Council for a variance from the requirements of this Chapter prior to doing those acts. The applicant shall provide a certified list of property owners within 350 feet of the site(s) where the activity is to occur. The Council procedure for public hearings shall be as set forth in Chapter 108 of this Code. For good cause shown, the City Council may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Council may impose reasonable conditions to it. (Ord. 1175A, 11-25-1996)

## 405.05: ENFORCEMENT AND IMPACT STATEMENTS:

A. Civil Remedies: In addition to criminal penalties, this Chapter may be enforced by injunction, action for abatement or other appropriate civil remedies.

B. Noise Impact Statements: The City Council may require any person applying for a change in zoning classification, 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. The City 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 change requested. (Ord. 927, 6-30-1983; 1995 Code)

# CHAPTER 406
# SOIL CONTAMINATION

SECTION:

406.01: Policy
406.02: Definitions
406.03: Prohibition
406.04: Permit for Treatment and Disposal

## 406.01: POLICY:

A. It is the policy of the City to protect the health, safety and welfare of those residing in and working in the City by providing regulations dealing with the treatment and disposal of soil contaminated with petroleum products.
B. The City intends to supplement the regulations imposed by the MPCA[1] and to work in conjunction with that agency with regard to treatment and disposal of such contaminated soil. Given the large number of petroleum related businesses located within the City and the number of contaminated soil incidents generated within the City as a result of such businesses, it has been determined by the City Council that it is not appropriate for contaminated soils from outside of the City to be imported into the City for treatment or disposal. (Ord. 1075, 4-23-1990)

## 406.02: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:
CITY: City of Roseville.
CONTAMINATED SOIL: Soil material which has been contaminated by petroleum products including, but not limited to, gasoline, diesel fuel, fuel oil or motor oil. Such contamination may result from direct spills of such material or from gradual seepage from leaking tanks.
DISPOSAL: Those methods of final handling of contaminated soil neutralized by use of one of the MPCA authorized treatment methods including placement or burial on-site or off-site removal.
MPCA: Minnesota Pollution Control Agency.
TREATMENT: Those methods of neutralizing contaminated soil authorized for use by the MPCA. (Ord. 1075, 4-23-1990)

## 406.03: PROHIBITION:

No contaminated soil may be brought into the City for storage nor may contaminated soil from outside of the City be treated or disposed of within the City. (Ord. 1075, 4-23-1990)

## 406.04: PERMIT FOR TREATMENT AND DISPOSAL:

Contaminated soil from a source within the City may be treated and disposed of pursuant to the following procedure:

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[1] Defined in Section 406.02 of this Chapter.

A. Application: Before any contaminated soil may be treated and disposed of, the entity seeking to treat and dispose of such contaminated soil, or its agent, shall complete and submit an application prepared by the City staff.

B. Fee: At the time of application for a permit to treat and dispose of contaminated soil, the applicant shall pay a non- refundable fee as established by the City's Fee Schedule in Section 314.05. In the event that the staff determines that it will be necessary for the City to retain an outside consultant to provide technical review and monitoring, the applicant for a permit shall, as a condition to receiving the permit, agree in writing to pay the City's cost of such outside consultant.

C. Review: The City staff shall review the application in conjunction with the MPCA's review of the proposed contaminated soil treatment and disposal. Such review shall include examination, investigation and written comments by the Public Works Director, Community Development Director, Fire Marshal and other City department heads deemed appropriate. (Ord. 1075, 4-23-1990)

D. Hearing: The City Council will hold a hearing on each application for a permit to treat or dispose of contaminated soil. Notice of the hearing shall be as provided for in Chapter 108 of this Code. In determining whether or not a permit shall be issued, the City Council may prohibit such treatment and disposal within the City if it determines that the health, safety and welfare of residents of the community will be jeopardized by such treatment and disposal within the City after making specific findings concerning the basis of its denial. The City Council may impose reasonable conditions with regard to permits for such treatment and disposal. (Ord. 1175A, 11-25-1996)

# CHAPTER 407
# NUISANCES

SECTION:

407.01: Definitions
407.02: Nuisances Affecting Health, Safety, Comfort or Repose
407.03: Nuisances Affecting Peace and Safety
407.04: Public Nuisance Unlawful
407.05: Enforcement
407.06: City Abatement of Public Nuisances
407.07: Recovery of Cost
407.08: Accelerated Abatement Process for Certain Nuisances

## 407.01: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ABANDONED VEHICLE: A motor vehicle that:

A. Has been illegally parked on public property for a period of more than 48 hours;
B. Has been parked on private property without the consent of the person in control of the property for a period of more than 48 hours; and
C. Has been voluntarily surrendered by its owner to the city or to a moving contractor hired by the city for its removal.

FRONT YARD AREA: All that area between the front property line and a line drawn along the front face or faces of the principal structure on the property extended to the side property lines. The front side of the property shall be determined as specified in Title 11 of this code.

GROUNDCOVER: Vegetation and landscaping that covers the ground surface or topsoil and has the effect of reducing erosion. (Ord. 1384, 7-13-2009)

INOPERABLE CONDITION: The vehicle has no substantial potential use consistent with its usual function, and shall include a vehicle that: a) has a missing or defective part that is necessary for the normal operation of the vehicle, or b) is stored on blocks or jacks or other supports.

JUNK VEHICLE: An inoperable motor vehicle which is partially dismantled, which is used for sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling or salvage of any kind unless such vehicle is kept in an enclosed garage. An abandoned vehicle shall also be considered a junk vehicle for the purpose of this chapter.

NATURAL AREAS: Natural, restored, or recreated woodlands, savannahs, prairies, meadows, bogs, marshes, and lake shores. (Ord. 1384, 7-13-2009)

NATURAL LANDSCAPING: Planned landscaping designed to replicate a locally native plant community by using a mix of plants, shrubs, and trees native to the area. (Ord. 1384, 7-13-2009)

NUISANCE: Any act, substance, matter emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right of

way, vehicle, railroad car, water, excavation, building, erection, lot, grounds, or other property located within the city of Roseville. Nuisances shall include, but not be limited to, those enumerated below:

A. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, comfort or repose of members of the public; or
B. Interferes with, obstructs or renders dangerous for passage, any public road or right of way, street, alley or highway or waters used by the public; or
C. Is guilty of any other act or omission declared by law to be a public nuisance specifically provided; or
D. Anything left or displayed for sale on public or private property without written permission by the owner or person in control of the property may be tagged and/or towed at the owner's expense.
E. In any way render the public insecure in life or in use of property.

OCCUPANT: Includes any person living in or in control of any dwelling unit upon property wherein a motor vehicle is parked.

VEHICLE OR VEHICLES: Any "motor vehicle" as defined in Minnesota Statutes but excluding the following:

A. Trailers with weight classifications of A and B as provided in Minnesota Statutes.
B. Snowmobiles, and
C. "All-terrain vehicles" as defined in Minnesota Statutes.

VITAL COMPONENT PARTS: Those parts of the motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels. (Ord. 1162, 7-10-1995)

## 407.02: NUISANCES AFFECTING HEALTH, SAFETY, COMFORT OR REPOSE:

The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:

A. Diseased Animals: All diseased animals running at large.
B. Carcasses: Carcasses of animals not buried or destroyed within 24 hours after death.
C. Weeds: All noxious weeds are prohibited. Tall Grasses, nuisance weeds and rank vegetative growth shall be maintained at a height of eight inches or less in locations closer than 40 feet to:
   1. An occupied principal structure;
   2. Any property line with an occupied structure on abutting property; and
   3. A public road pavement edge.

   This section shall not apply to:

   1. Natural areas, public open space or park lands, as determined by the city forester or naturalist designated by the city manager. (Ord. 1136, 2-28-1994); Amd. (Ord. 1384, 7-13-2009)
   2. Yard areas with natural landscaping that follow the City Park Department policy for natural landscaping (Ord. 1384, 7-13-2009)
D. Debris: An accumulation of tin cans, bottles, trash, uprooted tree stumps, logs, limbs, brush, and other cut vegetative debris, or other debris of any nature or description and the throwing, dumping or depositing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, tin cans or other material of any kind on private property. (Ord. 1337, 5-22-2006)
E. Smoke and Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities. (Ord. 207, 11-9-55)
F. Backyard Composting: All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or

pests or are unsightly, or do not meet the requirements of Section 409. (Ord. 1092, 6-10-91, amended (Ord. 1384, 7-13-2009)

G. Keeping of Farm Animals: The keeping of cows, horses, sheep, goats or any four legged animal commonly known as farm animals, other than those commonly called poultry, in any pasture, stable or any enclosure within 300 feet or less of any other lot in any residence district. (Ord. 629, 9-28-70)

H. Peddling and Soliciting:

1. The practice of going house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purposes of offering for sale or obtaining, or attempting to obtain, orders for goods, wares, products, merchandise, other personal property or services if conducted in the following manner:

a. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way;

b. Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public;

c. Conducting business before 7:00 a.m. or after 9:00 p.m.

d. Making any false or misleading statements about the product or service being offered, including untrue statements of endorsement;

e. 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.

2. Entering the property of another, unless invited to do so by the property owner or tenant, for the purpose of conducting business as a peddler or solicitor when the property is marked with a sign or placard at least 4 inches long and 4 inches wide with print at least 48 point in size stating “No Trespassing” or “No Peddlers or Solicitors,” or “Peddlers and Solicitors Prohibited” or other comparable statement. Removing, defacing or otherwise tampering with any sign or placard under this section by a person other than the property owner or tenant.

(Ord. 1293, 8-11-2003)

I. Service Stations: Operation of a business involving the sale of motor fuel and/or the repair of motor vehicles in the following manner:

1. The use of service station premises for the sale, or for display in aid of sale, of any motor vehicle.

2. The use of service station premises for storage of damaged or abandoned motor vehicles for in excess of seven days without a directive of the Chief of Police.

3. The storing of or the allowing of accumulation of any of the following items on service station premises in view of adjacent land:

a. Used oil cans.

b. Discarded auto parts.

c. Discarded tires.

d. Any other items of similar debris.

4. Operating a service station with premises that does not have its entire area covered by the following: building, concrete or bituminous paving and grass, well maintained or other well maintained shrubbery.

5. Allowing tires to be sold or displayed for sale within view of the adjacent land unless the same are displayed in a rack during business hours. (Ord. 499, 8-8-66; amd. 1995 Code)

J. Building Maintenance and Appearance: Buildings, fences, and other structures, which have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they: 1) are unsightly, 2) decrease adjoining landowners' and occupants enjoyment of their

property and neighborhood, and 3) adversely affect property values and neighborhood pattern.

K. Standards: Any building, fence or other structure is a public nuisance if it does not comply with the following requirements:

1. All wires which are strung less than 15 feet above the surface of any public street or alley.

2. All exterior doors and shutters shall be hung properly and have an operable mechanism to keep them securely shut or in place.

3. All cornices, moldings, lintels, bay or dormer windows and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

4. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.

5. Chimneys, antennae, air vents and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly where applicable to an exterior wall or exterior roof.

6. All foundations shall be structurally sound and in good repair.

L. Declaration of Nuisance: The outside parking and storage on residentially-zoned property of vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below 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) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, 4) decreases adjoining landowners and occupants' enjoyment of their property and neighborhood, and 5) otherwise adversely affects property values and neighborhood patterns. Service vehicles with a manufacturer's rated capacity of 2,000 pounds or less are exempt from this provision.

M. Unlawful Parking and Storage:

1. No person may place, store, or allow the placement or storage of ice fish houses, skateboard ramps, play houses, or other similar nonpermanent structures outside continuously for longer than 24 hours in the front-yard area of residentially-zoned property.

2. No person may place, store or allow the placement or storage of pipe, lumber, steel, machinery or similar materials including all materials used in connection with a business, outside on residentially-zoned property.

3. No person shall cause, undertake, permit or allow the outside parking and storage of vehicles in residentially-zoned property for more than 14 days unless it complies with the following requirements: (Ord. 1288, 8-4-2003)

a. Vehicles which are parked or stored outside shall be on an improved surface as defined in this Code.

b. All vehicles, watercraft and other articles stored outside on residential property must be owned by a person who is a legal resident of that property.

(Ord. 1466, 04-21-2014)

4. No person, owning, driving or in charge of any vehicle with a manufacturers rated capacity of more than one ton, as specified in Minnesota Statutes, may cause or permit that vehicle to be parked outside or stand continuous for more than two hours on property or public street within a residential zone in the City.

5. No trailer (of any size), boat supported on a trailer, or recreational vehicle (with dual rear tires or dual rear axle) may be parked on a public street or right-of-way within the City for: 1) more than 4 consecutive days, or, 2) more than 4 total days in any calendar month.

a. Parking in one location for oer 2 hours (in a 24 hour period) qualifies as a 'day' for purposes of this section.

b. Posting for a public hearing, before City Council, shall be a minimum of 10 days for violations of item #5.

N. Exceptions: The prohibitions of this Section shall not apply to the following:

1. Any motor truck, pickup truck, or similar vehicle being used by a public utility, moving company, or similar company, which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.

2. Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such a pickup or delivery and in excess of the two hour limit shall be unlawful.

O. Vehicles Constituting a Public Nuisance:

1. Abandoned and Junk Vehicles Create Hazard: Abandoned and junk vehicles are declared to be a public nuisance creating hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin, and present physical dangers to the safety and well being of children and other citizens. The accumulation and outside storage of such vehicles is in the nature of rubbish, litter and unsightly debris and is a blight on the landscape and a detriment to the environment. It shall be unlawful for a person to pile, store or keep wrecked, junked or abandoned motor vehicles on private or public property.

2. Vehicles Impeding Traffic Flow: Any vehicle, whether occupied or not that is found stopped, standing or parked in violation of any ordinance or State statute; or that is reported stolen; or that is found impeding firefighting, snow removal or plowing or the orderly flow of traffic is declared to be a public nuisance.

3. Vehicles Impeding Road and Utility Repair: Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice of the improper activities has been given to the vehicle owner or user at least 12 hours in advance, is declared to be a public nuisance.

4. Vehicles Without License Plates: Except where expressly permitted by state law, any vehicle shall be deemed to be junked or abandoned if said vehicle does not have attached thereto a valid and current license plate issued by the proper State agency. (Ord. 1288, 8-4-2003)

P. Abatement of Vehicles:

1. Impounding: Any police officer or other duly authorized person may order any vehicle constituting a public nuisance to be immediately removed and/or impounded. The impounded vehicle shall be surrendered to the duly identified owner by the towing contractor only upon payment of the required impound, towing and storage fees.

2. Sale: Notice and sale of any vehicle impounded under this Chapter shall be conducted in accordance with Minnesota Statutes chapter 168B governing the sale of abandoned motor vehicles. (Ord. 1162, 7-10-95)

Q. Graffiti: Graffiti shall mean any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb, dumpsters or other permanent structures on public or private property and which has the effect of defacing the property. (Ord. 1337, 5-22-2006)

R. Yard Cover: The yard area of a lot shall not be bare soil, shall be covered by a groundcover and shall be maintained as set forward in Section 407.02(C). (Ord. 1384, 7-13-2009) (Ord. 1466, 4-21-2014)

## 407.03: NUISANCES AFFECTING PEACE AND SAFETY:

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

A. Snow On Non-motorized Pathways: On all properties with off-the-road, non-motorized pathways, except nontax exempt R-1 or R-2 properties, ice and snow shall be removed from the non-motorized pathway within 12 hours after snow and ice have ceased to be deposited thereon. (Ord. 925, 5-9-83)

B. Low Wires: All wires which are strung less than 15 feet above the surface of any public street or alley.

C. Dangerous Buildings: All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding 1/2 their original value or which are so situated as to endanger the safety of the public.

D. Explosives: All explosives, inflammable liquids and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law.

E. Noises: All unnecessary noises and annoying vibrations.

F. Radio Aerials: Radio aerials strung or erected in any manner except that provided by law. (Ord. 207, 11-9-55)

G. Storage of Wood: The storage of any wood or wood product used or intended to be used as fire wood on residential properties within the City unless wood piles are erected, located and maintained in a safe and orderly fashion:

1. In neat and secure stacks elevated 6 inches off the ground;
2. A maximum height allowed for a wood pile is 6 feet; and
3. Fire wood shall only be stored in a side or rear yard.

The City Council may issue permits for the storage of wood in situations where unique circumstances preclude the ability to meet the standards of the Code. (Ord. 522, 1-9-67; amd. 1995 Code)

H. Junk: The outside piling, storing or keeping of old machinery, furniture, household furnishings or appliances or component parts thereof, rusting metal inoperable/unusable equipment, or other debris visible on private or public property. (Ord. 1162, 7-10-1995)

I. Obstruction of Streets: Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather obstructing traffic and the free use of public streets or sidewalks.

J. Dangers Attractive to Children: All dangerous, unguarded machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.

K. Material From Air: Throwing, dropping or releasing printed matter, paper or any other material or objects over the City from an airplane, balloon or other aircraft or in such a manner as to cause such material to fall or land in the City.

L. Interfering With Drainage: Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks without proper permit.

M. Repairing Vehicles or Tires in Streets: Making repairs to motor vehicles or tires in public streets or alleys, excepting only emergency repairs when it will not unduly impede or interfere with traffic.

N. Trash In Streets: Throwing, placing, depositing or burning leaves, trash, lawn clippings, weeds, grass or other material in the streets, alleys or gutters.

O. Unauthorized Signs: Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets, alleys or on sidewalks.

P. Interference With Radio Or TV: All unnecessary interference and disturbance of radios or TV sets caused by defective electrical appliances and equipment or improper operation of any defective electrical appliances and equipment.

Q. Storing of Boats, Trailers and Inoperative Motor Vehicles In Front Yards:

1. The storing of the following things for a period longer than 72 hours in the front yard of any residential zoned area:
   a. Trailers of any kind, unless supporting a boat of 20 feet or less.
   b. Boats or watercraft of any kind in excess of 20 feet.
   c. Inoperative motor vehicles of any type.
   d. Campers and camper buses.
2. For the purpose of this Section, "front yard" means any area between any public street and a line parallel to the public street at the building line. (Ord. 522, 1-9-1967; 1995 Code)

## 407.04: PUBLIC NUISANCE UNLAWFUL:

It shall be unlawful for any person, firm, corporation or association to maintain any public "nuisance" as defined in this Chapter and it shall further be unlawful to do any act which act is defined as a public "nuisance" in this Chapter. (Ord. 320, 6-9-1961)

## 407.05: ENFORCEMENT:

The City Council authorizes the Community Development Director (or designee) to administer and enforce this Chapter. The Community Development Director may institute, in the name of the City, any appropriate actions or proceedings against a violator as provided by law. (Ord.1354, 10-22-2007)

## 407.06: CITY ABATEMENT OF PUBLIC NUISANCES:

A. Notice: Whenever an officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, and determines that the City abatement process is appropriate, the officer shall notify, in writing, the owner or occupant of the premises of such fact and order that such nuisance be terminated or abated. (Ord.1354, 10-22-2007)
B. Service of Notice: The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated.
C. Noncompliance: If the notice is not complied with within the time specified, the enforcing officer shall immediately report that fact to the City Council. The enforcing officer shall also provide notice to the owner or occupant of the premises that the City Council will consider the matter and may provide for abating the nuisance by the City. The notice shall state the date on which the City Council will consider the matter. Notice by the enforcing officer shall be given at least ten days before the date stated in the notice when the City Council will consider the matter. If notice of the fact that the City Council will consider the matter is given by posting, at least 30 days shall elapse between the day of posting and the date of consideration by the City Council. (Ord. 1337, 5-22-2006)
D. Action of City Council: Upon notice from the enforcing officer of noncompliance, the City Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City.
E. Immediate Threat: If the nuisance poses an immediate threat to the health or safety of the public, the City may abate the nuisance immediately with no hearing. (Ord. 1016, 6-8-1987) (Ord. 1337, 5-22-2006)

## 407.07: RECOVERY OF COST:

A. Personal Liability: The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Manager, or other official designated by the City Council, shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the City Manager.

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 manager shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statutes section 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year, or in annual installments not exceeding 10, as the City Council may determine in each case. (Ord. 1016, 6-8-1987)

## 407.08: ACCELERATED ABATEMENT PROCESS FOR CERTAIN NUISANCES:

A. Notwithstanding the provisions of section 407.06 of this chapter, city officers charged with enforcement of this chapter shall follow the accelerated procedure described below for abating accumulations of snow and ice under subsection 407.03A of this chapter, tall grasses, nuisance weeds and other vegetative growth under subsection 407.02C of this chapter; cut vegetative debris under subsection 407.02D of this chapter; and graffiti under subsection 407.02Q of this chapter. (Ord. 1337, 5-22-2006)

1. Notice of Violation: Whenever the officer charged with enforcement determines that a nuisance proscribed under subsection 407.03A or 407.02C of this chapter is being maintained or exists on premises in the city, written notice by certified first-class mail shall be provided to the property owner or occupant. If the premises are not occupied and the owner is not known, the notice may be served by posting it on the premises. The certified notice shall specify the nuisance to be abated, that the nuisance must be abated within 5 working days, and that if the nuisance is not abated within 5 working days, that the city will have the nuisance abated and the cost of abatement certified against the property for collection with taxes.

2. Abatement by City: If the owner or occupant fails to comply with the certified mail notice, within 5 days, the city shall provide for abatement of the nuisance. The officer charged with enforcement shall keep records of the cost of abatement and shall provide this information to the city manager for assessment against the property pursuant to section 407.07 of this chapter. (Ord. 1228, 7-12-1999)

# CHAPTER 408
# LAWN FERTILIZER / PESTICIDES

SECTION:

408.01: Purpose
408.02: Commercial Applicator Regulations
408.03: General Regulations
408.04: Pesticide Application Warning Signs

## 408.01: 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 Section 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. 1024, 11-23-87)

## 408.02: COMMERCIAL APPLICATOR REGULATIONS:

A. License Required: No person shall engage in the business of commercial lawn fertilizer applicator within the City unless a license has been obtained from the City Manager, as provided in subsection 408.02B.

B. License Application Procedure: Applications for a commercial lawn applicator license for a calendar year shall be submitted to the City Manager at least 30 days prior to the initial lawn fertilizer application each year within the City. The application shall consist of the following:

1. Application Form: Application forms shall be provided by the City and shall include the following information:

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. Fertilizer Sample: A chemical analysis of a sample of the lawn fertilizer shall be submitted to the City along with the initial application for a license and at least 30 days before fertilizer composition changes are implemented. Said analysis shall be certified by an independent testing laboratory.

3. License Fee: The annual license fee for a commercial lawn fertilizer applicator shall be as established by the City Fee Schedule in Section 314.05. The license shall expire on December 31. The license fee shall not be prorated. (Ord. 1379A, 11-17-2008)

C. Conditions of License: Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions which shall be specified on the license form:

1. Random Sampling: Commercial lawn fertilizer applicators shall permit the City to sample any commercial lawn fertilizer application to be applied within the City at any time after issuance of the initial license.

2. Possession of License: The commercial lawn fertilizer application license, or a copy

of such license, shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the City.
3. State Regulations: Licensee shall comply with the provisions of the Minnesota Fertilizer, Soil Amendment, and Plant Amendment Law as contained in Minnesota Statute sections 18C.001, et seq. and amendments thereto. (Ord. 1024, 11-23-87) (Ord 1348, 5-21-2007)

## 408.03: GENERAL REGULATIONS:

A. Time of Application: Lawn fertilizer applications shall not be applied when the ground is frozen or between January 1 and April 15, and between November 15 and December 31.
B. Sample Analysis Cost: The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the same analysis indicates that the phosphate content exceeds the levels authorized in subsection 408.03C.
C. Phosphorus use restrictions:
1. A person may not apply a fertilizer containing the plant nutrient phosphorus to turf, except under conditions listed in paragraph 2.
2. Paragraph 1 does not apply when:
a. a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth;
b. the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or
c. the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.
3. Applications of phosphorous fertilizer authorized under paragraph 2 must not exceed rates recommended by the University of Minnesota and approved by the commissioner. (Ord.1348, 5-21-2007)
D. Impervious Surfaces: No person shall apply fertilizer to impervious surfaces.
E. Buffer Zone: Fertilizer applications shall not be made within 50 feet of any wetland or water resource. (Ord. 1024, 11-23-87) (Ord.1348, 5-21-2007)

## 408.04: PESTICIDE APPLICATION WARNING SIGNS

A. Warning Signs Required: All commercial applicators who apply pesticides and non-commercial applicators who apply pesticides in parks, golf courses, athletic fields, playgrounds, or other similar recreational property, must post warning signs on the property where the pesticides are applied in accordance with Minnesota Statute Section 18B.09.
B. Sign Requirements:
1. Warning signs must project at least 18 inches above the top of the grass line.
2. Warning signs must be of a material that is rain-resistant for at least a 48-hour period and must remain in place at least 48 hours after the time of initial application.
3. Warning signs must contain the following information printed in contrasting colors and capitalized letters measuring at least one-half inch:
a. The name of the business organization, 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)."
4. The warning sign may include the name of the pesticide used.

5. Warning signs 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. 1348, 5-21-2007)

# CHAPTER 409
# RESIDENTIAL COMPOSTING

SECTION:

409.01: Definitions
409.02: Applicability
409.03: Compost Containers
409.04: Location on Property
409.05: Compost Materials
409.06: Maintenance
409.07: Abatement

**409.01: DEFINITIONS**

COMPOSTING: a microbial process that converts plant materials to a usable organic soil amendment or mulch.

**409.02: APPLICABILITY**

Rules set forward in Chapter 409 are applicable only to parcels designated R-1 Single-Family Residential under Chapter 1004.

**409.03: COMPOST CONTAINERS**

Composting shall be conducted within a composting area(s) or composting container(s) not to exceed five feet in length, width, or height. Lots of up to ten thousand square feet in area may have up to two composting areas or containers per lot and lots greater than ten thousand square feet in area may have up to three composting areas or containers per lot. Compost containers shall be constructed or made of a durable material; including, but not limited to, sturdy woven wire fencing, rot-resistant wood, or a commercially purchased composting unit that will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner.

**409.04: LOCATION ON PROPERTY**

Compost container(s) shall be located in the rear yard no closer than five feet to any rear or side property line and no closer than twenty (20) feet to any habitable building, other than the resident's own home.

**409.05: COMPOST MATERIALS**

Material such as grass clippings, leaves, soft-bodied plant materials, straw, sawdust, fruit or vegetable scraps, flowers, lake plants, coffee grounds, eggshells, and commercially available compost ingredients may be placed in compost container(s). Material such as meat, bones, fat, oils, grease, dairy products, brush greater than one-fourth inch in diameter, human or pet waste, plastics or synthetic fibers shall not be placed in compost container(s).

**409.06: MAINTENANCE**

Compost materials shall be managed to minimize odor generation and to promote effective decomposition of the materials in a safe, secure and sanitary manner.

**409.07: ABATEMENT**

All compost containers and/or compost materials not in compliance with this section shall be declared a nuisance and are subject to abatement as provided in Chapter 407 of this Code. (Ord. 1384, 7-13-2009)

# CHAPTER 410
# COAL TAR BASED SEALER PRODUCTS

SECTION:

410.01: Purpose
410.02: Definitions
410.03: Prohibitions
410.04: Exemption
410.05: Asphalt-Based Sealcoat Products
410.06: Penalty
410.07: Severability

**410.01: PURPOSE**

The City of Roseville understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The City of Roseville Comprehensive Plan supports protection of these resources.

The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated an adverse relationship between stormwater runoff and certain health and environmental concerns.

The purpose of this ordinance is to regulate the use of sealer products within the City of Roseville, in order to protect, restore, and preserve the quality of its waters.

**410.02: DEFINITIONS**

Except as otherwise provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
ASPHALT-BASED SEALER: A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.
COAL TAR SEALER: A coal tar based sealer is a black liquid containing coal tar pitch that is sprayed or painted on asphalt parking lots and driveways.
COAL TAR: A byproduct of the process used to refine coal for the steel industry.
CITY: City of Roseville.
MPCA: Minnesota Pollution Control Agency
PAHs: Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

**410.03: PROHIBITIONS**

A. No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City of Roseville.
B. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar-based sealer to any driveway, parking lot, or other surface within the City.
C. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor,

volunteer, or other person to apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

D. A person may not sell a coal tar based sealer product within the City, unless:
   1. The sale is to a person who intends to use the coal tar-based sealer outside the City's planning jurisdiction; and
   2. The seller requires the purchaser to complete and sign a form provided by the City that includes:
      a. The name, address, and phone number of the purchaser,
      b. The date of the purchase,
      c. The quantity of coal tar-based sealer purchased,
      d. A statement that the coal tar-based sealer will not be used within the City of Roseville,
      e. An affirmation by the purchaser that the information on the form is correct, and
   3. The seller retains the completed form for a period of not less than two years and allows the City to inspect or copy the form upon request.

**410.04: EXEMPTION**

Upon the express written approval from both the City and MPCA, a person conducting bona fide research on the effects of coal tar-based sealer products or PHAs on the environment shall be exempt from the prohibitions provided in Section 3.

**410.05: ASPHALT-BASED SEALCOAT PRODUCTS**

The provisions of this ordinance shall only apply to use of coal tar-based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.

**410.06: 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.

**410.07: SEVERABILITY**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

(Ord. 1409, 6-13-2011)

# CHAPTER 411
# WILDLIFE MANAGEMENT

SECTION:

411.01: Purpose
411.02: Definitions
411.03: Feeding of Wild Animals Prohibited
411.04: Deer Management Plan
411.05: Severability
411.06: Use of Bow and Arrow

**411.01: PURPOSE**

It is the purpose of this Chapter to manage wildlife within the city and eliminate intentional feeding of wild animals for the following reasons:

(a) Management of wildlife in urban areas is important to the health of residents and the animals.
(b) Population management of wildlife is necessary to ensure a stable balance of resources and the reduction in nuisances for residents.
(c) Intentional feeding causes unwanted concentrations of wild animals. Intentional feeding results in an increased potential of public safety problems including car/animal crashes and the spreading of diseases.

**411.02: DEFINITIONS**

WILD ANIMAL: Any animal that is not normally domesticated in the state, including but not limited to raccoons, turkeys, coyotes, deer, feral cats, foxes, skunks and waterfowl.

**411.03: FEEDING OF WILD ANIMALS PROHIBITED**

A. Except as hereinafter provided, no person shall intentionally feed wild animals within the City.
B. Intentional feeding is defined as distributing one gallon or more within one 24-hour period of grain, vegetables, fruits, nuts, hay, or a salt lick on the ground or a location less than 5 feet above the ground or any other location or in any other manner that regularly attracts wild animals.
C. The provisions of Section 411.3 shall not apply to the following:
1. Persons maintaining incidental living food sources such as fruit trees and other live vegetation...
2. Persons feeding common small backyard birds using self-enclosed feeding devices or containers at least 5 feet above the ground.
3. Persons that cannot physically place materials 5 feet or higher from the ground as long as they comply with the other standards contained in Chapter 411.03(B).
4. Employees or agents of the City, County, State, the federal government or veterinarians who in the course of their official duties have wild animals in their custody or under their management.
5. Persons caring for animals at the Roseville Wildlife Rehabilitation Center.,
6. Persons bringing wildlife into Roseville for educational purposes.
D. Violation of this ordinance provision will be subject to an administrative fine of $100 for the first violation, $200 for the second violations, and $300 for each subsequent violation

within a 24-month period. This section does not prohibit, prevent, or bar any other applicable remedies available at law for any conduct described in Section 411.03 including, but not limited to, nuisance abatement, civil injunction or criminal prosecution.

E. The Community Development Department is authorized to implement and enforce the provisions of 411.03. The Community Development Director shall promulgate rules, regulations, and/or policies consistent with all provisions herein.

F. Any person or persons against whom an administrative fine is imposed under Section 411.05 may appeal such administrative penalty pursuant to Chapter 102 of City Code.

**411.04: DEER MANAGEMENT PLAN**

A. The City shall develop and maintain a deer management program to manage the number of deer that may be adequately supported by suitable habitat within the City of Roseville. At a minimum, the deer management plan shall contain the following:

1. Provision of education to residents on the best management practices for coexisting with the deer population.
2. A bi-annual deer population count, as weather permits, using methodology endorsed or utilized by Ramsey County.
3. Determination of the amount of suitable deer habitat utilizing Minnesota Department of Natural Resources information and resources.
4. Tracking of the location of vehicle/deer accidents.
5. Annual reports to the City Council on the deer management program, including information about other deer hunts conducted within Ramsey County.

B. Notwithstanding other provisions of this Code, for purposes of managing the deer population in accordance with the adopted deer management program, deer hunts may from time to time be approved by the City Council, including the timing, location, method, and safety precautions among other provisions, for such hunts.

**411.05: SEVERABILITY**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 2: Title I, Chapter 503.10 of the Roseville City Code is hereby amended.

(Ord. 1485, 11/9/15)

# TITLE 5
# POLICE REGULATIONS

# CHAPTER 501
# ANIMAL CONTROL

SECTION:

501.01: Definitions
501.02: Confinement of Animals
501.03: Certain Animals Declared Nuisance
501.04: Complaints
501.05: Animals Forbidden Motels - Repealed
501.06: License Required
501.07: Issuance of Tags
501.08: Affixing Tags
501.09: Records
501.10: Impounding
501.11: Redemption
501.12: Permissible Return of Unrestrained Animal
501.13: Disposition of Unclaimed Dogs or Cats
501.14: Impoundment Establishment
501.15: Muzzling
501.16: Dangerous Animals
501.17: Attack by an Animal
501.18: Summary Destruction of Certain Animals
501.19: Kennels
501.20: Special Multiple Dog Licenses - Repealed
501.21: Riding Horses
501.22: Cleanup
501.23: Wild Animals
501.24: Owner Obligation for Proper Care
501.25: Enforcement

## 501.01: DEFINITIONS:

Except where the term is expressly defined by other provisions or sections within this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

AT LARGE: Off the premises of the owner and not under the control of the owner, a member of the owner's immediate family or a person designated by the owner, and in the case of a dog, by a leash, cord or chain not more than six feet in length. The person in charge must be of sufficient age to adequately control the dog. A dog under control solely by means of command or signal shall be considered under control only if in the presence of the owner or some other person of suitable age and discretion and on the owner's premises or the premises of another who has given consent to the owner.

ELECTRONICALLY TAGGED ANIMAL: A pet that has been implanted with a microchip or other electronic device that uniquely identifies the animal and its owner when the device is scanned by the City's equipment. (Ord.1355, 11-19-2007)

OWNER: Any person keeping a dog or other animal. (Ord. 1078, 6-25-1990)
SERVICE ANIMALS: A service animal is an animal specially trained to assist a person with disabilities. A service animal is required to be licensed in accordance with this Chapter. (Ord. 1168, 8-12-1996) (Ord. 1355, 11-19-2007)
STERILIZED ANIMAL: An animal that has been spayed or neutered. (Ord. 1355, 11-19-2007)

## 501.02: CONFINEMENT OF ANIMALS:

No animal shall be allowed by its owner to run at large and every animal in heat shall be confined during such entire period and until such animal shall not attract other animals due to being in heat. (Ord. 1078, 6-25-1990)

## 501.03: CERTAIN ANIMALS DECLARED NUISANCE:

Any animal which shall, by any noise, disturb the peace and quiet of any other person, any animal which habitually barks or cries for extended or unreasonable periods of time, or any animal which damages plantings or structures or deposits fecal matter on public or private property of others is hereby declared to be a nuisance. The keeping of any such animal also constitutes an administrative offense under Section 102.02.C., for which an administrative penalty may be issued. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

## 501.04: COMPLAINTS:

A. Any person aggrieved by an animal nuisance may make a written complaint to the Police Department, or such other persons designated by the City Manager, stating the acts complained of, the name and address of the owner of the animal and the name and address of the person making the complaint. The Police Department shall then promptly notify the person owning or keeping the animal and shall order the nuisance abated within five days. If such animal nuisance is not abated within that time, a charge may be made against the owner or keeper of the animal and any person found to have violated the provisions of this Section shall be guilty of a misdemeanor.
B. If a police officer, community service officer or reserve officer deems it necessary, the officer may take the animal immediately to the impound to stop the nuisance. (Ord. 1078, 6-25-1990)

## 501.05: ANIMALS FORBIDDEN MOTELS: Repealed (Ord. 1355, 11-19-2007)

## 501.06: LICENSE REQUIRED:

A. A license shall be obtained by the owner of any dog or cat kept or maintained within the corporate limits of the City that is three months of age or older. The license must be obtained within 30 days of acquiring the animal, or within 30 days of becoming a resident of the City. This requirement shall not apply to pets whose owners are temporary visitors within the City for 30 days or less.
B. Licenses may be obtained from the City or from any entity designated by the City to issue pet licenses and remit license fees as established in the City Fee Schedule in Section 314.05.
C. The license application shall be made on forms provided by the City, and shall require, at a minimum, the owner's address and phone number, and proof of current rabies vaccination for the pet.
D. Types of Licenses; Fees:

1. Two-Year License. The two-year pet license shall be the minimum requirement of this Chapter. A two-year license shall be issued upon completion of the required application and payment of the required fee as established by the City Fee Schedule in Section 314.05 for a period of time not to exceed two years As a condition of validity of an issued two-year license, the owner will maintain certification by a licensed veterinarian of the animal's current rabies vaccination. Two-year licenses must be renewed by the holder within 30 days of the expiration of the license. Renewal will be granted upon proof of current rabies vaccination and payment of the required fee as established by the City Fee Schedule in Section 314.05.

Fees for two-year licenses shall be as established by the City Fee Schedule in Section 314.05, and at a minimum shall include differential fees based on the status of the animal as being non-sterilized, non-sterilized and electronically tagged, sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are non-sterilized and not electronically tagged so as to provide incentive for sterilizing and electronically tagging animals.

2. Lifetime License. Lifetime pet licenses shall be issued by the City for sterilized animals as an alternative to two-year licenses. A lifetime license shall be issued upon completion of the required application, payment of the required fee as established by the City Fee Schedule in Section 314.05, and in the case of electronically tagged animals, registration with the City of the unique identifying information related to the electronic device and demonstration that the implanted device can be read by the City's equipment. As a condition to continued validity of an issued lifetime license, the owner will submit to the City every two years proof of the animal's current rabies vaccination.

Fees for lifetime licenses shall be as established by the City Fee Schedule in Section 314.05 and at a minimum shall include differential fees based on the status of the animal as being sterilized, or sterilized and electronically tagged, with generally higher fees for animals that are not electronically tagged so as to provide incentive for the electronic tagging of animals.

Lifetime licenses may be revoked by the City without refund of fees paid if the animal's rabies vaccinations are not kept current. When a lifetime license has been revoked, a new lifetime license may be obtained through the procedures and with payment of the fees as established by the City Fee Schedule in Section 314.05.

3. Special Two-Year Multiple Dog License. Special two-year multiple dog licenses may be issued by the City for three or four sterilized dogs to be kept at a licensed premises upon completion of the required application and payment of the required fee, subject to the following conditions:

a. Written approval from the occupants of at least 75% of the residential properties abutting the licensed premises;

b. Maintenance of a yard on the premises that is fenced in such a manner as to restrain dogs on the premises from leaving the yard, and

c. That a nuisance is not created on the premises by the excessive barking of the dogs or the existence of unsanitary conditions.

Special two-year multiple dog licenses must be renewed by the holder within 30 days of the expiration of the license, which renewal may be granted upon proof of current rabies vaccination and payment of the required fee. The Chief of Police may deny requests for renewal based upon complaints received during the preceding year. Denial of renewal may be appealed by written request for a hearing before the City Council, which must be submitted within ten days of the denial.

Fees for special two-year multiple dog licenses shall be as established by the City Fee Schedule in Section 314.05.

Special multiple dog licenses will not be granted for non-sterilized dogs, and will not be

issued on a lifetime basis.

E. Fee Adjustments. When a license is issued for an non-sterilized pet that is less than six months old at the time of issuance, and the pet is subsequently sterilized within three months of the issuance of the license, upon proof of the sterilization the City will refund the owner the difference between the fee paid for the license and the required fee for a sterilized animal.

   Upon the written recommendation of a licensed veterinarian that due to age or health reasons the animal should not be sterilized, the City may in that case charge the license fee for a sterilized animal rather than that for a non-sterilized animal.

F. Maintenance of current address. All license holders shall notify the City within ten days of any address change within the corporate limits of the City and any change of ownership of a licensed animal.

(Ord. 1355, 11-19-2007)

## 501.07: ISSUANCE OF TAGS:

Upon the payment of the license fee and presentation of a rabies vaccination certificate, the City shall issue a license tag to the animal owner. Duplicate tags will be issued upon payment of a replacement fee as provided in Section 301.03. Animal tags shall not be transferred from one animal to another. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

## 501.08: AFFIXING TAGS:

Every owner of any animal required to be licensed is required to provide the animal with a collar to which the license and vaccination tags must be affixed, and the collar, with tags attached, must be worn by such animal at all times. (Ord. 1078, 6-25-1990)

## 501.09: RECORDS:

The City shall keep a record of all animal licenses issued with the name, address and telephone number of the person to whom the license is issued and name, age, description of the animal and dates of rabies vaccination. (Ord. 1078, 6-25-1990)

## 501.10: IMPOUNDING:

Any dog or cat found running at large or without valid tags displayed, off the owner's premises, may be seized and may be impounded. All animals found to be a nuisance under Section 501.03 may be impounded. Any police officer and/or other authorized city designee 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 such dog or other animals, if known. In case the owner is unknown, the officer shall post notice at the City Hall Office that if the dog or other animal is not claimed within the time specified in this subdivision, it will be sold or otherwise disposed of. All animals impounded shall be kept with humane treatment and sufficient food and water for their comfort for at least five regular business days as defined by Minnesota Statutes Section 35.71, Subd. 3, unless the animal is a dangerous animal as defined under Minnesota Statutes Sections 347.50 to 347.54, in which case it shall be kept for seven days, and except if the animal is a cruelly-treated animal under Minnesota Statutes Section to 343.235, in which case it shall be kept for ten days, unless sooner reclaimed by the owner or returned to the owner. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

## 501.11: REDEMPTION:

Any dog or cat may be redeemed from the pound by the owner upon the payment to the

pound master of an impound and daily care fee. Proof of rabies vaccination and current animal license must be presented by the owner. (Ord. 1078, 6-25-1990; amd. 1995 Code)

## 501.12: PERMISSIBLE RETURN OF UNRESTRAINED ANIMAL:

Notwithstanding the provisions of Section 501.10, if a licensed animal is found at large and its owner can be identified and located, such animal need not be impounded, but may, instead, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this Chapter, including but not limited to the issuance of an administrative penalty in the amount determined in accordance with Section 102.02C. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

## 501.13: DISPOSITION OF UNCLAIMED DOGS OR CATS:

Any dog or cat which is not claimed within the period prescribed in Section 501.10 after impounding may be sold, for not less than the amount provided in Section 501.11, to anyone desiring to purchase the dog or cat, unless said dog or cat is requested by a licensed education scientific institution under Minnesota Statute section 35.71. All such funds shall be paid to the City and placed in the General Fund. Any dog or cat which is not claimed by the owner or sold shall be humanely destroyed. (Ord. 1078, 6-25-1990) (Ord. 1355, 11-19-2007)

## 501.14: IMPOUNDMENT ESTABLISHMENT:

The City Council, by resolution, shall designate one or more establishments that will receive custody of animals seized pursuant to this Chapter, which establishment(s) shall comply with all state law and regulations pertaining to establishments having custody of seized animals, including but not limited to Minnesota Statutes Section 35.71. Every impoundment establishment that receives seized animals from the City shall file a monthly report with the City Council relating to the operation of such establishment and shall be maintained in a clean and orderly manner and shall be subject to periodic inspection by the applicable regulatory authorities. (Ord. 1078, 6-25-1990; amd. 1995 Code) (Ord.1355, 11-19-2007)

## 501.15: MUZZLING:

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the Mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on their premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation and any dog running at large during the time fixed in the proclamation may be destroyed by the police or designee without notice to the owner. (Ord. 1078, 6-25-1990)

## 501.16: DANGEROUS ANIMALS:

A. Definitions

ANIMAL CONTROL AUTHORITY means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

DANGEROUS ANIMAL means any animal that has:

1. without provocation, inflicted substantial bodily harm on a human being on public or private property;
2. killed a domestic animal without provocation while off the Owner's property; or
3. been found to be potentially dangerous, and after the Owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the

safety of humans or domestic animals.

POTENTIALLY DANGEROUS ANIMAL means any animal that:

1. when unprovoked, bites a human or domestic animal on public or private property;

2. on more than one occasion when unprovoked, chases or approaches a person, including a person on a bicycle, or other wheeled conveyance (such as a skateboard, scooter or the like) upon the streets, sidewalks, or any public or private property, other than the animal Owner's property, in an apparent attitude of attack; or

3. has a known propensity, tendency, or disposition to attack unprovoked, based upon report, complaint and/or call for service causing injury or otherwise threatening the safety of humans or domestic animals.

GREAT BODILY HARM has the meaning given it under Minn. Stat. § 609.02, subd. 8.

HEARING OFFICER means an impartial employee appointed by the City, or an impartial person retained by the City, to conduct a hearing under this Ordinance. (Ord. 1391, 3-29-2010)

OWNER means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

PROPER ENCLOSURE means securely confined indoors or in a securely locked pen or kennel suitable to prevent the animal from escaping and to provide protection for the animal from the elements, to include adequate food and water. 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. Such enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel for a dog shall meet the following minimum specifications:

1. Have a minimum overall floor size of 32 square feet.

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 one and one-quarter-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 eighteen inches in the ground.

2. 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.

3. 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.

SUBSTANTIAL BODILY HARM has the meaning given it under Minn. Stat. § 609.02, subd. 7a.

B. Dangerous Animal Registration

1. No person may own a dangerous animal in the City unless the animal is registered as provided in this Section.

2. The City will, upon application by the Owner, issue a certificate of registration to the Owner of a dangerous animal if the Owner presents evidence that:

a. a proper enclosure exists for the dangerous animal;

b. a warning sign provided by the City, to inform children that there is a dangerous dog on the property, has been placed on the animal Owner's property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The City may charge the registrant a reasonable fee to cover its administrative costs

and the cost of the warning symbol. (Ord. 1391, 3-29-2010)

c. the Owner has procured a surety bond issued by a surety company authorized to do business in Minnesota, in a form acceptable to the City in at least the sum of $300,000 payable to any person injured by the animal or, alternatively, the Owner has in place a policy of insurance providing the same protection (Ord. 1391, 3-29-2010)

d. the Owner of a dangerous animal must have had an identification microchip implanted in the dangerous animal, and the City has been provided with the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the Owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's Owner.

3. Dangerous animal designation review. Beginning six months after an animal is declared dangerous; an Owner may request annually that the animal control authority review the designation. The Owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal's behavior has changed, the authority may rescind the dangerous animal designation.

4. Exemption. Animals may not be declared dangerous if the threat, injury, or damage was sustained by a person:

a. who was committing, at the time, a willful trespass or other tort upon the premises occupied by the Owner of the animal;

b. who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or

c. who was committing or attempting to commit a crime.

5. Tag. The dangerous animal registered under this section must have a tag containing the uniform dangerous dog symbol, identifying the animal as dangerous, which is affixed to the animal's collar at all times. (Ord. 1391, 3-29-2010)

C. Regulation of Potentially Dangerous Animals

1. An Owner of an animal that has been determined to be potentially dangerous may be required to comply with any or all of the following:

a. The Owner may be required to complete animal obedience classes.

b. The Owner shall keep the animal, while on the Owner's property, in a proper enclosure. If the potentially dangerous animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash, which may not exceed six feet in length. The chain or leash must be under the control of an individual 18 years of age or older.

c. The Owner shall be required to provide proof of current vaccinations.

d. The Owner of a potentially dangerous animal must have had an identification microchip implanted in the potentially dangerous animal, and the City has been provided with the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the Owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's Owner.

2. Potentially Dangerous animal designation review. Beginning six months after an animal is declared potentially dangerous, an Owner may request annually that the animal control authority review the designation. The Owner must provide evidence that

the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the animal's behavior has changed, the authority may rescind the potentially dangerous animal designation. (Ord. 1420, 11-14-2011)

D. Regulation of Dangerous Animals

1. An Owner of a dangerous animal shall keep the animal, while on the Owner's property, in a proper enclosure. If the dangerous animal is outside the proper enclosure, the animal must be muzzled and restrained by a substantial chain or leash, which may not exceed six feet in length. The chain or leash must be under the control of an individual 18 years of age or older.

2. An Owner of a dangerous animal must renew the registration of the animal annually until it is deceased. Renewal of registration must include proof of up-to-date rabies vaccinations.

3. An Owner of a dangerous animal must notify the City in writing of the animal's death or its transfer to a new location within 30 days of death or transfer, and must execute an affidavit of death or transfer as requested by the City. (Ord. 1391, 3-29-2010)

4. An Owner of a dangerous animal must have the animal sterilized at the Owner's expense. The Owner must provide proof of sterilization of the animal to the City. If the Owner does not have the animal sterilized within 30 days of the dangerous animal determination, the animal control authority shall seize the animal and have the animal sterilized at the Owner's expense. (Ord. 1391, 3-29-2010)

5. The Owner of a dangerous animal who rents property from another, must notify the property Owner, prior to signing the lease agreement and at the time of any lease renewal that the person owns a dangerous animal that will also reside at the property.

6. A person that transfers a dangerous animal must notify the new Owner that the animal has been identified as dangerous, and must also notify the City in writing, providing the new Owner's name, address and telephone number. (Ord. 1391, 3-29-2010)

7. The City shall seize a dangerous animal if, after 14 days after the Owner has notice that the animal is dangerous, the animal is not validly registered as a dangerous animal or the Owner has not secured the required liability insurance or surety coverage. The City may seize a dangerous animal if any other of the requirements contained in this subdivision have not been met. A seized animal may be reclaimed upon payment of impounding and confinement costs and proof that the requirements of this Ordinance have been met. An animal not reclaimed within seven days will be destroyed, and the Owner will be liable for all costs incurred in confining and disposing of the animal. A person claiming an interest in a seized animal may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual cost of care and keeping. The security must be posted within 7 days of the seizure inclusive of the date of the seizure. (Ord. 1391, 3-29-2010)

8. Beginning six months after an animal is declared a dangerous animal; an Owner may request annually that the City review the designation. The Owner must provide evidence that the animal's behavior has changed due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City finds sufficient evidence that the animal's behavior has changed, the City may rescind the dangerous animal designation.

9. Notwithstanding anything in this Ordinance to the contrary, the City may seize and destroy an animal that has:

a. inflicted substantial or great bodily harm on a human on public or private

property without provocation;

b. inflicted multiple bites on a human on public or private property without provocation;

c. bit multiple human victims on public or private property in the same attack without provocation; or

d. bit a human on public or private property without provocation in an attack where more than one animal participated in the attack.

Destruction of the animal may occur after the animal Owner has been notified of the intended destruction and, at least 7 days to request a hearing challenging the decision to destroy the animal.– If a hearing is requested, the hearing shall be before a hearing officer. (Ord. 1391, 3-29-2010)

10. Law enforcement; exemption. Nothing contained in this Ordinance shall apply to dogs used for law enforcement purposes by a law enforcement agency.

Source: Ordinance No. 307, Third Series, Effective Date: 3-15-2002

E. Determination of Status

1. Whether an animal is "dangerous" or "potentially dangerous" as that term is used herein shall be determined by the Chief of Police or his or her designee in consultation with the City Attorney. The Owner and persons that have suffered injury or damage due to the animal shall be given written notice of the determination.

(Ord. 1334, 04-10-2006)

F. Notice of Dangerous Animal Determination

1. The Owner of the animal and persons that have suffered injury or damage from the animal shall be given written notice of the determination of the animal as dangerous. The notice shall provide:

a. a description of the animal; the authority for and purpose of the dangerous animal declaration, and seizure, if applicable; the time, place, and circumstances under which the animal was declared dangerous; and the telephone number and contact person where the animal is kept;

b. that the Owner of the animal may request a hearing concerning the dangerous animal declaration; failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing;

c. that if an appeal request is made within 14 days of the notice, the Owner must immediately comply with the requirements of paragraphs D (1) and (3) of this subdivision, and until such time as the hearing officer issues an opinion;

d. that if the hearing officer affirms the dangerous animal declaration, the Owner will have 14 days from the date of the determination to comply with all other requirements of this subdivision;

e. that all actual costs of the care, keeping, and disposition of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and

f. a form for notifying the City of an appeal and requesting a hearing under this subdivision;. (Ord. 1391, 3-29-2010)

G. Appeal of Dangerous or Potentially Dangerous Animal Determination

1. The Owner of an animal determined to be dangerous or potentially dangerous may appeal the dangerous animal determination.

2. The written notice of appeal must be received by the City within 14 days from the date of the dangerous or potentially dangerous animal determination.

3. The hearing on the appeal of a dangerous or potentially dangerous animal determination shall be before a hearing officer. The hearing officer shall be the Animal Humane Society Director of Humane Investigations, or their designee.

4. The hearing shall take place within 14 days of the receipt of the notice of appeal.
5. In the event that the dangerous or potentially dangerous animal determination is upheld by the hearing officer, actual expenses of the hearing, up to a maximum of $1,000, will be the responsibility of the animal's owner.
6. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the animal's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the City. (Ord. 1391, 3-29-2010)
(Ord. 1420, 11-14-2011)

## 501.17: ATTACK BY AN ANIMAL:

It shall be unlawful for an owner to fail to restrain an animal from inflicting or attempting to inflict bodily injury to any person or other animal whether or not the owner is present. (Ord. 1078, 6-25-1990)

## 501.18: SUMMARY DESTRUCTION OF CERTAIN ANIMALS:

Whenever an officer has reasonable cause to believe that a particular animal presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, the officer, after making reasonable attempts to impound such animal, may summarily destroy said animal. (Ord. 1078, 6-25-1990)

## 501.19: KENNELS:

Except as provided in Section 501.06, no person shall maintain a kennel (more than two dogs over three months of age), as defined in Chapter 1002 of this Code, without first securing a license pursuant to Chapter 301 of this Code. This fee shall be in addition to the license fee prescribed in preceding sections for each dog kept in such a kennel. Kennel restriction shall not apply to veterinary hospitals licensed under Chapter 310 of this Code. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007)

## 501.20: SPECIAL MULTIPLE DOG LICENSES: Repealed (Ord. 1355, 11-19-2007)

## 501.21: RIDING HORSES:

A. Definition: As used in this Section, "riding horse" means any horse which is used primarily for riding. (Ord. 349, 12-1-1961)
B. License Required: No person shall keep any riding horse within the City for over 30 days unless a license for such animal has been first secured.
C. Condition of License: A license shall be granted to any applicant for a riding horse on the following conditions:
   1. Said riding horse shall be used in such a manner so as not to annoy or disturb residents of the City.
   2. Said riding horse will be kept in an inconspicuous place and not allowed to run at large.
D. Application for License: The application for a license shall be made to the City Manager and granted by the City Council for the license of each particular horse. The license shall be suspended or revoked by the City Council upon any breach of the conditions of license set forth in this Section. (Ord. 349, 12-1-1961)
E. Minimum Area and Fencing: No license shall be issued for any riding horse unless the horse shall be kept in an adequately fenced pasture of a minimum size of three acres,

but no more than three horses can be kept in such three acre pasture at any one time. For each horse in excess of three, an additional one acre of fenced pasture shall be provided. (Ord. 734, 9-9-1974)

F. License Fee: The license fee for each riding horse is as established by the City Fee Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)

G. Term of License: The license granted by the City Council under this Section shall be for the life of each horse and need not be renewed annually.

H. Issuing and Affixing Tags: Upon the granting of a license by the City Council, the City Manager shall issue to the licensee a tag indicating that a license has been issued and said tag shall be affixed to the riding horse so licensed. (Ord. 349, 12-1-1961)

## 501.22: CLEANUP:

The owner or attendant of any animal must carry clean-up utensils when taking the animal off personal property and must clean up all feces of the animal off personal property and dispose of such feces in a sanitary manner. (Ord. 1078, 6-25-1990)

## 501.23: WILD ANIMALS:

A. Purpose: It shall be unlawful to keep any wild animal within the City limits, except as permitted pursuant to the provisions of this Section.

B. Definition: As used in this Section, the following term shall have the meaning ascribed to it in this subsection:

WILD ANIMAL: Any animal, mammal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic is inherently dangerous to human beings. Examples of wild animals, without limitation, are:

1. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except domesticated house cats.
2. Any member of the family Canidae, such as wolves, hybrid wolves, coyotes, dingoes, and jackals, except domesticated dogs.
3. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.
4. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.
5. Any skunk, raccoon, fox or protected animal.
6. Any bear, ape, monkey in excess of five pounds, or badger.
7. Any other animal, bird or reptile which is commonly considered wild and not domesticated.

C. Exceptions:

1. Any person desiring to keep an animal prohibited by this Section may apply for a permit from the City. Such permit may be issued for a period not to exceed 30 days and shall specify conditions under which such animals shall be kept; provided, however, that no such permit shall be issued unless such prohibited animal is being kept by a person keeping such animal for a public zoo as a volunteer or docent. A public zoo or other institution engaged in a permanent display of animals and any bona fide research institution or veterinary hospital may be issued a permanent permit provided applicable zoning requirements are met.
2. Nonpoisonous snakes, domesticated birds, hamsters, mice, rabbits, lizards, spiders and other similar small animals capable of being kept in cages. Rats, if purchased from a bona fide pet store are an exception to this Section.
3. Medically prescribed companion animals.

4. Wildlife rehabilitators may only possess animals with a Minnesota Department of Natural Resources permit. Such animals will be kept in a manner as to not create unsanitary conditions or unreasonable noise.

5. Birds and birds of prey if kept pursuant to a valid U.S. Fish and Wildlife Services permit.

D. Impounding of Wild Animals: Any wild animal kept in violation of this Section may be impounded by the City. The animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this Section. Any person reclaiming any such animal shall pay the costs of impounding and boarding at the time of its release.

E. Existing Wild Animals: Anyone keeping or maintaining any wild animal at the time this Section is adopted has thirty (30) days in which to comply with the provisions of this Section. (Ord. 1141, 6-13-1994)

## 501.24: OWNER OBLIGATION FOR PROPER CARE:

No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal or cause or permit any animal fight. No owner shall abandon any animal. (Ord. 1078, 6-25-1990; amd. 1995 Code) (Ord.1355, 11-19-2007)

## 501.25: ENFORCEMENT:

Any community service officer, reserve officer or police officer may enter upon private land where there is reasonable cause to believe this Chapter is being violated. (Ord. 1078, 6-25-1990) (Ord.1355, 11-19-2007) (Ord. 1453, 10-21-2013)

# CHAPTER 502
# GENERAL OFFENSES

SECTION:

502.01: Offenses Involving the Person
502.02: Offenses Involving Property
502.03: Offenses Involving Public Health and Safety
502.04: Offenses Involving Public Officials

## 502.01: OFFENSES INVOLVING THE PERSON:

A. Vagrancy: Minnesota Statute section 609.725 relating to vagrancy is incorporated by reference in this Chapter. (1990 Code)

B. Trespassing: No person shall trespass upon:
1. The private premises of any other person within the City.
2. Any premises privately owned but open to the use of the general public for their patronage during specified business hours. No person shall, before or after said hours, remain on or return to said premises after having been requested to leave by the owner of said premises or the owner's authorized representative.
3. Any premises privately owned but open to the use of the general public for their patronage. No person shall, during business hours, remain on said premises after having been requested to leave by the owner of said premises or the owner's authorized representative.
4. Any public or private premises in the City where entrance to or exit from the premises is regulated or controlled by coin or token operated gates, turnstiles or other mechanical devices. No person shall enter on or exit from said premises without making the required coin or token deposit. (Ord. 556, 8-14-87)

C. Lurking: No person shall lurk, lie in wait or conceal himself in any house or other building, or in any yard or premises with the intent to commit any offense prohibited by the laws of the State or by this Code. (Ord. 244, 5-10-58; amd. 1990 Code)

D. Inhalation of Chemicals: No person shall inhale, drink or otherwise take into their body any compound, liquid or chemical containing tuluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichoroathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone or any other substance capable of inducing intoxication, elation, dizziness, paralysis, irrational behavior or distortion. The provisions of this Section shall not apply to any person who inhales or drinks such material pursuant to the direction or prescription of any physician. (1990 Code)

E. Issuance of Worthless Checks: Minnesota Criminal Code section 609.535, as amended, relating to the issuance of worthless checks, is incorporated by reference in this Chapter. (Ord. 442, 11-9-64)

F. Wrongful Appropriation: No person shall willfully take, use, transfer, conceal or retain the possession of goods, wares or merchandise offered or exposed for sale in any store or other business establishment with the intent of converting said property to the taker's own use and without paying the purchase price. (Ord. 647, 5-10-71)

G. Theft: Minnesota Criminal Code section 609.52, as amended, relating to theft, is incorporated by reference in this Chapter. (Ord. 442, 11-9-64)

## 502.02: OFFENSES INVOLVING PROPERTY:

A. Destruction or Injury to Property: No person shall intentionally damage any real property, personal property, residence, building or motor vehicle of another or throw any stone or other missile at such property. (Ord. 403, 9-9-63)
B. Tampering with Outdoor Warning System: No person not duly authorized by the City Manager shall use, operate, alter, interfere or tamper with any of the sirens, switch boxes, installations or equipment of the outdoor warning system of the City. (Ord. 244, 55-10-58; amd. 1995 Code)
C. Damage to Political Signs: No person shall damage or remove legal political signs without proper authority. (Ord. 1054, 1-23-89; amd. 1995 Code)

## 502.03: OFFENSES INVOLVING PUBLIC HEALTH AND SAFETY:

A. Abandoned Ice Boxes: No person shall leave in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an airtight snap lock or other device without first removing the snap lock or doors from the ice box, refrigerator or container. (Ord. 244, 5-10-58)
B. Dumping of Solid Waste: No person shall dump or deposit solid waste at any place within the City. (1995 Code)

(Ord. 1388, 2-22-2010)

## 502.04: OFFENSES INVOLVING PUBLIC OFFICIALS:

A. Resisting Arrest; Obstructing Process:
1. No person shall willfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of his/her office.
2. No person shall intentionally obstruct, hinder or prevent the lawful execution of any legal process, civil or criminal. (Ord. 403, 9-9-63; amd. 1990 Code)
B. Disobeying Order of Police Officer: No person shall fail or refuse to comply with any lawful order or direction of any police officer within the City. (Ord. 556, 8-14-67)
C. False Crime Reports; False Information: No person shall report or cause to be reported to the Police Department by telephone, in writing or by any other means of communication any felony, gross misdemeanor or misdemeanor knowing that no such felony, gross misdemeanor or misdemeanor has, in fact, been committed, nor shall any person, in reporting a felony, gross misdemeanor or misdemeanor which has actually been committed, knowingly give false information about the same to the Police Department. (Ord. 244, 5-10-58)
D. Obstructing Council and City Employees:
1. False Statements: Make or submit any false report, petition or statement to the City Council, any City employee or any committee or commission established by the City Council while in the performance of their duties.
2. Interference: Interfere with or obstruct the City Council, any City employee or any committee or commission established by the City Council while in the performance of their duties. (Ord. 685, 11-21-72)
E. Fire Violations: No person shall give or make or cause to be given or made an alarm of fire without probable cause, or neglect or refuse to obey a reasonable order of the Chief at a fire or interfere with the Fire Department in the discharge of its duties. No person other than a member of the Fire Department shall leave any vehicle standing within three hundred feet (3009) of a fire. No person shall drive a vehicle of any kind over a fire hose line on a street whether the same is in service at the time or not. (Ord. 690, 1-15-73)

# CHAPTER 503
# WEAPONS

SECTION:

503.01: Discharge or Display Prohibited
503.02: Handguns Prohibited
503.03: Transporting Weapons Prohibited
503.04: Switchblade Knives Prohibited
503.05: Dangerous Weapon Defined
503.06: Dangerous Weapons Prohibited
503.07: Licenses, Repealed
503.08: Sale to Minors Under Eighteen
503.09: Exception
503.10: Use of Bow and Arrow

## 503.01: DISCHARGE OR DISPLAY PROHIBITED:

No person shall shoot, discharge or display any gun of any description whether it is loaded with powder, loaded or blank cartridges, or any other explosive or bullet, pellet or shot. This section shall not apply to ceremonial honor guards displaying or discharging guns loaded with blank cartridges and acting pursuant to written authorization of the chief of police, and this section's prohibition against display shall not apply to any retailer or dealer in guns. (Ord. 1272, 10-14-2002)

## 503.02: HANDGUNS PROHIBITED:

No person shall carry any revolver or handgun in any holster or otherwise upon the person whether it is concealed or not concealed, except under such conditions and in such places as complies with state and federal law. (Ord. 1291, 8-11-2003) (Ord. 1291, 8-11-2003)

## 503.03: TRANSPORTING WEAPONS PROHIBITED:

No person shall transport in or upon any motor vehicle any firearm, air gun, gas gun or spring gun unless it is completely unloaded and contained in a gun case, or unless unloaded and contained in the trunk of the vehicle, or bow and arrow unless unstrung and contained in the trunk of the vehicle with the trunk door closed. (1990 Code)

## 503.04: SWITCHBLADE KNIVES PROHIBITED:

No person shall sell, offer or display for sale, give away or have in his/her possession any knife of the type commonly known as a switchblade, spring or push button knife. (1990 Code)

## 503.05: DANGEROUS WEAPON DEFINED:

As used in this chapter, the term "dangerous weapon" includes any object or device, the use of which as a weapon against any person would or might be dangerous to his/her life or physical wellbeing and safety including, but not limited to, any revolver or handgun, dagger,

knuckles of wood, metal or plastic, switch blade knife, club or bow and arrow. (1990 Code; amd. 1995 Code)

## 503.06: DANGEROUS WEAPONS PROHIBITED:

No person shall carry or wear, either on his/her person or in a motor vehicle owned or operated by him/her, any dangerous weapon not licensed pursuant to applicable state law. (Ord. 1291, 8-11-2003)

## 503.07: LICENSES, REPEALED

(Ord. 1291, 8-11-2003)

## 503.08: SALE TO MINORS UNDER EIGHTEEN:

No person shall give, sell or otherwise furnish any firearms or air guns of any kind, or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. Said permission shall be preserved by the person furnishing such arms or ammunition and shall be open to inspection at all reasonable times by all law enforcement officers or the judges of any court of record in the state. (1990 Code)

## 503.09: EXCEPTION:

This chapter shall not apply to any law enforcement officer or other persons whose duty, as prescribed by law, may be to serve warrants or make arrests, or to persons whose business or occupation may require the carrying of weapons for protection and who have obtained a license as provided in sections 503.02 and 503.07 of this chapter. (1990 Code)

## 503.10: USE OF BOW AND ARROW:

As used in this chapter, the term “bow and arrow” is defined as a bowed shaft of material such as metal, wood or plastic, the ends of which are pulled into a bow formation by a string, cord, wire or any other type of material and used for the purpose of propelling an arrow by means of the power developed in pulling the string against the tension of the bow and further provided that the arrow used is pointed or is equipped with a pointed head of metal, plastic or other material capable of penetrating an object when propelled by the bow.

It is unlawful for any person to shoot a bow and arrow except: in a school program, on school grounds and supervised by a member of its faculty, a community class, a City Council authorized deer hunt pursuant to City Code Section 411.04, or on a bow and arrow range specifically authorized by the Chief of Police. (Ord. 1353, 10-15-2007)

# CHAPTER 504
# FIREWORKS

Repealed
(Ord. 1292, 8-11-2003)

# CHAPTER 505
# MINORS, CURFEW

SECTION:

505.01: Definitions
505.02: Prohibited Acts
505.03: Exceptions
505.04: Enforcement

## 505.01: DEFINITIONS:

For the purpose of this Chapter, the following definitions shall apply:
AUTHORIZED ADULT: Any person who is at least 18 years of age and authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time.
EMERGENCY ERRAND: An errand necessary to avoid or seek help for harm or peril that is immediate, overwhelming or physical, provided the minor could not have avoided the necessity of the errand by taking advance precautions.
MINOR: Any unemancipated person under the age of 18 years.
PARENT: Any person having legal custody of the minor as natural or adoptive parent, as legal guardian, or as a person to whom legal custody has been given by order of the court.
PUBLIC PLACE: Any public street, highway, roadway, park, public recreation, entertainment or civic facility or other place open to the public within the City. (Ord. 1154, 10-10-94)

## 505.02: PROHIBITED ACTS:

A. It shall be unlawful for any minor under the age of 16 to be in a public place within the City during the period ending at five o'clock (5:00) A.M. and beginning at 10:00 P.M. every day of the week.
B. It shall be unlawful for any minor who is 16 or 17 years of age to be in any public place within the City during the period ending at 5:00 A.M. and beginning at 12:00 midnight every day of the week.
C. It shall be unlawful for a parent or authorized adult of a minor to knowingly, or by inefficient control, permit such minor to be in any public place within the City during the hours prohibited by subsections A and B above under circumstances not constituting an exception to this Chapter as set forth herein. The term "knowingly" includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a minor under such person's care.
D. It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly permit any minor to remain in such place during the hours prohibited by subsections A and B above under circumstances not constituting an exception to this Chapter as set forth herein. (Ord. 1154, 10-10-94)

## 505.03: EXCEPTIONS:

A. The following shall constitute valid exceptions to the operation of the curfew:
   1. At any time, if a minor is accompanied by his/her parent or an authorized adult.

2. At any time, if a minor is upon an emergency errand.
3. At any time, the minor is upon some necessary errand by permission or direction of said parent, guardian or other adult person having the care and custody of said minor, which permission shall be in written form and signed by such parent, guardian or other adult person having the care and custody of the said minor.
4. At any time, where the presence of said minor in said place or places is connected with or required by some legitimate business, trade or profession or occupation in which said minor is permitted by law to be engaged.
5. If the minor is legally employed, for a period from 45 minutes before or after work, while going directly between his/her home and place of employment.
6. At any time the minor is engaged in interstate travel.
7. At any time the minor is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article I of the Constitution of the State of Minnesota), such as free exercise of religion, freedom of speech, and a right of free assembly.
8. At any time the minor is married in accordance with the law or had disability of nonage removed by a court of competent jurisdiction.
9. At any time the minor is homeless or uses a public or semipublic place as his/her usual place of abode.
10. At any time the minor is on the boulevard or sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor has not complained to the Police Department about the minor's presence.
11. At any time the minor is attending, or returning by a direct route to his/her current residence from, a specific activity at a public or semipublic place which is open to the general public and supervised by adults at least 21 years of age; provided further, that any such activity begins no later than 10:00P.M.; provided further, that the minor possesses written permission from his/her parent or legal guardian authorizing the minor to attend or engage in that specific activity.
12. Attending an official school, religious or recreational activity supervised by adults at least t 21 years of age and sponsored by the City, a school, church, civic organization or other similar entity, which organization takes responsibility for the minor as an invitee, or going to or returning from, any such activity without any detour; provided further, that the minor possesses written permission from his/her parent or legal guardian authorizing the minor to attend or engage in that specific activity.

B. It is a defense to prosecution under Section 505.02 that the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (Ord. 1154, 10-10-94)

## 505.04: ENFORCEMENT:

Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in a public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 505.03 is present. (Ord. 1154, 10-10-94)

# CHAPTER 506
# FALSE ALARMS - SECURITY AND ALARM SYSTEMS

SECTION:

506.01: Purpose
506.02: Definitions
506.03: User Fees
506.04: Payment of Fees

## 506.01: PURPOSE:

The purpose of this Chapter is to provide regulations for the use of burglary, fire and safety alarms, including establishment of use fees for false alarms. (Ord. 1076, 4-23-1990)

## 506.02: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:
ALARM SYSTEM: Any alarm installation designed to be used for the prevention or detection of burglary, robbery or fire on the premises which contains an alarm installation. Automobile alarm devices shall not be considered an alarm system under the terms of this Chapter.
ALARM USER: The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility where an alarm system is maintained.
FALSE ALARM: An alarm signal eliciting a response by public safety personnel when a situation requiring a response does not exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation or the inadvertence of the user of an alarm system or its employees or agents. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps or violent conditions of nature nor do they include alarms caused by third persons over whom the user has no control.
PUBLIC SAFETY PERSONNEL: Duly authorized City employees. (Ord. 1076, 4-23-1990)

## 506.03: USER FEES:

A. False Alarms: The user of an alarm system who reports multiple false alarms to the Police Department or Fire Department in a single calendar year will be charged a fee as established by the City Fee Schedule in Section 314.05. (Ord. 1399, 11-22-2010)
B. Appeal: An alarm user required by the City to pay a user fee as a result of a false alarm may make a written appeal of the false alarm user fee to the Chief of Police or Fire Chief, as appropriate, within ten days of notice by the City of the false alarm charge. An adverse decision by the Chief of Police or Fire Chief may be appealed to the City Manager within ten days of receipt of the Chief of Police's or Fire Chief's decision. The City Manager will have authority to make a final determination as to whether or not the user is to be charged a user fee for the false alarms. (Ord. 1076, 4-23-1990)

## 506.04: PAYMENT OF FEES:

A. Payment of user fees provided for herein must be paid to the City Treasurer within 30

days from the date of notice by the City to the alarm user. Failure to pay the fee within 30 days will result in the imposition of a penalty of ten percent of the user fee.

B. All unpaid user fees and penalties shall be certified as an assessment against the property on which the alarm was located and shall be collected each year along with the taxes on such property. (Ord. 1076, 4-23-1990)

# CHAPTER 507
# DRUGS, CONTROLLED SUBSTANCES

SECTION:

507.01: Prohibited Drugs and Marijuana
507.02: Drug Paraphernalia

## 507.01: PROHIBITED DRUGS AND MARIJUANA:

A. Possession: Except as authorized by Minnesota Statutes, section 152.01, et seq., as amended, no person shall possess or have in their possession or control any controlled substance.
B. Controlled Substances: Controlled substances are defined as all of the substances listed in Minnesota Statutes section 152.02, as amended, and also marijuana (cannabis sativa L).
C. Automobiles: A person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his/her person or keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, any controlled substance as defined above is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.
D. Violations: Any person violating any of the subsections of this Section is guilty of a misdemeanor; further, upon a finding of guilty or a plea of guilty to any violation of this Section, the Court may impose sentence pursuant to the provisions of Minnesota Statutes section 152.18, as amended, except that such period of probation may be for a period of up to one year. (Ord. 729, 4-29-74; amd. 1995 Code)

## 507.02: DRUG PARAPHERNALIA:

A. Definitions:
1. "Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use, in planting, propagating, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Minnesota Statutes chapter 152, which includes, but is not limited to:
a. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
b. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
c. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
d. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
e. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
f. Diluents and adulterants such as quinine hydrochloride, mannitol, mannite,

dextrose and lactose used, intended for use or designed for use in cutting controlled substances.

g. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.

h. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.

i. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

j. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

k. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.

l. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

(2) Water pipes.

(3) Carburetion tubes and devices.

(4) Smoking and carburetion masks.

(5) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

(6) Miniature cocaine spoons and cocaine vials.

(7) Chamber pipes.

(8) Carburetor pipes.

(9) Electric pipes.

(10) Air-driven pipes.

(11) Chillums.

(12) Bongs.

(13) Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all the other logically relevant factors, the following:

a. Statements by an owner or by anyone in control of the object concerning its use.

b. Prior convictions, if any, of the owner or of anyone in control of the object of any State or Federal law relating to any controlled substance.

c. The proximity of the object in time and space to the direct violation of this Section.

d. The proximity of the object to controlled substances.

e. The existence of any residue of controlled substances on the object.

f. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person in control knows, or should reasonably know, intend to use the object to facilitate a violation of this Section; the innocence of an owner or of anyone in control of the object, as a direct violation of this Section shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

g. Instructions, oral or written, provided with the object concerning its use.

h. Descriptive materials accompanying the object which explain or depict its use.

i. National and local advertising concerning its use.

j. The manner in which the object is displayed for sale.

k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community such as a licensed distributor or dealer of

tobacco products.

l. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

m. The existence and scope of legitimate uses for the object in the community.

n. Expert testimony concerning its use.

2. Other Terms: The terms "controlled substance", "manufacturing", "marijuana" and "person" are defined as specified in Minnesota Statute section 152.01 and any amendment thereto.

B. Offenses and Penalties:

1. Possession of Drug Paraphernalia: It is unlawful for any person to use or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

2. Manufacture or Delivery of Drug Paraphernalia: It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

3. Advertisement of Drug Paraphernalia: It is unlawful for any person to place or cause to be placed in any newspaper, magazine, handbill or other publication any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

4. Penalty: Any person who violates subsections 1, 2 or 3 of this subsection is guilty of a misdemeanor.

C. Forfeiture: Upon final conviction for violation of the provisions of this Section, all drug paraphernalia seized as evidence shall be turned over to the Chief of Police. Any such evidence which is adaptable to police purposes may be kept and used by the Police Department. Such evidence which is usable or adaptable for use in a lawful manner may be sold by the Chief of Police at a public auction-sale following at least two weeks' published notice of such sale. Such evidence which would be dangerous or unlawful to reintroduce into channels of private sale or use may, in the discretion of the Chief of Police, be destroyed. (Ord. 929,8-8-83)

# CHAPTER 508
# UNCLAIMED PROPERTY

SECTION:

508.01: Sale of Unclaimed Property
508.02: Donation of Unclaimed Bicycles

## 508.01: SALE OF UNCLAIMED PROPERTY:

The Chief of Police is authorized to administer the disposal of property lawfully coming into the possession of the City and remaining unclaimed by the owner after 60 days. Disposal shall be by sale to the highest bidder at public auction or sale including electronic auction. A notice specifying the date, time and place of any auction or sale shall be published in a newspaper of general circulation throughout the City at least one week prior to such auction or sale. The net proceeds of sale shall be placed in the City's General Fund, subject to the right of the former owner to payment of the net proceeds upon application and presentation of satisfactory proof of ownership within six months of the sale. Net proceeds means the sale price less all costs of handling, storage or sale. (Ord. 849, 6-11-79) (Ord. 1380, 12-15-2008)

## 508.02: DONATION OF UNCLAIMED BICYCLES:

The Chief of Police is further authorized to administer the disposal of bicycles lawfully coming into possession of the City and remaining unclaimed by the owner after a 60 day waiting period. In addition to the disposal methods provided in Roseville City Ordinance Section 508.01, disposal of unclaimed bicycles may be a donation to a nonprofit organization that has a significant mission of community service or to another public corporation for the public use.

A notice specifying the date of the donation, the identity of the donee, and a general description of the bicycles shall be published in a newspaper of general circulation throughout Roseville at least six months prior to such a donation. At any time prior to the donation date, and upon satisfactory proof of ownership, the bicycle shall be returned to its owner. (Ord. 1346, 4-9-2007)

# CHAPTER 509
# SOCIAL HOSTING

SECTION:

509.01: Purpose and Findings
509.02: Authority
509.03: Definitions
509.04: Prohibited Acts
509.05: Exceptions
509.06: Enforcement
509.07: Severability
509.08: Penalty

## 509.01: PURPOSE AND FINDINGS

The Roseville City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Roseville City Council finds that:

A. Events or gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
C. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
D. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent is present and condone the activity, and in some circumstances provide the alcohol.
E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and this Chapter is necessary to help further combat underage consumption.
F. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

## 509.02: AUTHORITY

This Chapter is enacted pursuant to Minn. Stat. §145A.05.

## 509.03: DEFINITIONS

For the purpose of this Chapter, the following terms shall have the meanings stated:

ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more

of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

EVENT or GATHERING: Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

HOST: To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

PARENT: Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

PERSON: Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

RESIDENCE or PREMISES: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

UNDERAGE PERSON: Any individual under 21 years of age.

## 509.04: PROHIBITED ACTS

A. It is unlawful for any person(s) to;
   1. Host or allow an event or gathering;
   2. At any residence, premises, or on any other private or public property;
   3. Where alcohol or alcoholic beverages are present;
   4. When the person knows or reasonably should know that an underage person will or does:
      a. Consume any alcohol or alcoholic beverage; or
      b. Possess any alcohol or alcoholic beverage with the intent to consume it; and
   5. The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

B. A person is criminally responsible for violating subsection A of this section if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

## 509.05: EXCEPTIONS

A. This Chapter does not apply to conduct of an underage person specifically authorized by his or her parent while present in the parent's household or when the underage person and his or her parent are guests in the household of another.

B. This Chapter does not apply to legally protected religious observances.

C. This Chapter does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503, Subd. 1(a) (1).

D. This Chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

## 509.06: ENFORCEMENT

This Chapter can be enforced by any police officer.

## 509.07: SEVERABILITY

If any section, subsection, sentence, clause, phrase, word, or other portion of this Chapter is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Chapter, which remaining portions shall continue in full force and effect.

## 509.08: PENALTY

Violation of this Chapter is a misdemeanor.

(Ord. 1360, 3-03-2008)

# CHAPTER 510
# BACKGROUND CHECKS

SECTION:

510.01: Purpose
510.02: Criminal History Employment Background Investigations

## 510.01 PURPOSE:

The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of background checks for licensing, employment and volunteer positions described in Section 104.

## 510.02 CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS

A. The Roseville Police Department is authorized, as the exclusive entity within the City, to do a criminal history background investigation on applicants for the following licenses and full-time, part-time and volunteer positions with the City:
   1. all licenses and positions that include work with children or vulnerable adults;
   2. all licenses and positions that include access to private or confidential data;
   3. all licenses and positions that require the operation of City-owned motorized vehicles, regardless of whether the vehicle is operated on public streets;
   4. all licenses and positions that include the physical handling or management of monies, securities, bonds or public funds;
   5. all licenses and positions that include the handling or dispensing of hazardous materials, alcoholic beverages, or equipment or instruments capable of transmitting infectious diseases;
   6. all other licenses and positions as otherwise expressly required by City Code.

B. In conducting the criminal history background investigation, in order to screen applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing or hiring authority, including the City Council, Mayor, the City Manager, Human Resources Manager, City Attorney, and other city staff involved in the licensing and hiring processes.

C. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information.

D. Except for the licenses and positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant on the basis of the applicant's prior conviction unless the crime is directly related to the license or position sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial.
2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

(Ord. 1378A, 10-27-2008)

# CHAPTER 511
# REPEAT NUISANCE SERVICE CALL

SECTION:

511.01: Purpose and Application
511.02: Definition of Nuisance Conduct
511.03: Repeat Nuisance Service Call Fee
511.04: Notice
511.05: Delinquent Payment and Fee Recovery
511.06: Enforcement
511.07: Right to Appeal
511.08: Legal Remedies Nonexclusive
511.09: Exceptions and Affirmative Defenses

## 511.01: PURPOSE and APPLICATION:

The purpose of this Chapter is to protect the public safety, health and welfare and to prevent and abate repeat service response calls by the City to the same property or location for nuisance service calls, as defined herein, which may prevent police, public safety, or other city services from reaching other residents of the City.

It is the intent of the City, by the adoption of this Chapter, to impose and collect service call fees from the owner or occupant, or both, of property to which City officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the City. The repeat nuisance service call fee is intended to cover cost over and above the cost of providing normal law or code enforcement services and police protection.

This Chapter shall apply to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the City.

This Chapter shall apply to any repeat nuisance service calls as set forth herein made by a City of Roseville employee, including a police officer, community service officer, firefighter, and/or code enforcement employee.

## 511.02: DEFINITION OF NUISANCE CONDUCT:

For purposes of this Chapter, the term "nuisance conduct" means any activity, conduct or condition occurring within the City that annoys, injures or endangers the reasonable safety, health, morals, comfort or repose of any member of the public, or will tend to alarm, anger or disturb others. Nuisance conduct includes but is not limited to the following:

A. Any activity, conduct, or condition defined as a public nuisance under any provision of the City Code or Minnesota State laws;
B. Any activity, conduct, or condition in violation of any provision contained in Title 4,5,6 or 9 of the City Code;
C. Any conduct, activity or condition constituting a violation of Minnesota state laws prohibiting or regulating prostitution, gambling, controlled substances or use of firearms;

and/or

D. Any conduct, activity, or condition constituting disorderly conduct as defined under Chapter 609 of Minnesota Statutes.

## 511.03: REPEAT NUISANCE SERVICE CALL FEE

The City may impose a repeat nuisance service call fee upon the owner or occupant of private property if the City has rendered services or responded to the property on three or more occasions within a period of (365) days in response to or for the abatement of nuisance conduct. The repeat nuisance service call fee shall be as established by the City Fee Schedule in Section 314.052 of the City Code.

## 511.04: NOTICE

No repeat nuisance service call fee may be imposed against an owner or occupant (or both with the owner and occupant each being responsible for a separate repeat nuisance service call fee) of property without first providing such owner or occupant with written notice of the previous nuisance service calls prior to the latest nuisance service call rendered by the City upon which the fee is imposed. The written notice shall:

A. Identify the nuisance conduct that has occurred on the property, and the dates of the nuisance conduct activity or condition;
B. State that the owner or occupant may be subject to a repeat nuisance service call service fee if a third nuisance call is rendered to the property for any further nuisance conduct;
C. State that the City has the right to seek other legal remedies or actions for abatement of the nuisance conduct; and
D. Be served upon such owner and/or occupant by certified mail at the last known address of such person. Service of such notice shall be deemed complete upon mailing.

## 511.05: DELINQUENT PAYMENT and FEE RECOVERY

The repeat nuisance service call fee shall be due within thirty (30) days after a billing statement is mailed by the City to the owner and/or occupant of the property responsible for the payment of the fee at such person's last known address. If the fee is not paid within such 30 day period, it will be deemed delinquent and a ten percent (10%) penalty shall be added to the repeat nuisance service call fee. If the repeat nuisance service call fee becomes delinquent, the City shall have, in addition to all other remedies available at law or in equity for the collection of such fee, the following remedies:

A. Seek a monetary judgment and collection thereof from such owner and/or occupant, or
B. Assess the property which was the subject of the nuisance conduct pursuant to Minn. Stat. § 429.101.

Failure of a person to pay a repeat nuisance service call fee shall be grounds for the denial of a license which is related to the nuisance conduct for which the repeat nuisance service call fee was imposed.

## 511.06: ENFORCEMENT

The City Council authorizes the Police Chief, Fire Chief, or the Community Development Director, or their designees (collectively referred to herein as the "City Enforcement Officials"), to administer and enforce this Chapter.

## 511.07: RIGHT TO APPEAL

When the City mails the billing statement by certified mail for the repeat nuisance service call fee, the City will inform the owner and/or occupant of their right to request a hearing.

The owner and/or occupant upon whom the fee is imposed must request a hearing within ten (10) business days of the mailing of the billing statement, excluding the day the statement is mailed. The request for a hearing must be in writing and mailed or hand-delivered to the City Manager's Office. The hearing will occur within fourteen (14) days of the date of the request. If the owner and/or occupant fails to request a hearing within the time and in the manner required under this Section, the right of such person to a hearing is waived.

The hearing shall be conducted by a hearing officer selected by the City Manager in an informal manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. After considering all evidence submitted, the hearing officer shall make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service call fee. The Findings of Fact and Conclusions shall be served upon the owner and/or occupant by certified mail within ten (10) days of the hearing.

If the owner and/or occupant fails to appear at the scheduled hearing, the right of such person to a hearing is waived and the repeat nuisance service call fee shall be payable in accordance with Section 511.05 above. If the hearing officer determines that the repeat nuisance service call fee is warranted, the person or persons responsible for the fee shall pay the fee within ten (10) business days following the date that the written Findings of Fact and Conclusions are mailed. If the repeat nuisance service call fee is not paid within said ten (10) day period, it shall be deemed delinquent and the provisions of Section 511.05 pertaining to delinquent payments shall apply.

## 511.08: LEGAL REMEDIES NONEXCLUSIVE

Nothing in this Chapter will be construed to limit the City's other available legal remedies, including criminal, civil, injunctive or others, for any violation of the law which may constitute nuisance conduct.

## 511.09: EXCEPTIONS AND AFFIRMATIVE DEFENSES

MEDICAL EMERGENCIES: Repeat nuisance service call fees shall not be imposed for any medical-related emergency response except for medical-related emergencies that are violations of Minn. Stat. Section 609.78 Subd. 4 (Misuse of 911).
DOMESTIC ASSAULT INCIDENTS: Repeat nuisance service call fees shall not be imposed against the victim for a response to circumstances involving domestic assault incidents or order for protection violations.
VICTIM OF NUISANCE CONDUCT: A repeat nuisance service call fee shall not be imposed against the victim of the nuisance conduct for which a response nuisance service call was made.
RENTAL PROPERTIES: At the discretion of the City Enforcement Officials, repeat nuisance service call fees may be waived against an owner or occupant of rental property who has:

A. Commenced eviction proceedings against the tenant or tenants responsible for the nuisance conduct, conditions or characteristics, or
B. Entered into and complied with a memorandum of understanding with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

COMMERCIAL BUSINESS PROPERTY: At the discretion of the City Enforcement Officials, repeat nuisance service call fees may be waived against an owner or occupant of property upon which a commercial business is being operated who has entered into and complied with a memorandum of understanding with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.
(Ord. 1396, 9-20-2010)

# TITLE 6
# MOTOR VEHICLES AND TRAFFIC

# CHAPTER 601
# TRAFFIC RULES

SECTION:

601.01: Adoption of Code
601.02: Obstruction of Traffic
601.03: Unreasonable Acceleration
601.04: Open Bottle in Motor Vehicle
601.05: Traffic Control Devices

## 601.01: ADOPTION OF CODE:

The regulatory provisions and definitions of the Minnesota Traffic Code found in Minnesota Statutes, chapter 169, as amended, are hereby adopted as an ordinance regulating the use of highways, streets, alleys and other portions of the City and are hereby incorporated in and made a part of this Code as completely as if set out in full. (Ord. 728, 4-19-74)

## 601.02: OBSTRUCTION OF TRAFFIC:

No person shall in any manner or at any time obstruct the traffic on any public street or road except that any railroad company may obstruct or close for traffic any such public street or road by a standing car, train, engine or other railroad equipment for not longer than ten minutes at any one time. (Ord. 264, 1-20-59)

## 601.03: UNREASONABLE ACCELERATION:

No person shall start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the City. Prima facie evidence of such unnecessary exhibition of speed shall be squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by the tires of said vehicle, or both. (Ord. 552, 8-28-67)

## 601.04: OPEN BOTTLE IN MOTOR VEHICLE:

Whoever violates any of the following provisions is guilty of a misdemeanor:

A. No person shall drink or consume intoxicating liquor or nonintoxicating malt liquors in any motor vehicle.
B. No person shall have in their possession while in a motor vehicle any bottle or receptacle containing intoxicating liquors or nonintoxicating malt liquor which has been opened, the seal broken or the contents of which have been partially removed.
C. It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in the motor vehicle, to keep or allow to be kept in a motor vehicle any bottle or receptacle containing intoxicating liquors or nonintoxicating malt liquors which have been opened, the seal broken or the contents of which have been partially removed, except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passenger if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.
D. Subsections A, B and C shall not apply to motor vehicles upon public highways. (Ord.

552, 8-28-67)

## 601.05: TRAFFIC CONTROL DEVICES:

The placement and maintenance of traffic control devices on roads under the jurisdiction of the City is necessary to carry out the provisions in the Minnesota Traffic Code, Minn. Stat. Ch. 169, and in order to regulate, warn and guide traffic utilizing City roads. There is hereby created a Traffic Safety Committee consisting of the City Manager, Director of Public Works, and Chief of Police. The Traffic Safety Committee shall have the following authority:

A. To investigate and study all matters relating to vehicular traffic conditions including but not limited to parking, speed, traffic control, and traffic safety hazards.
B. To implement and provide for the installation of whatever traffic control devices are necessary to improve and promote traffic safety and properly manage the use of City roads.
C. To study and recommend to other road authorities maintaining roadways within the City corrective measures that may be deemed necessary to address traffic issues that may exist as to those authorities' roads within the City. (Ord. 1335, 4-24-2006)

# CHAPTER 602
# STOPPING, STANDING AND PARKING

SECTION:

602.01: Locking Required
602.02: Failure to Lock Immaterial in Certain Cases
602.03: Removal of Keys by Police Officer
602.04: Unattended Motor Vehicles
602.05: Handicapped Parking
602.06: Parking on Boulevard Prohibited
602.07: Fire Lanes
602.08: Vehicular Parking or Traffic Temporarily Prohibited
602.09: No Parking After Snowfall
602.10: Rules on Private and Public Parking Lots

## 602.01: LOCKING REQUIRED:

No person shall leave a motor vehicle, except a commercial motor vehicle, unattended on any street, alley, used car lot or unattended parking lot without first stopping the engine, locking the ignition and removing and taking the key. (Ord. 270, 1-27-1958)

## 602.02: FAILURE TO LOCK IMMATERIAL IN CERTAIN CASES:

Any violation of the provisions of section 602.01 of this chapter shall not mitigate the offense of stealing or tampering with such motor vehicle nor shall violation be used to prevent a recovery in any civil action for theft of such motor vehicle, or the insurance on such vehicle or have any other bearing in any civil action. (Ord. 270, 1-27-1958; amd. 1990 Code)

## 602.03: REMOVAL OF KEYS BY POLICE OFFICER:

Whenever any police officer of the city shall find a motor vehicle standing in violation of section 602.01 of this chapter, the police officer is authorized and directed to remove the keys left in such vehicle and to deliver such keys to the officer in charge of the police department at the city hall. (Ord. 270, 1-27-1958)

## 602.04: UNATTENDED MOTOR VEHICLES:

A. Manner of Parking: Any vehicle parked at any time in any part of the city shall be parked with the right-hand side parallel to the curb or edge of the street and not more than one foot from the curb or edge of the street leaving at least fourfeet) between parked vehicles except where marks or signs on the streets indicate that cars shall be parked at an angle. (Ord. 270, 1-27-1958; amd. 1995 Code)
B. Double Parking: Vehicles shall not stand two or more abreast in any street except in the case of commercial vehicles when calling for or delivering parcels or merchandise such commercial vehicle may double park for the length of time absolutely and reasonably necessary to load or unload when access to the curb is blocked by other vehicles at the place of delivery. (Ord. 270, 1-27-1958)
C. Time Limitations: No truck with a capacity of over two tons shall be parked on any

street for more than 90 minutes or for the time necessary to load or unload such truck. (Ord. 270, 1-27-1958; amd. 1995 Code)

D. Parking On Private Property: No vehicle shall be parked or left standing upon the private property of any person without the consent of the property owner. (Ord. 270, 1-27-1958)

## 602.05: HANDICAPPED PARKING:

A. Restriction: No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped, on either private or public property, unless:
1. That person is physically handicapped in a manner rendering it difficult and burdensome for such person to walk or such person was operating the vehicle under the direction of such a physically handicapped person; and
2. The vehicle visibly bears or contains the certificate or insignia issued to physically handicapped persons by the Minnesota Department of Public Safety pursuant to Minnesota Statutes section 169.345, subdivision 2.

B. Notice of Designation: Notice of such designation of handicapped parking spaces shall be given by the posting of signs designated in accordance with the requirements of the manual of the commissioner of public safety on uniform traffic control devices and the location, number and method of signing of such spaces is first approved by the chief of police. (Ord. 781, 5-10-1976)

## 602.06: PARKING ON BOULEVARD PROHIBITED:

No vehicle shall be parked on any boulevard adjacent to a public street except for boulevard parking spaces listed on the inventory of boulevard parking spaces regularly in use, dated June 30, 1984, prepared by the code enforcement officer, a copy of which is incorporated herein by reference and which is on file in the office of the city manager, may continue to be used until one of the following occurs:

A. Roadway improvements involving disturbance of or removal of the boulevard parking area is undertaken; or

B. Substantial improvements to the lot located adjacent to the boulevard parking area is undertaken, such expansion or construction of house, garage or driveway. (Ord. 1223, 6-29-1999)

## 602.07: FIRE LANES:

A. Designation of Lanes: When the fire chief determines that it is necessary for fire safety purposes to establish areas of access for firefighting equipment, the fire chief shall designate fire lanes along the curb of public and private roadways adjacent to buildings and within the parking lots of public and private property. Within thirty (30) days of notification of such designation, in writing, by the fire chief, the owner of the property adjacent to such fire lanes shall, at the property owner's expense:
1. Post and maintain signs approved by the fire chief reading, in substance, *"NO PARKING - FIRE LANE".* Such signs shall be posted at each end of the fire lane and at least at every 100 foot interval within the fire lane.
2. Paint and maintain the painting of the curbing along the fire lanes in a yellow color. (Ord. 987, 12-2-1985)

B. Removal of Unauthorized Vehicle: No vehicle, except an authorized emergency vehicle, may be parked in a fire lane. Vehicles in violation of this section may be removed, impounded and kept in custody under the direction of the chief of police. (Ord. 905, 5-10-1982)

## 602.08: VEHICULAR PARKING OR TRAFFIC TEMPORARILY PROHIBITED:

A. Maintenance, Improvements Or Emergency: The Public Works Director or the Chief of Police may temporarily prohibit vehicular parking or traffic upon any public street at such times as the public works department is performing maintenance or making improvements to such streets or at such times that a public safety emergency exists on or near such streets.
B. Posting: No person shall park or drive a vehicle on a public street after it has been posted with signs by the Public Works Director or the Chief of Police temporarily prohibiting vehicular parking or traffic pursuant to this section. (Ord. 817, 5-8-1978; amd. 1995 Code)

## 602.09: NO PARKING AFTER SNOWFALL:

A. Parking Restricted: No person shall park any vehicle, except in compliance with directions of a police officer or in compliance with regulatory parking signs, on any street for a period of 48 hours commencing immediately after any two inches or more continuous snowfall or until snow removal has been completed on any street, whichever occurs first. (Ord. 687, 12-18-1972)
B. Removal of Illegally Parked Vehicles: Any vehicle parked in violation of this section is declared to be a nuisance which interferes with snow removal from public streets and any police officer may remove or cause to be removed, summarily, any such vehicle by means of towing or otherwise or such police officer may require the driver or owner to remove such vehicle off the paved, improved or traveled portion of such street.
C. Prosecution For Violation: The removal of a vehicle which is parked in violation of this section, either by a police officer or under the direction of a police officer, shall not preclude a prosecution for violation of any provision of this chapter. (Ord. 361, 2-26-1962)

## 602.10: RULES ON PRIVATE AND PUBLIC PARKING LOTS:

On any private or publicly-owned parking lots within the City, the following rules shall apply:

A. The police department may post signs at any entrances to a parking lot from a public street which shall designate one-way traffic for entrance or exit. The driver of any vehicle entering or leaving such lot shall comply with any one-way signs so posted.
B. No person shall operate a motor vehicle at a speed greater than is safe and reasonable under the conditions of then existing traffic and in no event exceed a speed of 15 miles per hour.
C. Parking on lots shall conform to any stalls or positions for parking designated on the surface of the parking area.
D. The owner of the land on which the parking lot is located may designate certain spaces as for public safety, fire or emergency vehicles only, and no other vehicles may park in said spaces.
E. No vehicle shall be parked or allowed to stand in any area of such parking lot which has been designated or is used for a lane for moving traffic so as to interfere with the movement of traffic. (Ord. 401, 8-26-1963)
F. No motor vehicle shall be parked or allowed to stand in such a lot at a curb which is painted yellow.
G. No motor vehicle shall be parked or allowed to stand in such a lot in front of any entrance to any business or establishment open to public patronage. (1990 Code)

(Ord.1351, 8-27-2007)

# CHAPTER 603
# BICYCLE ROUTES

SECTION:

603.01: Routes Established
603.02: Signs Designating Routes
603.03: Motorized Vehicles Prohibited

## 603.01: ROUTES ESTABLISHED:

There are hereby established routes for bicycles. The City Council shall, by resolution, approve said locations. (Ord. 668, 6-12-62)

## 603.02: SIGNS DESIGNATING ROUTES:

There shall be erected appropriate signs on paths, walks or streets informing the public of said bicycle route and informing them of the prohibitions of motorized vehicles on certain routes. (Ord. 668, 6-12-62)

## 603.03: MOTORIZED VEHICLES PROHIBITED:

Except for authorized service vehicles, no person shall operate any snowmobile, trail bike, motorcycle, mini bike or any other vehicle which has a source of power other than the physical effort of the users on any route designated as a bicycle route except those on public streets. (Ord. 668, 6-12-62; amd. 1995 Code)

# CHAPTER 604
# SNOWMOBILES

SECTION:

604.01: Adoption of Code and Regulations
604.02: Limitation of Operation
604.03: Hours of Operation
604.04: Speed
604.05: Tow Bars
604.06: Mandatory Lights
604.07: Mandatory Pennant

## 604.01: ADOPTION OF CODE AND REGULATIONS:

Unless otherwise provided herein, Minnesota Statutes 1974 sections 84.81 to 84.90, inclusive, and the Regulations of the Minnesota Commissioner of Natural Resources, Reg. N.R. 51 to 59, inclusive, official copies of which are on file in the office of the City Manager, are hereby adopted and incorporated herein by reference for the purpose of prescribing regulations for the operation of snowmobiles within the City. Whenever reference is made in this Chapter to these statutes and regulations, such reference shall include all subsequent amendments. (Ord. 775, 2-9-76)

## 604.02: LIMITATION OF OPERATION:

Except for loading or unloading, no person shall operate a snowmobile within the City in any of the following places:

A. Within 150 feet of any residential building.
B. On private property where lawful permission has not been obtained.
C. On public streets, boulevards and any other public place except where such snowmobile route has been designated by the City for such use. (Ord. 775, 2-9-76)

## 604.03: HOURS OF OPERATION:

No person shall operate a snowmobile in the City between the hours of 11:00 P.M. and 7:00 A.M., prevailing time in Ramsey County, Sunday through Thursday, and from 1:00 A.M. to seven o'clock 7:00 A.M. on other days, including the day preceding a national holiday. (Ord. 775, 2-9-76)

## 604.04: SPEED:

No person shall operate a snowmobile in the City at a speed in excess of limits specifically posted for such use or at a speed in excess of fifteen (15) miles per hour within 150 feet of any fisherman, fish house, pedestrian, skier, skater, skating rink, sliding area, ski tow area or other area where such operation would conflict with or endanger other persons or property. (Ord. 775, 2-9-76)

## 604.05: TOW BARS:

No person shall operate a snowmobile so as to tow any person, sled or other conveyance except by the use of a rigid tow bar attached to the rear of such snowmobile. Persons towing

disabled snowmobiles shall be exempt. (Ord. 775, 2-9-76)

## 604.06: MANDATORY LIGHTS:

No person shall operate a snowmobile unless such vehicle is equipped with a head light and tail light that is illuminated at all times during such operation. Snowmobiles equipped with an engine of five horsepower or less shall be exempt. (Ord. 775, 2-9-76)

## 604.07: MANDATORY PENNANT:

No person shall operate a snowmobile unless such vehicle is equipped with a red or orange blaze pennant flag of at least 40 square inches in area and displayed at a height of not less than five feet above the treadway. (Ord. 775, 2-9-76)

# CHAPTER 605
# MOTORIZED GOLF CARTS AND ALL TERRAIN VEHICLES

SECTION:

605.01: Operation
605.02: Permit Required
605.03: Application for Permit
605.04: Term of Permit
605.05: Requirements for Permit
605.06: Conditions of Permit
605.07: Slow Moving Vehicle Emblem
605.08: Application of Traffic Laws
605.09: Suspension or Revocation of Permit

## 605.01: OPERATION:

Persons who are physically handicapped as defined in Minnesota Statute section 169.345, subdivision 2, are authorized to operate motorized golf carts or all terrain vehicles on designated roadways or portions of such roadways within the City. (Ord. 1007, 12-8-86)

## 605.02: PERMIT REQUIRED:

No person shall operate a motorized golf cart or all terrain vehicle without obtaining a permit as provided herein. (Ord. 1007, 12-8-86; amd. 1995 Code)

## 605.03: APPLICATION FOR PERMIT:

Every application for a permit shall be made to the Chief of Police and shall contain the following information:

A. The name, address and age of the applicant.
B. The nature of the applicant's physical handicap.
C. The roadways or portions of such roadways on which the motorized golf cart or all terrain vehicle will be operated.
D. The time of operation of the motorized golf cart or all terrain vehicle.
E. Such other information as the Chief of Police may require. (Ord. 1007, 12-8-86)

## 605.04: TERM OF PERMIT:

Permit shall be granted for the period of one year and may be renewed annually. (Ord. 1007, 12-8-86)

## 605.05: REQUIREMENTS FOR PERMIT:

No permit shall be granted unless the following requirements are met:

A. The applicant must demonstrate that applicant is a physically handicapped person as defined in Minnesota Statute section 169.345, subdivision 2.
B. The applicant must submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart or all terrain vehicle on the roadway designated.
C. The applicant must provide evidence of insurance in compliance with the provisions of

Minnesota Statute section 65B.48, subdivision 5. (Ord. 1007, 12-8-86)

## 605.06: CONDITIONS OF PERMIT:

The Chief of Police shall designate the following conditions for operation of the motorized golf cart or all terrain vehicle:

A. The roadways or portions thereof upon which motorized golf carts or all terrain vehicles will be permitted to operate.
B. The hours of operation on designation roadways. In no event shall motorized golf carts or all terrain vehicles be operated on designated roadways for any hours greater than sunrise to sunset, in inclement weather or when visibility is impaired by weather, smoke, fog or any other reason.
C. Any other restrictions imposed in the interests of public safety. (Ord. 1007, 12-8-86)

## 605.07: SLOW MOVING VEHICLE EMBLEM:

Motorized golf carts or all terrain vehicles shall display the slow moving vehicle emblem provided for in Minnesota Statute section 169.522 when operated on designated roadways. (Ord. 1007, 12-8-86)

## 605.08: APPLICATION OF TRAFFIC LAWS:

Every person operating a motorized golf cart or all terrain vehicle under permit on designated roadways has all rights and duties applicable to the driver of any vehicle under the provisions of Minnesota Statutes chapter 169 except when those provisions cannot reasonably be applied to motorized golf carts or all terrain vehicles and except as otherwise specially provided in Minnesota Statute section 169.045, subdivision 7. (Ord. 1007, 12-8-86)

## 605.09: SUSPENSION OR REVOCATION OF PERMIT:

The Chief of Police may suspend or revoke a permit granted under this Chapter upon the finding that the holder has violated any of the provisions of this Chapter or Minnesota Statutes chapter 169, or if there is evidence that the permittee cannot safely operate the motorized golf cart or all terrain vehicle on the designated roadways. (Ord. 1007, 12-8-86)

# TITLE 7
# PUBLIC WAYS AND PUBLIC PROPERTY

# CHAPTER 701
# PARKS AND RECREATION

SECTION:

701.01: Definition
701.02: Use of Motor or Snow Vehicles
701.03: Prohibited Conduct or Activity

## 701.01: DEFINITION:

The word "park" when used in this Chapter shall mean any municipally owned or operated public park, open space, playground or golf course. (Ord. 534, 4-24-1967; amd. 1995 Code)

## 701.02: USE OF MOTOR OR SNOW VEHICLES[1]:

A. Operation of Vehicles: Except for authorized service vehicles, no person shall drive or operate any vehicle in any park except on roads, parking areas or such other areas designated by the Director of Parks and Recreation at a speed not to exceed 15 miles per hour.
B. Parking of Vehicles: No person shall park any motor vehicle in any park except in designated parking areas. (Ord. 534, 4-24-1967; amd. 1995 Code)

## 701.03: PROHIBITED CONDUCT OR ACTIVITY:

The following regulations apply in all parks:
A. No person shall light or make a fire except in places provided for such purposes.
B. No person shall discharge any firearms or air guns[2]. No person shall discharge or display any fireworks unless a permit is obtained from the City Manager[3].
C. No person shall use bows and arrows in parks and playgrounds except in areas designated for that purpose.
D. No person shall scatter about or litter the grounds with any form of waste material.
E. No person shall throw stones or rubbish of any kind in any lake, pond or watercourse nor bathe, swim or wade except in designated areas.
F. No person shall affix or inscribe any handbill or poster on any structure or property in any park or any place, square or highway contiguous to any park. (Ord. 534, 4-24-1967)
G. No person shall possess, display, consume or use intoxicating liquors as defined in Minnesota Statutes section 340A.101, subdivision 14. No person shall possess, display, consume or use non-intoxicating malt liquors as defined in Minnesota Statutes section 340A.101, subdivision 19, except inside or on the deck of the clubhouse at the Roseville Golf Course or in certain areas of Central Park. The permitted areas in Central Park shall be established by the Director or designee of the Parks and Recreation Department pursuant to permits issued on a case-by-case basis and upon conditions imposed by said permits. (Ord. 1111, 4-27-1992)
H. No person shall disturb or interfere with any birds or animals kept or found in such

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[1] See Ttile 6, Chapter 604 of this Code.

[2] See Title 5, Chapter 503 of this Code.

[3] See Title 5, Chapter 504 of this Code.

park.

I. No person shall be permitted to sell any article including food or drink unless such person shall have a permit, lease or concession granted by the City.

J. No person shall play any game of baseball, football or other game except in areas provided for such game. (Ord. 534, 4-24-1967; amd. 1995 Code)

K. No dogs shall be allowed except on leash, cord, or chain not more than six feet in length. This subsection does not apply to service animals accompanying a disabled person.

The owner or attendant of any animal must carry clean-up utensils and clean up and dispose of all feces in a sanitary manner. (Ord. 1168, 8-12-1996)

L. City parks shall be closed between the hours of 10:00 P.M. and 5:00 A.M. unless otherwise posted. No person shall remain and no motor vehicle shall be left in the park between those hours unless special permission has been granted by the Director of Parks and Recreation. (Ord. 1069, 1-8-1990)

M. No person shall write upon, mark, deface or destroy in any manner or use in any improper way any property or thing pertaining to or in said parks.

N. All persons shall obey all orders or directions of the Director or employees of the Department of Parks and Recreation.

O. No person shall break, cut, mutilate, injure, remove or carry away any tree, plant, flower, shrub, rock, soil, sand, fence, bench or any other property.

P. No person shall ride a horse or other animal without a permit from the Parks and Recreation Director.

Q. No person shall use SCUBA or other diving equipment. (Ord. 534, 4-24-1967; amd. 1995 Code)

R. Notwithstanding anything to the contrary in this Code, the use of non-intoxicating malt liquors as defined in Minnesota Statutes section 340A.101, subdivision 19, is permitted in certain areas of McCarrons Lake Park. The permitted areas in McCarrons Lake Park shall be established by the Director of the Parks and Recreation Department, or the Director's designee, pursuant to permits issued by Ramsey County on a case-by-case basis and upon review and approval of said permits by the Director and the Roseville Police Department.

This subsection R shall be in force until the issuance of a certificate of completion for the Snail Lake Park shelter or November 1, 1999, whichever occurs first, at which time it shall be repealed without further action of the City Council. (Ord. 1204, 5-26-1998)

# CHAPTER 702
# USE AND REGULATION OF PUBLIC WATERS

SECTION:


702.01: Adoption of Code
702.02: Speed Limited
702.03: Water-Skiing or Surfboarding
702.04: No Wake Zone
702.05: Lake Owasso and Lake Josephine Restrictions
702.06: Aircraft


## 702.01: ADOPTION OF CODE:

For the purpose of regulating the operation of motorboats on the public waters within the City, the provisions of Minnesota Statutes section 86B.001 et seq., are adopted and by this reference made a part of this Chapter as completely as if set forth in full herein. (Ord. 1187, 9-8-1997)

## 702.02: SPEED LIMITED:

No motorboat shall be operated on any public waters at a speed greater than is reasonable and proper having due regard to safety of other boats and persons. On McCarrons Lake, Lake Owasso and Lake Josephine, no motorboat shall be operated at a speed greater than 40 miles per hour. (Ord. 1207, 8-10-1998) (Ord. 1341, 7-10-2006)

## 702.03: WATER-SKIING OR SURFBOARDING:

Except as provided for elsewhere in this Chapter, no motorboat shall be used for the purpose of water-skiing, surfboarding or other similar device, on any lake unless such operation is performed in a manner so that neither the boat nor the skier or surfboard rider come within 300 feet of shoreline, docks, swimmers or other boats. (Ord. 1187, 9-8-1997)

## 702.04: NO WAKE ZONE:

Except as provided for elsewhere in this Chapter, no person shall operate a motorboat or be towed on water skis or a similar device at greater than a slow-no wake speed within 300 feet of shore. Launching or landing a skier by the most direct route to open water shall be exempt from this provision. (Ord. 1187, 9-8-1997)

## 702.05: LAKE OWASSO AND LAKE JOSEPHINE RESTRICTIONS:

Notwithstanding any other provision of this Code to the contrary, the following restrictions apply to the operation and use of motorized watercraft on Lake Owasso and Lake Josephine:

A. Definitions: The following words and phrases when used in this Chapter have the meanings set forth in Minnesota Statutes section 86B.005: motorboat, operate, person, slow-no wake and watercraft.
B. No Wake: No person shall operate a motorboat or be towed on water skis or a similar device at greater than a slow-no wake speed within 150 feet of shore. Launching or

landing a skier by the most direct route to open water shall be exempt from this provision.

C. Safe Distance: Persons operating a motorboat, and those being towed on water skis or a similar device shall, at all times, maintain an adequate distance (considering speed and conditions) from other watercraft, swimmers, swim rafts and docks, so as to avoid an accident. When a swimmer is present, motorboats or persons being towed on water skis or a similar device shall not pass between a swim raft and the nearest shore.

D. Exemptions:
1. Authorized resource management emergency and enforcement personnel, when acting in the performance of their duties, shall be exempt from the provisions of this Chapter.
2. A temporary exemption from these restrictions for a special event may be granted upon approval by the City Council and the issuance of a permit by the Ramsey County Sheriff's Department.

E. Direction of Travel: For Lake Josephine only, except when operating at slow-no wake speeds, motorboats shall only travel in a counterclockwise direction.

F. Enforcement: Primary enforcement of this Chapter shall be the responsibility of the Ramsey County Sheriff's Department. This, however, shall not preclude enforcement by other licensed peace officers. (Ord. 1207, 8-10-1998)

## 702.06: AIRCRAFT:

A. Use of Aircraft Declared a Hazard: The City Council finds and determines that there are no public waters (except Lake Owasso) within the City which may be used by aircraft without endangering the property and lives of other persons using the public waters. The City Council finds that all public waters in the City are small and heavily used for boating, fishing and swimming by residents and other people generally and that the use of aircraft on the same waters is a hazard to public safety. The City Council further finds that by prohibiting aircraft on the public waters, the public use of such waters is greatly increased and the number of persons able to use such waters is proportionately increased.

B. Aircraft Prohibited from Using Public Waters: No aircraft shall fly over any public waters (except Lake Owasso) at such a low altitude as to interfere with the existing use of the public waters for boating, bathing or other recreational uses of the waters. No aircraft shall land on public waters, other than Lake Owasso, except in the case of a forced landing. (Ord. 1187, 9-8-1997)

# CHAPTER 703
# USE AND REGULATION OF PUBLIC WAYS

SECTION:


703.01: Purpose and Intent
703.02: Permit Requirements
703.03: General Requirements
703.04: Driveway and Parking Lot Standards
703.05: Bus Benches in Right of Way
703.06: Newspaper Vending Machines
703.07: Newspaper Receptacles
703.08: Street Name Signs
703.09: Administration
703.10: Obstruction Prohibited


## 703.01: PURPOSE AND INTENT:

The purpose of this chapter is to control the location of curb cuts and driveways in order that traffic hazards be reduced, adequate street drainage be maintained and that ingress and egress from properties shall not constitute a hazard or impair the health, safety or public welfare of the residents of the city. (Ord. 286, 11-24-1959)

## 703.02: PERMIT REQUIREMENTS:

A. Permit Required: No driveway shall be constructed or reconstructed at any location where motor vehicles will be provided with access to any public right of way without first obtaining a permit for said construction from the Community Development Director or designee after approval by the Public Works Director or designee. The Public Works Director may add conditions to the permit.
B. Application: Any person desiring said permit shall present a written application to the Community Development Director or designee describing the improvements to be made and plans which indicate that the requirements of this chapter will be met. The permit application shall be reviewed by the Public Works Director or designee.
C. Permit Fees: Such application shall be accompanied by a fee as established by the City's Fee Schedule in Section 314.05.
D. Revocation: The permit may be revoked by the Community Development Director or designee at any time after its issuance for failure to comply with the conditions of the permit or the directions of the Community

Development Director or designee respecting the work. (Ord. 1172, 9-23-1996)

## 703.03: GENERAL REQUIREMENTS:

A. Licensed Contractor Required; Exception: All construction work within the right of way of a street shall be performed by a licensed contractor who shall be responsible to assure that all relevant code provisions and regulations are rigidly followed. The requirement that the work be done by a licensed contractor may be waived by the Community Development Director or designee if the work is construction or repair of a driveway and the work is performed by the owner of the property and the owner executes a hold harmless agreement indemnifying the city against any claims for damages which might

be made against the city arising out of the work performed by the property owner.

B. Application of Requirements: These requirements apply to all new driveways as well as to major repairs and changes to old driveways which do not conform to present requirements in addition to new construction.

C. Notice to City: The Community Development Director or designee is to be notified of the date that construction will start at least 24 hours in advance. (Ord. 1172, 9-23-1996)

## 703.04: DRIVEWAY AND PARKING LOT STANDARDS:

A. New Commercial Uses: The location and specifications for curb cuts and driveways in accordance with this section shall be a necessary part of the plot plan for the use and structure and must be approved prior to the issuance of a building permit.

B. Standards For Driveways and Parking Lots: The following regulations shall apply to all driveways and aisles in parking lots:

1. Maximum Width:

a. R-1 and R-2 Zones: For single-family and duplex principal structures within the R-1 and R-2 zones, the maximum width of any driveway at the property line shall be 26 feet. In addition to the maximum width, at each side of the driveway where the driveway intersects the street, three foot flares are permitted. The maximum driveway width for all other uses shall be 36 feet and 10 foot flares are permitted.

b. All Other Zones: Except for the single-family and duplex principal structures, the maximum driveway width for all other types of properties shall be 36 feet as measured at the property line. In addition to the maximum width, at each side of the driveway for such property where the driveway intersects the street, 10 foot flares are permitted.

c. Public Safety Facilities Exemption. These driveway maximum width regulations shall not apply to publicly owned and operated public safety facilities. (Ord. 1423, 1-23-2012)

2. Minimum Distance: The minimum distance between edges of driveways at the front property line right of way line shall be 10 feet except in planned unit developments where the development agreement shall specify the distance.

3. Parking Lot Aisle: Any drive aisle in a parking lot in any residential zoning district serving a building containing three or more dwelling units or in any zone other than a residential zoning district shall be a minimum of 24 feet except one-way drive aisles which shall be a minimum of 18feet.

4. Intersection: On properties zoned R-1 or R-2, no driveway shall be located within 30feet of any right of way of a street intersection. On properties in all other zones, no driveway shall be located within 40feet of any right of way line of a street intersection. Said distances shall be measured along the property line from the corner right of way line.

5. Minimum Driveway Angle: The minimum driveway angle from a two-way access street shall be 60 degrees from a one-way street it shall be 30degrees.

6. Driveway Approaches: Driveway approaches between the curb and the property line shall be constructed of concrete, asphalt, brick pavers, a strength capable of handling the weight of cars and trucks (generally stamped on bottom of paver) or other hard surface pavement approved by the Public Works Director.

If concrete is used for the driveway, where there is no concrete curb or gutter, the concrete driveway shall be held back two feet from the edge of the roadway. The remaining two feet shall be surfaced with hot mixed bituminous material. Prior to starting work, the owner or builder shall obtain a permit from the Community Development Director or designee.

7. Driveways: Driveways shall be constructed of concrete, asphalt, brick pavers or other

hard surface pavement approved by the Public Works Director.

8. Driveway Elevation: The driveway elevation at the property line shall not be more than ten inches nor less than four inches above the centerline of the abutting street with a maximum slope to gutter lines of 10%+ and a minimum slope of 2%+.

9. Driveways on Private Property: Residential driveways, shall be constructed so that the edge of the driveway nearest to the side lot line shall be a minimum of five feet from the side lot line.

10. Driveways On County Or State Roads: Where new principal structures are constructed on lots contiguous to roadways designated as major thoroughfares in the city's comprehensive plan, driveways servicing such lots shall be designed and constructed so as to provide a vehicle turnaround facility within the lot.

C. Access to County or State Roads: On properties having frontage on both major and minor roads, access shall be provided via the minor road wherever feasible in order to reduce the number of curb cuts on major thoroughfares.

D. Traffic Control: Where commercial land uses are adjacent to residential districts, ingress and egress from the commercial properties on streets leading to or through the residential zones shall not be permitted unless it can be demonstrated that adequate access to public rights of way is thereby denied. Traffic control is exercised so as to ensure that the location of driveways shall not constitute a hazard nor be injurious to adjacent residential uses.

E. State and County Highway Requirements: Where the proposed driveway is to be constructed so that it opens into any street designated as either a Minnesota state, Ramsey County or U.S. trunk highway, all additional specifications of the appropriate highway departments will apply. (Ord. 1172, 9-23-1996)

## 703.05: BUS BENCHES IN RIGHT OF WAY:

No bench may be placed or maintained in a public right of way without securing a permit from the Public Works Director and the payment of an annual license fee as established in Section 314.05. The number, size, and locations of all benches shall be in accordance with the City of Roseville/Metro Transit bus route plan. The Public Works and Transportation Commission will review the annual site application for input regarding the siting application. A permit shall not be issued unless the bench and its placement comply with the following conditions:
(Ord. 1379A, 11-17-2008)

A. Bus Stops: A bench shall only be placed at a bus stop on an established bus route.

B. Location: A bench shall be placed parallel to and no nearer than four feet from the roadway curb or the edge of the roadway where no curb exists and shall not obstruct a pathway.

C. Number: No more than one bus bench may be placed at a roadway intersection in the direction of traffic flow, unless the Public Works Director authorizes more benches in writing after finding that the passenger load justifies more than one bench at a bus stop. All bus benches shall bear the local telephone number at which the permittee may be reached concerning issues with the bench.

D. Proximity to Other Benches: No bus bench may be placed within 500 feet of any other bench or within 15feet of an existing on a roadway, unless the Public Works Director authorizes more benches in writing after finding that the passenger load justifies more than one bench at a bus stop or closer proximity.

E. Size: The maximum size of a bench shall be three and one-half feet high, seven feet long and three feet wide erected upon a concrete pad of maximum eight foot length and four foot width. The maximum amount of advertising on a bus bench shall not exceed

eleven square feet.

F. Color: A bench shall be of a single color except a multicolored advertising sign. The bench signage may be affixed to or may be used as the backrest of the bench. Signage shall be affixed only to the street-side portion of the bench backrest

G. Structure Maintenance: When directed by the Public Works Director as necessary to address refuse and litter issues, bench sites shall be equipped with an architecturally complementary trash receptacle. Benches shall be maintained a minimum of once per week with such maintenance to include picking-up litter/debris about the bench, removing graffiti/stickers, removal of ice and snow in a manner such that each bench shall be fully accessible within 72 hours of a snow fall or other weather event. Benches shall be inspected weekly for any damaged or broken parts and shall repair or replace damaged or broken parts within 48 hours after damage or breakage is discovered or reported.

H. Liability Insurance: A certificate of liability insurance shall be filed with the city covering claims for damages which might arise out of the use or placement of a bench in the public right of way naming the city as an additional insured. The minimum limit of liability shall be six hundred thousand dollars ($600,000.00).

I. Removal: At the request of the Public Works Director, a bench shall be removed at the permittee's sole expense in order to permit right of way improvements or maintenance. If the location of the bench is a safety hazard or if it interferes with pedestrian or vehicular traffic on the right of way, or if the bus route changes, the provider shall incur the cost of removal within 30 days of the route change.

J. State or County Permission: If the bench placement is in a Minnesota Department of Transportation or county right of way, written permission must be secured from the Minnesota department of transportation or the county and filed with the city. (Ord. 1267, 7-15-2002)

K. Applicants and permittees must meet all local, state, and federal requirements applicable to bus benches, their placement, and their use for public transit services.

(Ord. 1294, 9-15-2003)

## 703.06: NEWSPAPER VENDING MACHINES:

A. Notification to City: No newspaper vending machine may be placed or maintained in a public right of way without the publisher notifying the Public Works Director, in writing, of the location of the vending machine.

B. Placement Conditions: Placement of vending machines shall comply with the following conditions:

1. Distance from Roadway: A newspaper vending machine may be placed no nearer than four feet from the roadway curb or the edge of the roadway where no curb exists and shall not obstruct a pathway.

2. Maximum Size: The maximum size of a newspaper vending machine shall be four feet high, two feet long and two feet deep.

3. Number of Machines: No more than one newspaper vending machine per newspaper publisher may be placed within 800 feet of any other newspaper vending machine of that same newspaper publisher.

4. Attachment to Public Facility Prohibited: No newspaper vending machine may be attached to a public facility such as a utility pole, roadway sign or fireplug.

5. Color and Identification: A newspaper vending machine shall be of a single color except for lettering on the machine which shall not exceed four inches in height. Such lettering shall identify the newspaper only and shall not be an advertising sign.

6. Removal: At the request of the Public Works Director, a newspaper vending machine shall be removed in order to permit right of way improvements or maintenance, if its

location is a safety hazard or if the vending machine significantly interferes with pedestrian or vehicular traffic on the right of way.
7. Residential Areas: No newspaper vending machine may be placed in a public right of way adjacent to a property zoned residential and containing four residential units or less. (Ord. 999, 5-12-1986; amd. 1995 Code)

## 703.07: NEWSPAPER RECEPTACLES:

A. Definition: For the purposes of this section, a "newspaper receptacle" is any outside device, whether tubular, box shaped or otherwise, designed for and used to receive newspapers, advertising flyers or similar printed material delivered by a carrier. Included in this definition are such devices which may be attached to the sides of buildings, freestanding posts, mailbox posts and other outside structures.
B. Limitations: Newspaper receptacles are prohibited in public rights of way except at the roadway curb of each lot. No more than two newspaper receptacles may be attached to a rural delivery mailbox post. On lots where no mailbox post is available or where such placement is impractical, no more than two newspaper receptacles may be placed on a single post; provided that if there is a mailbox on the lot, the newspaper receptacle post shall be located within 18 inches of the mailbox post. In no event will there be more than two newspaper receptacles on any lot.
C. Exceptions:
1. Where rural mailboxes are located on one side of the street, newspaper receptacles may be placed on the side of the street where the residence is located or on the mailbox post or within 18 inches of the mailbox post in accordance with subsection B of this section regardless of which side of the street the mailbox is located.
2. On lots where more than one dwelling unit is located, no more than two newspaper receptacles may be placed for each dwelling unit.
D. Color: All newspaper receptacles permitted by this section shall be a brown or tan color or such other neutral color as provided, in writing, by the Public Works Director. Permitted newspaper receptacles shall not display the name of a newspaper or other advertising message but may display an identifying mark for each publisher using the receptacle not to exceed two inches by two inches in size.
E. Permission: Each publisher which has placed or places a newspaper receptacle pursuant to this section shall provide the occupier of the dwelling to which it is adjacent with a self-addressed postcard, printed in such a manner that the occupier may instruct the publisher to remove the newspaper receptacle. In the event the publisher receives instructions from the occupier to remove the newspaper receptacle, the publisher shall remove the same within ten days of receipt of the instruction. (Ord. 920, 2-14-1983)

## 703.08: STREET NAME SIGNS:

A. Erection: No person other than an employee or duly authorized agent of the city shall erect any sign purporting to be a street name sign within the corporate limits of the city.
B. Maintenance: The city shall maintain all street name signs within its corporate limits. (Ord. 337, 9-8-1961)

## 703.09: ADMINISTRATION:

A. Enforcement: The Public Works Director is hereby designated as the enforcing officer for this chapter and shall have the power to issue, deny or revoke any permit. The Public Works Director may institute in the name of the city any appropriate actions or procedure against a violator as provided by law. (Ord. 286, 11-24-1959; amd. 1995 Code)

B. Appeals and Hearings: Appeals from the decision of the Public Works Director in relation to the granting and revoking of a permit shall be referred to the City Council. Such appeal shall be taken within 20 days from and after the date of such decision by the Public Works Director. Upon a motion from the City Council the appeal may be referred to the planning commission. If directed by the City Council, the planning commission may hold a public hearing on the appeal. The procedure for said public hearing shall be as set forth in Title 1, Chapter 108 of this code. The prosecution for violation of any of the provisions herein shall be held in abeyance pending the determination of the appeal to the City Council. (Ord. 1175A, 11-25-1996)

## 703.10: OBSTRUCTION PROHIBITED:

A. Obstruction or blocking of city owned non-motorized pathways, sidewalks, or designated bicycle routes, by any means, including, but not limited to, the parking of vehicles or storage of snow, is prohibited. (Ord. 1186, 8-11-1997)

# CHAPTER 704
# CONSTRUCTION OF STREETS AND SIDEWALKS

SECTION:

704.01: Jurisdiction and Scope
704.02: Definitions
704.03: Grading
704.04: Specifications for Pavements
704.05: Curbs and Gutter
704.06: Drainage

## 704.01: JURISDICTION AND SCOPE:

A. Jurisdiction: Pursuant to the applicable statutory authority of the City Council to regulate, control and maintain City streets as provided in Minnesota Statutes, Annotated, chapters 412, 429 and 471.
B. Scope: The specifications set forth in this Chapter shall apply to all streets hereafter constructed within the City and are considered as additional safeguards made necessary through the rapid growth and expansion of the City. (Ord. 217, 6-12-56)

## 704.02: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:
COLLECTOR STREET: A street which carries traffic from minor streets of residence development and the principal circulating streets within such a development.
CUL-DE-SAC: A short minor street having one open end and being permanently terminated at the other by a vehicular turnaround.
MARGINAL-ACCESS STREET: A minor street which is parallel to and contiguous with a thoroughfare and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the adjoining thoroughfare.
MINOR STREET: A street other than a thoroughfare or collector street which affords local access to abutting properties. (Ord. 217, 6-12-56)

## 704.03: GRADING:

The full width of the right of way shall be graded, including the subgrade of areas to be paved, in accordance with the design and specifications approved by the Public Works Director and in accordance with the most current Minnesota Department of Transportation Standard Specifications for Highway Construction. (Ord. 448, 12-7-64; amd. 1995 Code)

## 704.04: SPECIFICATIONS FOR PAVEMENTS:

All pavements shall be constructed in accordance with the plans approved by the City Engineer and all minor streets, cul-de-sac streets and marginal access streets shall be constructed for seven ton rated capacity and all other roads shall be constructed for nine ton rated capacity, all of such construction to be in accordance with the most current Minnesota Department of Transportation Standard Specifications for Highway Construction. (Ord. 448, 12-7-64; amd. 1995 Code)

## 704.05: CURBS AND GUTTER:

Concrete curbs and gutters shall be constructed on all asphalt pavements. Either integral curb or concrete curb and gutter shall be constructed on all concrete pavements. (Ord. 448, 12-7-64)

## 704.06: DRAINAGE:

Where considered necessary to ensure adequate drainage of any street hereafter constructed in the City, the Public Works Director shall approve the necessary storm drainage facilities to be built with the street. (Ord. 448, 12-7-64; amd. 1995 Code)

# CHAPTER 705
# EXCAVATION, GRADING AND SURFACING

SECTION**:**

705.01: Permits Required
705.02: Application
705.03: Notice to Adjacent Property Owners
705.04: Guarantee of Completion
705.05: Additional Licenses or Permits

## 705.01: PERMITS REQUIRED:

No person, firm or corporation shall engage in any excavation, grading, surfacing or filling of land in the City without first securing a permit as set forth in this Section.

A. Permit From City Manager: A permit is required from the City Manager or designee for any of the following:
   1. If more than50 cubic yards of material are being placed or removed from the site, and a permit is not required by subsection B below.
   2. If filling activities occur within ten feet of a property line.
   3. If the filling activities change the drainage patterns of the applicant property or adjacent properties.
   4. If filling activities will adversely affect or alter a wetland area or ponding area.

B. Permit From City Council: A permit is required from the City Council for any of the following:
   1. For any filling or excavating on developed land zoned R-1 or R-2 where the site is less than one acre and the fill or excavation exceeds500 cubic yards.
   2. For any filling or excavating on developed land zoned R-1 or R-2 where the site is one acre or greater and the proposed fill/excavation exceeds 1,000 cubic yards.
   3. For any filling or excavating on undeveloped land zoned R-1 or R-2 where the site is less than one acre and the proposed fill/excavation exceeds 2,000 cubic yards.
   4. For any filling or excavating on undeveloped land zoned R-1 or R-2 where the site is greater than one acre and the proposed fill/excavation exceeds4,000 cubic yards.
   5. For any filling or excavating on developed commercial/industrial property where the site is less than two and one-half acres and the proposed fill/excavation exceeds 2,500 cubic yards.
   6. For any filling or excavating on developed commercial/industrial property where the site is greater than two and one-half acres and the proposed fill/excavation exceeds 5,000 cubic yards.
   7. For any filling or excavating on undeveloped commercial/industrial property where the site is less than two and one-half acres and the proposed fill/excavation exceeds 5,000 cubic yards.
   8. For any filling or excavating on undeveloped commercial/industrial property where the site is greater than two and one-half acres and the proposed fill/excavation exceeds 10,000 cubic yards. (Ord. 1137, 4-25-1994)

## 705.02: APPLICATION:

All persons desiring such permits shall file on the appropriate forms as provided by the City Manager or designee and pay a fee as required by the City Council. The City Council will

pass a resolution establishing the fees. (Ord. 1137, 4-25-1994)

## 705.03: NOTICE TO ADJACENT PROPERTY OWNERS:

All permits required to be issued by the City Council will be issued only after the appropriate notices have been sent to the adjacent property owners whose land might be affected by the excavating, grading, surfacing or filling, and a hearing held. The City Manager or designee will determine who the affected adjacent landowners are. (Ord. 1137, 4-25-1994)

## 705.04: GUARANTEE OF COMPLETION:

The City Manager or designee may require guarantees that the proposed filling, excavation or grading will be completed by a specified date and require financial guarantees to assure completion. (Ord. 1137, 4-25-1994)

## 705.05: ADDITIONAL LICENSES OR PERMITS:

A permit received under this Chapter does not relieve the applicant from securing any other permit or license that might be required. (Ord. 1137, 4-25-1994)

# CHAPTER 706
# URBAN FOREST MANAGEMENT

SECTION:


706.01: Declaration of Policy
706.02: Purpose
706.03: Definitions
706.04: Tree Board
706.05: Jurisdiction
706.06: Designation and Duties of City Forester
706.07: Public Tree Master Plan
706.08: Regulations for Planting or Removing Trees, Shrubs, and Herbaceous Plants on Public and Private Property
706.09: Duties of Private Landowners
706.10: Reporting Discovery of Shade Tree Pests
706.11: Registration of Tree Care Firms
706.12: Standard Abatement Order Procedure
706.13: Development or Redevelopment Tree Planting
706.14: Declaration of A Shade Tree Pest
706.15: Nuisances are Unlawful
706.16: Declared Shade Tree Pests, Control Measures and Control Areas
706.17: Urban Forest Management Fees
706.18: Emergencies
706.19: Interference


## 706.01: DECLARATION OF POLICY:

The health of trees in the City of Roseville (City) is threatened by shade tree pests. The loss or ill health of trees growing upon public and private property, substantially depreciates the value of property within the city and impairs the safety, environmental benefits, general welfare and convenience of the public. The provisions of this section are adopted as an effort to control and prevent the spread of shade tree pests and to maintain a healthy urban forest, in addition to and in accordance with Minn. Stat. §§ 89.001, 89.01 and 89.51-.64.

## 706.02: PURPOSE:

It is the purpose of this Chapter to protect and promote the public health, safety and general welfare of the people of the City by:

A. Regulating the planting, maintenance and removal of trees, shrubs and herbaceous plants on all public spaces and rights of way.
B. Allowing the planting, maintenance, removal and trimming of trees, shrubs and herbaceous plants on public lands by written permission of the city.
C. Inspecting trees on public and private lands.
D. Controlling shade tree pests to protect the trees and to prevent and abate hazardous tree conditions and nuisances within the City on public and private lands.
E. Protecting and preserving existing healthy trees.
F. Encouraging the planting of trees for the protection and enhancement of the

environment

## 706.03: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:
BOULEVARD: That property between the edge of the street and the property line (right-of-way line).
EASEMENT: The right to use a defined part of real property held by others for a specific purpose.
HAZARDOUS TREE: Any tree, as determined by the City Forester, to cause or have the potential to cause harm to public or private property, following the guidelines set forth by the Minnesota Department of Natural Resources (MNDNR).
HERBACEOUS PLANTS: Non-woody plants.
NUISANCE: Any shade tree pest or hazardous tree in the community threatening to cause significant damage to another shade tree, or public or private property.
PROPERTY LINE: The legal boundary of a parcel of land.
PUBLIC TREE MASTER PLAN: Official comprehensive tree management plan, including, but not limited to, a planting guide with regulations outlining acceptable tree species, planting locations, planting techniques and treatments to limit the spread of shade tree pests and maintain healthy trees.
PUBLIC TREE PERMIT: Written permission given by the City allowing a person(s) to plant, trim, treat or remove a tree, shrub, or herbaceous plant on city public land.
PUBLIC UILITIES: Public water, storm sewer and sanitary lines.
RIGHT OF WAY: The surface and space above and below a public roadway, highway, street, cartway, bicycle and public sidewalk in which the City has an interest, including other dedicated rights of way for travel purposes, utility easements and any other real property owned by or under the control of the City.
SHADE TREE PEST: Any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minn. Stat. § 89.001.
SHRUB: A woody plant at maturity less than 20 feet tall with multiple stems at the ground or branching within a few feet above ground.
TREE: A woody plant at maturity 20+ feet tall with a single stem and unbranched for several feet above ground.
TREE TOPPING: Topping and tipping are pruning cuts made indiscriminately on limbs with no regard for placing the cuts near protection zones.
TREE TRIMMING: Recommended trimming and pruning techniques are outlined in the Public Tree Master Plan. Tree topping is not considered an appropriate tree trimming technique and is specifically prohibited on all public lands.

## 706.04: TREE BOARD:

The Parks and Recreation Commission shall act in all matters relating to the advisement of issues contained in this Chapter and all others relating to urban forest management within the City, pursuant to City Code Chapter 203.

## 706.05: JURISDICTION:

A. The city shall have the power to plant, care for, maintain, remove, and replace all trees, shrubs, and herbaceous plantings located within any street right of way, parks and public places within the City limits.
B. The city shall have control over the planting, care, maintenance, removal and replacement

of all trees, shrubs, and herbaceous plants located on private property that constitute a hazard or threat to the public as set forth in this Chapter.

## 706.06: DESIGNATION AND DUTIES OF CITY FORESTER:

A. Appointment of City Forester: The Director of Parks and Recreation, or duly authorized employee, shall act as the City Forester to coordinate the activities within the city relating to urban forest management.
B. Authority of City Forester: The City Forester shall have jurisdiction and supervision over all trees, shrubs, and herbaceous plants located within street rights of way, parks and public places of the City, and trees, shrubs and herbaceous plants located on private property that constitute a hazard or threat to the public.
C. Duties of City Forester: The City Forester may direct the planting, care, maintenance, removal and replacement of any tree, shrub or herbaceous plant on public grounds and on private property where necessary to preserve or restore the healthy and safe condition of such tree, shrub or herbaceous plant or to protect the public from damage or injury. The cost of any such work may be assessed against the property on which the tree, shrub or herbaceous plant is located, pursuant to Section 706.12.
D. Public Tree Master Plan: In addition to the other responsibilities under this Chapter, the City Forester shall review the Public Tree Master Plan regarding all aspects of trees, shrubs and herbaceous plants on public property within the City and on private property where such tree(s), shrub(s) and/or herbaceous plant(s) may present a health or safety hazard.

## 706.07: PUBLIC TREE MASTER PLAN:

The Public Tree Master Plan shall address the following matters:

1. List of acceptable varieties of plant material
2. Prohibited plantings of specific trees, shrubs and herbaceous plants
3. Minimum size of plant material
4. Grade and quality of plant material
5. Method/technique of planting and support
6. Maintenance
7. Recommended trimming and pruning techniques
8. Recommended acceptable treatments

When approved by resolution of the City Council following a review by the City Tree Board, the Public Works Director and Community Development Director, the Public Tree Master Plan and any modifications will be the Official Plan of the City. After the adoption of the official plan, no tree planting permit will be issued which does not conform to the Public Tree Master Plan.

## 706.08: REGULATIONS FOR PLANTING OR REMOVING TREES, SHRUBS OR HERBACEOUS PLANTS ON PUBLIC PROPERTY:

A. Hazard Placement Prohibited: No tree, shrub or herbaceous plant shall be planted, placed or allowed to remain in a place which the City Engineer determines could cause a traffic hazard. Enforcement shall be conducted by the City Forester and the City Engineer.
B. Boulevard Planting: Trees, shrubs, or herbaceous plants must be located within the first three (3) feet of the boulevard, measured from the property line. Plant material shall be consistent with the Public Tree Master Plan and not in conflict with public plantings based on the judgment of the City Forester. Planting will be by permit only.
C. Spacing/Placement: Placement of trees, shrubs or herbaceous plants must be consistent

with Sections 706.07 through 706.08 and the guidelines listed in the Public Tree Master Plan.

D. Abuse or Mutilation: No person shall on public property and right of way:
1. Damage, cut, remove, carve, kill or injure trees, shrubs or herbaceous plants.
2. Trim, prune, remove, spray or otherwise treat trees, shrubs or herbaceous plants without first obtaining a public tree permit.
3. Attach any rope, wire or other contrivance to any tree, shrub or herbaceous plant.
4. Cause or permit any wire charged with electricity or any gaseous liquid or solid substance to come in contact with trees, shrubs or herbaceous plants which are located on, or extend over, any public street, boulevard, park or other public place without a permit.

E. Public Tree Permits:
1. No person shall plant, remove or treat trees, shrubs or herbaceous plants on a public boulevard without first obtaining a public tree permit from the City Forester.
2. The following provisions apply to the issuance of public tree permits for planting, treating or removing trees, shrubs and/or herbaceous plants on public property, especially the boulevard:
a. Application Data: The application required under this Section shall state the number of trees, shrubs and/or herbaceous plants to be planted, the location, size and specific species of each tree or plant.
b. Standards for Issuance: A permit shall be issued after the application has been determined to be in compliance with the Public Tree Master Plan and the requirements of this Section and related sections by the City Forester.
c. Replacement: As a condition to the granting of a tree removal permit, the City Forester may require the applicant to relocate or replace trees, shrubs and/or herbaceous plants to be consistent with the Public Tree Master Plan.
d. Bond Requirements: A posted bond or cash escrow may be required in an amount to be determined by the City Forester conditioned upon satisfactory compliance with the terms of the permit.
e. Permit Denial: If a planting or removal permit is denied, the reason(s) for denial shall be set forth in writing and given to the applicant, within 20 days of receipt of application.
f. Denial Appeal: Any applicant adversely affected by the decision may appeal to the City Tree Board and, finally, to the City Council.

F. Areas Not Applicable: The provisions of subsection D above shall not apply to:
1. The removal of trees on public easements/rights of way, conducted by, or on behalf of, a Federal, State, County, Municipal or other governmental agency in pursuance of its lawful activities or functions in construction or improvements.
2. The removal of any tree by a public utility when such tree has the reasonable potential of endangering the facility's operation by the utility.

## 706.09: DUTIES OF PRIVATE LANDOWNERS:

It shall be the duty of any person owning private property to comply with the following:

A. Planting on Private Property: No person shall plant or allow to be planted on any privately owned property any tree, shrub or herbaceous plant listed in the Public Tree Master Plan as prohibited.

B. Acceptable Plant Materials: Acceptable plant materials shall not have characteristics detrimental to the public welfare such as:
1. susceptibility to pests, as determined by the MNDNR, Minnesota Department of Agriculture (MDA) and the City Forester
2. susceptibility to wind damage

3. a tendency to interfere with utilities
4. or a tendency to interfere with public easements or rights of way.

C. Prohibited Obstructions:
1. Obstructing View: No trees, shrubs or herbaceous plants shall be planted or allowed to grow so as to obstruct the view of any vehicular traffic on public streets or pathways, or pedestrians on public pathways.
2. Utilities: No trees may be planted under or within ten (10) level feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground public utilities.

D. Trimming of Trees:
1. Private property trees and shrubs must be trimmed so as not to cause a hazard to persons or property on abutting property.
2. All trees and shrubs shall be pruned to sufficient height to allow free passage of pedestrians and vehicular traffic: nine (9) feet over sidewalks and 16 feet over streets and two (2) feet horizontal distance.

E. Removal of Pest-Infested or Hazardous Trees: Pest-infested or hazardous trees, and plants deemed to be a health or safety hazard by the City Forester, must be treated or removed so as not to constitute a health or safety hazard to the public or to other trees or plants in the City.

F. Stockpiling and Storage of Firewood Logs: No person shall stockpile or store wood from a pest-infested tree with the bark intact without first having obtained a permit to do so. The City Forester may issue permits, upon proper application, for the stockpiling or storage of such wood only between September 15 and April 1 of the following year and only at locations which are specified in the permit.

## 706.10: REPORTING DISCOVERY OF SHADE TREE PESTS:

Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a nuisance as defined under Section 706.03 shall report the same to the city.

## 706.11: REGISTRATION OF TREE CARE FIRMS:

Any person, corporation or other entity that operates a business which provides tree care, tree trimming, or removal of trees, limbs, branches, brush, or shrubs for hire must be licensed to work in the City by the Community Development Department.

## 706.12: STANDARD ABATEMENT ORDER PROCEDURE:

When the City Forester determines with reasonable certainty that it is necessary to order the trimming, treatment or removal of trees, shrubs or herbaceous plants as authorized in subsection 706.09, a written order to correct the condition shall be served.

A. The City Forester will notify in writing the owner of record or occupant of the premises that a nuisance exists and order that the nuisance be terminated or abated. The notice may be given in person or by mail. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the City Forester.

B. Removal Date: The date inserted in the notice in subsection 706.12A shall be 20 days after the notice is mailed.

C. Appeal: A person receiving said notice may, within five (5) working days of the postmark date of said notice, file an appeal with the City. The appeal will be heard by the City Tree Board and forwarded to the City Council for action within 21 calendar

days following the appeal of said notice.

D. Summary Removal of Pest-Infested Trees: In the event the trees covered in said notice are not removed, destroyed and/or treated, as provided in subsections 706.12A through C, within ten (10) calendar days following the denial on an appeal as set forth in subsection 706.12C, the City Forester shall cause said trees to be summarily removed, destroyed and/or treated and shall take any other action necessary to prevent the spread of the pest or danger to the public.

E. Cost Responsibility: Any costs of inspecting, removing or treating trees, including any legal expense, shall be itemized and mailed to the owner at the address shown in the records of the County Auditor. In the event said itemized bill is not paid within 30 days, the amount of said costs, plus interest, shall be certified to the proper County officials and collected with the next succeeding five (5) years real estate taxes as provided for in Minnesota Statute Section 429.101.

## 706. 13: DEVELOPMENT OR REDEVELOPMENT TREE PLANTING:

All development and redevelopment activities within the City of Roseville shall be subject to City Code Chapter 1011.03 regarding minimum landscaping standards.

## 706.14: DECLARATION OF A SHADE TREE PEST:

The City Forester may declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest, as defined by Minn. Stat. § 89.001, to be a shade tree pest.

## 706.15: NUISANCES ARE UNLAWFUL:

It is unlawful for any person to permit any nuisance as defined in Section 706.03 to remain on any premises the person owns or controls within the city. The nuisance may be abated as provided in this ordinance.

## 706.16: DECLARED SHADE TREE PESTS, CONTROL MEASURES, AND CONTROL AREAS:

The City Forester may prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action. Shade Tree Pests are to be eradicated, controlled or managed according to best management practices prescribed by the MDA and the MNDNR. The control area of a shade tree pest is defined as all lands within the boundaries of the city.

## 706.17: URBAN FOREST MANAGEMENT FEES:

Fees for all permits and other applicable required City services shall be as established by the City Fee Schedule in Section 314.05.

## 706.18: EMERGENCIES:

In case of emergencies involving, but not limited to, tornadoes, windstorms, floods, freezes or other natural disasters, the requirements of this Chapter may be waived by the Mayor or, in the absence of the Mayor, the Acting Mayor.

## 706.19: INTERFERENCE:

It is unlawful for any person to prevent, delay or interfere with the enforcement of this Chapter by any City official.

(Ord. 1410, 6-13-2011)

# CHAPTER 707
# RIGHT-OF-WAY MANAGEMENT

SECTION:


707.01: Findings and Purpose
707.02: Definitions
707.03: Administration
707.04: Utility Coordination Committee
707.05: Registration and Right-of-Way Occupancy
707.06: Registration Information
707.07: Reporting Obligations
707.08: Permit Requirement
707.09: Permit Applications
707.10: Issuance of Permit; Conditions
707.11: Permit Fees
707.12: Right-of-Way Repair and Restoration
707.13: Joint Applications
707.14: Supplementary Applications
707.15: Other Obligations
707.16: Denial of Permit
707.17: Installation Requirements
707.18: Inspection
707.19: Work Done without a Permit
707.20: Supplementary Notification
707.21: Revocation of Permits
707.22: Mapping Data
707.23: Location of Facilities
707.24: Relocation of Facilities
707.25: Pre-excavation Facilities Location
707.26: Damage to other Facilities
707.27: Right-of-Way Vacation
707.28: Indemnification and Liability
707.29: Appeal
707.30: Abandoned and Unusable Facilities
707.31: Reservation of Regulatory and Police Powers
707.32: Franchise; Franchise Supremacy
707.33: Severability


## 707.01: FINDINGS AND PURPOSE:

A. General: to provide for the health, safety and well-being of its citizens, and to ensure the structural integrity of its streets and the appropriate use of the rights of way, the City strives to keep its rights of way in a state of good repair and free from unnecessary

encumbrances. Although the general population bears the financial burden for the upkeep of the rights of way, a primary cause for the early and excessive deterioration of its rights of way is frequent excavation.

The City holds the rights of way within its geographical boundaries as an asset in trust for its citizens. The City and other public entities have invested millions of dollars in public funds to build and maintain the rights of way. It also recognizes that some persons, by placing their equipment in the right of way and charging the citizens of the City for goods and services delivered thereby, are using this property held for the public good. Although such services are often necessary or convenient for the citizens, such persons receive revenue and/or profit through their use of public property.

In response to the foregoing facts, the City hereby enacts this new Chapter relating to right-of-way permits and administration. This Chapter imposes reasonable regulations on the placement and maintenance of equipment currently within its rights of way or to be placed therein at some future time. It is intended to complement the regulatory roles of State and Federal agencies. Under this Chapter, persons disturbing and obstructing the rights of way will bear a fair share of the financial responsibility for their integrity. Finally, this Chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights of way.

B. Legislative Power: By enactment of this Chapter, the City Council hereby exercises its lawful police power and common law authority, and all statutory authority which is available to it, including, but not limited to, the powers conferred on it under Minnesota Statutes sections 237.162 and 237.163, while preserving all power and authority to further require franchises from right-of-way users under Minnesota Statutes sections 216B.36, 222.37, 300.03, and 412.11, and other provisions of law. (Ord. 1209, 8-24-1998)

## 707.02: DEFINITIONS:

The following definitions apply in this Chapter. References hereafter to "sections" are, unless otherwise specified, references to sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

APPLICANT: Any person requesting permission to excavate or obstruct a right of way.

BUSINESS DISTRICT: That portion of the City lying within and bounded by the following streets: to be subsequently designated.

CITY: The City of Roseville, Minnesota. For purposes of Section 707.28 of this Chapter, City means its elected officials, officers, employees and agents.

DEGRADATION: A decrease in the useful life of the right of way caused by excavation in or disturbance of the right of way, resulting in the need to reconstruct such right of way earlier than would be required if the excavation did not occur.

DEGRADATION COST: The cost to achieve a level of restoration as determined by the City at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in proposed PUC rules parts 7819.9900 to 7819.9950.

DEGRADATION FEE: The estimated fee established at the time of permitting by the City to recover costs associated with the decrease in the useful life of the right of way caused by the excavation, and which equals the degradation costs.

DELAY PENALTY: The penalty imposed as a result of unreasonable delays in right-of-way construction.

DEPARTMENT: The Department of Public Works of the City.

DEPARTMENT INSPECTOR: Any person authorized by the Director to carry out inspections related to the provisions of this Chapter.

DIRECTOR: The Director of the Department of Public Works of the City, or her or his designee.

EMERGENCY: A condition that: a) poses a clear and immediate danger to life or health, or of a significant loss of property; or b) requires immediate repair or replacement in order to restore service to a customer.
EQUIPMENT: Any tangible asset used to install, repair, or maintain facilities in any right of way.
EXCAVATE: to dig into or in any way remove or physically disturb or penetrate any part of a right of way.
EXCAVATION PERMIT: The permit which, pursuant to this Chapter, must be obtained before a person may excavate in a right of way. An excavation permit allows the holder to excavate that part of the right of way described in such permit.
EXCAVATION PERMIT FEE: Money paid to the City by an applicant to cover the costs as provided in Section 707.11 of this Chapter.
FACILITY OR FACILITIES: Any tangible asset in the right of way required to provide utility service.
LOCAL REPRESENTATIVE: A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Chapter.
MANAGEMENT COSTS: The actual costs the City incurs in managing its rights of way, including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; creating, maintaining and updating mapping systems; budget analysis; systems analysis; legal assistance; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during public right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed; and revoking right-of-way permits and performing all other tasks required by this Chapter, including other costs the City may incur in managing the provisions of this Chapter.
OBSTRUCT: to place any object in a right of way so as to hinder free and open passage over that or any part of the right of way.
OBSTRUCTION PERMIT: The permit which, pursuant to this Chapter, must be obtained before a person may obstruct a right of way, allowing the holder to hinder free and open passage over the specified portion of that right of way by placing equipment described therein on the right of way for the duration specified therein.
OBSTRUCTION PERMIT FEE: Money paid to the City by a registrant to cover the costs as provided in Section 707.11 of this Chapter.
PATCH OR PATCHING: A method of pavement replacement that is temporary in nature. A patch consists of: a) the compaction of the subbase and aggregate base, and b) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the City's five year project plan.
PERFORMANCE AND RESTORATION BOND: A performance bond or letter of credit posted to ensure the availability of sufficient funds to assure that all obligations pursuant to this Chapter, including, but not limited to, right-of-way excavation and obstruction work is timely and properly completed.
PERMITTEE: Any person to whom a permit to excavate or obstruct a right of way has been granted by the City under this Chapter.
PERSON: Any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.
PROBATION: The status of a person that has not complied with the conditions of this Chapter.

PROBATIONARY PERIOD: One year from the date that a person has been notified in writing that they have been put on probation.
REGISTRANT: Any person who: a) has or seeks to have its equipment or facilities located in any right of way, or b) in any way occupies or uses, or seeks to occupy or use, the right of way or any equipment in the right of way.
RESTORATION COST: An amount of money paid to the City by a permittee to achieve the level of restoration according to plates 1 to 13 of PUC rules.
RESTORE OR RESTORATION: The process by which a right of way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.
RIGHT OF WAY: The surface and space above and below a public roadway, highway, street, cartway, bicycle and public sidewalk in which the City has an interest, including other dedicated rights of way for travel purposes, utility easements and any other real property owned by or under the control of the City.
RIGHT-OF-WAY PERMIT: Either the excavation permit or the obstruction permit, or both, depending on the context, required by this Chapter.
SERVICE OR UTILITY SERVICE: Includes, but is not limited to: a) those services provided by a public utility as defined in Minnesota Statutes section 216B.02, subdivisions 4 and 6; b) telecommunications, pipeline, community antenna television, fire and alarm communications, water, electricity, light, heat, cooling energy, or power services; c) the services provided by a corporation organized for the purposes set forth in Minnesota Statutes section 300.03; d) the services provided by a district heating or cooling system; and e) cable communications systems as defined in Minnesota Statutes chapter 238; and f) a telecommunications right-of-way user as defined below; and g) water and sewer, including service laterals, steam, cooling or heating services. (Ord. 1333, 3-13-2006)
SERVICE LATERAL: means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises. (Ord. 1333, 3-13-2006)
SUPPLEMENTARY APPLICATION: An application made to excavate or obstruct more of the right of way than allowed in, or to extend, a permit that had already been issued.
TELECOMMUNICATION RIGHTS-OF-WAY USER: A person owning or controlling a facility in the right of way, or seeking to own or control a facility in the public right of way that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this Chapter, a cable communication system defined and regulated under Minnesota Statutes chapter 238, and telecommunication activities related to providing natural gas or electric energy services are not telecommunications right-of-way users for purposes of this Chapter.
UNUSABLE FACILITIES: Facilities in the right of way which have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using it within the next twelve months or a potential purchaser or user of the equipment. (Ord. 1209, 8-24-1998)

## 707.03: ADMINISTRATION:

The Director is the principal City official responsible for the administration of the rights of way, right-of-way permits, and the ordinances related thereto. The Director may delegate any or all of the duties hereunder. (Ord. 1209, 8-24-1998)

## 707.04: UTILITY COORDINATION COMMITTEE:

The City may create a Utility Coordination Committee. If created, this Committee shall be

voluntary and advisory to the Director. It will be composed of any registrants that wish to assist the City in obtaining information and by making recommendations regarding use of the rights of way, and to improve the process of performing construction work therein. The Director may determine the size of such Committee and shall appoint members from a list of registrants that have expressed a desire to assist the City. (Ord. 1209, 8-24-1998)

## 707.05: REGISTRATION AND RIGHT-OF-WAY OCCUPANCY:

A. Registration: Each person who occupies, uses, or seeks to occupy or use the right of way or place any equipment in the right of way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the Director. Registration will consist of providing application information, paying a registration fee, and posting a performance and restoration bond or other security acceptable to the Director.
   The performance and restoration bond required in this Section and in subsections 707.09B, 707.12B2, and 707.30A2c of this Chapter shall be in an amount determined in the Director's sole discretion, sufficient to serve as security for the full and complete performance of the obligations under this Chapter, including any costs, expenses, damages, or loss the City pays or incurs because of any failure to comply with this Chapter or any other applicable laws, regulations or standards. During periods of construction, repair or restoration of rights of way or equipment in rights of way, the performance and restoration bond shall be in an amount sufficient to cover one 100% of the estimated cost of such work, as documented by the person proposing to perform such work, or in such lesser amount as may be determined by the Director, taking into account the amount of equipment in the right of way, the location and method of installation of the equipment, the conflict or interference of such equipment with the equipment of other persons, and the purposes and policies of this Chapter. 60 days after completion of the work, the performance and restoration bond may be reduced in the sole discretion of the Director.
B. Registration Prior to Work: No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right of way without first being registered with the Director.
C. Exceptions: Nothing herein shall be construed to repeal or amend the provisions of a City ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right of way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this Chapter. However, nothing herein relieves a person from complying with the provisions of the Minnesota Statutes chapter 216D, "One Call" law. (Ord. 1209, 8-24-1998)

## 707.06: REGISTRATION INFORMATION:

A. Information Required: The information provided to the Director at the time of registration shall include, but not be limited to:
   1. Each registrant's name, Gopher One-Call registration certificate number, addresses and e-mail 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: 1) use and occupancy of the right of way by the registrant, its officers, agents, employees and permittees, and 2) placement and use of facilities 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 equipment 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 such coverages;

d. Requiring that the Director be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; and

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 Minnesota Statutes section 300.06 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 such certificate from said Commission or other State or Federal agency.

7. Such other information as the City may require.

B. Notice of Changes: The registrant shall keep all of the information listed above current at all times by providing to the Director information as to changes within 15 days following the date on which the registrant has knowledge of any change. (Ord. 1209, 8-24-1998)

## 707.07: REPORTING OBLIGATIONS:

A. Operations: Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the Director. Such plan shall be submitted using a format designated by the Director and shall contain the information determined by the Director to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights of way.

The plan shall include, but not be limited to, the following information:

1. The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this Section, a "next-year project"); and

2. The tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this Section, a "five-year project").

The term "project" in this Section shall include both next-year projects and five-year projects.

By January 1 of each year the Director will have available for inspection in this Director's office a composite list of all projects of which the Director has been informed in the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by February 1, each registrant may change any project in its list of next-year projects, and must notify the Director and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

B. Additional Next-Year Projects: Notwithstanding the foregoing, the Director will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the City if the registrant has used commercially reasonable efforts to anticipate and plan for the project. (Ord. 1209, 8-24-1998)

## 707.08: 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 right-of-way permit from the Director to do so.
   1. Excavation Permit: An excavation permit is required by a registrant to excavate that part of the right of way described in such 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 by a registrant 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 such person: 1) makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and 2) a new permit or permit extension is granted.

C. Delay Penalty: Notwithstanding subsection 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 City Council resolution.

D. Permit Display: Permits issued under this Chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Director. (Ord. 1209, 8-24-1998)

## 707.09: PERMIT APPLICATIONS:

A. General Requirements: Application for a permit is made to the Director. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:
   1. Registration with the Director pursuant to this Chapter;
   2. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities;
   3. Payment of all money due to the City for:
      a. Permit fees, estimated restoration costs and other management costs;
      b. Prior obstructions or excavations;
      c. Any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights of way or any emergency actions taken by the City;
      d. Franchise or user fees, if applicable.
   4. Payment of disputed amounts due the City by posting security or depositing in an

escrow account an amount equal to at least 110% of the amount owing.

B. Additional Equipment: When an excavation permit is requested for purposes of installing additional equipment, and the performance and restoration bond presently existing is insufficient with respect to the additional equipment, in the sole discretion of the Director, the posting of an additional performance and restoration bond for the additional equipment may be required in accordance with subsection 707.05A of this Chapter. (Ord. 1209, 8-24-1998)

## 707.10: 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 public health, safety and welfare or when necessary to protect the right of way and its current use. (Ord. 1209, 8-24-1998)

C. By accepting a permit, telecommunications right-of-way user agrees on behalf of itself and its affiliates, successors and assigns that it will not provide video programming (including, but not limited to, programming delivered using internet protocol) over its facilities located within the rights-of-way to subscribers within the City without first obtaining a cable franchise or an open video system franchise from the City. (Ord. 1333, 03-13-2006)

## 707.11: PERMIT FEES:

A. Excavation Permit Fee: The excavation permit fee as established by the City Fee Schedule in Section 314.05, is an amount sufficient to recover the following costs:
   1. The City cost;
   2. Degradation cost, if applicable.

B. Obstruction Permit Fee: The obstruction permit fee shall be established by the City Council and shall be in an amount sufficient to recover the City cost.

C. Payment of Permit Fees: No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction fees. The City may allow the applicant to pay such fees within30 days of billing.

D. Nonrefundable: Permit fees that were paid for a permit that the Director has revoked for a breach as stated in Section 707.21 of this Chapter are not refundable. (Ord. 1209, 8-24-1998)

## 707.12: RIGHT-OF-WAY REPAIR 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 extraordinary circumstances beyond the control of the permittee, as determined by the Director, or when work was prohibited as unseasonal or unreasonable under Section 707.15 of this Chapter.

B. Patch and Restoration: Permittee shall patch its own work. The City may choose either to have the permittee restore the right of way or to restore the right of way itself.
   1. City Restoration: If the City restores the right-of-way, permittee shall pay the costs thereof within 30 days of billing. If, during the 36 months following such restoration, the pavement settles due to 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, if the Director determines additional security is necessary, post an additional performance and restoration bond in an amount determined by the Director to be sufficient to cover the cost of restoration. If, 36 months after completion of the restoration of the right of way, the Director determines that the right of way has been properly restored, the surety on the performance and restoration bond posted pursuant to this subsection shall be released.

C. Standards: The permittee shall perform patching and restoration according to the standards and with the materials specified by the Director. 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. The Director in exercising this authority shall be guided by the following considerations:
1. The number, size, depth and duration of the excavations, disruptions or damage to the right of way;
2. The traffic volume carried by the right of way; the character of the neighborhood surrounding the right of way;
3. The pre-excavation condition of the right of way; the remaining life expectancy of the right of way affected by the excavation;
4. Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right of way that would otherwise result from the excavation, disturbance or damage to the right of way; and
5. The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right of way that would otherwise take place.

D. Guarantees: By choosing to restore the right of way itself, the permittee guarantees its work and shall maintain it for 36 months following its completion. During this 36 month period it shall, upon notification from the Director, correct all restoration work to the extent necessary, using the method required by the Director. Said 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 Section 707.15 of this Chapter.

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 such 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 permittee fails to pay as required, the City may exercise its rights under the restoration 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. However, the right-of-way user shall remain responsible for patching, and the degradation fee shall not include the cost to accomplish these responsibilities. (Ord. 1209, 8-24-1998)

## 707.13: JOINT APPLICATIONS:

A. Joint Application: Registrants may jointly apply for permits to excavate or obstruct the right of way at the same place and time.

B. With City Projects: Registrants who join in a scheduled obstruction or excavation performed by the Director, whether or not it is a joint application by two or more registrants or a single application, may not be required to pay some or all of the obstruction and degradation portions of the permit fee, in the sole discretion of the Director.

C. Shared Fees: Registrants who apply for permits for the same obstruction or excavation, which the Director does not perform, may share in the payment of the obstruction or excavation permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications. (Ord. 1209, 8-24-1998)

## 707.14: 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: 1) make application for a permit extension and pay any additional fees required thereby, and 2) 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 done before the permit end date. (Ord. 1209, 8-24-1998)

## 707.15: OTHER OBLIGATIONS:

A. Compliance With Other Laws: Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the City or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, State and Federal laws, including but not limited to Minnesota Statutes sections 216D.01 through 216D.09 ("Gopher One Call Excavation Notice System") and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right of way pursuant to its permit, regardless of who performs the work. (Ord. 1333, 3-13-2006)
B. Prohibited Work: Except in an emergency, and with the approval of the Director, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
C. Interference With Right of Way: A permittee shall not so obstruct a right of way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right of way may not be parked within or next to a permit area, unless parked in conformance with City parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.
D. Screening: A permittee placing a utility cabinet or other structure on any boulevard or other right-of-way area shall be required to provide visual screening of the structure with appropriate landscaping, as determined by the Director. (Ord. 1209, 8-24-1998)
E. Trenchless Excavation: As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the Director. (Ord. 1333, 03-13-2006)

## 707.16: DENIAL OF PERMIT:

The Director may deny a permit for failure to meet the requirements and conditions of this Chapter or if the Director determines that the denial is necessary to protect the public health, safety and welfare or when necessary to protect the right of way and its current use. (Ord. 1209, 8-24-1998)

## 707.17: INSTALLATION REQUIREMENTS:

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Engineering Standards adopted by the PUC or other applicable local requirements, insofar as they are not inconsistent with the PUC rules and Minnesota Statutes, Sections 237.162 and 237.163. Installation of Service Laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service Lateral installation is further subject to those requirements and conditions set forth by the City in the applicable permits and/or agreements referenced in Section 707.22 paragraph B. of this Ordinance. (Ord. 1209, 8-24-1998); (Ord. 1333, 03-13-2006)

## 707.18: INSPECTION:

A. Notice of Completion: When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with PUC rules.
B. Site Inspection: Permittee shall make the work site available to the Director 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 such proof has not been presented within the required time, the Director may revoke the permit pursuant to Section 707.21 of this Chapter. (Ord. 1209, 8-24-1998)

## 707.19: WORK DONE WITHOUT A PERMIT:

A. Emergency Situations: Each registrant shall immediately notify the Director of any event regarding its facilities which it considers to be an emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant 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.
   If the Director becomes aware of an emergency regarding a registrant's facilities, the Director may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the Director may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency. (Ord. 1333, 03-13-2006)
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 said permit, pay double all the other fees required by the Legislative Code, deposit with the

Director the fees necessary to correct any damage to the right of way and comply with all of the requirements of this Chapter. (Ord. 1209, 8-24-1998)

## 707.20: SUPPLEMENTARY NOTIFICATION:

If the obstruction or excavation of the right of way begins later or ends sooner than the date given on the permit, permittee shall notify the Director of the accurate information as soon as this information is known. (Ord. 1209, 8-24-1998)

## 707.21: 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 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 maintain the required bonds and/or insurance;
   5. The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete the work is due to reasons beyond the permittee's control; or
   6. The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Section 707.18 of this Chapter.
B. Written Notice of Breach: If the Director 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 Director shall make a written demand upon the permittee to remedy such 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 Director, at his or her discretion, to place additional or revised conditions on the permit.
C. Response to Notice of Breach: Within 24 hours of receiving notification of the breach, permittee shall contact the Director with a plan, acceptable to the Director, that will cure the breach. Permittee's failure to so contact the Director, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the Director, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one full year.
D. Cause For Probation: From time to time, the Director may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right of way grossly outside of the permit authorization.
E. Automatic Revocation: If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs, or as allowed in writing by the Director.
F. 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 attorney fees incurred in connection with such revocation.

(Ord. 1209, 8-24-1998)

## 707.22: MAPPING DATA:

A. Rule: Each registrant and permittee shall provide mapping information in a form required by the City in accordance with Minnesota Rules 7819.4000 and 7819.4100. Within 90 days following completion of any work pursuant to a permit, the permittee shall provide the Director accurate maps and drawings certifying the "as-built" location of all equipment installed, owned and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the City's electronic mapping system when practical or as a condition imposed by the Director. Failure to provide maps and drawings pursuant to this Subsection shall be grounds for revoking the permit holder's registration. (Ord. 1333, 3-13-2006)

B. Service Laterals: All permits issued for the installation or repair of Service Laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the Permittee's use of appropriate means of establishing the horizontal locations of installed Service Laterals, and the Service Lateral vertical locations in those cases where the Director reasonably requires it. Permittees or their subcontractors shall submit to the Director evidence satisfactory to the Director of the installed Service Lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing Service Laterals installed after December 31, 2005, shall be a condition of any City approval necessary for 1) payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and 2) City approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The Director shall reasonably determine the appropriate method of providing such information to the City. Failure to provide prompt and accurate information on the Service Laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending Permittee or its subcontractors. (Ord. 1209, 8-24-1998); (Ord. 1333, 03-13-2006)

## 707.23: LOCATION OF FACILITIES:

A. Undergrounding: to the extent not inconsistent with applicable law or regulation, or unless otherwise permitted by an existing franchise or Minnesota Statutes section 216B.34, or unless existing aboveground facilities are repaired or replaced, new construction and the installation of new facilities and replacement of old underground facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes, if required by the Director.

B. Corridors: The Director may assign specific corridors within the right of way, or any particular segment thereof as may be necessary, for each type of equipment that is or; pursuant to current technology, the Director expects will someday be located within the right of way. All excavation, obstruction, or other permits issued by the Director involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

   Any registrant who has facilities in the right of way in a position at variance with the corridors established by the Director shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right of way, unless this requirement is waived by the Director for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and

hardship to the registrant.

C. Nuisance: One year after the passage of this Chapter, any facilities found in a right of way that has not been registered shall be deemed to be a nuisance. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right of way to a useable condition.

D. Limitation of Space: to protect 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 such 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. (Ord. 1209, 8-24-1998)

## 707.24: RELOCATION OF FACILITIES:

A registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right of way whenever the Director for good cause requests such removal and relocation, and shall restore the right of way to the same condition it was in prior to said removal or relocation. The Director may make such request to prevent interference by the company's equipment or facilities with: a) a present or future City use of the right of way, b) a public improvement undertaken by the City, c) an economic development project in which the City has an interest or investment, d) when the public health, safety and welfare require it, or e) when necessary to prevent interference with the safety and convenience of ordinary travel over the right of way. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right of way which has been vacated in favor of a nongovernmental entity unless and until the reasonable costs thereof are first paid to the person therefore. (Ord. 1209, 8-24-1998)

## 707.25: PREEXCAVATION FACILITIES LOCATION:

In addition to complying with the requirements of Minnesota Statutes sections 216D.01 through 216D.09 ("One Call Excavation Notice System") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and approximate vertical placement of all said facilities. Any registrant whose facilities are less than 20 inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its equipment and the best procedure for excavation. (Ord. 1209, 8-24-1998)

## 707.26: DAMAGE TO OTHER FACILITIES:

When the Director does work in the right of way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the Director shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within30 days from the date of billing.

Each registrant shall be responsible for the cost of repairing any equipment in the right of way which it or its facilities damages. Each registrant 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 registrant's facilities. (Ord. 1209, 8-24-1998)

## 707.27: RIGHT-OF-WAY VACATION:

A. Reservation of right: If the City vacates a right of way which contains the facilities of a registrant, and if the vacation does not require the relocation of registrant's or permittee's facilities, the City shall reserve, to and for itself and all registrants having facilities in the vacated right of way, the right to install, maintain and operate any facilities in the vacated right of way and to enter upon such right of way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.
B. Relocation of Facilities: If the vacation requires the relocation of registrant's or permittee's facilities; and: 1) if the vacation proceedings are initiated by the registrant or permittee, the registrant or permittee must pay the relocation costs; or 2) if the vacation proceedings are initiated by the City, the registrant or permittee must pay the relocation costs unless otherwise agreed to by the City and the registrant or permittee; or 3) if the vacation proceedings are initiated by a person or persons other than the registrant or permittee, such other person or persons must pay the relocation costs. (Ord. 1209, 8-24-1998)

## 707.28: INDEMNIFICATION AND LIABILITY:

By registering with the Director, or by accepting a permit under this Chapter, a registrant or permittee agrees as follows:

A. Limitation of Liability: By reason of the acceptance of a registration or the grant of a right-of-way permit, the City does not assume any liability: 1) for injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the City, or 2) for claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by registrants or activities of registrants.
B. Indemnification: A registrant or permittee shall indemnify, keep, and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the issuance of permits or by the construction, maintenance, repair, inspection, or operation of registrant's or permittee's facilities located in the right of way.

   The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the local government unit's negligence as to the issuance of permits or inspections to ensure permit compliance. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts that the registrant or permittee reasonably believes will cause injury or damage, and the performance is nevertheless ordered or directed by the City after receiving notice of the registrant's or permittee's determination.
C. Defense: If a suit brought against the City under circumstances where the registrant or permittee is required to indemnify, the registrant or permittee, at its sole cost and expense, shall defend the City in the suit if written notice of the suit is promptly given to the registrant or permittee within a period in which the registrant or permittee is not prejudiced by the lack or delay of notice.

   If the registrant or permittee is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permittee may not settle the litigation without the consent of the City. Consent will not be unreasonably withheld.

   This part is not, as to third parties, a waiver of any defense, immunity, or damage limitation otherwise available to the City.

   In defending an action on behalf of the City, the registrant or permittee is entitled to assert in an action every defense, immunity, or damage limitation that the City could assert in its own behalf. (Ord. 1209, 8-24-1998)

## 707.29: APPEAL:

A. A right-of-way user that: 1) has been denied registration; 2) has been denied a permit; 3) has had permit revoked; or 4) believes that the fees imposed are not in conformity with Minn. Stat. 237.163, Subd. 6; or 5) disputes a determination of the Director regarding Section 707.23 Subd. 2 of this Ordinance, 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 imposition will be in writing and supported by written findings establishing the reasonableness of the decision. (Ord. 1333, 3-13-2006)

B. Upon affirmation by the City Council of the denial, revocation, or fee imposition, the right-of-way user shall have the right to have the matter resolved by binding arbitration. Binding arbitration must be before an arbitrator agreed to by both the City Council and right-of-way user. If the parties cannot agree on an arbitrator, the matter must be resolved by a three (3) person arbitration panel made up of one arbitrator selected by the City, one arbitrator selected by the right-of-way user and one selected by the other two (2) arbitrators. The costs and fees of the single arbitrator shall be borne equally by the City and right-of-way user. In the event there is a third arbitrator, each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration. (Ord. 1209, 8-24-1998)

## 707.30: ABANDONED AND UNUSABLE FACILITIES:

A. Discontinued Operations: A registrant who has determined to discontinue its operations in the City must either:

1. Provide information satisfactory to the Director that the registrant's obligations for its facilities in the right of way under this Chapter have been lawfully assumed by another registrant; or

2. Submit to the Director a proposal and instruments for transferring ownership of its facilities to the City. If a registrant proceeds under this clause, the City may, at its option:

   a. Purchase the facilities; or

   b. Require the registrant, at its own expense, to remove it; or

   c. Require the registrant to post an additional bond or an increased bond amount sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

B. Abandoned Facilities: Facilities of a registrant who fails to comply with subsection A of this Section, and which, for two years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to: 1) abating the nuisance, 2) taking possession of the facilities and restoring them to a usable condition, or 3) requiring removal of the facilities by the registrant, or the registrant's successor in interest.

C. Removal: Any registrant who has unusable and abandoned facilities in any right of way shall remove it from that right of way during the next scheduled excavation, unless this requirement is waived by the Director. (Ord. 1209, 8-24-1998)

## 707.31: 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. (Ord. 1209, 8-24-1998)

## 707.32: FRANCHISE; FRANCHISE SUPREMACY:

The City may, in addition to the requirements of this Chapter, require any person which has or seeks to have equipment located in any right of way to obtain a franchise to the full extent permitted by law, now or hereinafter enacted. The terms of any franchise which are inconsistent with any provision of this Chapter, whether granted prior or subsequent to enactment of this Chapter, shall control and supersede the conflicting terms of this Chapter. All other terms of this Chapter shall be fully applicable to all persons whether franchised or not. (Ord. 1209, 8-24-1998)

## 707.33: SEVERABILITY:

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. If a regulatory body or a court of competent jurisdiction should determine by a final, nonappealable order that any permit, right or registration issued under this Chapter or any portions of this Chapter is illegal or unenforceable, then any such permit, right or registration granted or deemed to exist hereunder shall be considered as a revocable permit with a mutual right in either party to terminate without cause upon giving 60days' written notice to the other. The requirements and conditions of such a revocable permit shall be the same requirements and conditions as set forth in the permit, right or registration, respectively, except for conditions relating to the term of the permit and the right of termination. Nothing in this Chapter precludes the City from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein. (Ord. 1209, 8-24-1998)

# TITLE 8
# PUBLIC WORKS

# CHAPTER 801
# MUNICIPAL WATER SYSTEM

SECTION:

801.01: General Operation
801.02: Compliance with Chapter Required
801.03: Supply from One Service
801.04: Use Confined to Premises
801.05: Tapping of Mains
801.06: Application for Water Connection
801.07: Location and Inspection of Shutoff Box Prior to Excavation
801.08: Excavation and Construction Requirements
801.09: Supervision by Plumber
801.10: Location of Curb Stop Boxes
801.11: Notice of Connection
801.12: Connection Fees
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801.14: Turning on Water
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801.17: Repair of Leaks
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801.20: Liability for Deficiency or Shutoffs
801.21: Willful Damage to System
801.22: Discontinuance for Violations
801.23: Abandoned Services
801.24: Fire Hydrants
801.25: Connections Beyond City Boundaries
801.26: Private Water Supplies
801.27: Private use of Water Towers

## 801.01: GENERAL OPERATION:

The City Municipal water system ("the water system") shall be operated as a public utility and convenience from which revenue will be derived, subject to the provisions of this Chapter. (Ord. 388, 4-22-63)

## 801.02: COMPLIANCE WITH CHAPTER REQUIRED:

No person shall make, construct or install any water service installation or make use of any water service which is connected to the water system except in the manner provided in this Chapter. (Ord. 388, 4-22-63)

## 801.03: SUPPLY FROM ONE SERVICE:

A. No more than one housing unit or building shall be supplied from one service connection except by special permission of the Public Works Director.
B. A separate connection shall be required for each dwelling unit constructed on or after September 19, 1979, in R-1 or R-2 Districts as defined in Title 10 of this Code. A separate connection shall be required in R-2 Districts for all dwelling units if there are separate parcels. (Ord. 883, 7-13-81)

## 801.04: USE CONFINED TO PREMISES:

No person shall permit water from the water system to be used for any purpose except upon their own premises unless written consent is obtained from the Public Works Director. (Ord. 288, 4-22-63)

## 801.05: TAPPING OF MAINS:

No person except persons employed by the City shall tap any distributing main or pipe of the water supply system, or insert stopcock or ferrules. (Ord. 388, 4-22-63)

## 801.06: APPLICATION FOR WATER CONNECTION:

A. Application: All applications for service installations and for water service shall be made to the Chief Code Enforcement Officer on printed forms furnished by the City.
B. Information Required and Fee: All applications for service installation shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making application, pay to the City the amount of fees or deposit required for the installation of the service connection as provided in this Chapter.
C. Application after Installation: When service connections have been installed, application for water service may be made to the Chief Code Enforcement Officer either by the owner, agent, tenant or occupant of the premises.
D. Size of Connection and Meters: The size of water service connection and meters shall be subject to approval of the Public Works Director upon review of submitted engineering calculations for flow requirements. (Ord. 388, 4-22-63; amd. 1995 Code)
E. Meter Spacer: A meter spacer with tailpiece couplings will be furnished to the contractor or plumber at the time a connection permit is issued. Meter spacers will be picked up when Department of Public Works installs meter after completion of water service installation.
F. Notification: The plumber shall notify the Chief Code Enforcement Officer within twenty four (24) hours after piping is complete and ready for meter installation giving street address and permit number. (Ord. 409, 12-23-63)
G. Water Billings: Water billings shall start at the time of installation of the water meter or, in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum quarterly rate prorated on a monthly basis. (Ord. 455, 2-8-65; amd. 1990 Code)

## 801.07: LOCATION AND INSPECTION OF SHUTOFF BOX PRIOR TO EXCAVATION:

Before any grading or excavation is started, the water shutoff box shall be located and checked for damage by the contractor. Location ties will be furnished by the Chief Code Enforcement Officer at the time connection permit is issued. If the shutoff box cannot be

located or is found bent or in a damaged condition, the Public Works Director is to be called at once. The contractor assumes all responsibility for damage to shutoff box unless the Public Works Director certifies that damage existed before excavation or grading started. (1990 Code; amd. 1995 Code)

## 801.08: EXCAVATION AND CONSTRUCTION REQUIREMENTS:

A. Permit Required: No excavation shall be made until a permit for the connection has been issued.
B. Separate Trenches; Exception: No water service pipe or water connection shall be installed in the same trench or closer than ten feet horizontally to a sewer trench or drain laid, or to be laid, either in the street or in private property, except that the water pipe on private property may be in a common trench with a sewer drain approved by the Public Works Director. The horizontal distances between the sewer pipe and the water service is at least ten feet at the property line and that the water service pipe approaches the sewer trench at an angle with the property line of not less than 45 degrees and having bends with not less than three foot radius.
C. Conditions for Single Trench: Where it is desired to lay the water service pipe and the building drain or building sewer pipe less than ten feet apart, the water service pipe shall be above the sewer pipe and, unless impractical, it shall be placed at least two feet above the sewer and on a solid shelf excavated at one side of the trench.
D. Sewer Pipe: The sewer pipe shall be constructed of substantial material which is corrosion-resistant and installed so as to remain watertight as approved by the Public Works Director.
E. Water Service Pipe: The water service pipe shall be watertight and corrosion resistant of a material approved by the Public Works Director.
F. Foundation and Backfill: In all cases precautions shall be taken to assure a firm foundation for the pipes. The intervening space between the pipes shall be backfilled with compact earth. (Ord. 530, 3-20-67).

## 801.09: SUPERVISION BY PLUMBER:

All piping connections from curb box to house supply piping shall be made under the supervision of a plumber licensed by the City. (Ord. 399, 8-12-63; amd. 1995 Code)

## 801.10: LOCATION OF CURB STOP BOXES:

Curb stop boxes will be installed at a point on the property line most suitable to the property and shall be left in an accurate vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven (7) feet below the grade established by the City Engineer. (Ord. 388, 4-22-63; amd. 1995 Code)

## 801.11: NOTICE OF CONNECTION:

If, from any cause, the plumber or contractor laying the service pipe should fail to have the connection made at the time specified in the application, notice must be given the Chief Code Enforcement Officer fixing another day on which the plumber or contractor wishes to make connection. The notice must be given at least two (2) days previous to the excavation for laying of the service pipe and the connection must be made before 4:30 P.M., except in special cases, and then the work shall be done only upon a written order from the Chief Code Enforcement Officer. (Ord. 388, 4-22-63; amd. 1995 Code)

## 801.12: CONNECTION FEES:

A. Connection Permit: A permit must be obtained to connect to the existing water service leads at the curb box, and interior plumbing. The fee for the permit shall be established by City Council resolution. No permit shall be issued except to a plumber licensed by the City. (Ord. 1009, 3-23-87; amd. 1995 Code)

B. Additional Charges: Additional charges shall be paid at the time of making application for tapping of water. Taps from three-fourths inch to two inches shall be performed by the City. Each tap will include the physical tapping of the watermain, the installation of the corporation stop and the supplying of a curb box, riser pipe and cap to be installed by a licensed plumber. The costs for the tap shall be set by City Council resolution. Installation of service line, installation of curb stop and box and restoration of street surface where a curb box and service lead is not installed, which charges shall be as follows:

1. Installation on Unsurfaced Street: Where the installation is to be on an unsurfaced street, the amount to be charged shall be fixed by the Public Works Director based upon the estimated cost of installing the service.

2. Installation on Surfaced Street: Where the installation is upon a surfaced street, there shall be a fee established by the City Council for restoration of a typical road mix bituminous street. For the restoration of a higher type street, such fee as will be set by the Public Works Director. All backfill materials shall be mechanically compacted in 12 inch layers to the density of the adjacent material in the roadway area, in accordance with the Minnesota Highway Department standard specifications, to the existing street grade. (Ord. 548, 8-14-67; amd. 1995 Code)

## 801.13: PROPERTY ASSESSMENTS:

The permit fee for water main tapping shall be paid for each connection in the amount specified in Section 801.12 of this Chapter. In addition, before any permit shall be issued, the following conditions shall be complied with:

A. Certification by Public Works Director: No permit shall be issued to tap or connect with any water main of the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:

1. That such lot or tract of land has been assessed for the cost of construction of the water main with which the connection is made; or

2. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course; or

3. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said water main would be assessable against said lot or tract has been paid to the City. (Ord. 388, 4-22-63; amd. 1995 Code)

B. Additional Connection Fee:

1. If no such certificate can be issued by the Public Works Director, no permit to tap or connect to any water main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said main which would be assessable against said lot or tract to be served by such tapping connection, including interest at a rate equal to the interest rate of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the Public Works Director that the improvement was not subject to utilization until a later date.

2. The assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the said main. If no such assessment has been levied, the assessable cost will be determined upon the basis

of the uniform charge which may have been or which shall be charged for similar tapping or connection with such main, determined on the basis of the total assessable cost of the main, allocated on a frontage basis, acreage basis, or both. (Ord. 745, 12-30-74; amd. 1995 Code)

## 801.14: TURNING ON WATER:

No person except an authorized City employee shall turn on or off any water supply at the stop box without permission from the Public Works Director. Authorized City employees shall be allowed access to stop boxes at all times. (Ord. 388, 4-22-63; amd. 1995 Code)

## 801.15: WATER METERS:

A. Meters Required: Except for extinguishment of fires, no person, except authorized City employees, shall use water from the water system or permit water to be drawn from the water system unless the same be metered by passing through a meter supplied or approved by the City. No person not authorized by the Public Works Director shall connect, disconnect, take apart or in any manner change, cause to be changed or interfere with any such meter or the action of such meter. (Ord. 388, 4-22-63)
   1. Master Meter: Commercial or industrial buildings shall be metered with one master meter of adequate size as approved by the Director of Public Works.
   2. Auxiliary Meters: If additional or auxiliary meters are desired for recording the subdivision of such supply, they must be furnished and set up by the owner or consumer at the owner or consumer's expense and the owner or consumer must assume all responsibility of reading, billing and maintaining the auxiliary meters. (Ord. 662, 3-13-72)
B. Installation: All water meters shall be installed in accordance with the standards set by the Public Works Director. (Ord. 388, 4-22-63; amd. 1995 Code)
C. Security Deposit: A security deposit to be made by customers for water meters and payment for the water meter shall be made in advance of installation for all meters in an amount established by City Council resolution. This deposit will be refunded when the property ownership is transferred. Remote reading devices on water meters will be required except where otherwise determined by the Public Works Director. (Ord. 733, 8-12-74; amd. 1995 Code)
D. Maintenance and Repair: The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. However, where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect, including damage from hot water backup or carelessness of the owner or occupant of the premises, any expense caused the City shall be charged against and collected from the water consumer. (Ord. 388, 4-22-63)
E. Rereading Meter: A consumer may, by written request, have their meter reread by depositing the amount stated below with the Finance Officer. In case a test should show an error of over five percent (5%) of the water consumed, the deposit will be refunded to the consumer, a correctly registering meter will be installed and the bill will be adjusted accordingly if the meter erred in favor of the City. Such adjustment shall not extend back more than one billing period from the date of the written request. The deposit charges for meter testing shall be an amount equal to the City's cost. (Ord. 733, 8-12-74; amd. 1995 Code)
F. Meters City Property: All water meters shall be and remain the property of the City.
G. Employees Granted Free Access: Authorized City employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading of meters and inspections. (Ord. 388, 4-22-63)

H. Rental Fee: A rental fee equal to the interest rate paid on customer security deposits, will be charged the customer for the use of City water meters. The rental fee may be set off or credited against any interest due the customer on the security deposit. (Ord. 733, 8-12-74)

## 801.16: WATER RATES AND COLLECTION OF CHARGES:

A. Accounts, How Kept: All accounts shall be kept on the books of the Finance Officer by the house and street number, under the account number assigned and by the name of the owner or of the person signing the application for service. All bills and notices sent out by the Finance Officer shall be sent to the house or street number of the property. If nonresident owners or agents desire personal notice sent to a different address, they shall file an application with the Finance Officer. Any error in address shall be promptly reported to the Finance Officer. (Ord. 388, 4-22-63; 1995 Code)

B. Water Rates:

1. Regular Rate; Minimum Rate: The rate due and payable by each water user within the City for water taken from the water system shall be payable quarterly in an amount set by the Council and kept on file in the City Manager's office in the form of a rate schedule. (1990 Code)

2. Faulty Meter: In case the meter is found to have stopped or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

3. Proration: Where service is for less than a quarterly period, the quarterly charge will be prorated on a monthly basis. (Ord. 388, 4-22-1963)

4. Automatic Sprinkler System: Where a connection is made to an automatic sprinkler system for standby service only, on either Municipal or private water mains, a charge for such service shall be made on an annual basis in an amount set by the Council, and kept on file in the City Manager's office, in the form of a rate schedule. (1990 Code) These rates shall apply in all cases where automatic sprinklers are installed and where fire gates and other outlets are sealed. Meters or detector check valves must be installed on such services as required by the Public Works Director. An additional charge for volume used based on subsection B1 of this Section shall be due and payable by the user for usage over 1,000 gallons per year. (Ord. 936, 12-19-1983)

5. Rates Outside City Limits: Rates due and payable by each water user located beyond the territorial boundaries of the City shall be determined by special contract. (Ord. 388, 4-22-1963) (Ord. 1463, 10-03-2014)

6. Unconnected Service Pipe:

a. Where a service pipe is connected to the stop box and laid into the building with no intention of connecting to the building piping for use immediately, there shall be the same minimum rates charged as in subsection B1 of this Section. (Ord. 496, 7-18-1966)

b. A meter shall be installed on the street valve in the house and a remote register outside regardless of whether inside piping is connected. (1990 Code)

7. Discontinued Use: In the event the water customer elects to discontinue the use of the Municipal water, the regular or minimum charge shall continue until such date as the service pipe is excavated and disconnected at the stop box. (Ord. 496, 7-18-1966)

8. Utility Rate Discount: The City Council may establish reduced water and sewer rates for owner-occupied homes that meet financially need-based criteria as established by the City Council from time to time. (Ord. 620, 4-27-1970; 1995 Code) (Ord. 1463, 3-10-2014)

C. Payment of Charges: Any prepayment or overpayment of charges may be retained by the City and applied on subsequent quarterly statements. (Ord. 407, 11-18-1963; 1990

Code)

D. Action to Collect Charges: Any amount due for water charges in excess of 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who applied for water services, whether it was the owner, tenant or other person. All applications for water service shall contain an explanation in clear language that unpaid water bills will be collected in real estate taxes in the following year. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges. (Ord. 661, 3-13-1972) (Ord. 1383, 6-08-2009)

E. Penalty For Late Payment: Each quarterly billing for water service not paid when due shall incur a penalty charge of ten percent of the amount past due. (1990 Code, per letter dated 1-31-1997)

## 801.17: REPAIR OF LEAKS:

It shall be the responsibility of the consumer or owner to maintain the service pipe from the water main into the house or building. In case of failure upon the part of any consumer or owner to repair any leak occurring in such pipe within twenty four (24) hours after verbal or written notice, the water will be shut off and will not be turned on until the leak is repaired. When the waste of water is great, or when damage is likely to result from the leak, the water may be turned off immediately pending repairs. A water shutoff charge shall be made in an amount set by City Council resolution. (Ord. 530, 3-20-1967; 1995 Code)

## 801.18: USE OF WATER FOR AIR CONDITIONERS:

A. Permit Required: Permits shall be required for the installation of all new air conditioning systems to the public water system. Said permit shall be on forms as provided by the City.

B. Water Conserving and Regulating Devices: All air conditioning systems which are connected directly or indirectly with the public water system must be equipped with water conserving and water regulating devices as approved by the Public Works Director. (Ord. 388, 4-22-1963)

## 801.19: RESTRICTIONS AGAINST SPRINKLING AND OTHER LIMITATIONS:

All water customers and consumers shall be governed by the applicable regulations promulgated by the Board of Water Commissioners of the City of Saint Paul as to limitations in the time and manner of using water and such other applicable regulations promulgated by the City Council affecting the preservation, regulation and protection of the water supply. (Ord. 388, 4-22-1963)

## 801.20: LIABILITY FOR DEFICIENCY OR SHUTOFFS:

The City shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatever. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off at any time and kept shut off as long as necessary. (Ord. 388, 4-22-1963)

## 801.21: WILLFUL DAMAGE TO SYSTEM:

No person shall remove or damage any structure, appurtenance or property of the water system, fill or partially fill any excavation or raise or open any gate constructed or maintained for the water system. (Ord. 388, 4-22-1963)

## 801.22: DISCONTINUANCE FOR VIOLATIONS:

Water service may be shut off at any stop box connection whenever:

A. Violation: The owner or occupant of the premises serviced or any person working on any pipes or equipment which are connected with the water system, has violated or threatens to violate any of the provisions of this Chapter.
B. Nonpayment of Charges: Any charge for water, service, meter or any other financial obligation imposed on the present or former owner or occupant of the premises served is unpaid.
C. Fraud or Misrepresentation: Fraud or misrepresentation by the owner or occupant of the premises served in connection with an application for service. (Ord. 388, 4-22-1963)

## 801.23: ABANDONED SERVICES:

A. Abandoned Service Installations: All service installations that have been abandoned or have not been used for three years shall be disconnected at the main by the City and all pipe and appurtenances removed shall be the property of the City. Any expense of the City shall be charged to the property.
B. New Building/Increased Service: When new buildings are erected on the site of old ones and it is desired to increase or change the old water service, no connections with the mains shall be made until all the old service shall have been removed and the main plugged by the City. Any expense of the City shall be charged to the property. (Ord. 394, 3-27-1963)

## 801.24: FIRE HYDRANTS:

All publicly owned hydrants shall remain visible and accessible from the roadway for maintenance and emergency use. All sides, including top, shall have a minimum three foot clear zone. No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the Public Works Director as follows:

A. Permit: Permit to use a fire hydrant shall be issued for each individual job or contract and for a minimum of 30 days and for such additional30 day periods as the Public Works Director shall determine. The permit shall state the location of the hydrant and shall be for the use of that hydrant and none other. (Ord. 409, 12-23-1963; 1995 Code)
B. Deposit: The user shall make an advance cash deposit set by City Council resolution to guarantee payment for water used and to cover breakage and damage to hydrant, which shall be refunded upon expiration of the permit, less applicable charges for use. (Ord. 733, 8-12-1974; 1995 Code)
C. Rental Charge: The user shall pay a rental charge set by City Council resolution. (Ord. 936, 12-19-1983; 1995 Code)
D. Hydrant Rentals: There shall be a rental fee for fire hydrants, set by City Council resolution, payable by each owner (including the City) upon whose property such hydrant is situated. (Ord. 394, 5-27-1963; 1995 Code)
E. Temporary Connection to Fire Hydrants: An owner of a private water system may make a temporary aboveground connection to a fire hydrant, subject to the time periods, conditions and payment as specified in subsection C of this Section. In addition, the method of connection to the private system shall conform to all existing requirements of the City Code and the type of meter used shall meet the approval of the Public Works Director. (Ord. 523, 1-9-1967; 1995 Code)

## 801.25: CONNECTIONS BEYOND CITY BOUNDARIES:

Where water mains of the City are in any street or alley adjacent to or outside the corporate limits of the City, the City Council may issue permits to the owners or occupants of properties adjacent or accessible to such water mains to make proper water service pipe connections with such water mains of the City and to be supplied with water in conformity with the applicable provisions of this Chapter and subject to the contract between the City and the City of Saint Paul for supply of water. (Ord. 388, 4-22-1963)

## 801.26: PRIVATE WATER SUPPLIES:

A. Connection to Water System Prohibited: No water pipe of the water system shall be connected with any pump, well, tank or piping that is connected with any other source of water supply. (Ord. 388, 4-22-1963)

B. Continued Use after Connection to System: Private wells may be maintained and continued in use after connection is made to the water system, provided there is no means of cross-connection between the private well and Municipal supply at any time. Hose bibbs that will enable the cross-connection of the two systems are prohibited on internal piping of the well supply system. The threads on the boiler drain of the well volume tank shall be removed or the boiler drain bibb replaced with a sink faucet. Where both private and City systems are in use, outside hose bibbs shall not be installed on both systems.

C. New Construction:
1. Water Main Available: All new homes or buildings shall connect to the Municipal water system if a water main is available to the property unless the City Council approves a private well where unusual circumstances exist.
2. Water Main Unavailable: Where new homes or buildings do not have a water main available to the property, the City Council shall determine whether and under what conditions the Municipal water system will be extended to serve the property or a private well allowed. (Ord. 530, 3-20-1967)

D. Existing Private Water System: Existing private water systems may be continued and maintained. Private wells serving such systems may not be drilled without a permit from the Director of Public Works or the City Council. (Ord. 891, 12-14-1981)

E. Permit Required: No person shall drill any well without first obtaining a permit. Application for such permit shall state the character, location and size of the proposed well. The permit fee shall be set by City Council resolution. (Ord. 891, 12-14-1981)

F. Requirements For Issuance: The Director of Public Works shall issue such permits only if one of the following exists:
1. The well will only serve one single-family residence, and the use of the Municipal system would create a health problem for the occupants of such single-family dwelling.
2. The well is to be used for monitoring purposes only and will be abandoned in accordance with State regulations at a set future date.
3. All other wells shall require a permit from the City Council. The City Council will issue such permits only after a determination that the private well will not interfere with the Municipal system and that the property cannot be served by the existing Municipal system. (Ord. 891, 12-14-1981; 1995 Code)
4. Upon the completion of the drilling of each and every well, the well driller shall notify the Chief Code Enforcement Officer and shall furnish the Chief Code Enforcement Officer with a visual pumping test of sufficient duration to determine the yield which shall be of a minimum rate of ten (10) gallons per minute. Within ten days after such a test of a well, the well driller shall file an affidavit with the Chief Code Enforcement Officer setting forth the results of the test, the capacity of the well, the pumping level, the depth of casing from grade and a description of the screen or rock formation. (Ord. 276, 5-19-1959; 1995 Code)

G. Well Pumps: No person shall install or replace a pump without first obtaining a permit to do so. Application for a permit to install or replace a pump for a well shall be made in writing to the Chief Code Enforcement Officer and shall state the manufacturer, type, horsepower and rating of the proposed pump to be installed or replaced. The permit fee shall be set by City Council resolution. (Ord. 873, 12-22-1980; 1995 Code)

## 801.27: PRIVATE USE OF WATER TOWERS:

A. Permit Required: No person shall in any way use any Municipal water tower for private use without first obtaining a permit from the City Council to do so.
B. Fee: If the permit is issued by the City Council, it shall be valid only as long as the applicant pays to the City the fee as set by City Council resolution. The permit must be renewed annually.
C. Cancelling Permits: The City Council may at any time cancel any permit issued to a private person to in any way use any City Municipal water tower by returning to the person the unused portion of the annual fee. (Ord. 419, 4-20-1964; 1995 Code)

# CHAPTER 802
# SEWER USE AND REGULATIONS

SECTION:

802.01: General Operation
802.02: Supervision
802.03: Connection Required
802.04: Application for Sewer Connection
802.05: Revocation of Contractor License
802.06: Construction Requirements
802.07: Use of Certain Buildings Restricted
802.08: Prohibited Discharges
802.09: Tampering Prohibited
802.10: Certain Connections Prohibited
802.11: Entry upon Private Property
802.12: Rates and Charges
802.13: Industrial User Strength Charges
802.14: Transport and Dumping of Sewage

## 802.01: GENERAL OPERATION:

The entire Municipal sanitary sewer system shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this Chapter. (Ord. 218, 9-4-56)

## 802.02: SUPERVISION:

The Chief Code Enforcement Officer shall supervise all house sewer connections made to the Municipal sanitary sewer system and excavations for the purpose of installing or repairing the same. (Ord. 219, 9-4-56; amd. 1995 Code)

## 802.03: CONNECTION REQUIRED:

A. Existing Buildings: Any building used for human habitation and located on property adjacent to a sewer main, or in a block through which the system extends, shall be connected to the Municipal sanitary sewer system within two years from the time a connection is available to any such property.
B. New Construction: All buildings constructed on property adjacent to a sewer main or in a block through which the system extends shall be provided with a connection to the Municipal sanitary sewer system for the disposal of all human wastes.
C. Senior Citizen Deferral: In cases where the owner of an existing building is receiving a senior citizens deferral of special assessments for the cost of the sewer main and no health hazard exists, the City Council may defer the requirement for a connection to the sanitary sewer system until such time as the senior citizen deferral expires or a health hazard exists. (Ord. 901, 3-10-82)

## 802.04: APPLICATION FOR SEWER CONNECTION:

A. Permit; Fees: Any person desiring a connection to the Municipal sanitary sewer system for property not previously connected with the system shall make application for a permit to the Chief Code Enforcement Officer, accompanied by such information as required by the Chief Code Enforcement Officer, together with a permit and inspection fee as set by City Council resolution; provided, however, that a separate permit may be issued for that portion of the sewer connection extending from the property line to the main sewer or other outlet for which permit the fee shall be as set by City Council resolution and a separate permit may also be issued for that portion of the sewer extending from the house or building to the property line for which the permit fee shall be as set by City Council resolution. Inspection of the sewer service from the main to the building shall be performed by the Chief Code Enforcement Officer to ensure compliance to all applicable codes. (Ord. 1009, 3-23-87; amd. 1995 Code)

B. Additional Building Permit Fees: In addition to the building permit fees established in Section 901.06 and in addition to any other fees established in this Code there is hereby established a fee to pay and reimburse the City for all sums which the City shall be required to pay to the Metropolitan Council Environmental Services because of all construction.

C. Additional Fees to Pay for Unassessed Property and to reimburse the City for Metropolitan Metropolitan Council Environmental Services Charges: The permit fee for connection to the City sanitary sewer system shall be paid for each connection in the amount specified in subsections A and B of this Section. In addition thereto, before any permit shall be issued, the following conditions shall be complied with:

1. No permit shall be issued to connect with any sanitary sewer system of the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:

a. That such lot or tract of land has been assessed for the cost of construction of the sanitary sewer main with which the connection is made; or

b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course; or

c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said sanitary sewer main which would be assessable against said lot or tract has been paid to the City; or

d. That all charges and fees as required by subsection B, which are fees to reimburse the City for all sums paid to the Metropolitan Council Environmental Services required by the construction of new buildings are paid. (Ord. 688, 12-18-72)

2. If no such certificate can be issued by the Public Works Director, no permit to connect to any sanitary sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said sanitary sewer main which would be assessable against said lot or tract to be served by such connection for the main, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the Public Works Director that the improvement was not subject to utilization until a later date. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar connection with said main, determined on the basis of the total assessable cost of said main, allocated on a frontage basis, acreage basis or both. (Ord. 745, 12-30-74)

D. Licenses Required: Permits shall be issued only to such persons who are duly licensed by the City to engage in the business of plumbing who have filed with the City the insurance certificates required under subsection F of this Section; provided, however, that permit may be issued to any person who is duly licensed by the City as a sewer contractor and who has filed with the City the insurance certificates required under subsection F for building and repairing that portion of the house or building sewer extending from the property line to the main sewer or other outlet. (Ord. 234, 8-6-57; amd. 1995 Code)

E. License Fees: The annual license fee shall be as set by City Council resolution.

F. Insurance:

1. Before any required permit is issued, the licensee applying for the permit shall file with the City Manager a certificate of insurance covering the licensee for the period covered by the license in the minimum liability amount of six hundred thousand dollars ($600,000.00).

2. The certificate shall state that the policies covering the licensee shall not be canceled without ten days' written notice to the City. (Ord. 531, 3-20-67; amd. 1995 Code)

## 802.05: REVOCATION OF CONTRACTOR LICENSE:

A. Violation: The City Council shall have power to revoke any license upon satisfactory proof that the holder of said license has willfully violated any of the provisions of this Chapter.

B. Reinstatement: A revoked license shall not be reinstated in any manner for a period of six months.

C. Claim by City: The failure to pay, within sixty (60) days, any legitimate claim the City may have against a contractor shall constitute cause for revocation of license. (Ord. 233, 7-23-57; amd. 1995 Code)

## 802.06: CONSTRUCTION REQUIREMENTS:

A. Materials: All pipes shall be constructed of materials approved by the Public Works Director.

B. Joints and Connections: All joints and connections shall be constructed of materials approved by the Public Works Director.

C. Grades:

1. Unless otherwise, all house sewers shall have a grade of not less than one-eighth inch per foot. A grade of one-quarter inch per foot should be used wherever practical. The contractor shall check grades before construction proceeds. Wherever possible, the connecting sewer shall join the building at an elevation which is below the basement floor of such building. (Ord. 219, 9-4-56)

2. In the event that a sewer service exists from the main sewer to a point outside of the street, the contractor shall excavate and expose the upper end of the service pipe. The elevation of the pipe leaving the structure shall be determined, and the difference between the two pipes shall be sufficient so that a minimum grade of one-eighth inch per foot is maintained. (1990 Code)

D. Alignment: No connecting sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than two bends, regardless of angle, shall be permitted in any single house connection except where manholes or, in case of slab home, cleanouts are constructed at such points and in manner as directed by the Public Works Director. No connecting sewer shall be laid parallel to any bearing wall or footing unless further distant than three feet from any such bearing wall or footing. No connecting sewer shall be laid within 20 feet of any existing well. (Ord.

234, 8-6-57)

E. Trenching and Backfilling:

1. All excavations shall be open trench work unless otherwise authorized by the City Engineer. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good and firm earth, the earth shall be pared or molded to give a full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for pouring of joints. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support.

2. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Backfilling shall not be done until the section to be backfilled has been inspected and approved by the Public Works Director.

F. Use of Existing Sewer Services: Existing sewer services or portions of such sewers may be approved for use by the Public Works Director. The Public Works Director may request that the old sewer be excavated for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any portion of a house sewer that is also laid across or over any existing cesspool or septic tank, the existing cesspool or septic tank shall first be pumped clean and filled with earth to the surrounding ground level. Where a sewer is laid across or over any existing cesspool or septic tank, only material approved by the Public Works Director shall be used for that portion of the connecting sewer which is laid across or over the existing cesspool or septic tank.

G. Connections at "Y" Only: Every connecting sewer shall be connected to the Municipal sewer system at the "Y" designated for the property served by the connection, except where otherwise expressly authorized by the Public Works Director. Where expressly authorized by the Public Works Director, all connections made at points other than the designated "Y" shall be made only under the direct supervision of the Public Works Director in such manner as the Public Works Director may direct.

H. Sump pumps: All new structures with sumps for which a building permit is issued shall be plumbed to the outside of the dwelling and inspected by City personnel before a certificate of occupancy is issued. A sump pump discharge system shall not be connected directly or indirectly to the City's sanitary sewer system. A sump pump shall have a permanently installed discharge line, which provides for year-round discharge to the outside of a building or structure.

I. Tunneling: Tunneling for distances of not more than six feet is permissible in yards, courts or driveways of any building site. When pipes are driven, the drive pipe shall be at least one size larger than the pipe to be laid.

J. Independent Systems Required:

1. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of that of any other building except where provided in this subsection and every building shall have an independent connection with a public sewer when such is available. (Ord. 219, 9-4-56; amd. 1995 Code)

2. A separate connection shall be required for each dwelling unit constructed on or after September 19, 1979, in R-1, R-2, R-4, R-5 and R-6 Districts as defined in Title 10 of this Code. A separate connection shall not be required for apartment-type buildings as determined by the Public Works Director. (Ord. 855, 9-10-79; amd. 1995 Code)

K. Exception to Independent Sewer System Requirement: Under the following limited circumstances, the requirement for an independent sewer system provided in subsection I of this Section need not be met:

1. Where one building stands to the rear of another building 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 building drain from the front building may be

extended to the rear building and the whole will be considered as one building drain. Where such a building drain is extended, a cleanout shall be provided immediately inside the rear wall of the front building.

2. A new structure on one parcel may be permitted to connect to an existing sewer line serving an adjacent parcel when the following conditions are met:

a. The alternative construction of a new sewer service to serve the parcel would create a hardship due to the necessity of crossing a railroad or roadway by method other than open cut or as determined by the Public Works Director.

b. The owners of the property will sign and record an instrument, in perpetuity, for joint use and maintenance of the shared service, which instrument specifically holds the City harmless and releases the City from any and all claims relating to the shared service. A copy of said instrument will be filed with the City for approval by the City Attorney.

c. The Public Works Director determines that the shared sewer has adequate capacity for anticipated flows.

d. A cleanout is provided at the junction point of the two (2) services. (Ord. 926, 5-22-83; amd. 1995 Code)

L. Repair of Public Right of Way: No connection to the City sanitary sewer system shall be finally approved until all streets, pavements, curbs and boulevards or other public improvements have been restored to their former condition to the satisfaction of the Public Works Director. (219, 9-4-56; amd. 1995 Code)

M. Costs and Maintenance:

1. Installation and Connection: All costs and expenses incidental to the installation and connection to the Municipal sewer system shall be borne by the owner and the owner shall indemnify the City for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets and street surface.

2. Maintenance: It shall be the responsibility of the owner or occupant to maintain the sewer service from the main sewer into the house or building. (Ord. 532, 3-20-67)

## 802.07: USE OF CERTAIN BUILDINGS RESTRICTED:

No person shall use any building or allow any other person to use any building which is not connected to the Municipal sanitary sewer system as required by Section 802.03 of the City Code. (Ord. 414, 4-6-64)

## 802.08: PROHIBITED DISCHARGES:

All discharge into the City's sanitary sewer system shall be in conformance with the Waste Discharge Rules adopted by the Metropolitan Council Environmental Services (1995 Code). Prohibited discharges include, but are not limited to, any unpolluted water, such as noncontact cooling water, rain water, storm water, groundwater, or water collected from foundation drains or sumps, or roof drainage; water insoluble oils, including but not limited to, fuel oil, nonbiodegradable cutting oil, lubricating oil, hydraulic oil, mineral oil and motor oil.

## 802.09: TAMPERING PROHIBITED:

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Municipal sewer system. (Ord. 218, 9-4-56)

## 802.10: CERTAIN CONNECTIONS PROHIBITED:

No building located on property lying outside the limits of the City shall be connected to the Municipal sanitary sewer system unless authorization is obtained from the City Council. (Ord. 218, 9-4-56; amd. 1995 Code)

## 802.11: ENTRY UPON PRIVATE PROPERTY:

A. The Public Works Director and other duly authorized employees of the City, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the Municipal sanitary sewer system. (Ord. 218, 9-4-56; amd. 1995 Code)

B. Every person, owner, lessee or occupant of any parcel of land, building or premises that discharges into the City's sanitary sewer system shall allow an employee of the city or a designated representative of the City to inspect the building or premises for which the City possesses evidence of discontinuation of compliance with the requirements of Section 802.06 of this Chapter.

C. In lieu of the City inspection, the owner, lessee or occupant may furnish a certificate from a City registered State licensed plumber certifying that the building or premises are in compliance with the requirements of 802.06 of this Chapter.

D. Surcharges for buildings or premises that do not comply with this section will be determined by the City Council and listed in the Fee Schedule.

## 802.12: RATES AND CHARGES:

A. Charges for Use: A charge is hereby imposed upon every person whose premises are served, either directly or indirectly, by the sanitary sewer system within the City, for the use of the facilities of said sewer system and for connection to the system. Such charges shall be in an amount set by the Council and shall be kept on file in the City Manager's office in the form of a rate schedule. (Ord. 592, 2-17-69; amd. 1990 Code)

B. Supplemental Charges for Industrial Sewage Wastes: In respect to property which shall be connected to the City sewer for the disposal of industrial sewage wastes, which shall by virtue of its strength and volume be subject to supplementary charges by the Metropolitan Council Environmental Services , the City may impose a supplemental charge based generally upon and at least equal to the amount of the Metropolitan Council Environmental Services.

C. Payment of Charges: Any prepayment or overpayment of charges may be retained by the City and applied on subsequent quarterly statements.

D. Penalty for Late Payment: Each quarterly billing for sewer charges not paid when due shall incur a penalty charge of ten percent of the amount past due. (Ord. 592, 2-17-69; amd. 1995 Code)

E. Action to Collect Charges: Any amount due for sewer charges, including Metropolitan Council Environmental Services sewer charges, in excess of ninety 90 days past due shall be certified to the County Auditor for collection with real estate taxes. This certification shall take place regardless of who applied for sewer services, whether it was the owner, tenant or other person. The City shall also have the right to bring a civil action or other remedies to collect unpaid charges. (Ord. 661, 3-13-72; amd. 1995 Code) (Ord. 1383, 6-08-2009)

F. Utility Rate Discount: The City Council may establish reduced water and sewer rates for owner-occupied homes that meet financially need-based criteria as established by the City Council from time to time.

## 802.13: INDUSTRIAL USER STRENGTH CHARGES:

The Metropolitan Council Environmental Services, a metropolitan commission organized and existing under the laws of the State of Minnesota, in order to receive and retain grants in compliance with the Federal Water Pollution Control Act is required to impose industrial user strength charges to recover operation and maintenance cost of treatment works attributable to the strength of discharge of industrial waste. The City shall collect industrial strength charges as dictated by the Metropolitan Council Environmental Services rules and Minnesota State Statutes and adopts the same by reference. (1995 Code)

## 802.14: TRANSPORT AND DUMPING OF SEWAGE:

The cleaning and/or emptying of the contents of any privy vault, septic tank, cesspool, sink or private drain located in the City shall be done in an inoffensive manner and the contents shall be placed in and be removed from the premises in closed, tight covered barrels, receptacles or tank trucks so as to prevent the scattering, dropping or leaking while being transported and shall be discharged or destroyed so as not to be offensive to surrounding property owners. (Ord. 168, 9-15-53; amd. 1995 Code)

# CHAPTER 803
# STORM WATER DRAINAGE

SECTION:

803.01: Storm Water Drainage Utility
803.02: Connection to Storm Sewers
803.03 Storm Water Illicit Discharge and Connections
803.04 Erosion and Sedimentation Control

## 803.01: STORM WATER DRAINAGE UTILITY:

A. Establishment: The Municipal storm sewer system shall be operated as a public utility pursuant to Minnesota Statute, section 444.075, from which revenues will be derived subject to the provisions of this Section and Minnesota statutes. The storm water drainage utility will be part of the Public Works Department and under the administration of the Public Works Director.

B. Definition: "Residential equivalent factor, (REF)" - One REF is defined as the ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one year rainfall event.

C. Fees: Storm water drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the storm water drainage rate. The REF values for various land uses are as follows[1]: For the purpose of calculating storm water drainage fees, all developed one-family and duplex parcels shall be considered to have an acreage of one-third (1/3) acre. The storm water drainage rate used to calculate the actual charge per property shall be established by City Council Resolution.

D. Credits: The City Council may adopt policies recommended by the Public Works Director, by resolution, for adjustment of the storm water drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of storm water drainage fees shall not be made retroactively.

E. Exemptions: The following land uses are exempt from storm water drainage fees:
   1. Public rights of way.

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[1]

| CLASSIFICATION | LAND USES | REF |
|---|---|---|
| 1 | Cemeteries golf courses | 0.25 |
| 2 | Parks with parking facilities | 0.75 |
| 3 | Single-family and duplex residential | 1.00 |
| 4 | Public & private school, community center | 1.25 |
| 5 | Multiple-family residential, churches & government buildings | 2.50 |
| 6 | Commercial, industrial, warehouse | 5.00 |
| 7 | Improved vacant | As Assigned |

2. Vacant, unimproved land with ground cover.

F. Payment of Fee: Statements for storm water drainage fee shall be computed every three months and invoiced by the Finance Officer for each account on or about the fifth day of the month following the quarter. Such statement shall be due on or before the last day of the month in which the statement is mailed. Any prepayment or overpayment of charges shall be retained by the City and applied against subsequent quarterly fees.

G. Recalculation of Fee: If a property owner or person responsible for paying the storm water drainage fee questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the Public Works Director made within twelve months of mailing of the invoice in question by the City.

H. Penalty for Late Payment: Each quarterly billing for storm water drainage fees not paid when due shall incur a penalty charge of ten percent of the amount past due.

I. Certification of Past Due Fees on Taxes: Any past due storm water drainage fees, in excess of 90 days past due, may be certified to the County Auditor for collection with real estate taxes, pursuant to Minnesota Statute, section 444.075, subdivision 3. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees. (Ord. 937, 1-9-84; amd. 1995 Code) (Ord. 1383, 6-08-2009)

## 803.02: CONNECTION TO STORM SEWERS:

A. Permit Required: No person shall connect any drain to a storm sewer of the City without first obtaining a permit to do so.

B. Granting of Permits: The Public Works Director shall grant permits only to applicants who are licensed by the City.

C. Hook Up Permit Fee: The fee for a permit to hook up to a City storm sewer shall be set by City Council resolution. (Ord. 377, 9-10-62; amd. 1995 Code)

D. Additional Fees: Before any hook up permit shall be issued, the following conditions shall be complied with:

1. No permit shall be issued to connect with any storm sewer system to the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:
   a. That such lot or tract of land has been assessed for the cost of construction or the storm sewer main or line with which the connection is made, or
   b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course, or
   c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said storm sewer main which would be assessable against said lot or tract has been paid to the City, or
2. If no such certificate can be issued by the Public Works Director no permit to connect to any storm sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said storm sewer main which would be assessable against said lot or tract to be served by such connection. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the said main, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased, when it is determined by the Public Works Director that the improvement was not subject to

utilization until a later date. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar storm sewer improvements, determined on the basis of the total assessable cost of said main or line, allocated on a frontage basis, acreage basis, or both.

3. No building permit shall be issued for any building where the affected lot or parcel of land has been benefited by an assessed storm sewer improvement unless the provisions of this subsection have been complied with. (Ord. 745, 12-30-74; amd. 1995 Code)

## 803.03: STORM WATER ILLICIT DISCHARGE AND CONNECTIONS:

A. Purpose: The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects caused by non-storm water discharge by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. This ordinance will provide for the health, safety, and general welfare of the citizens of the City of Roseville through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:
   1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any person.
   2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
   3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

B. Definitions: For the purposes of this ordinance, the following terms, phrases, words and their derivatives shall have the meaning stated below.
   1. BEST MANAGEMENT PRACTICE (BMP): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
      a. Non-structural BMP: Practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage storm water at its source. Other practices include clustering and concentrating development, minimizing disturbed areas, and reducing the size of impervious areas.
      b. Structural BMP: a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff velocities.
   2. COMMERCIAL: Activity conducted in connection with a business.
   3. DISCHARGE: Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute waters of the state.
   4. EQUIPMENT: Implements used in an operation or activity. Examples include, but are not limited to; lawn mowers, weed whips, shovels, wheelbarrows and construction equipment.

5. EROSION: any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
6. GROUNDWATER: Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under conned, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.
7. ILLEGAL/ ILLICIT DISCHARGE: Any direct or indirect non-storm water discharge to the storm drainage system, except as exempted in this chapter.
8. ILLICIT CONNECTION: Either of the following:
   a. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-storm water discharge) including wastewater, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City; or,
   b. Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
9. IMPERVIOUS SURFACE: A hard surface area which either prevents or retards the entry of water into the ground. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water runoff.
10. MAXIMUM EXTENT PRACTICABLE (MEP): A standard for water quality that applies to all MS4 operators regulated under the NPDES program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.
11. MECHANICAL CLEANING TECHNIQUES: Arranging the collision between the substance being removed and some object. Mechanical cleaning techniques include: sweeping, shoveling, or blowing. This does NOT include using water to clean the surface.
12. MPCA: The Minnesota Pollution Control Agency.
13. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.
14. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345.
15. PERSON: Any individual, firm, corporation, partnership, franchise, association or governmental entity.
16. PERVIOUS SURFACE: Pervious areas permit water to enter the ground by virtue of their porous nature or by large voids in the material. Commonly pervious areas

have vegetation growing on them.

17. POLLUTANT: Any substance which, when discharged has potential to or does any of the following:
    a. Interferes with state designated water uses;
    b. Obstructs or causes damage to waters of the state;
    c. Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
    d. Adds an unnatural surface film on the water;
    e. Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
    f. Degrades the quality of groundwater; or
    g. Harms human life, aquatic life, or terrestrial plant and wildlife; A Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, wastewater, and oxygen-demanding material.
18. POLLUTE: To discharge pollutants into waters of the state.
19. POLLUTION: The direct or indirect distribution of pollutants into waters of the state.
20. PREMISES: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips
21. SANITARY SEWER: a pipe, conduit, or sewer owned, operated, and maintained by the City and which is designated by the Public Works Director as one dedicated to the exclusive purpose of carrying sanitary wastewater to the exclusion of other matter
22. STATE DESIGNATED WATER USES: Uses specified in state water quality standards.
23. STORM DRAINAGE SYSTEM: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
24. STORM WATER: Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
25. SURFACE WATERS means all waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, ditches, , and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.
26. STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
27. VEHICLE: Any "motor vehicle" as defined in Minnesota Statutes. Also includes watercraft, trailers and bicycles.
28. WATERCOURSE: A natural channel for water; also, a canal for the conveyance of water, a running stream of water having a bed and banks; the easement one may have in the flowing of such a stream in its accustomed course. A water course may be dry sometimes.

29. WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
30. WASTEWATER: Any water or other liquid, other than uncontaminated storm water, discharged from a facility or the by-product of washing equipment or vehicles

C. Applicability: This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City Council.

D. Administration: The Public Works Director is the principal City official responsible for the administration, implementation, and enforcement of the provisions of this ordinance. The Director may delegate any or all of the duties hereunder

E. Exemptions: No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:
   1. Consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA;
   2. Is associated with fire fighting activities or other activities necessary to protect public health and safety;
   3. Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and any other water source not containing pollutants;
   4. Consists of dye testing discharge, as long as the Public Works Director is provided a verbal notification prior to the time of the test.

F. Illegal Disposal and Dumping
   1. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
   2. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

G. Illicit Discharges and Connections
   1. No person shall use any illicit connection to intentionally convey non-storm water to the City's storm sewer system.
   2. The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
   3. A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the storm sewer system, or allows such a connection to continue.

H. General Provisions: All owners or occupants of property shall comply with the

following general requirements:

1. No person shall leave, store, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
    a. Private sanitary sewer connections and appurtenances shall be maintained to prevent failure, which has the potential to pollute surface water.
    b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
    c. For pools, the pool's water should be tested before draining to ensure that PH levels are neutral and chlorine levels are not detectable. Pool water should be discharged over a vegetated area before draining into the storm sewer system. Unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
2. The washing down of commercial equipment and vehicles shall be conducted in a manner so as to not directly discharge wastewater where drainage to streets or storm sewer system may occur.
3. Removal of pollutants such as grass, leaves, dirt and landscape material from impervious surfaces shall be completed to the maximum extent practicable using mechanical cleaning techniques.
4. Mobile washing companies (carpet cleaning, mobile vehicle washing, etc) shall dispose of wastewater to the sanitary sewer. Wastewater shall not be discharged where drainage to streets or storm sewer system may occur.
5. Storage of materials, machinery and equipment shall comply with the following requirements:
    a. Objects, such as equipment or vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
    b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
6. Debris and residue shall be removed as follows:
    a. All vehicle parking lots and private streets shall be swept at least once a year in the spring to remove debris. Such debris shall be collected and disposed of according to state and federal laws governing solid waste.
    b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be contained immediately, removed as soon as possible and disposed of according to state and federal laws governing solid waste.

I. Industrial or Construction Activity Discharges. Any person subject to an industrial activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a manner acceptable to the Public Works Director prior to the allowing of discharges to the storm sewer system. Any person responsible for a property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

J. Access to Facilities

1. When the City has determined that there is a danger to the health, safety or welfare

of the public, city representatives shall be permitted to enter and inspect facilities subject to regulation under this ordinance to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to city representatives.

2. In lieu of an inspection by a City representative, the property owner shall furnish a certificate from a licensed plumber, in a form acceptable to the City, certifying that the property has not discharged prohibited material into the municipal storm sewer system. Failure to provide such certificate of compliance shall make the property owner immediately subject to the suspension of storm sewer access as provided for in section M of this section until the property is inspected and/or compliance is met, including any penalties and remedies as set forth in section N below.
3. Unreasonable delays in allowing city representatives access to a permitted facility is a violation of a storm water discharge permit and of this ordinance.
4. The City may seek issuance of a search warrant for the following reasons:
   a. If city representatives are refused access to any part of the premises from which storm water is discharged, and there is probable cause to believe that there may be a violation of this ordinance; or
   b. there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder; or
   c. to protect the overall public health, safety, and welfare of the community.

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

L. Notification of Spills. Notwithstanding other requirements of law, as soon as any person has information of release of materials which result or may result in illegal discharges of pollutants into the storm sewer system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release according to state and federal laws.

M. Suspension of Storm Sewer System Access
1. Suspension due to illicit discharges in emergency situation: The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the heath or welfare of persons, to the storm sewer or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or the waters of the state, or to minimize danger to persons.
2. Suspension due to the detection of illicit discharge: All persons discharging to the MS4 in violation of this ordinance may have their access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this ordinance to reinstate access to premises that have been terminated pursuant to this section without the prior approval of the City.

N. Enforcement
1. Notice of Violation: A violation of this ordinance is a Public Nuisance. When it has been determined that a person has violated a prohibition or failed to meet a

requirement of this Ordinance, the Public Works Director may order compliance by written notice of violation to the person(s) responsible for the violation. Such notice may require without limitation:

a. The performance of monitoring, analysis, and reporting;
b. The elimination of illicit connections or discharges;
c. That violating discharges, practices, or operations shall cease and desist;
d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
e. Payment of a fine to cover administrative and remediation costs;
f. The implementation of source control or treatment BMPs;
g. The development of a corrective action plan to prevent repeat discharges; and/ or
h. Any other requirement deemed necessary.

If abatement of a violation and/ or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

2. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.
3. Enforcement Measures after Appeal: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the City Manager upholding the decision of the Public Works Director, then city representatives shall have the right to enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow city representatives to enter upon the premises for the purposes set forth above.
4. Cost of Abatement of the Violation: Within 15 days after abatement of the violation, the person(s) responsible for the violation will be notified of the cost of abatement, including administrative costs. The person(s) given such notice may file a written protest objecting to the amount of the costs within 7 days. If the amount due is not paid within a timely manner as determined by the decision of the City Manager or by the expiration of the time in which to file an appeal, the amount due shall constitute a lien upon, and the City shall have the right to assess such cost against the property owned by such violator(s) pursuant to Minnesota Statute § 429.101.
5. Injunctive Relief: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
6. Compensatory Action: In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory action such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
7. Violations Deemed a Public Nuisance: In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and

is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

8. Criminal Prosecution: A violation of this ordinance is a misdemeanor.
9. Costs and Expenses: The City may recover all attorney's fees, court costs, staff expenses, clean-up costs, and any other expenses associated with enforcement of this ordinance including, but not limited to, sampling and monitoring expenses.
10. Remedies Not Exclusive: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

(Ord. 1388, 2-22-2010)

## 803.04: EROSION AND SEDIMENTATION CONTOL:

A. Purpose: The purpose of this article is to control or eliminate soil erosion and sedimentation resulting from construction activity within the City. This article establishes standards and specifications for conservation practices and planning activities that minimize soil erosion and sedimentation.

B. Scope: Except as exempted by the definition of the term "land disturbance activity" in Section 803.04 C7, any person, entity, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the City for the approval of the erosion and sediment control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth in this article.

C. 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:

1. Best Management Practice (BMP): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
2. Certificate of Completion: the certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed and the site has been fully restored.
3. City of Roseville Erosion Control Specifications: practices described in, but not limited to, the following manuals:
   - Minnesota Stormwater Manual
   - Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas" handbook
   - Ramsey County Erosion and Sediment Control Handbook
4. Erosion: any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
5. Erosion and sediment control plan: a document containing the requirements of Section 803.04 D that, when implemented, will prevent or minimize soil erosion on a parcel of land and off-site sediment damages.
6. Erosion and sediment control practice specifications and erosion and sediment control practices: the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the City.
7. Land disturbance activity: land change greater than 10,000 square feet, or land change on a parcel of land located directly adjacent to a water resource or located

within the shoreland overlay district, that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of the city, including clearing, grading, excavating, transporting and filling of land. Land disturbance activity does not mean the following:

a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
b. Tilling, planting, or harvesting or agricultural, horticultural, or silvicultural crops.
c. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
d. Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbance activity would have required an approved erosion and sediment control plan except for the emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the city when applicable.

8. Permittee: a person, entity, state agency, corporation, partnership, or political subdivision thereof engaged in a land disturbance activity.
9. Sediment: solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.
10. Sedimentation: the process or action of depositing sediment that is determined to have been caused by erosion.
11. Water Resource: any stream, channel, wetland, storm pond, or lake within the City.

D. Erosion and Sediment Control Plan:

1. Required: Every Permittee for a building permit, a subdivision approval, or a permit to allow land disturbance activities must submit an erosion and sediment control plan to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbance activities shall be issued and no earth disturbing activity shall commence until approval of the erosion and sediment control plan by the City.

   Projects coordinated by Ramsey County or Mn/DOT do not require a permit; however, the City must be notified of the project and be provided a copy of the erosion and sediment control plan, as well as an estimated schedule for commencement and completion. The City will notify the designated contact if erosion control measures should fail or require maintenance with the expectation that the deficiencies will be corrected.

   If no permit has been obtained, a stop work order shall be issued on the construction and a fine shall be issued in an amount equal to twice the required permit fee. A completed erosion and sediment control plan and permit application shall be submitted before construction will be allowed to resume.

   Obtaining a permit does not exempt the permittee from obtaining permits required by other government regulatory agencies.
2. Criteria addressed: The erosion and sediment control plan shall address the following criteria:

   a. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
   b. Stabilize all exposed soils and soil stockpiles
   c. Establish permanent vegetation
   d. Prevent sediment damage to adjacent properties and other designated areas
   e. Schedule of erosion and sediment control practices
   f. Use temporary sedimentation basins

g. Stabilization of steep slopes
h. Control the storm water leaving the site
i. Stabilize all waterways and outlets
j. Protect storm sewers from the entrance of sediment, debris and trash
k. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste that may adversely impact water quality
l. When working in or crossing water resources, take precautions to contain sediment.
m. Restabilize utility construction areas as soon as possible
n. Protect paved roads from sediment and mud brought in from access routes
o. Dispose of temporary erosion and sediment control measures
p. Maintain all temporary and permanent erosion and sediment control practices
q. Removal of sediment from streets at the end of each day

3. Contents of Plan: The erosion and sediment control plan shall include the following:
   a. Contact information for the Permittee
   b. Project description: the nature and purpose of the land disturbance activity and the amount of grading involved
   c. Phasing of construction: the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction
   d. Existing and proposed site conditions: existing and proposed topography, vegetation, and drainage
   e. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbance activity
   f. Soils: soil names, mapping units, erodibility
   g. Critical erosion areas: areas on the site that have potential for serious erosion problems
   h. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site, both during and after the construction process
   i. Temporary and Permanent stabilization: how the site will be stabilized during and after construction is completed, including specifications
   j. Storm water management: how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff
   k. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures
   l. Calculations: any that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices

E. Plan Review:
1. General: The City appoints the City Engineer to review the erosion and sediment control plan to ensure compliance with the City of Roseville Erosion and Sediment Control Standards.
2. Permit required: If the City determines that the erosion and sediment control plan meets the requirements of this article, the City shall issue a permit, valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the erosion and sediment control plan.
3. Denial: If the City determines that the erosion and sediment control plan does not meet the requirements of this article, the City shall not issue a permit for the land disturbance activity. The erosion and sediment control plan must be resubmitted for

approval before the land disturbance activity begins. No land use and building permits may be issued until the Permittee has an approved erosion and sediment control plan.

4. Permit suspension: If the City determines that the approved plan is not being implemented according to the schedule or the control measures are not being properly maintained, all land use and building permits must be suspended and stop work order issued until the Permittee has fully implemented and maintained the control measures identified in the approved erosion and sediment control plan.

F. Plan Implementation And Maintenance:

All storm water pollution controls noted on the approved erosion and sediment control plan shall be installed before commencing the land disturbance activity, and shall not be removed without City approval or issuance of a Certificate of Completion.

The Permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices. The Permittee shall also be responsible for maintenance, clean-up and all damages caused by flooding of the site or surrounding area due to in-place erosion and sediment control. The foregoing responsibilities shall continue until a Certificate of Completion is issued to the Permittee by the City for the land disturbance activity.

G. Modification of Plan:

An approved erosion and sediment control plan may be modified on submission of an application for modification to the City and subsequent approval by the City Engineer. In reviewing such application, the City Engineer may require additional reports and data.

H. Escrow Requirement:

The City shall require the Permittee to escrow a sum of money sufficient to ensure the inspection, installation, maintenance, and completion of the erosion and sediment control plan and practices. Escrow amounts shall be set from time to time by the City Council. Upon project completion and the issuance of a Certificate of Completion any remaining amount held in escrow shall be returned to the Permittee.

I. Enforcement:

If the City determines the erosion and sedimentation control is not being implemented or maintained according to the approved plan, the Permittee will be notified and provided with a list of corrective work to be performed. The corrective work shall be completed by the Permittee within forty-eight (48) hours after notification by the City. Notification may be given by:

a. Personal delivery upon the Permittee, or an officer, partner, manager or designated representative of the Permittee.
b. E-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the Permittee.

1. Failure to Do Corrective Work: If a Permittee fails to perform any corrective work or otherwise fails to conform to any provision of this ordinance within the time stipulated, the City may take any one or more of the following actions:
   a. Issue a stop work order whereupon the Permittee shall cease all land disturbance activity on the site until such time as the City determines the corrective measures that are necessary to correct the conditions for which the stop work order was issued. Once the necessary corrective actions have been determined the Permittee shall perform the corrective work. All corrective work must be completed before further land disturbance activity will be allowed to resume.
   b. Complete the corrective work using City forces or by separate contract. The issuance of a land disturbance permit constitutes a right-of-entry for the City or

its contractor to enter upon the construction site for the purpose of completing the corrective work.

c. Impose a monetary fine in an amount equal to twice the required permit fee.

d. Charge the Permittee for all staff time expended and costs incurred by the City to:

    i. perform any corrective work required by the City,

    ii. perform such inspections and reinspections of the site on which the land disturbance activity is occurring as the City deems necessary, and/or

    iii. coordinate and communicate with the Permittee regarding any corrective work, inspections, reinspections or other remedial actions which the City deems necessary to implement as a result of the failure of the Permittee to conform to the provisions of this ordinance, and

    iv. remedy any other failure of the Permittee to conform to provisions of this ordinance.

    The cost for staff time shall be determined by multiplying the staff member's hourly rate times 1.9 times the number of hours expended, for all staff members (including administrative employees) involved in such corrective work, communications, coordination of activities, inspections, reinspections and other remedial actions. All amounts charged shall be paid by the Permitee within 30 days of the delivery by the City of a written invoice which describes such charges.

e. Draw on the escrow amount for all staff costs incurred, and payments due to the City as a result of the exercise by the City of any remedy available to the City pursuant to this ordinance.

f. Assess that portion of any unpaid charges which are attributable to the removal or elimination of public health or safety hazards from private property pursuant to Minnesota Statutes Section § 429.101.

g. Pursue any other legal equitable remedy which is available to the City.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. (Ord. 1416, 9-26-2011)

# TITLE 9
# BUILDING REGULATIONS

# CHAPTER 901
# BUILDING CODE

SECTION:


901.01: Adoption of Code
901.02: Designated Building Official
901.03 Code Enforcement Officers
901.04: Conflict of Interest
901.05: Reserved
901.06: Permits, Inspections and Fees
901.07: Reserved
901.08: State Surcharge on Building Permit Fees
901.09: Permits Required
901.10: Street Assessments
901.11: Deposit for Protection of Concrete Curbs, to Ensure Cleaning of Streets and to Ensure Compliance with Building Code
901.12: Work within Public Right-of-Way
901.13: Reserved
901.14: Completion; Inspection
901.15: Expiration of Permits
901.16: Permits not Construed as Waiver of Violation


## 901.01: ADOPTION OF CODE:

The most current Minnesota State Building Code (MSBC),one copy of which is on file in the office of the designated building official, has been adopted by Minnesota Statutes as a uniform building code applicable throughout the state. The most recent revisions, and subsequent amendments to such code are hereby adopted as the building code of the city and incorporated in this chapter as completely as if set out in full. (Ord. 1488, 11/20, 2015)

## 901.02: DESIGNATED BUILDING OFFICIAL:

The designated building official shall receive and process applications, inspect premises, ascertain compliance with the building code, issue permits and perform such other work under the building, zoning and subdivision codes as may be delegated to him by the city manager or community development director. (1990 Code), (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 901.03: CODE ENFORCEMENT OFFICERS:

The code enforcement officers shall perform such work in enforcing the building code and other portions of the city code as may be delegated to each by the building official or community development director or as provided for in the city code. (Ord. 1058, 3-16-1989; amd. 1995 Code), (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 901.04: CONFLICT OF INTEREST:

No code enforcement officer shall have any financial interest in any concern engaged in a business relationship with the city or engage in any business relationship with the city within such code enforcement officer's respective field. (1990 Code)

## 901.05: RESERVED SECTION

(Ord. 679, 9-11-1972; amd. 1995 Code), (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 901.06: PERMITS, INSPECTIONS AND FEES:

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes and as established in City Code Section 314.05. Permit fees shall be assessed for work governed by this code and work governed by the city code. The amount of permit fees shall be the total of the following:

A. The amount of building permit and other fees shall be as established in Section 314.05.
   B. In addition, an amount equal to eight percent (8%) of the building permit fee established by subsection A of this section, to be used to defray the cost of fire safety inspections. (Ord. 1237, 3-13-2000, eff. 5-1-2000) (Ord. 1488, 11/20, 2015)

901.07: RESERVED SECTION
(Ord. 1289, 8-4-2003, eff 1-1-2004)

## 901.08: STATE SURCHARGE ON BUILDING PERMIT FEES:

In addition to the permit fees established in section 901.06A of this chapter, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes. (Ord. 1488, 11/20, 2015)

## 901.09: PERMITS REQUIRED:

A. Permits shall be required as specified in the MSB Code.
B. Permits shall be required for the following to verify compliance with the city code. Fees, based on valuation, shall be as established in the most current Fees Resolution adopted by the City Council:
   - Fences over four (4) feet tall (new and replacement)
   - Walls over four (4) feet tall (new and replacement)
   - Driveways (new and replacement)
   - Drain tile installations (new and replacement)
   - Sheds
   - Permanent and Temporary Signage
C. Moving Of Dwellings or Buildings:
   1. Permit Required: The applicant for a permit to move a building or dwelling shall pay a fee as established in the most current Fees Resolution adopted by the City Council. Inspection of buildings outside the city limits shall be charged on an hourly rate and include a mileage charge for city vehicles. (Ord. 528, 3-13-1967)
   2. Application: The applicant for a permit to move a building to a new location within this municipality shall file an application in accordance with subsection 1004.01F of this code.
D. Demolition Permits: The applicant for a permit to demolish or wreck a building or in-ground pool shall pay a fee as established in the most current Fees Resolution adopted by the City Council.
E. Gas Apparatus:
   1. Installation Of Gas Piping And Repairs Or Alterations To Existing Gas Piping: For the installation of the necessary gas piping and for the repair or alterations of existing

gas piping to furnish gas for heat, light or power to a building or structure, the permit fee charge shall be as established in the most current Fees Resolution adopted by the City Council.

2. Heating,ventilation and air conditioning (HVAC) Equipment: For installation, repair, or alteration of HVAC equipment, the permit fee charge shall be as established in the most current Fees Resolution adopted by the City Council.

F. Plumbing:

Plumbing Fixtures, Devices And Connections: For the installation, alteration, repair, or extension of plumbing work the permit fee charge shall be as established in the most current Fees Resolution adopted by the City Council.

G. Excavations, Grading And Surfacing: For the excavation, grading, surfacing or filling for any building, structure, plot or area of ground, the permit fee charge shall be as listed in the most current Fees Resolution adopted by the City Council. No person, firm nor corporation shall do any excavating, grading, surfacing or filling in the City until they are equipped with certain communication equipment (such as cellular or mobile phones or two-way radios) which allows access to emergency call number 911. (Ord. 873, 12-22-80; amd. Ord. 1161, 5-22-95)

H. Signs, Billboards And Marquees:

1. All sign fees shall be as established in the most current Fees Resolution adopted by the City Council.

I. Designated Building Official To Ascertain Value Of Construction: Whenever in this Chapter the permit charge is based upon market value of the work to be done, the Designated Building Official shall ascertain such value. (Ord. 528, 3-13-67)

J. Special Permits: The fee for all special events, temporary tents, temporary sales permits not specified by this Code shall be as listed in the most current Fees Resolution adopted by the City Council.

K. Minimum Fee: The minimum fee for any permit whether or not such permit is mentioned in this Code shall be twenty-five dollars ($25.00). (Ord. 873, 12-22-80; amd. 1995 Code)

(Ord. 1289, 8-4-2003, eff 1-1-2004)

## 901.10: STREET ASSESSMENTS:

A. No permit shall be issued to construct any building upon any lot or tract of land unless the Finance Officer shall have certified:

1. That such lot or tract of land has been assessed for the cost of construction of any public roads, curbs or sidewalks contiguous to said lot or tract of land.

2. If no assessment has been levied for such construction cost, the proceedings for levying such assessments have been or will be completed in due course.

B. If no such certificate can be issued by the Finance Officer, no permit to construct any building shall be issued unless the applicant shall pay a fee which shall be equal to the portion of the cost of construction of the public road, curb or sidewalk which would be assessable against said lot or tract to be served by such road, curb or sidewalk. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the road, curb or sidewalk, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of twenty (20) years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased when it is determined by the Public Works Director that the improvement was not subject to utilization until a later date. (Ord. 745, 12-30-74)

## 901.11: DEPOSIT FOR PROTECTION OF CONCRETE CURBS, TO

## ENSURE CLEANING OF STREETS AND TO ENSURE COMPLIANCE WITH BUILDING CODE:

At any time a permit is applied for on any new construction and on any remodeling project or addition which in the reasonable opinion of the Designated Building Official involves more than fifty percent (50%) of the cost evaluation of the existing structure, the permit shall also require a cash deposit. In the case of a permit issued for a project involving a dwelling or accessory structure, the amount of such deposit shall be as established in the most current fee schedule adopted by the City Council. Such deposit shall be required and applied as necessary to:

A. Protect against damage to the abutting street, concrete curb or other City facility occurring by reason of such construction, and
B. Defray the cost of cleaning streets if the City is required to do so.

The deposit, or unused portion, shall be refundable upon issuance of an occupancy certificate. (Ord. 1289, 8-4-2003, eff 1-1-2004) (Ord. 1488, 11/20, 2015)

## 901.12: WORK WITHIN PUBLIC RIGHT-OF-WAY:

A permit shall be required for any work such as sidewalk construction, curb or gutter construction, driveways, tree planting, boulevards, drainage, etc., which is proposed to be done within the public right-of-way. See Section 707 of the City Code. (Ord.1289, 8-4-2003, eff 1-1-2004)

## 901.13: RESERVED SECTION

(Ord. 1289, 8-4-2003, eff 1-1-2004)

## 901.14: COMPLETION; INSPECTION:

Within five (5) working days after the work has been completed, the person who has acquired any permit required under this Code shall notify the Designated Building Official that work has been completed. (Ord. 637, 11-9-70) (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 901.15: EXPIRATION OF PERMITS:

A. Any permit issued under the Building Code shall become invalid at the end of 180 days from the date of issuance unless the work for which the permit was issued has been started. This time limit may be extended by the Designated Building Official providing that application for such extension of time has been made in writing previous to the expiration of said permit.
B. A permit shall expire after work has been abandoned or suspended for 180 days.

(Ord. 1289, 8-4-2003, eff 1-1-2004)

## 901.16: PERMITS NOT CONSTRUED AS WAIVER OF VIOLATION:

In the event an owner or agent is charged with a violation of law, including any provision of this Code or other regulation, it shall be no defense that a permit was issued pursuant to this Chapter. (Ord. 842, 2-12-79)

# CHAPTER 902
# FIRE PREVENTION

SECTION:


902.01: Adoption of Minnesota State Fire Code
902.02: Establishment and Duties of Fire Marshal
902.03: Permits Required
902.04: Fire Prevention Inspections
902.05: Explosives and Blasting Agents
902.06: Storage of Flammable Liquids
902.07: Bulk Storage of Liquefied Petroleum Gas
902.08: Open Flame Fire on Apartment Balconies
902.09: New Materials, Process or Occupancies
902.10: Evidence of Compliance with Code
902.11: Revocation of Permits
902.12: Day Care Facilities Fire Code Inspection
902.13 Appeal


## 902.01: ADOPTION OF MINNESOTA STATE FIRE CODE:

The most recent edition of the Minnesota State Fire Code, as published by the International Fire Code Institute and adopted by the State Fire Marshal, along with all amendments to that edition adopted by the State Fire Marshal are adopted by reference and made a part of the City Code. (1995 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 902.02: ESTABLISHMENT AND DUTIES OF FIRE MARSHAL[1]:

A. The Minnesota State Fire Code shall be enforced by the office of the Fire Marshal of the City.
B. The Fire Marshal shall be appointed by the Fire Chief. (Ord. 976, 6-24-85)
C. Whenever the term State Fire Marshal or Fire Chief appear in the Minnesota State Fire Code, it shall include the Fire Marshal of the City. (Ord. 1060, 5-22-89)
(Ord. 1289, 8-4-2003, eff 1-1-2004)
D. The Chief of the Fire Department may detail members of the Fire Department as assistant Fire Marshals.
E. A report of the office of the Fire Marshal shall be made annually and shall be transmitted to the City Manager. It shall contain all proceedings under this Code with such statistics as the City Manager may require. (Ord. 976, 6-24-85)

## 902.03: PERMITS REQUIRED:

A permit from the Fire Marshal is required to conduct the following:

A. Install any automatic fire sprinkler system.

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[1] See also Chapter 106 of this Code.

B. Install any automatic fire suppression or extinguishing system. (Ord. 1060, 5-22-89)
C. Modify an automatic sprinkler, fire suppression system or fire extinguishing system. (Ord. 1095, 7-22-91)
D. Install any aboveground or underground liquid fuel storage tank.
E. Install any aboveground or underground liquefied gas storage tank.
F. Install or modify any fire alarm detection or signaling system when the value of the installation or modification exceeds one thousand dollars ($1,000.00).
G. Remove an underground liquid fuel storage tank. (Ord. 1060, 5-22-89)
H. Clean and degrease commercial hoods and ducts. (1995 Code)

A fee, as established in Section 901.06 of this Code shall be paid for each permit required by this Section. A plan check fee as authorized in Section 901.06 of this Code is required. (Ord. 1060, 5-22-89; amd. 1995 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 902.04: FIRE PREVENTION INSPECTIONS:

Fire Inspection personnel of the City are authorized to conduct fire prevention inspections of any and all Group A, B, E, H, I, F, M, S, and R occupancies as defined in the Minnesota State Building Code, located within the City. (Ord. 1060, 5-22-89; amd. 1990 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 902.05: EXPLOSIVES AND BLASTING AGENTS:

A. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents are to be Prohibited: Storage of explosives and blasting agents is prohibited in all areas other than those zoned I-1 and I-2 and then only when stored in accordance with NFPA No. 495.
B. Establishment of Motor Vehicle Routes for Vehicles Transporting Explosives and Blasting Agents[1]: Designated routes for vehicles transporting explosives and blasting agents are hereby established as follows: State Trunk Highway 36 from Rice Street west to the west City limits, State Highway 280 from the south City limits to the confluence with STH No. 36 and Interstate 35W to the north City limits, Snelling Avenue north of STH No. 36 to County Road "C", County Road "C" from Snelling Avenue west to Long Lake Road, Fairview Avenue from County Road "C" north to the intersection of Terrace Drive, Long Lake Road south from County Road "C" to Terminal Road, Terminal Road west to the Minnesota Transfer Railway tracks, and St. Croix Street south from Terminal Road to STH No. 36. (Ord. 867, 9-22-80)

## 902.06: STORAGE OF FLAMMABLE LIQUIDS:

A. Outside Aboveground Tanks: The limits referred to in the Minnesota State Fire Code in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established as follows: All areas other than that area bounded by Cleveland Avenue, STH No. 36, the north City limits and the west City limits.
B. New Bulk Plants: The limits referred to in the Minnesota State Fire Code in which new bulk plants for flammable liquids are prohibited are hereby established as follows: All areas other than that area bounded by Cleveland Avenue, STH No. 36, the north City limits and the west City limits. (Ord. 867, 9-22-80; amd. 1995 Code)

(Ord. 1289, 8-4-2003, eff 1-1-2004)

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[1] See also M.S.A. §§169.80 through 169.88, 221.033 and 299F.19; United States Code, title 49, sections 1801 50 1811 and the provisions of Code of Federal Regulations, title 49, sections 171 to 199.

C. Other Nonresidential Areas:
1. Permit: Notwithstanding the limits for aboveground storage tanks established in subsections A and B above, such storage tanks in other nonresidentially zoned areas may be allowed by issuance of a permit approved by the City Council. The permit is subject to review and recommendations of the Fire Marshal and to conditions imposed by the City Council.
2. Requirements: Storage tanks permitted by this subsection shall be designed to meet all applicable State and Federal regulations and setback requirements, shall be located in rear yards and shall be screened from eye level view from adjacent properties and public streets by buildings, landscaping or by a screen wall. Screen walls shall be constructed of similar and compatible materials to that of the principal structure.
3. Annual Review: Annually, the City Council shall review the site and tank permit for compliance with the original permit.
4. Termination for Noncompliance: The City Council may terminate the permit for noncompliance or require additional improvements consistent with this subsection.
5. Automatic Expiration; Extension of Permit: Such use of the land shall automatically expire five (5) years after the original date of approval. Thereafter the applicant may apply for an annual one year extension of the permit. (Ord. 1128, 9-27-93)

## 902.07: BULK STORAGE OF LIQUEFIED PETROLEUM GAS:

A. Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gas Is to Be Restricted: The limits referred to in the Minnesota State Fire Code in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: All areas except those areas zoned I-1 and I-2. Such storage is permissible in B-1, B-1B, B-2 and B-3 Districts by conditional use permit issued by the City Council. (Ord. 867, 9-22-80; amd. 1995 Code) (Ord. 1289, 8-4-2003, eff 1-1-2004)
B. Protection Systems: All bulk storage facilities for liquefied petroleum gas containing two thousand (2,000) gallons water capacity or more shall be stored in tanks protected from fire by one of the following protection systems:
1. Preaction Water Spray System: A preaction water spray system designed in accordance with National Fire Protection Association Standard No. 15 which is hereby adopted by reference.
2. Fire Proof Insulation: Tanks coated with a water based, thermally activated, subliming, intumescent fireproofing insulation capable of passing a minimum fire resistance test of one hour when tested on steel pressure vessels using standard industry tests; the surface coating shall be impermeable and hard-shelled to resist weathering.
3. Mounded above Grade: Upon the submission of detailed plans and specifications and upon the written approval of the Fire Chief and the Fire Marshal, tanks may be mounded above grade. (Ord. 867, 9-22-80)
4. Shutoff Valve: Tanks shall be equipped with a valve at the outlet of the tank. The valve shall be designed to automatically shut off the flow of fuel in the event of the following conditions:
a. Excess flow of fuel.
b. Automatic detection of fire conditions.
The valve shall also be capable of manual operation. The valve shall be interconnected with all related electrical equipment. (Ord. 1060, 5-22-89)
C. Permit Required:
1. Notwithstanding the limits for aboveground storage tanks established in subsections A and B above, such storage tanks in other nonresidentially zoned areas may be allowed by issuance of a permit approved by the City Council. The permit is subject to review and recommendations of the Fire Marshal and to conditions imposed by the City

Council. Annually, the Council shall review the site and tank permit for compliance with the original permit. The Council may terminate the permit for noncompliance or require additional improvements consistent with this subsection.

2. Storage tanks permitted by this subsection shall be designed to meet all applicable State and Federal regulations and setback requirements, shall be located in rear yards and shall be screened from eye level view from adjacent properties and public streets by buildings, landscaping or by a screen wall. Screen walls shall be constructed of similar and compatible materials to that of the principal structure.

3. Such use of the land shall automatically expire five (5) years after the original date of approval. Thereafter, the applicant may apply for an annual one year extension of the permit. (Ord. 1128, 9-27-93)

## 902.08: OPEN FLAME FIRE ON APARTMENT BALCONIES:

A. Except where the balconies and the building are of all masonry or steel construction, in any multiple-family dwelling classified as R-1 and R-2 occupancy by the Minnesota State Building/Uniform Fire Code, no person shall kindle, maintain or cause any fire or open flame on any balcony above ground level or on any ground floor patio within fifteen (15) feet of the structure. (Ord. 1289, 8-4-2003, eff 1-1-2004)
B. No person shall store or use any fuel, barbecue, torch or other similar heating or lighting chemical or device in the locations designated in subsection A. above.
C. Exception: Occupants may apply to the Fire Chief or Fire Marshal for a permit to allow barbecue grills which are affixed to the balcony and which utilize direct connection to the building's electric or natural gas system. (Ord. 1151, 9-12-94)

## 902.09: NEW MATERIALS, PROCESS OR OCCUPANCIES:

The City Manager, the Chief of the Fire Department and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in this Code. The Fire Marshal shall post such list in a conspicuous place in the Fire Marshal's office and distribute copies to interested persons. (Ord. 867, 9-22-80)

## 902.10: EVIDENCE OF COMPLIANCE WITH CODE:

The City Manager or the Fire Marshal if so designated by the Manager, may accept written reports from qualified persons that any particular establishment is complying with all the regulations of the Minnesota State Fire Code. The City Manager in determining who is qualified to make such reports may consider licenses held by such individuals in other municipalities. (Ord. 867, 9-22-80) (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 902.11: REVOCATION OF PERMITS:

The office of the Fire Marshal may revoke a permit or approval issued if any violation of the Minnesota State Fire Code is found upon inspection or where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. (Ord. 867, 9-22-80) (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 902.12: DAY CARE FACILITIES FIRE CODE INSPECTION:

All day care fire/life safety inspection fees shall be as established in the City Fee Schedule in Section 314.05. (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 902.13: APPEAL:

(Ord. 1289, 8-4-2003, eff 1-1-2004)

An appeal of the following actions can be made to the City Council by the affected party within thirty (30) days of the affected party being notified of the actions:

A. Issuance of fire prevention orders.
B. Extension of time limits for compliance with a fire prevention order issued by the Fire Marshal.
C. Refusal of the Fire Marshal to issue permits authorized in this Code.
D. Revocation of a permit pursuant to this Code.
E. Affected party claims that the Code does not apply or that the intent of the Code has been misconstrued or wrongly interpreted. (Ord. 1060, 5-22-89; amd. 1995 Code)

# CHAPTER 903
# ELECTRICAL CODE

SECTION:

903.01: Electrical Code Adopted as Part of Minnesota State Building Code (MSBC)

## 903.01: ELECTRICAL CODE ADOPTED AS PART OF MINNESOTA STATE BUILDING CODE (MSBC):

The Electrical Code is an adopted section of the MSBC. Fees for electrical work shall be as established in the most current Electrical Inspection Services Contract approved by the City Council. (Ord.1289, 8-4-2003, eff. 1-1-2004)

# CHAPTER 904
# PLAN REVIEW

SECTION:

904.01: Applicant to Provide Plans
904.02: Review of Plans

## 904.01: APPLICANT TO PROVIDE PLANS:

At the time of application for a building permit involving exterior construction in all zoning classifications except R-1 and R-2, the applicant shall submit detailed plans to the City's Designated Building Official concerning exterior lighting, signs, exterior construction material, exterior color, outside trash and refuse receptacles, screening and such other exterior factors as the Designated Building Official requests to determine compliance with the City Code. (Ord. 886, 8-10-81) (Ord. 1289, 8-4-2003, eff 1-1-2004)

## 904.02: REVIEW OF PLANS:

Where the exterior construction is located on any parcel zoned other than R-1 or R-2, such plans shall be reviewed by the Designated Building Official. (Ord. 886, 8-10-81) (Ord. 1289, 8-4-2003, eff 1-1-2004)

# CHAPTER 905
# SWIMMING POOLS

SECTION:

905.01: Permit Required
905.02: Application
905.03: Conditions
905.04: Multiple-Family Dwelling Areas

## 905.01: PERMIT REQUIRED:

A building permit shall be required for any swimming pool with a capacity over three thousand (3,000) gallons or with a depth of over three feet and six inches (42) of water. The permit fee shall be as listed in the most current Fees Resolution adopted by the City Council.(Ord. 636, 11-9-70) (Ord. 1289, 8-4-2003, eff 1-1-2004) (Ord. 1489, 11/30/2015)

## 905.02: APPLICATION:

An application for a building permit shall show:

A. The type and size of pool.
B. A site plan indicating the location of the pool; location of house, garage, fencing and other improvements on the lot; location of structures on all adjacent lots; location of filter unit, pump and wiring indicating the type of such units; location of backflush and drainage outlets; grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool; location of existing overhead or underground wiring, utility easements, trees and similar features, location of any water heating unit. (Ord. 636, 11-9-70)

## 905.03: CONDITIONS:

A. Location in Yard: See Section 1011.12.B.4.
B. Utility Lines: Pools shall not be located beneath overhead utility lines nor over underground utility lines.
C. Access for Construction: All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
D. Backflush Water: to the extent feasible, backflush water or water from pool drainage shall be directed onto the owner's property. Water shall not drain onto adjacent or nearby private land. (Ord.1388, 2-22-2010)
E. Water: Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the City. (Ord.1289, 8-4-2003, eff 1-1-2004)
F. Safety Fencing: Required safety fencing shall be completely installed prior to filling a pool. (Ord. 1289, 8-4-2003, eff 1-1-2004)
G. Nuisances: Nuisances such as undue noise, lighting of adjacent property, health and safety hazards, damage to nearby vegetation and the like shall not be permitted.
H. Filling of Pool: Filling of pools from fire hydrants or other public facilities or drainage of pools into public streets or other public drainage ways shall require permission of the appropriate City officials. Drainage of a pool shall meet city and health agencies

requirements. (Ord. 1289, 8-4-2003, eff 1-1-2004)

I. Service Drop Conductors: No swimming pool shall be placed or constructed so as to be under any service drop conductors and any other open overhead wiring, nor within ten (10) feet horizontally from the pool edge, diving structure, observation stands, towers or platforms. No service drop conductors and other open overhead wiring shall be installed over or by any existing swimming pool except in conformance with this subsection. (Ord. 636, 11-9-70) (Ord. 1489, 11/30/2015)

## 905.04: MULTIPLE-FAMILY DWELLING AREAS:

Private swimming pools intended for and used by the occupants of a multiple-family dwelling and the guests of the occupants of said dwelling shall adhere to the following regulations:

A. Lot Lines: No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.

B. Service Equipment: No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line.

C. Fencing: The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Adequate screening, including, but not limited to, landscaping shall be placed between the pool area and adjacent single-family district lot lines.

D. Deck Areas: All deck areas, adjacent patios and other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line in an adjacent single-family district. (Ord. 636, 11-9-70) (Ord. 1489, 11/30/2015)

# CHAPTER 906
# BUILDING MAINTENANCE AND PRESERVATION CODE

Chapter 906, Building Maintenance and Preservation Code, is extracted from the International Property Maintenance Code (IPMC). IPMC prohibits Chapter 906 from being a part of our city code on our web site, except in a special read-only document. Please see separate Chapter 906 document.

SECTION:


906.01: Adoption
906.02: Conflicts and Interpretation
906.03: Administration
906.04: Definitions
906.05: General Requirements
906.06: Light, Ventilation and Occupancy Limitations
906.07: Plumbing Facilities and Fixture Requirements
906.08: Mechanical and Electrical Requirements
906.09: Fire Safety Requirements
906.10: Referenced Standards


(Ord. 1332, 1-30-2006)

# CHAPTER 907
# REGISTRATION OF RESIDENTIAL RENTAL PROPERTY OF 1 TO 4 UNITS

SECTION:

907.01: Purpose
907.02: Definitions
907.03: Registration Requirements
907.04: Expiration of Registration
907.05: Fees
907.06: Manner of Registration.
907.07: Notice to Tenant, Requirement to Post
907.08: Registration Fee and Posting Exemptions
907.09: Registration Suspensions and Revocation
907.10: Violation
907.11: Appeals
907.12: Maintenance of Records
907.13: Authority
907.14: Applicable Laws
907.15: Rules, Policies and Procedures
907.16: No Warranty by the City
907.17: Severability

## 907.01: PURPOSE:

The City recognizes a need for an organized registration program of residential rental property with 1 to 4 units within the City in order to:

1. Gather accurate contact information for property owners of residential rental properties,
2. Provide educational materials to property owners and occupants of residential rental properties,
3. Identify and quantify these units in the City,
4. Provide information and a method to enforce minimum standards to meet City and State safety, health, fire and zoning codes within the City, and
5. Provide a more efficient system to ensure that the stock of residential rental property within the City is properly maintained.

The City recognizes that the most efficient system to provide information on the rental status of certain residential properties is through the creation of a program requiring the registration of residential rental property with 1 to 4 units within the City.

## 907.02: DEFINITIONS:

1. The term “residential rental property” means any building, structure, room, enclosure,

or mobile home with 1 to 4 units including the real property upon which it is located and which surrounds it, intended to be used as habitable space which is rented or offered for rent as living quarters. For the purposes of this section, condominium properties are considered to be single unit dwellings, no matter how many units may be located within the overall building. This term also includes any residential dwelling or unit occupied by relatives of the owner and residential rental dwellings operated as group homes. Residential rental property does not mean on-campus college housing, hospital units, nursing home units, multiple rental property over 4 units or hotels or motels with daily rental units, all of which shall be specifically exempt from registration under this Chapter.

2. The term "unit" means all or a portion of a residential rental property that is arranged, designed, used, or intended to be used as separate living quarters for individuals or a family.
3. The term "person" includes natural persons as well as business entities, whether one or more.
4. The term "City" means the City of Roseville, or the person or entity designated by the City to administer and enforce this Chapter.
5. For the definition of the term "Family" see Roseville City Code Section 1001.10.
6. The term "rent" includes money or services in exchange for occupation of the unit.

## 907.03: REGISTRATION REQUIREMENTS:

Except as provided in Sections 907.06(1) and 907.08, it is unlawful for any person to hereafter occupy, allow to be occupied, or let to another person for occupancy any residential rental property of 1 to 4 units within the City for which an application for registration has not been properly made and filed with the City or after the time that a registration is suspended or revoked. Initial registration shall be made upon forms furnished for such purpose and shall specifically require the following minimum information:

1. Name, street address and phone number of the property owner and, if the owner is not a natural person, the name, street address and phone number of a designated agent for the owner. In cases where the owner of the dwelling lives outside of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington counties, the owner must also provide the name, street address, and phone number of an agent authorized by the owner to make or order repairs or services for the property if in violation of City or State Codes. The designated local agent must live or work in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington Counties.
2. The name, street address, and phone number, of any person authorized to make or order repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.
3. The street address of the rental property.
4. The type of units within the rental property (single family, twinhome, townhome, condo, duplex, triplex or fourplex).
5. The number of bedrooms and bathrooms in the unit.
6. The maximum occupancy per unit is either 4 unrelated adults or one family per Roseville City Codes 906.06 and 1001.10.

## 907.04: EXPIRATION OF REGISTRATION:

1. All registrations shall expire at midnight on June 30 each year. All renewal registration application materials for the next year shall be received before the expiration date.
2. Any renewal registrations received between July 1 and September 30 will be considered

late, but will not receive any fee penalties (fee grace period).

3. Any renewal registrations received after September 30 will be considered late and subject to fee penalties (fee penalty period).
4. Any registration not renewed by October 31 will be considered in violation of this ordination (violation period). Renters will not be allowed to occupy a property if the renewal registration is not received by October 31.

## 907.05: FEES:

1. There shall be a registration fee to recoup the costs of administering the program. All fees shall be established annually by the City Council. All fees and fines shall be charged to and payable by the property owner.
2. The fee for registration renewed during the fee penalty period shall be twice the normal registration fee.
3. The fee for registrations renewed during the violation period shall be twice the normal registration fee in addition to any other fees or penalties per Section 907.10

## 907.06: MANNER OF REGISTRATION:

1. An owner who has an existing rental property as defined by this Chapter that is not already registered must apply for registration pursuant to this Chapter no later than 60 days following the effective date of this Chapter.
2. An owner of a non-rental property that after the effective date of this Chapter wishes to convert the property into a rental property, shall apply for and register the property prior to its conversion.
3. If there is a change in the type of occupancy from the type stated on the registration form, a new registration form shall be filed within 30 days of the change.
4. When property is sold, the new owner shall register within 30 days of the sale.

## 907.07 NOTICE TO TENANT, REQUIREMENT TO POST

The owner or its agent must post, in accordance with the instructions provided by the City, in each rental unit a current copy of the Registration Certificate provided by the City upon registration. This certificate shall specifically include the following minimum information:

1. The street address of the registered property,
2. The name, street address, and telephone number of either the owner or the designated agent,
3. The expiration date of the registration, and
4. Information about how to access the *Landlord and Tenants Rights and Responsibilities Handbook* provided by the Minnesota Attorney General.

## 907.08 REGISTRATION FEE AND POSTING EXEMPTIONS:

All owners of residential rental properties are required to register their properties according to Section 907.06, however, the following property owners are exempt from the registration fee and the requirement to post a registration certificate.

1. Owners of residential rental properties where all renters residing in the rental property are related to the owner as a parent, child, sibling, grandparent,

grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner or agent affirms in the registration that each of the renters is one of these relations.

2. Owners of residential rental property licensed by the State of Minnesota as a group home and used as such. The owner or agent must provide the current license number on the registration form.

In all cases, an owner must notify the City in writing within 30 days if an exemption, as described in this Chapter, is no longer applicable. (Ord. 1426, 6-18-2012)

## 907.09: REGISTRATION SUSPENSIONS AND REVOCATION:

A rental registration may be revoked or suspended at any time under this provision of this chapter by the Community Development Director for grounds including, but not limited to, the following:

1. False or misleading information given or provided in connection with a registration application.
2. Failure to maintain the residential rental property in a manner that meets pertinent provisions of City Code including, but not limited to, Code Chapters 407 and 906.
3. Violations committed or permitted by the owner or the owner's agent, or committed or permitted by the tenant or the tenant's guests or agents, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises including, but not limited to, the following:
   A. Minn. Stat. 609.75 through 609.76, which prohibit gambling;
   B. Minn. Stat. 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
   C. Minn. Stat. 152.01 through 152.025 and 152.027, subds. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
   D. Minn. Stat. 340A.401, which regulates the unlawful sale of alcoholic beverages;
   E. Minn. Stat. 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
   F. Minn. Stat. 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Chapter 103 of the City Code, which prohibit the unlawful possession, transportation, sale or use of weapon;
   G. Minn. Stat. 609.72, which prohibits disorderly conduct;
   H. Roseville City Code Section 407, prohibiting public nuisances, Section 405, noise control, Section 906, property maintenance, Sections 1004 and 1005, land use and Section 1018, parking; and
   I. Minn. Stat. 609.221, 609.222, 609.223, 609.2231 and 609.224, regarding assaults in the first, second, third, fourth and fifth degree.

A suspended or revoked rental registration may be reinstated when the circumstances leading to the suspension or revocation have been remedied.

## 907.10: VIOLATION:

Except as provided in Sections 907.06(1) and 907.08, any person who maintains a residential rental property without having the property registered, or after the registration for the property has been revoked or suspended, or who permits new occupancy in violation of Section 907 is guilty of a misdemeanor and, upon conviction, is subject to a

fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in an amount set in the City Fee Schedule. Upon the failure to pay an administrative fee, the City may post the dwelling unit as illegal for habitation. Thereafter, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid; (b) a rental registration is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit, and (c) completion of any abatement, written compliance order, legal action from a citation or action per City Code Sections 407.06, 407.07 and 407.08. Each day of each violation constitutes a separate offense.

## 907.11: APPEALS:

An Appeal pertaining to any violation, suspension, or revocation decision addressed in this Chapter may be filed by a residential rental property owner.

1. The appeal shall be submitted to the City Manager within ten (10) calendar days after the making of the order or decision being appealed.
2. The appeal shall state the specific grounds upon which the appeal is made.
3. The appeal shall be accompanied by the fee set forth in Chapter 314.

When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Community Development Director.

## 907.12: MAINTENANCE OF RECORDS:

All records, files and documents pertaining to the Rental Registration Program shall be maintained in the office of the City and made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances.

## 907.13: AUTHORITY:

Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on registration including an order prohibiting the occupancy of such rental units until violations of this Chapter have been remedied by the property owner or designated agent.

## 907.14: APPLICABLE LAWS:

Residential Rental Property shall be subject to all applicable rules, standards, statutes and ordinances governing use, maintenance and occupancy of the dwelling or dwelling

unit; and this Chapter shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances.

## 907.15: RULES, POLICIES, PROCEDURES:

The City Council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this Chapter. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this Ordinance.

## 907.16: NO WARRANTY BY THE CITY:

By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental registration.

## 907.17: SEVERABILITY:

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities or circumstances shall not be affected thereby. (Ord. 1361, 3-17-2008) (1495, 2/22/2016)

# CHAPTER 908
# RENTAL LICENSING FOR MULTIFAMILY RENTAL PROPERTIES OF 5 OR MORE UNITS

SECTION:

908.01: Purpose
908.02: Definitions
908.03: Licensing Requirements
908.04: Licensing Term
908.05: Fees
908.05: Local Agent Required
908.06: Licensing Suspensions, Revocation, Denial, and Non-Renewal
908.08: Appeals
908.09: Maintenance of Records
908.10: Authority
908.11: Rules, Policies, and Procedures
908.12: No Warranty by the City
908.13: Severability

## 908.01: PURPOSE

It is the purpose of this Chapter to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. The operation of an MRD is a business enterprise that entails responsibilities. Operators are responsible to assure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

## 908.02: DEFINITIONS

For the purpose of this Chapter, the following terms shall be defined as set forth below.

A. Building Official: The designated Building Official for the City of Roseville or his/her duly authorized representative(s).
B. City: Shall mean the City of Roseville.
C. City Council: Shall mean the City Council of the City of Roseville.
D. City-Approved Inspector's Report or Inspection Report: Shall mean a rental dwelling inspection report prepared and signed by a City rental housing inspector or inspector contracted by the City to conduct an inspection and provide a report to the City.

E. Denial: The refusal to grant a license to a new or renewing applicant by the City.
F. Dwelling Unit: Any portion of a building thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.
G. Lease: An oral or written agreement between an MRD owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.
H. License: The formal approval of an activity specified on the certificate of license issued by the City.
I. Local Agent: Owner's representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.
J. Multifamily Rental Dwelling (MRD): Any building or portion thereof that contains five (5) or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out in the City of Roseville. This does not apply to Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.
K. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.
L. Permissible Occupant Load: The maximum number of persons permitted to occupy a building or space within a building per City Code.
M. Reinspection: A follow-up inspection that is a) conducted to determine if a Code violation has been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a scheduled inspection; c) needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner, or responsible party; or d) any inspection other than the initial inspection for a license application where one or more violations are found.
N. Rent: The consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.
O. Repair: To restore to a sound and functional state of operation, serviceability, or appearance.
P. Revoke: To take back a license issued by the City.
Q. Safety: The condition of being reasonably free from danger and hazards that may cause accidents or disease.
R. Suspend: To make a license temporarily inoperative.
S. Tenant: Any adult person granted temporary use of a rental dwelling unit pursuant to a lease with the owner of the MRD.

**908.03: LICENSING REQUIREMENTS**

General Rule. No person shall operate, let, or cause to be let an MRD that has not been properly licensed by the City of Roseville in the manner required by this Ordinance. A license must be obtained for each MRD. Upon receipt of the properly executed initial application for a rental license, the Community Development Department shall cause an inspection to be made of the MRD to determine whether it is in compliance with Chapter 906 (Building Maintenance and Preservation Code), other Roseville ordinances, and the laws of the State of Minnesota. At renewal inspection, a minimum of twenty-five percent (25%) of all rental dwelling units shall be inspected to determine if they comply with all applicable codes and ordinances. Also, a minimum of 25% of previously inspected units shall be re-inspected to verify all previously noted violations were corrected.

A. Licensing: A license will be granted as Type A, Type B, Type C, or Type D based on nationally recognized standards recommended by the Building Official and adopted by the City Council. All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will expire as determined by the license type and City.

B. Criminal Background Check: The licensee shall conduct criminal background checks on all prospective tenants. The criminal background check must include the following:

1. A statewide (Minnesota) criminal history check of all prospective tenants covering at least the last three years; the check must be done utilizing the most recent update of the state criminal history files.
2. A criminal history check of any prospective tenant in their previous states of residence, unless not allowed, covering at least the last three years if they have not resided in Minnesota for three years or longer.
3. A criminal history check of any prospective tenant must be conducted in all seven (7) counties in the metro Twin Cities area: (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) covering at least the last three years, including all misdemeanor, gross misdemeanor, and felony convictions.

C. Disorderly Behavior Lease Provisions: All tenant leases shall contain crime-free, drug-free provisions as on file with the City or equivalent that prohibit disorderly behavior identified in City Code Section 511.02 These lease provisions shall be incorporated into every new lease for a tenancy beginning January 1, 2015, and all renewed leases by such date.

D. Occupancy Register: Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:

1. Dwelling unit address
2. Number of bedrooms in dwelling unit and size of each bedroom, including the maximum number of occupants allowed
3. Legal names and dates of birth of adult occupants
4. Number of adults and children (under 18 years of age) currently occupying each dwelling unit
5. Dates renters occupied and vacated dwelling units
6. A list of complaints and requests for repair by dwelling unit occupants that relate to the provisions of this Code of Ordinances
7. A similar list of all corrections made in response to such requests and complaints

Such register shall be made available for viewing by the Code Enforcement Officer at each routine inspection or upon City receipt of a report of potential occupancy violation.

E. Application Filed: A license application shall be submitted to the Community Development Department on forms furnished by the City of Roseville and must contain the following information:

1. Name, address, telephone number, and e-mail address of the owner of the rental dwelling units. This is the address that all future correspondence from the City will be sent to. Owner shall indicate if the owner is a corporation, partnership, sole proprietorship, or other business entity.

2. Name, address, telephone number, and e-mail address of designated local agent responsible for the management of the MRD.
3. Street address(es) and unit numbers for the MRD.
4. Number and type of dwelling units including unit size, bedroom size for each building (One [1] Bedroom, Two [2] Bedrooms, etc.) and number of bathrooms.
5. Description of property listing number of buildings and number of dwelling units in each building.
6. Owner shall certify compliance with the requirement found in 908.03B for conducting background checks on prospective tenants.
7. Owner shall certify compliance with the requirement in 908.03C to include disorderly behavior lease provisions.
8. Owner shall certify compliance with the requirement of 908.03D occupancy register.

F. Changes in Ownerships and Amended Licenses: A license is not assignable. Any changes occurring in the ownership of an MRD requires a new license. The new owner must obtain a new license within thirty (30) calendar days of acquiring the property. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the City within thirty (30) calendar days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.

G. Complaint-Based Inspection: The City may, upon receipt of creditable third party complaints or complaints of residents with reasonable concerns, require an inspection of a unit. A complaint-based inspection may require additional units to be inspected. Upon the additional unit inspection, the City may require a license category criteria inspection be performed using the same standards as the license renewal inspection.

H. Additional Requirements. The City may require additional educational training or participation in programs related to the license type.

## 908.04: LICENSING TERM

Licenses will be issued for a time period according to the license type as indicated in Diagram 1. All licenses may be reviewed at any time after the beginning of the license term to determine whether the property continues to have the appropriate License Type.

Diagram 1

| **Requirement ➔**<br>**License Type* ↓** | **Renewal of License, Inspections and Payment of Licensing Fee** | **Memorandum of Understanding for correction of nuisance** | **Monthly Updates** |
|---|---|---|---|
| **Type A** | Once every 3 years | Optional | N/A |
| **Type B** | Once every 2 years | Optional | N/A |

| | | | |
|---|---|---|---|
| **Type C** | Once a year | Optional | N/A |
| **Type D** | Once every 6 months | Required | Required |

A. New Licenses: MRDs that have legally not been required to have a rental license due to new construction will qualify for a Type B License and must be filed with the City thirty (30) calendar days from the issuance of a Conditional or Permanent Certificate of Occupancy.
B. Operating without Valid License: Properties found operating without a valid rental license from the City, properties failing to meet City Code requirements, or properties that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this chapter, will only qualify for a Type C or D license.
C. License Renewals: All rental properties are subject to review and may be required to apply and qualify for a different license type based on the level of compliance with City Codes and applicable regulations.
D. Chronic Code Violations: For properties having chronic code violations that are not being resolved in a timely manner, the City Council may pursue any and all remedies under Minnesota Statutes sections 504B.395 through 504B.471 in addition to any other legal or equitable relief.
E. License Category Criteria: License type will be determined by the number of property Code and nuisance violations as recommended by the City Manager and approved by the City Council.
    1. Property Code and Nuisance Violations. Standards for property maintenance will be based on compliance with City and other applicable Codes or other nationally recognized standards as adopted by the City Council.
F. License Process and Renewal:
    1. Initial application of existing MRDs in the City must have completed a full application and paid the license fee by December 31, 2014.
    2. Code enforcement officers will notify applicant of the inspection date approximately thirty (30) calendar days prior to inspection.
    3. Notice of licensing type will be sent to the applicant. The licensing fee will be due and payable by the license renewal date. A license will be issued for each MRD. Every Owner of an MRD shall conspicuously post the current license certificate within fourteen (14) calendar days of receipt in the main entryway or other conspicuous location within the MRD. For MRDs that do not have a shared common area or entrance, the Owner must provide a copy of the license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.
    4. License renewals shall be filed with the Community Development Department by the MRD between 90 and 120 days prior to the license expiration date.
G. Issuance of License: The City shall issue a license once the City deems the property to not have any unsafe, unsanitary, or dilapidated conditions as defined in Section 906.03H or elsewhere in Roseville's City Code), or a Memorandum of Understanding (MOU) has been signed and submitted, and, all City fees and fines have been paid.

**908.05: FEES**

There shall be a licensing fee as established by the City Fee Schedule in Section 314.05. All fees and fines shall be charged to and payable by the property owner.

## 908.06: LOCAL AGENT REQUIRED

A. Local Agent: No operating license shall be issued or renewed for a nonresident owner of an MRD (one who does not reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) unless such owner designates in writing to the Building Official the name of the owner's local agent (one who does reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive notice of violations of the provisions of the City Code of Ordinances, to receive and to effect such orders, and to accept all service or process pursuant to law.

B. Responsibility for Acts of Manager, Operator, or Local Agent: Licensees are responsible for the acts or omissions of their managers, operators, local agent, or other authorized representative.

## 908.07: LICENSING SUSPENSIONS, REVOCATION, DENIAL, AND NONRENEWAL

A. Applicability: Every license issued under the provisions of this Chapter is subject to suspension or revocation by the City Council.

B. Unoccupied or Vacated Rental Units: In the event that a license is suspended, revoked, or not renewed by the City Council, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored by the City Council.

C. Grounds for License Action: The Council may revoke, suspend, or decline to renew any license issued under this Chapter upon any of the following grounds:

1. False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.
2. Failure to pay any application fee, fine, penalty, reinspection fees, reinstatement fee, special assessments, real estate taxes, or other financial claims due to the City as required by this Chapter and City Council resolution.
3. Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in Compliance Notices in the time specified in the notice.
4. Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.
5. Failure to actively pursue the termination of the tenancy of tenants who have violated the provision of this Chapter or Lease Addendum on file with the City or have otherwise created a public nuisance in violation of City, state, or applicable laws.
6. Failure to eliminate imminent health and life safety hazards as determined by the City or its authorized representatives.

7. Failure to operate or maintain the licensed premises in conformity with all applicable state and local laws and ordinances.

D. License Action Sections: Revocation, suspension, and non-renewal may be brought under either this Section or any other Section of Chapter 908.

E. Notification, Hearing and Decisions Basis:

1. Written Notice, Hearing: A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds, and the applicant or licensee will be given an opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.
2. Decision Basis: The Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been remedied or avoided, and the good faith efforts to comply. The Council shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings.

F. Affected MRD: The Council may suspend or revoke a license or not renew a license for part or all of an MRD.

G. License Actions, Reapplication:

1. Suspension: Licenses may be suspended for up to ninety (90) calendar days and may after the period of suspension be reinstated subject to compliance with this Chapter and any conditions imposed by the City Council at the time of suspension.
2. Revocation, Denial, Nonrenewal: Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation. Upon a decision to revoke, deny, or not renew a license, no approval of any application for a new license for the same facility will be effective until after the period of time specified in the Council's written decision, which shall not exceed one (1) year. The Council shall specify in its written decision the date when an application for a new license will be accepted for processing. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an initial application for a new facility will not take the form of a suspension or revocation unless false statements have been made by the applicant in connection with the application. A decision to deny an initial application shall state conditions of reapplication.
3. Reinstatement Fees: All new applications must be accompanied by a reinstatement fee, as specified by Council resolution, in addition to all other fees required by this Chapter.
4. Written Decision, Compliance: Written decisions to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied. Revocation, suspension, or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and Codes and this Code of Ordinances for as long as any units in the facility are occupied. Failure to comply with all terms of this Chapter during the term of revocation, suspension, or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, or non-renewal specified in the City Council's written decision or in paragraph 6 of this Section.

5. New License Prohibited: A property owner who has a rental license revoked may not receive a new rental license for another property within the City for a period of one (1) year from the date of revocation. The property owner may continue to operate currently licensed MDRs if the properties are maintained in compliance with City Codes and other applicable regulations.
6. The Council may postpone or discontinue an action to deny, not renew, revoke, or suspend a registration certificate, or to fine a licensee or applicant, if the licensee or applicant has taken appropriate measures to correct the violation.

**908.08: APPEALS**

A. An appeal pertaining to any licensing decision addressed in this Chapter may be filed by an MRD property owner.
    1. The appeal shall be submitted to the City Manager within thirty (30) calendar days after the making of the order or decision being appealed.
    2. The appeal shall state the specific grounds upon which the appeal is made.
    3. The appeal shall be accompanied by the fee set forth in Chapter 314.
B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within ninety (90) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Building Official.

**908.09: MAINTENANCE OF RECORDS**

All records, files, and documents pertaining to the Licensing of MRDs shall be maintained in the office of the City and made available to the public as allowed or required by laws, rules, codes, statutes, or ordinances.

**908.10: AUTHORITY**

Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute, or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on licensing.

**908.11: RULES, POLICIES, AND PROCEDURES**

By resolution the City Council may adopt, from time to time, rules, policies, and procedures for the implementation of this Chapter. Violation of any such rule, policy, or procedure by a property owner shall be considered a violation of this Ordinance.

**908.12: NO WARRANTY BY THE CITY**

By enacting and undertaking to enforce this Chapter, neither the City, its designees, the City Council, or its officers, agents, or employees warrant or guarantee the safety, fitness, or suitability of any MRD in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety, and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental license.

**908.13: SEVERABILITY**

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity, or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby.

# TITLE 10
# ZONING

# CHAPTER 1001
# INTRODUCTION

SECTION:

1001.01: Short Title
1001.02: Authority
1001.03: Intent and Purpose
1001.04: Relationship to the Comprehensive Plan
1001.05: Uses Not Provided For Within Zoning Districts
1001.06: Application and Implementation
1001.07: Rules of Construction
1001.08: Sidebars
1001.09: Severability of Parts of City Code
1001.10: Definitions
(Ord.1405, 2-28-2011)

## 1001.01: SHORT TITLE

This Title shall be known, cited, and referred to as the Roseville Zoning Code/Ordinance except as referred to herein, where it shall be known as "this Title." (Ord. 1403, 12-10-2010)

## 1001.02: AUTHORITY

A. This Title is enacted pursuant to the authority granted by the Municipal Planning Act, MN Stat 462.351 to 462.365, inclusive.
B. This chapter governs the use of all land and structures in the city unless such regulation is specifically preempted by State or Federal statutes or regulations.

(Ord.1405, 2-28-2011)

## 1001.03: INTENT AND PURPOSE

This Title shall divide the City into districts and establish regulations in regard to land and the buildings thereon. These regulations are established to:

A. Protect and to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the community and its people through the establishment of minimum regulations governing land development and use;
B. Protect and enhance the character, stability, and vitality of residential neighborhoods as well as commercial areas;
C. Promote orderly development and redevelopment;
D. Assist in the implementation of the Comprehensive Plan;
E. Foster a harmonious, workable relationship among land uses;
F. Promote the stability of existing land uses that conform with the Comprehensive Plan and to protect them from inharmonious influences and harmful intrusions;
G. Insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial for the City as a whole;
H. Prevent excessive population densities and over-crowding of structures on the land;

I. Promote healthful movement of people, goods, and services;
J. Foster the provision of adequate off-street parking and off-street truck loading facilities;
K. Facilitate the appropriate location of community facilities and institutions;
L. Provide human and physical resources of sufficient quantity and quality to sustain needed public services and facilities;
M. Protect and enhance real property values;
N. Safeguard and enhance the appearance of the City, including natural amenities of open spaces, hills, woods, lakes, and ponds;
O. Prescribe penalties for violation of such regulations; and
P. Define powers and duties of the City staff, the City Council, the Planning Commission, the Board of Adjustment and Appeals, the Variance Board, the Development Review Committee, the Administrative Deviation Committee, and the Master Sign Plan Committee in relation to the Zoning Code.

## 1001.04: RELATIONSHIP TO THE COMPREHENSIVE PLAN

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

## 1001.05: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS

Whenever a use is not specifically permitted in any zoning district and is determined by the Community Development Department to not be consistent with a permitted and/or conditional use chart, the use shall be considered prohibited. In such case, the City Council or the Planning Commission, on its own initiative or upon request, may direct the Community Development Department to conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate as well as what conditions and standards should be imposed relating to development of the use. The City Council, Planning Commission, or property owner, upon receipt of the Community Development Department's study, may, if appropriate, initiate an amendment to the Zoning Code/Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

## 1001.06: APPLICATION AND IMPLEMENTATION

The provisions of this Title shall be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. It is not the intention of this Title to interfere with, abrogate, or annul any covenant or agreement between parties. Where this Title imposes greater restrictions than any other applicable statute, ordinance, rule, or regulation, this Title shall control when and to the extent allowed by State or Federal law. Where any other applicable statute, ordinance, rule, or regulation imposes greater restrictions than this Title, such other statute, ordinance, rule, or regulation shall control. The section, subsection, and paragraph headings are for reference only, and shall not be used to interpret, enlarge, or detract from the provisions of this Title.

A. Minimum Requirements: The provisions of this chapter are the minimum requirements for the promotion of the public health, safety, morals and general welfare.
B. Essential Services: Essential services shall be permitted as authorized and regulated by

State and/or Federal law and ordinances of the City. Such essential services are exempt from the application of this chapter, except as regulated by the City's Floodplain Ordinance.

C. Measurement: All measured distance expressed in feet shall be to the nearest tenth of a foot. The measurement of distances when required by this chapter shall be done in a straight line in the plane located at a point one foot above the highest point in the surface of the ground along the path of measurement, from the closest exterior wall (extended vertically if a cantilever) of a building containing the use to the property line of the adjacent street, district, or lot, or other boundary line. If the use is not within a building, the measurement shall be the shortest distance from the location of the use to the property line of the adjacent street, district, or lot, or other boundary line.

## 1001.07: RULES OF CONSTRUCTION

In construing this Title, the following rules of construction shall govern:

A. The use of the phrase "used for" shall include the phrases "designed for," "intended for," "improved for," "maintained for," "offered for," and "occupied for."
B. Words and phrases shall be construed according to rules of grammar and according to their common and accepted usage; but technical words and phrases and such others as have acquired a special meaning, or are defined in this Chapter, shall be construed according to such special meaning or their definition.
C. References in this Chapter to this Title or to another Code provision, whether or not be a specific number, shall mean this Section, and the referred to Code provision, as then amended.
D. The words "shall," "must," and "will" are mandatory and not discretionary.
E. The word "may" is permissive.
F. The word "or" may be read "and," and the word "and" may be read "or" as the sentence requires.
G. If there is any ambiguity between the text of this ordinance and any caption or illustration, the text shall control.

## 1001.08: SIDEBARS

This Title uses sidebars such as diagrams, charts, pictures, graphs, and commentary. The sidebar is for illustrative purposes to aide in interpreting the Code. It is provided for the convenience of the user of the Code and shall have no legal effect. Should there be a conflict between the Code language and the sidebar, the Code shall control.

## 1001.09: SEVERABILITY OF PARTS OF CITY CODE

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of the City Code are severable, and if any phrase, clause, sentence, paragraph, or section of the Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the Code, since the same would have been enacted by the Council without the incorporation in the Code of any such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

## 1001.10: DEFINITIONS

The definitions in the Section shall be observed, unless it shall be otherwise expressly provided, or unless such definition should be inconsistent with the manifest of the provision,

or unless the context clearly requires otherwise.

ABUTTING: Having a common border or boundary. This term is used interchangeably with adjacent and adjoining.
ACCESSORY: Designates a use or structure which is located on the same lot as a principal use or structure and which is clearly incidental and subordinate to the principal use or structure.
AISLE: The traveled way by which vehicles enter and depart parking spaces.
ADDITION: Any walled and/or roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall or foundation.
ADJACENT: See ABUTTING.
ADJOINING: See ABUTTING.
ALLEY: A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.
ALTERATION: Any change, addition, or modification in construction or occupancy of an existing structure, or modification to the surface of the ground.
ANIMAL BOARDING FACILITY: Any lot or premises on which dogs, cats, and/or other household pets are kept, boarded, or raised for sale or adoption.
ANIMAL DAY CARE: See ANIMAL BOARDING FACILITY.
ANIMAL HOSPITAL: An establishment for the routine examination, medical, or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care.
ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
ASSEMBLY HALL: See THEATER.
ARBORIST , CERTIFIED: An individual who holds a current certification from the International Society of Arboriculture.
ARTISAN WORKSHOP: A use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed 2 horsepower each or a single kiln not exceeding 8 cubic feet in volume and the incidental direct sale to consumers. Typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.
ASSISTED LIVING: Housing complexes primarily for the elderly or chronically ill in which assistance with daily activities, congregate dining, and limited health care may be provided.
ATHLETIC FIELD: An outdoor facility developed as a baseball diamond, softball diamond, soccer field, football field, lacrosse field, or other surface for conducting outdoor recreational activities.
AWNING: See CANOPY.
BASEMENT: That portion of a building which is wholly or partly below ground level.
BED AND BREAKFAST ESTABLISHMENT: A private residence that rents rooms as temporary lodging and which is the principal residence of the operator.
BERM: A land alteration where fill is added to the surface of the ground in order to create a earthen mound or hill generally used in conjunction with walls, fences, or plant material to screen one parcel of land from another or from a street.
BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the City.

BINGO HALL: A principal or accessory use of a structure or property to operate a bingo hall licensed under Chapter 304 of this Code and MN Stat 349.164.
BOARDER: See ROOMER.
BODY SHOP: See MOTOR VEHICLE REPAIR.
BOULEVARD: That portion of a street right-of-way between the curbline and property line.
BOUTIQUE SALE (RESIDENTIAL): The sale of handcrafted items conducted on residential premises, where the items sold are made by the occupant of the premises at which the sale takes place, or by friends of such occupant, and where the sale is conducted by said occupant or friends of such occupant and not by an agent or any other person to whom a commission, fee, or salary is paid. Items for sale shall be made in the home and not purchased for resale from any retail or wholesale business source nor received on consignment for the purpose of resale.
BUILDING: A structure with a permanent location on the land, enclosed by walls and having a roof that may provide shelter, support, protection or enclosure of persons, animals, or property of any kind.
BUILDING, ATTACHED: A building joined to another building or structure by a shared wall.
BUILDING, DETACHED: A building surrounded on all sides by open space on the same lot
BUILDING, MIXED-USE: A building that houses multiple uses, which may include residential and nonresidential uses.
BUILDING, NONRESIDENTIAL: A building that houses no residential uses, with the possible exception of a caretaker's dwelling.
BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.
BUILDING, RESIDENTIAL: A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types multiple-family dwelling, single-family attached dwellings, single-family detached dwellings, and two-family detached dwellings.
BUILDING COMPLEX: A group of two or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings or uses are located on the same lot or parcel.
BUILDING HEIGHT: The vertical dimension measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. (For purposes of this definition, the average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.) In the case of alterations, additions or replacement of existing buildings, height shall be measured from the natural grade prior to construction.
BUILDING MATERIALS SALES: An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term does not include a lumberyard or home improvement center.
CALIPER INCH: The standard of each tree trunk measurement for replacement or landscaping trees. The caliper inch measurement of the trunk shall be taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for trees larger than four (4) inch caliper.
CANOPY: A roof-like structure projecting from the building over an entrance or window that provides weather protection for the entry or window and, perhaps, the immediately adjacent area. Canopies shall be considered part of the wall area for the purpose of allocation of signage.
CANOPY, AUXILIARY: A roof-like structure projecting over, including but not limited to,

fuel pump islands, drive-through banking, or any canopy with a drive-through lane. An auxiliary canopy provides weather protection for more than the building entrance or windows. Auxiliary canopies may be attached or detached from the principal building. For sign purposes auxiliary canopies shall be considered a separate structure.
CAR WASH: An establishment where washing, drying, polishing, or vacuuming of an automobile or other motor vehicle is done by service personnel, the driver, or by automated machinery.
CATERING ESTABLISHMENT: A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.
CEMETERY: An area used for the burial or entombment of one or more deceased persons, including graveyards, mausoleums, and columbaria.
CITY: The word "City" shall mean the City of Roseville, Minnesota
CLINIC, MEDICAL, DENTAL, OR OPTICAL: A building in which a group of physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. The clinic may include an accessory laboratory, but not inpatient care or operating rooms for major surgery.
CLUB, PRIVATE: See LODGE, PRIVATE.
CODE: The words "The City Code" or "Code," unless it shall be otherwise expressly provided, shall mean the City Code of Roseville, Minnesota, as amended.
COFFEE SHOP: An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carry out, which may also include the sale of a limited number of food items.
COLLEGE OR POST-SECONDARY SCHOOL, CAMPUS: An institution for post-secondary education, public or private, offering courses in general, technical, or religious education, which incorporates administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, student housing, fraternities, sororities, and/or other related facilities in a campus environment.
COLLEGE OR POST-SECONDARY SCHOOL, OFFICE-BASED: An institution for post-secondary education, public or private, offering courses in general, technical, or religious education, which operates in commercial-type buildings, wholly or partially owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, and/or other related facilities.
CO-LOCATION: The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
COLUMBARIUM (PLURAL: COLUMBARIA OR COLUMBARIUMS): A place such as a vault for the respectful and usually public storage of cremated human remains within cinerary urns. Columbaria are accessory to places of assembly for worship, cemeteries, or mausoleums.
COMMERCIAL LAUNDRY: See DRY CLEANING ESTABLISHMENT.
COMMUNITY GARDEN: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.
COMPREHENSIVE PLAN: The words "The Comprehensive Plan,""The Land Use Plan," or "Comp Plan," unless it shall be otherwise expressly provided, shall mean the City's 2030 Comprehensive Plan.
CONDOMINIUM: An estate of real property consisting of an undivided interest in

common with other purchasers in a portion of parcel of real property, together with separate interest in space in a building. As condominium may include, in addition, a separate interest in other portions of such real property, such as garage space or in the case of a cluster development, a townhome, or cluster development lot.
CONFORMING: Designates a lot, use, or structure which satisfies all applicable requirements of this Title as amended.
CONGREGATE CARE: See ASSISTED LIVING.
CONTRACTOR'S YARD: An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.
CONVENT: See monastery.
COUNCIL: The word "Council" or the words "City Council" shall mean the City Council of the City of Roseville, Minnesota.
COURTYARD DEVELOPMENT: A form of a cluster development that designs the residential units around a common courtyard.
CURRENCY EXCHANGE BUSINESS: Any entity, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers' checks for a fee.
DAY CARE: As defined in Minnesota rules, day care means the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
DAY CARE, FAMILY: As defined in Minnesota rules, means: Day care for no more than 10 children at one time of which no more than 6 are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.
DAY CARE, GROUP FAMILY: As defined in Minnesota Rules, group family day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.
DAY CARE CENTER: A facility in which a child care program is operated when the facility in not excluded by Minnesota Statutes and is not required to be licensed under said Minnesota Statutes as a family or group family day care home.
DENSITY: The number of dwelling units permitted per net acre of land.
DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, the placement, construction, or modification of structures, ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations, and the deposition or extraction of earthen materials.
DIAMETER BREAST HEIGHT (DBH): The diameter of trees in inches at breast height, measured 4 ½ feet (54 inches) above the ground. The diameter of a multi-stemmed tree that splits below 4.5 feet shall be measured at the smallest diameter below the split for both deciduous and coniferous trees.
DRIP LINE: A vertical line extending from the outer surface of a tree's branch tips down to the ground.
DORMER: A window set vertically in a structure that projects through a sloping roof or a structure that contains such a window.
STUDENT HOUSING: Group living quarters designed for students of an elementary, middle, junior, or high school, college, university, or seminary, organized and owned by such institution.
DRIVE-THROUGH: Consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile including the stacking spaces in which vehicles wait. Drive-throughs may be associated with principal uses such as restaurants, banks, or drugstores, or may be free-standing, such as coffee kiosks, ATMs, etc.
DRY CLEANING ESTABLISHMENT: An establishment that launders or dry cleans fabric,

textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.
DWELLING: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels or other accommodations for the transient public, lodging houses, housing cooperative or other group living arrangements.
DWELLING, MULTI-FAMILY: A building, or portion of a building, designed exclusively for occupancy by 3 or more families living independently of each other in individual dwelling units. (See also “Multi-family Complex).
DWELLING, ONE-FAMILY ATTACHED: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light and ventilation.
DWELLING, ONE-FAMILY DETACHED: A building designed exclusively for and occupied exclusively by one family in one dwelling unit, with yards on all sides.
DWELLING, TWO-FAMILY, TWIN: A one-family dwelling which is attached on one side to another one-family dwelling with a common side wall, each of which is located on an individual lot.
DWELLING, TWO-FAMILY, TWO-FLAT: A building containing two dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
DWELLING, TWO-FAMILY, SPLIT: See dwelling, two-family, twin.
DWELLING UNIT: One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility, permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have more than one kitchen facility provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.
DWELLING UNIT, ACCESSORY: A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit.
EASEMENT: The grant of one or more of the property rights by the owner to, or for the use by, the public, public utility, corporation, or another person or entity.
ELDERLY HOUSING: See senior housing.
ELECTRICAL SUBSTATION: An assemblage of equipment through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of consumers.
ENTRANCE, PRIMARY: The building entrance which faces the front lot line or is closest to the front lot line and which entrance provides direct access to the principal use.
EQUIPMENT BUILDING, SHELTER, OR CABINET: A building or cabinet used to house equipment used by telecommunication providers.
FACADE, FRONT: The wall of building closest to the street that separates interior spaces from exterior. An open porch without living space above it shall not be considered a front facade. For buildings on corner or through lots, the front facade is usually that facade that fronts the street of higher classification.
FAMILY: Family shall mean one of the following: (a)Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care; (b)up to four people not so related, living together as a single housekeeping unit; (c) any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and

the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons; or (d) any individual, who is the owner, living, and maintaining a common household and using a common cooking and kitchen facility.

FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

FITNESS CENTER: See health club.

FLOOR AREA (FOR DETERMINING OFF-STREET PARKING REQUIREMENTS): Floor area, when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, shall mean the sum of the gross horizontal areas of the several floors of the buildings devoted to such use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, with the common areas divided proportionately according to the usage of said buildings.

FORESTER, DEGREED: A person who holds a minimum of a Bachelor of Science degree in arboriculture, urban forestry or similar field from an accredited academic institution.

FRONTAGE: The relationship between the front facade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas.

FUNERAL HOMES: See mortuary.

GARAGE, PRIVATE: A detached accessory building or portion of the principal building, including a carport, which is used for storing passenger vehicles, trailer of the occupant, or trucks of a rated capacity not in excess of ¾ ton.

GARAGE SALE: Also known as a yard sale, attic sale, rummage sale, or moving sale, the sale of used household and personal items conducted on residential premises, where the property sold consists of items owned by the occupant of the premises at which the sale takes place, or by friends of such occupant and where the sale is conducted by such occupant or friends, and not by an agent or any other person to whom a commission, fee or salary is paid. Items for sale shall not have been purchased for resale or received on consignment for the purpose of resale. Except during the sales day(s) and one day before and after for setup, items for sale shall be stored within the garage or residence.

GAZEBO: A detached accessory building which is used for the social or recreational shelter of persons and is not used as living quarters.

GREENHOUSE: An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies.

GROCERY STORE: A retail establishment that offers for sale food products, beverages, household items and may include pharmacy, and prepared food items.

GROUP HOME: See community residential facility.

HEALTH CLUB : An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices, and classrooms, and where use is offered on a membership basis.

HOME OCCUPATION: An office or studio, service business, or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.

HOSPITAL: An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL: See lodging.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.
INN: See lodging.
JUNKYARD: 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, bottles and unlicensed or inoperable motor vehicles and parts thereof. A junkyard includes an automobile wrecking or dismantling yard.
KENNEL: See animal boarding facility.
KITCHEN FACILITY: A kitchen facility is one which includes kitchen fixtures such as cabinets, sinks, refrigerators and stoves, or articles used or intended to be used for cooking.
LABORATORY FOR RESEARCH, DEVELOPMENT, AND/OR TESTING: Establishments which conduct research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale; or establishments conducting educational or medical research or testing. May include limited accommodations for researchers or research subjects.
LATTICE TOWER: A self-supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.
LANDSCAPE PLAN: An integrated set of documents that may consist of both drawn and written materials whose purpose is to identify, for a proposed development, the means of compliance with the landscaping, screening and site stabilization standards of the City Code.
LIMITED PRODUCTION/PROCESSING-ACCESSORY USE: Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar uses which are conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing generally does not include industrial processing from raw materials.
LIMITED PRODUCTION/PROCESSING-PRINCIPAL USE: Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar principal or primary uses which are predominantly conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing as a principal/primary use generally does not include industrial processing from raw materials.
LIMITED WAREHOUSING AND DISTRIBUTION: An establishment providing storage and distribution of merchandise and bulk goods, including those associated with a limited production and processing use, and which use shall involve pick-up, cargo, and/or cube variety trucks to distribute goods.
LIVE-WORK UNIT: A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.
LOADING AREA: A space accessible from a street, alley or way in a building or on a lot for the use of trucks while loading and unloading merchandise or materials.
LODGE, PRIVATE: An association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.
LODGING: A building containing rooming units providing temporary sleeping accommodations (less than 30 days duration) to the general public, which may include additional facilities for food service, meeting space, and/or recreation.
LOT: A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

LOT, CORNER: A lot of which at least 2 adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such 2 sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
LOT, KEY: The first interior lot to the rear of a reverse corner lot.
LOT, NON-CONFORMING PRE-EXISTING: Any lot which does not comply with existing code requirements, but which complied with existing regulations at the time the lot was established.
LOT, REVERSE CORNER: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the key lot to its rear.
LOT, THROUGH: A lot having a pair of opposite lot lines along, and access to, 2 more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines.
LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries
LOT LINE, FRONT: The boundary of a lot which abuts an existing, dedicated or officially mapped street. In the case of a lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of Community Development Department, based on the effects of such choice on development of the lot itself or on adjacent properties.
LOT LINE, REAR: That lot line which is opposite and most distant from the front lot line.
LOT LINE, SIDE: Any lot line that is not a front lot line or a rear lot line.
LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.
MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “recreational vehicle.”
MANUFACTURING, PRODUCTION AND PROCESSING: Manufacturing, assembly, processing, research, development, or similar uses which may involve raw materials and have the potential to produce objectionable influences on surrounding properties or adverse effects on the environment. Manufacturing, production and processing uses require special measures and careful site selection to ensure compatibility with the surrounding area.
MASSAGE THERAPY: A profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy does not include diagnosis, except to the extent of determining whether massage therapy is indicated. Further, “massage” is manual manipulation of the human body, including holding, positioning, causing movement, and applying touch and pressure to the body; “therapy” is action aimed at achieving or increasing health and wellness; “adjunctive therapies” may include (1) application of heat, cold, water, mild abrasives, topical preparations not classified as prescription drugs, (2) the use of mechanical devices and tools which mimic or enhance manual actions and (3) instructed self care and stress management.
MINI-STORAGE FACILITY: A building or group of buildings having the following characteristics: control access and secured areas which contain varying sizes of individually compartmentalized and controlled access stalls or lockers for the dead storage of the customer’s goods or possessions. Access to all storage units shall be oriented into interior courtyards fully enclosed by buildings or walls, except for ingress and egress openings. Exterior finish shall be face brick or equal.

MOBILE HOME: See manufactured home.
MONASTERY: A place of residence for members of a religious order who carry on religious, medical, educational or charitable work within related or unrelated institutions.
MONOPOLE: A monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.
MORTUARY: A facility where funeral arrangements are made and/or funeral services for the dead are held and where dead bodies are embalmed or otherwise prepared for final disposition.
MOTEL: See lodging.
MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.
MOTOR FUEL SALES: A place where gasoline, kerosene, or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.
MOTOR VEHICLE DEALER: Any person licensed by the State and engaging in the business of selling, purchasing, and generally dealing in new and used motor vehicles having an established place of business for the sale, trade, and display of new and used motor vehicles and having in such motor vehicle dealer's possession new and used vehicles for the purposes of sale or trade.
MOTOR VEHICLE RENTAL/LEASING FACILITY: A facility primarily engaged in the rental or leasing of automobiles or light trucks and vans that may include incidental parking and servicing.
MOTOR VEHICLE REPAIR: The repair and/or replacement of any part or repair of any part including such items as the engine head or pan, engine transmission or differential, rebuilding or reconditioning of engines, bodywork, framework, welding, painting, upholstering service to passenger vehicles and trucks not exceeding 3/4 ton capacity.
MOTOR VEHICLE REPAIR, LARGE: The repair and/or replacement of any part or repair of any part including such items as the engine head or pan, engine transmission or differential, rebuilding or reconditioning of engines, bodywork, framework, welding, painting, upholstering service to passenger vehicles, commercial vehicles (e.g. vans, trucks, semis and buses), and large machinery (e.g., construction equipment and farm implements) of any size.
MULCH: A protective covering of materials placed around plants to control weeds and moderate evaporation of moisture or freezing. Examples of mulch include organic mulch such as wood chips, shredded hardwood, and cocoa beans and inorganic mulch such as stones or rocks. Materials creating an impermeable cover shall not be considered mulch.
NATURAL GRADE: The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.
NONCONFORMING, ILLEGAL: Designates a lot, use, or structure which failed to satisfy all applicable zoning requirements and was, therefore, illegally established when it was created, initiated, or constructed and which currently fails to satisfy all applicable requirements of this Title as amended.
NONCONFORMING, LEGAL: Designates a lot, use, or structure which satisfied all applicable zoning requirements when it was created, initiated, or constructed but which currently fails to satisfy all applicable requirements of this Title as amended.
NON-MOTORIZED PATHWAYS: On-road and off-road pathways which are used for pedestrian, bicycle, and other non-motorized means of transportation, the specifications of which shall be established by the Public Works Director.

NOXIOUS MATTER: Material which is capable of causing injury or malaise to living organisms or is capable of causing detrimental effect upon the health or the psychological, social or economic well-being of human beings.
NURSERY SCHOOL: A public or private facility, licensed by the state, the principal function of which is to provide an educational experience outside of the family home for children of preschool age.
NURSING HOME: A state-licensed establishment having accommodations for the continuous care of two or more invalid, infirm, aged convalescent patients, or disabled persons that are not related.
OFFICE: Unless otherwise specified, office means the general use of a building for administrative, executive, professional, research, or similar organizations having only limited contact with the public. Office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, academic instruction, engineering, interior design, graphic design, or legal services.
OFFICE, MEDICAL OR DENTAL: An establishment principally engaged in providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical, chiropractic and dental offices and clinics.
OFFICE SHOWROOM: A facility in which up to 50% of the total floor area is utilized for the conduct of a business that involves the display and sale of goods or merchandise on the premises.
OVERLAY DISTRICT: A zoning district that encompasses one or more primary zoning districts or portions thereof and that imposes additional requirements or relaxes one or more standards required by the primary zoning district.
ORDINARY HIGH WATER LEVEL: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
OUTDOOR DISPLAY: The display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.
OUTDOOR SALES EVENTS: A seasonal or occasional sale held on the sidewalk or other location outside a building.
OUTDOOR STORAGE, EQUIPMENT AND GOODS:: Storage of equipment (e.g., household lawn/garden implements, larger construction equipment, trailers, etc.) orsalable goods on racks, pallets, bundles, etc., outside of an enclosed building. For the purpose of outdoor storage regulation, “equipment” does not include snow removal machinery that may be seasonally present on a property for on-site use.
OUTDOOR STORAGE, FLEET VEHICLES: Storage outside of an enclosed building of fleet vehicles, ranging in size from passenger cars to commercial trucks, which are in active use by a rental agency, dispatch service, or other similar distribution or transportation service. Inoperable vehicles in need of repair or vehicles which are stored for seasonal use (e.g. snow plows in summer months) are defined and regulated as inoperable/out of service vehicles or equipment.
OUTDOOR STORAGE, INOPERABLE/OUT OF SERVICE VEHICLES OR EQUIPMENT: Storage outside of an enclosed building of vehicles or equipment which are in need of repair or unused for more than 72 hours.
OUTDOOR STORAGE, LOOSE MATERIALS: Storage outside of an enclosed building of gravel, rock, mulch, sand, salt, or other such material stored in piles or bins.
OVERHEAD DOOR: A door for vehicle access to loading docks, service bays, garages, or other similar areas that opens vertically or horizontally.

OWNER (OF BUILDING OR LAND): Any sole owner, part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety.
PARKING FACILITY: An area used for parking of customer or employee vehicles; includes parking lots and parking structures.
PARKING LOT: A one-level, surfaced, open-to-the-air area used for parking vehicles.
PARKING SPACE: A paved surface located in a permanently maintained area, either within or outside of a building, of sufficient size to store one automobile.
PARKING STRUCTURE: A multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.
PAWN SHOP: Any business establishment operated by a Pawnbroker as defined in Chapter 311 of the Roseville City Code, in which pawn transactions take place.
PERMITTED: Designates a use or structure which may be lawfully established in a particular district, provided it conforms with all requirements and regulations of the district in which it is located.
PERSON: The word "person" shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever a violation of any section of the City Code is punishable by a penalty or fine, and whenever the word "person" is used in such section for which a penalty is imposed for such violation, "person" shall include partners or members of partnerships or associations, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of said section.
PERVIOUS PAVEMENT OR PAVERS: Pavement or pavers that are designed and maintained to allow precipitation to infiltrate into the ground, in order to reduce the volume and velocity of storm water runoff . Pervious pavement materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and similar materials determined by the City Engineer to qualify.
PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity.
PLACE OF ASSEMBLY: A facility providing for the assembly of persons for interaction as a primary use, including community centers, and religious institutions. Place(s) of assembly do not include community education or art centers, schools, instructional centers, day care facilities, family day shelters, conservatories, convention centers, libraries, museums, residential dwellings, recreational and entertainment facilities, theaters, or social service distribution facilities which fall under separate definitions in this Code.
PLANT NURSERY: See greenhouse.
PLAY EQUIPMENT: Equipment used by residents of a principal building for on-premises games and sports, including but not limited to swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets, and similar equipment, but not including recreational devices normally utilized off the premises, including but not limited to boats, boat trailers, campers, travel trailers, and snowmobiles.
PORTABLE STORAGE UNITS: A portable structure used for temporary storage of household goods in residential areas.
PRINCIPAL: Designates the main use(s) or structure(s) to which the premises are devoted or the primary purpose(s) for which the premises exist.
PROPERTY: The word "property" shall include tangible or intangible, real, personal, or mixed property.
PUBLIC WAY: Any sidewalk, street, alley, highway, or other public thoroughfare.
RECREATIONAL VEHICLE: Any properly and currently licensed vehicular, portable structure which is (a) built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses; (b) any structure designed to be mounted on a truck

chassis for use as a temporary dwelling for travel, recreation and vacation; (c) any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and (d) any folding structure, mounted on wheels and designed for travel, recreation and vacation use.

RECYCLING CENTER: A facility for the deposit, sorting, or batching, including limited compacting or crushing of recyclable materials, but no further processing of post-consumer recyclable materials.

RENEWABLE ENERGY EASEMENT: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

RENEWABLE ENERGY SYSTEM: A solar energy or wind energy system. Passive systems that serve dual functions, such as greenhouses or windows, are not considered renewable energy systems.

RESTAURANT, FAST FOOD: An establishment where customers are served their food from a counter or in a motor vehicle, mostly in disposable packages prepared to leave the premises or to be taken to a table or booth for consumption on the premises. Fast food can be a café, coffee shop, ice cream shop, and/or deli. Fast food restaurants may or may not serve intoxicating alcoholic beverages to be consumed upon the premises. Food sales shall account for over 50% of the gross receipts at any restaurant serving intoxicating alcoholic beverages. Fast food restaurants may include drive-through facilities, which are regulated separately.

RESTAURANT, TRADITIONAL: An establishment in which customers are served their food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building, and which may or may not serve intoxicating alcoholic beverages to be consumed upon the premises. Food sales shall account for over 50% of the gross receipts at any restaurant serving intoxicating alcoholic beverages. Traditional restaurants may also be a café, cafeteria or buffet, coffee shop, and/or deli. Customers may take away food, but drive-through facilities are not allowed.

RETAIL, GENERAL AND PERSONAL SERVICES: Includes the retail sale of products and/or consumer services to the general public and produces minimal off-site impacts.

RETAIL, LARGE FORMAT: Where retail building size is regulated, a large format retail use is a stand-alone, single-tenant retail structure with a gross floor area of 100,000 square feet or more, distributed on one or more stories. This includes interior space that may be leased to third-party financial, clinical, or other service providers accessible to customers within the large format retail store, but does not include typical multi-tenant retail centers or regional malls that may comprise gross floor area of more than 100,000 square feet. (Ord. 1483, 10/26/2015)

REVERSE CORNER: See lot, reverse corner.

RIGHT-OF-WAY: The words “right-of-way” shall include any street, alley, boulevard, parkway, highway, or other public thoroughfare.

ROOF PITCH: The final exterior slope of a building roof typically but not exclusively expressed as a ratio of the distance, in inches, of vertical “rise” to the distance, in inches, of horizontal “run,” such as 3:12, 9:12, 12:12.

ROOM: A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a

bedroom, bathroom through a bedroom, or bedroom through a bathroom situation is created.
ROOMER: A person living in a dwelling unit who is other than part of the family because of blood, marriage, or legal adoption, and is other than a foster child.
ROWHOUSE: See townhouse.
SALVAGE YARD: See junkyard.
SCHOOLS, ELEMENTARY OR SECONDARY: Public or private schools which provide an educational program for one or more grades between kindergarten and grade 12 and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.
SCREENING: A hedge, wall, or fence to provide a visual separator and physical barrier not less than 4 feet nor more than 6 feet in height, unless otherwise provided for in this ordinance.
SEASONAL SALES, OUTDOOR: Outdoor seasonal retail sales, where permitted, including but not limited to the seasonal sale of Christmas trees, plants, flowers, vegetables and related products available on a seasonal basis.
SECONDHAND STORE: See consignment store.
SELF-STORAGE FACILITY: SEE MINI-STORAGE FACILITY.
SENIOR HOUSING: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from assisted living or nursing homes.
SERVICES, PERSONAL: See retail, general.
SETBACK: The minimum distance by which any building or structure must be separated from a street right-of-way, lot line, or ordinary high water level. Also known as “required yard.”
SETBACK, FRONT: The minimum distance by which any building or structure must be separated from the front lot line.
SETBACK, REAR: The minimum distance by which any building or structure must be separated from the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining the rear yard setback.
SETBACK, SIDE: The minimum distance by which any building or structure must be separated from the side lot line.
SHRUB: A low, usually several stemmed, woody plant.
SIDEWALK: The portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
SIGN: A name, identification, description, display, illustration, or device which is affixed, painted, or represented directly or indirectly upon the outside of a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations. Official court or public notices, or any flag, emblem, or insignia of a nation, political unit, school, or religious group, shall not be considered a sign under this ordinance. See Section 1010.02 for additional sign definitions.
SITE: A lot or group of adjacent lots intended, designated, or approved to function as an integrated unit, that is proposed for development in accord with the provisions of this Code and is in a single ownership or has multiple owners, all of whom execute a joint application for development.
SPORTS CLUB: See health club.
SOLAR ACCESS: A view of the sun, from any point on the collector surface, that is not

obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
SOLAR COLLECTOR SURFACE: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
SOLAR DAYLIGHTING: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
SOLAR ENERGY DEVICE: A system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.
SOLAR ENERGY EASEMENT: See renewable energy easement.
SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.
SOLAR HEAT EXCHANGER: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
SOLAR HOT WATER SYSTEM: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
SOLAR MOUNTING DEVICES: Devices that allow the mounting of a solar collector onto a roof surface or the ground.
SOLAR STORAGE UNIT: A component of a solar energy device that is used to store solar generated electricity or heat for later use.
SOLAR SYSTEM, ACTIVE: A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.
SOLAR SYSTEM, BUILDING-INTEGRATED: An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.
SOLAR SYSTEM, GRID-INTERTIE: A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.
SOLAR SYSTEM, OFF-GRID: A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.
SOLAR SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

START OF CONSTRUCTION: For the purpose of floodplain regulation only, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
STATE: The word "State" shall mean the State of Minnesota.
STORAGE, OUTDOOR: See outdoor storage.
STORY: A story is that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of this ordinance, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than 50%.
STREET: A public right-of-way which affords a primary means of access to abutting property.
STRUCTURE: A structure is anything constructed or erected, including paved surfaces, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of floodplain areas, in the stream bed or lake bed.
SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over 24 inches.
TELECOMMUNICATION FACILITIES: Any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area, and other accessory development.
TELECOMMUNICATIONS TOWER: A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than 15 feet tall and 6 inches in diameter supporting one or more antennas, dishes, or arrays shall be considered a telecommunications tower.
TENANT: Any person who occupies the whole or any part of a building or land, either alone or with others.
THEATER: A facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.
TOWNHOUSE: A form of one-family attached dwelling.
TRAILER: Any structure which is or may be mounted upon wheels for moving about, is drawn by an external motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.
TRANSPORTATION DEMAND MANAGEMENT (TDM): Measures, including but not limited to carpooling, vanpooling, public transit bicycling, walking, telecommuting, and compressed or deviated work schedules, that reduce individual vehicle trips and promote

alternatives to single occupant vehicle use especially at peak commuting times.
TREE: A self-supporting woody perennial having one or several self-supporting stems or trunks and numerous branches which normally attains an overall height of 15 feet at maturity. Trees may be classified as deciduous or evergreen.
TREE, CANOPY: A deciduous tree planted primarily for its high crown of foliage or overhead canopy.
TREE, CONIFEROUS/EVERGREEN: A woody plant having foliage on the outermost portions of the branches year-round which at maturity is at least twelve (12) feet or more in height. Tamaracks and Larch are included as coniferous tree species.
TREE, DECIDUOUS: A woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.
TREE INVASIVE: Any tree species that is not native to Minnesota or its regional ecosystem that can spread or be spread into any non-cultivated soil site and establish itself, expanding the plant species' population by its own volition and generally harm, destroy or prevent native plants. Invasive tree species include Norway Maple, Black Locust, Amur Maple, Siberian Elm, and Buckthorn.
TREE, ORNAMENTAL: Any tree planted primarily for its ornamental value of for screening purposes and tends to be smaller at maturity than canopy trees.
TREE, OVERSTORY: A self-supporting woody plant or species normally growing to a mature height over 25 feet and a mature spread of at least 25 feet. Many overstory trees are considered deciduous trees.
TREE PROTECTION ZONE: An area around a tree defined by either the tree's unique dripline, or the tree's typical root protection zone.
TREE, UNDERSTORY: A self-supporting woody plant or species normally growing to a mature height between 15 and 30 feet and a mature spread of at least 15 feet. Many understory trees are considered ornamental trees.
TYPICAL ROOT PROTECTION ZONE: A circle radius around a tree in feet equal to 1.25 times the tree's diameter breast height (in inches) for both deciduous and coniferous trees.
UNIVERSITY: See college.
USABLE OPEN SPACE: That portion of a site, outside of a required front or corner side yard, as extended to the rear lot line, that is available to all occupants for outdoor use. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than 5 feet, and pervious pavement may be included in usable open space. Usable open space may include balconies and roof decks where specified in this ordinance.
USE: The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.
USE, CONDITIONAL: A conditional use is a use or structure which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A special exception to the height standards of this ordinance may also be allowed as a conditional use, where specified. After due consideration, as provided for in this ordinance, of the impact of such use or exception upon neighboring land and of the public need for the particular use at a particular location, the conditional use may or may not be granted.
VEHICLE: See motor vehicle.
VETERINARY CLINIC: See animal hospital.
WAREHOUSE: An establishment providing storage and distribution of merchandise and bulk goods, typically involving heavy truck and/or freight rail traffic.
WETLAND: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does not support a prevalence of vegetation typically adapted for life in saturated soil conditions,

commonly known as hydrophytic vegetation.
WHOLESALE ESTABLISHMENT: An establishment providing storage, distribution, and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale, or retail sales of goods received by the establishment but generally not sale of goods for individual consumption.
YARD: Open space on a lot between the principal building and the adjoining lot lines.
YARD, FRONT: A yard extending along the full length of the front lot line between the side lot lines.
YARD, REAR: A yard extending along the full length of the rear lot line between the side lot lines.
YARD, REQUIRED: See “Setback.”
YARD, SIDE: A yard extending along a side lot line from the front yard to the rear yard.
YARD SALE: See garage sale.
(Ord. 1427, 7-9-2012) (Ord. 1451, 08-12-2013) (Ord. 1490, 12/7/2015)

# CHAPTER 1002
# ADMINISTRATION and ENFORCEMENT

SECTION:

1002.01: Introduction
1002.02: Enforcement
1002.03: Revocation
1002.04: Nonconforming Use
1002.05: Official Zoning Map Changes and Chapter Amendments
1002.06: Authority and Duties for Administration

## 1002.01: INTRODUCTION

A. Title 10, Zoning Ordinance, shall be administered and enforced by the Community Development and Police Departments. No building permit shall be issued until the Community Development Department has certified that the proposed building or alteration complies with all the provisions of the Zoning Ordinance.
B. The Community Development and Police Departments shall have all the powers, duties, and responsibilities necessary to enforce the provisions of the Zoning Ordinance.

## 1002.02: ENFORCEMENT

A. Any person, firm, or corporation shall be guilty of a misdemeanor who:
   1. Violates, disobeys, admits, neglects, or refuses to comply with any provision of the Zoning Ordinance; or
   2. Resists the enforcement of any of the provisions of the Zoning Ordinance.
B. Separate Offences: Each day that a violation continues to exist shall constitute a separate offense punishable under the City Code.

## 1002.03: REVOCATION

If an approved conditional use or interim use is in violation of this Title or the conditions of approval, the City may initiate a process to revoke the conditional use or interim use. The City shall then conduct a public hearing to consider the revocation of a conditional use approval. Notifications shall be distributed and published according Chapter 108 of the City Code. In considering revocation, the Commission and the City Council shall consider compliance with the approved conditions of the conditional use or interim use and the standards listed identified in Chapter 1009, Procedures. Following a vote by the City Council to revoke the conditional use or interim use, the City shall file a certified copy thereof including a legal description of the property with the County Recorder and/or Registrar of Title.

## 1002.04: NONCONFORMING USE

A. Any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this Title, may be continued, including through repair, replacement, restoration, maintenance, or

improvement, but not including expansion, unless:

1. The nonconformity or occupancy is discontinued for a period of more than 1 year; or
2. Any nonconforming structure is destroyed by fire or other peril to the extent of greater than 50% of its market value and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
3. Exceptions: Notwithstanding the preceding requirements, pre-existing nonconforming structures or uses on LDR-zoned properties, including those within Shoreland or Wetland Management Districts, may be expanded when:
   a. Nonconforming setbacks are not further reduced;
   b. Nonconforming building separations are not further reduced;
   c. Nonconforming height is not further increased;
   d. Nonconforming improvement area is not further increased; and
   e. No new nonconforming conditions are created.

B. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

C. Notwithstanding subparagraph A, above, the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas consistent with the City's Floodplain Ordinance.

D. Unimproved Lots: Any platted lot existing on January 1, 2011, and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a lawful structure, even though its area and width are less than the current minimum requirements so long as the remaining zoning requirements are met (or as a variance may permit).

E. All Districts Exception: Where a pre-existing principal or accessory structure, including expansion thereof, for which a property line setback dimension has been made substandard by eminent domain or other formal public agency action, such structure shall be considered a legally conforming structure. All future additions to the structure or use shall meet the current required setback from the revised property or easement line.

## 1002.05: OFFICIAL ZONING MAP CHANGES AND CHAPTER AMENDMENTS

A. No change shall be made in the boundary line of any zoning district, in the permitted and/or conditional uses, or in the regulation for any zoning district except through the procedure established in Section 1009.06 of this Title.

B. The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from a residential district to a commercial, community mixed-use, employment, or institutional district requires a two-thirds majority of all members of the City Council.

## 1002.06 AUTHORITY AND DUTIES FOR ADMINISTRATION

The City officials and bodies identified in this section, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Title.

A. Community Development Department
B. Development Review Committee
C. Administrative Deviation Committee

D. Master Sign Plan Committee
E. Planning Commission
F. Variance Board
G. City Council
H. Board of Adjustment and Appeals

A. Community Development Department
   1. Membership: The Community Development Department shall be comprised of positions created by the City Council which are primarily responsible for matters related to land use, zoning, building permits, code enforcement, and development.
   2. Duties: The Community Development Department shall have the following responsibilities:
      a. Conduct inspections of buildings and uses of land to determine compliance with the provisions of this Title;
      b. Maintain permanent and current records of this Title, including, but not limited to, all associated maps, amendments, conditional uses, variances, and appeals;
      c. Receive, file, and forward all applications for building permits, appeals, variances, conditional use, interim use, zoning ordinance amendments, or other matters to the appropriate decision-making body;
      d. Hold pre-application meetings, as necessary;
      e. Make a determination of compliance with this Title on all applications for building permits, land use applications, and certificates of occupancy;
      f. Provide zoning information to residents and others upon request; and
      g. Interpret the provisions of this Title.

B. Development Review Committee:
   1. Membership: The Development Review Committee (DRC) shall be composed of City staff members representative of departments and/or divisions of the City dealing with various aspects of development and land use.
   2. Duties: The DRC shall have the following responsibilities:
      a. Reviewing land use applications for conformance with the technical requirements of this Code, maintaining a schedule for processing the application within the time frames of this Code and of State law, and as necessary, meeting with applicants and soliciting comments of other public agencies; and
      b. To determine land use application completeness and to develop appropriate information and recommendations in order to adequately and appropriately advise City Commissions and the City Council on land use applications.
   3. Meetings: The DRC shall meet when necessary as land use applications are received and/or other proposed developments require review and comment of the full committee.

C. Administrative Deviation Committee:
   1. Membership: The Administrative Deviation Committee (ADC) shall comprise members of the Development Review Committee from the Public Works and Community Development Department.
   2. Duties: The ADC shall review applications for administrative deviation made pursuant to Section 1009.01 of this Title, and provide recommendations pertaining to the approval or denial of the request to the Community Development Director.
   3. Meetings: The ADC shall meet as necessary to review and process Administrative Deviation applications.

D. Master Sign Committee:
   1. Membership: The Master Sign Plan Committee shall be composed of members of the Community Development Department and, when deemed necessary, other members of the City staff may be invited to attend and provide comments and a

recommendation regarding a proposed Master Sign Plan (MSP).

2. Duties: The Master Sign Plan Committee shall have the following responsibilities:
   a. To establish fair and equitable criteria for complex signage situations that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.
   b. To review proposed MSP's and their specifications for conformance with the technical requirements of Chapter 1010 of this Title.
   c. To provide applicants with necessary and/or applicable modifications in accordance with MSP criteria.
   d. To approve all Master Sign Plans.
3. Meetings: The Master Sign Plan Committee shall meet as necessary to take action on submitted MSP applications.

E. Planning Commission:
1. Membership and organization of the Planning Commission is established in Chapter 201 of the City Code.
2. Duties: The Planning Commission shall have the following responsibilities:
   a. Hear and make recommendations to the City Council regarding all applications for conditional uses;
   b. Hear and make recommendations to the City Council regarding applications for interim uses;
   c. Hear and make recommendations to the City Council regarding all applications for an amendment to this Title, both text amendments and amendments to the district boundaries on the Official Zoning Map;
   d. Review this Title from time to time and make recommendations to the City Council that changes be initiated;
   e. Hear and make recommendations on any other matter referred to it by the City Council; and
   f. 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.
3. Meetings: The Commission shall hold at least one regular meeting on the first Wednesday of each month, as necessary.

F. Variance Board
1. Membership: In accordance with MN Stat. 462.354, as may be amended, the Variance Board shall be comprised of 3 members and 1 alternate appointed by the City Council from among the members of the Planning Commission.
2. Duties: The Variance Board shall hear and make decisions on all applications for a variance from the literal provisions of this Title.
3. Meetings: The Variance Board shall meet on the first Wednesday of each month, as necessary.

G. City Council
1. Authority: The City Council shall have the authority given to it by state statutes.
2. Duties: The City Council shall hear and make the final decision on all matters identified as requiring City Council action in this Title.

H. Board of Zoning Adjustments and Appeals
1. Membership: In accordance with MN Stat. 462.354, as amended, the City Council will act as the Board of Zoning Adjustments and Appeals.
2. Duties: The Board of Zoning Adjustments and Appeals hears and makes decisions on all applications for an appeal of any administrative order, requirement, determination, final decision made by the Community Development Department, or an appeal of a variance decision by the Variance Board, pursuant to the appeal procedure established in Section 1009.08 of this Title.

(Ord. 1403, 12-13-2010)

# CHAPTER 1003
# ESTABLISHMENT of DISTRICTS, BOUNDARIES and DISTRICT REGULATIONS

SECTION:

1003.01: Districts
1003.02: Official Zoning Map

## 1003.01: DISTRICTS

For the purpose of the Zoning Ordinance, the City is divided into the districts specified in this Section.

A. Residential Districts
   LDR-1, Low Density Residential (One-Family) District - 1
   LDR-2, Low Density Residential District - 2
   MDR, Medium Density Residential District
   HDR-1, High Density Residential District - 1
   HDR-2, High Density Residential District - 2
B. Commercial and Mixed Use Districts
   NB, Neighborhood Business District
   CB, Community Business District
   RB, Regional Business District
   CMU – 1, Community Mixed Use District – 1
   CMU – 2, Community Mixed Use District – 2
   CMU – 3, Community Mixed Use District – 3
   CMU – 4, Community Mixed Use District – 4
   (Ord. 1483, 10/26/2015)
C. Employment Districts
   O/BP, Office/Business Park District
   I, Industrial District
D. Other Districts
   INST, Institutional District
   PR, Park and Recreation District

## 1003.02: OFFICIAL ZONING MAP

A. The location and boundaries of the districts established by the Zoning Code are hereby set forth on the zoning map, which shall consist of 13 districts, entitled "Official Zoning Map" dated December 13, 2010. This map is hereby adopted as the official zoning map of the City. The Official Zoning Map shall become part of the Zoning Code as set forth and described herein.
B. The Official Zoning Map shall be identified by the signature of Mayor and City Manager under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance 1402 of the City of Roseville, Minnesota".

C. Regardless of the existence of the printed copies of the zoning map which may from time to time be made or published, the Official Zoning Map located at City Hall shall be

the final authority as to the current zoning status of land, platted areas, buildings, and other structures in the City.

D. All of the lands in the City shown within the district lines on the zoning map and designated as provided in Title 10 are hereby zoned as indicated in their respective districts.

E. Boundary Lines: District boundary lines recorded on the zoning map are generally intended to follow lot lines, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way lines, the center of watercourses, or the corporate limit lines as they exist at the time of the enactment of the Zoning Ordinance. Where uncertainty exists with respect to the boundaries of any of the established districts as shown on the zoning map, the rules of this Section shall apply.

1. Boundaries of Public Right-of-Way: Boundaries indicated as approximately following the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways shall be construed to be such district boundaries.
2. Boundaries Parallel to the Right-of-Way: Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, alleys, highways, railroads, etc., the district boundaries shall be construed as being parallel thereto and distant therefrom as indicated on the zoning map.
3. Boundaries on Shorelines: District boundaries following a lake, wetland, or other body of water shall be construed to be at the limit of the jurisdiction of the City unless otherwise indicated.
4. Areas Under Water: All areas within the corporate limits under water shall be subject to all of the regulations of the district which immediately adjoins the water area.
5. Public or Semi-Public Property: Any areas shown on the zoning map as parks, playgrounds, schools, cemeteries, water, etc., shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.
6. Vacated Property: Whenever any street, alley, or other public way is vacated, the zoning district adjoining the vacated property shall be automatically extended to the center of the vacated area. Further, all area included therein shall be subject to all regulations of the extended district.
7. Boundaries on Lot Lines: Boundaries indicated as approximately platted lot lines shall be construed as following such lot lines.
8. Boundaries on City Limit Lines: Boundaries indicated as approximately following City limits shall be construed as following City limits.

F. Maintenance of Map and Amendments: It shall be the responsibility of the Community Development Department to maintain the Official Zoning Map. Amendments shall be recorded on such zoning map within a reasonable time after official publication of amendments. The Official Zoning Map shall be kept on file in the City offices and shall be open to public inspection at all times during which the City offices are customarily open.

(Ord. 1403, 12-13-2010)

# CHAPTER 1004
# RESIDENTIAL DISTRICTS

SECTION:

1004.01: Statement of Purpose
1004.02: Accessory Buildings
1004.03: Residence Relocations
1004.04: Existing Setbacks
1004.05: One- and Two-Family Design Standards
1004.06: Multi-Family Design Standards
1004.07: Table of Allowed Uses
1004.08: Low Density Residential (One-Family) - 1 (LDR-1) District
1004.09: Low Density Residential - 2 (LDR-2) District
1004.10: Medium Density Residential (MDR) District
1004.11: High Density Residential Districts (HDR-1 and HDR-2)

## 1004.01: STATEMENT OF PURPOSE

The residential districts are designed to protect and enhance the residential character and livability of existing neighborhoods, and to achieve a broad and flexible range of housing choices within the community. Each residential district is designed to be consistent with the equivalent land-use category in the Comprehensive Plan: Low-Density Residential, Medium-Density Residential, and High-Density Residential. The districts are also intended to meet the relevant goals of the Comprehensive Plan regarding residential land use, housing, and neighborhoods.

## 1004.02: ACCESSORY BUILDINGS

A. One- and Two-Family Dwellings: The following standards apply to accessory buildings that serve one- and two-family dwellings.
   1. Number Allowed: Each principal dwelling unit is allowed up to two detached accessory buildings for storage meeting the standards in Table 1004-1.
   2. Accessory Building Performance Standards: Accessory buildings for storage totaling 1,008 square feet may be permitted if the Community Development Department determines that three of the following performance standards have been met:
      a. Matching the roof pitch to be similar to that of the principal structure;
      b. Adding windows or architectural details to improve the appearance of rear and side walls;
      c. Using raised panels and other architectural detailing on garage doors;
      d. Increasing side and/or rear yard setback(s); or
      e. Installing landscaping to mask or soften the larger building.

| **Table 1004-1** | **Accessory building** |
|---|---|
| Maximum combined storage size/area | 864 square feet; up to 1,008 square feet by meeting performance standards in Section 1004.02A.2.<br>In any case, combined area of accessory buildings shall not exceed 85% of the |

| Table 1004-1 | Accessory building |
|---|---|
| | footprint of the principal structure. |
| Maximum height | 15 feet; 9 feet wall height [a] |
| Minimum front yard building setback | 30 feet[b] |
| Minimum rear yard building setback | 5 feet |
| Minimum side yard building setback | |
| Interior | 5 feet |
| Corner | 10 feet [d] |
| Reverse corner | Behind established building line of principal structure |
| Minimum setback from any other building or structure on the lot | 5 feet |

a. Notwithstanding the allowed maximum height, the height of an accessory building shall not exceed the height of the principal structure.
b. Where the natural grade of a lot at the building line of a house is 8 feet or more above the established street centerline, the Community Development Department may permit a detached garage to be erected within any required yard to enable a reduction of the slope of the driveway to as little as 10%, provided that at least one-half of the wall height is below grade level.
c. Accessory buildings containing an Accessory Dwelling Unit shall have the same rear yard setback as required in Table 1004-3 for principal buildings.
d. The corner side yard setback requirement applies where a parcel is adjacent to a side street or right-of-way. The required setback from an unimproved right-of-way may be reduced to the required interior side yard setback by the Community Development Department upon the determination by the public Works Director that the right-of-way is likely to remain undeveloped. (Ord. 1418, 10-10-2011) (Ord. 1450, 08-12-2013) (1487, 11/20/2015)

B. Attached and Multi-family Buildings: Attached and multi-family buildings are allowed one storage or maintenance structure and one garden shed per complex, plus detached garage structures as needed. Accessory buildings and sheds shall be located in rear or side yards behind the front building line of the principal structure. Accessory buildings and sheds shall be set back a minimum of 10 feet from rear or side lot lines and from principal buildings.
C. Color, Design, and Materials: The exterior design and materials of an accessory storage building greater than 120 square feet in area and/or greater than 12 feet in height shall be similar to or compatible with those of the principal structure.
D. Driveway Required: Any accessory building used for storing one or more motorized vehicles and/or trailers shall be served by a hard-surfaced driveway to an adjacent public street, if any of these items are removed from the accessory building more than 2 times in a 10-day period.
E. Construction Timing: Accessory buildings shall not be constructed prior to the construction of the principal structure on the same site.
F. Permit Required: Permits are required for all detached accessory buildings prior to construction.

## 1004.03: RESIDENCE RELOCATIONS

In order to protect the character of residential neighborhoods, relocated dwellings shall meet all standards of the zoning district where they will be located. Relocations of dwellings require a relocation permit.

## 1004.04: EXISTING SETBACKS

If existing houses on 50% or more of the frontage of any block have a predominant front yard setback less than the minimum required in this chapter, any new construction on that block frontage may have a reduced front yard setback equal to the average front yard setback of the two adjacent houses on the same side of the street.

## 1004.05: ONE AND TWO-FAMILY DESIGN STANDARDS

A. One- and Two-Family Design Standards: The standards in this section are applicable to all one- and two-family buildings, with the exception of accessory dwelling units. The intent of these standards is to create streets that are pleasant and inviting, and to promote building faces which emphasize living area as the primary function of the building or function of the residential use.
   1. Garage doors shall not occupy more than 40% of the building facade (total building front); and
   2. Garage doors shall be allowed to extend forward a maximum of 5-feet from the predominant portion of the principal use, while still required to meet the 3-=foot principal structure front yard setback and
   3. Homes with an attached garage that is set back 100 feet or more from the front property line are exempt from meeting the requirement in "a" above, but must meet all other requirements of Section 1004.05A (Ord. 1405, 2-28-2011) (Ord. 1470, 8-11-2015)

B. Requirements Apply to All New Construction: On lots with physical constraints, such as lakefront lots, where the Community Development Department determines that compliance with these requirements is impactful, the Community Development Department may waive the requirements and instead require design enhancements to the garage doors to ensure that the purpose of the requirements is achieved. Design enhancements required for garage doors where the preceding requirements cannot be met may include such things as paint, raised panels, decorative windows, and other similar treatments to complement the residential portion of the facade.

## 1004.06: MULTI-FAMILY DESIGN STANDARDS

The standards in this Section are applicable to all structures that contain three or more units. Their intent is to encourage multi-family building design that respects its context, incorporates some of the features of one-family dwellings within the surrounding neighborhood, and imparts a sense of individuality rather than uniformity.

The following standards apply to new buildings and major expansions (i.e., expansions that constitute 50% or more of building floor area). Design standards apply only to the portion of the building or site that is undergoing alteration.

A. Orientation of Buildings to Streets: Buildings shall be oriented so that a primary entrance faces one of the abutting streets. In the case of corner lots, a primary entrance shall face the street from which the building is addressed. Primary entrances shall be defined by scale and design.

B. Street-facing Facade Design: No blank walls are permitted to face public streets, walkways, or public open space. Street-facing facades shall incorporate offsets in the form of projections and/or recesses in the facade plane at least every 40 feet of facade frontage. Wall offsets shall have a minimum depth of 2 feet. Open porches and balconies are encouraged on building fronts and may extend up to 8 feet into the required setbacks.
   In addition, at least one of the following design features shall be applied on a street-facing facade to create visual interest:

- Dormer windows or cupolas;
- Recessed entrances;
- Covered porches or stoops;
- Bay windows with a minimum 12-inch projection from the facade plane;
- Eaves with a minimum 6 inch projection from the facade plane; or
- Changes in materials, textures, or colors.

C. Four-sided Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings.

D. Maximum Length: Building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.

E. Landscaping of Yards: Front yards must be landscaped according to Chapter 1011, Property Performance Standards.

F. Detached Garages: The exterior materials, design features, and roof forms of garages shall be compatible with the principal building served.

G. Attached Garages: Garage design shall be set back and defer to the primary building face. Front loaded garages (toward the front street), if provided shall be set back a minimum of 5 feet from the predominant portion of the principal use. (Ord. 1405, 2-28-2011)

H. Surface Parking: Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and/or handicapped parking spaces. Surface parking adjacent to the primary street shall occupy a maximum of 40% of the primary street frontage and shall be landscaped according to Chapter 1019, Parking and Loading Areas.

I. All exterior wall finishes on any building must be a combination of the following materials: face brick, natural or cultured stone, textured concrete block, stucco, wood, vinyl siding, fiber-reinforced cement board and prefinished metal, or similar materials approved by the Community Development Department. (Ord. 1494A, 2/22/2016)

## 1004.07 TABLE OF ALLOWED USES

(Ord. 1405, 2-28-2011)

Table 1004-2 lists all permitted and conditional uses in the residential districts.

A. Uses marked as “P” are permitted in the districts where designated.

B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.

C. Uses marked as “NP” are not permitted in the districts where designated.

D. Uses marked with a “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

| **Table 1004-2** | **LDR-1** | **LDR-2** | **MDR** | **HDR-1 HDR-2** | **Standards** |
|---|---|---|---|---|---|
| **Residential - Family Living** | | | | | |
| Dwelling, one-family detached | P | P | P | NP | |
| Dwelling, two-family detached (duplex) | NP | P | P | NP | |
| Dwelling, two-family attached dwelling (twinhome) | NP | P | P | NP | |

| Table 1004-2 | LDR-1 | LDR-2 | MDR | HDR-1<br>HDR-2 | Standards |
|---|---|---|---|---|---|
| Dwelling, one-family attached (townhome, rowhouse) | NP | C | P | P | |
| Dwelling, multi-family (3-8 units per building) | NP | NP | P | P | |
| Dwelling, multi-family (8 or more units per building) | NP | NP | C | P | |
| Manufactured home park | NP | NP | NP | C | Y |
| Dwelling unit, accessory | P | NP | NP | NP | Y |
| Live-work unit | NP | NP | NP | C | Y |
| **Residential - Group Living** | | | | | |
| Community residential facility, state licensed, serving 1-6 persons | P | P | NP | NP | Y |
| Community residential facility, state licensed, serving 7-16 persons | NP | NP | C | C | Y |
| Nursing home | NP | NP | C | C | Y |
| Assisted living facility | NP | NP | P | P | Y |
| **Accessory Uses** | | | | | |
| Bed and breakfast establishment | C | C | NP | NP | Y |
| Home occupation | P | P | P | P | Y |
| Day care facility, family | P | P | P | P | Y |
| Day care facility, group family | C | C | C | C | Y |
| Day care center | NP | NP | C | C | Y |
| Roomer, boarder | P | P | P | P | Y |
| **Accessory Buildings and Structures** | | | | | |
| Accessibility ramp and other accommodations | P | P | P | P | |
| Detached garages and off-street parking space | P | P | P | P | |
| Gazebo, arbor, patio, play equipment, treehouse, chicken coop, etc. | P | P | P | P | |
| Renewable energy system | P | P | P | P | Y |
| Swimming pool, hot tub, spa | P | P | P | P | Y |
| Tennis and other recreational courts | P | P | P | P | Y |
| Garden shed and similar buildings for storage of domestic supplies and equipment | P | P | P | P | Y |
| Communications equipment - shortwave radio and TV antennas | P | P | P | P | Y |
| **Temporary Uses** | | | | | |
| Temporary structure, construction sites | P | P | P | P | Y |
| Garage and boutique sales | P | P | P | P | Y |
| Personal storage container | P | P | P | P | Y |
| Seasonal garden structure | P | P | P | P | Y |
| Private garden, community garden | P | P | P | P | Y |
| (Ord. 1418, 10-10-2011) | | | | | |

## 1004.08: LOW DENSITY RESIDENTIAL (ONE-FAMILY) – (LDR-1) DISTRICT

A. Statement of Purpose: The LDR-1 District is designed to be the lowest density residential district. The intent is to provide for a residential environment of predominantly low-density, one-family dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is established to stabilize and protect the essential characteristics of existing residential

areas, and to protect, maintain, and enhance wooded areas, wetlands, wildlife and plant resources, and other sensitive natural resources.

B. Dimensional Standards:

| **Table 1004-3** | **LDR-1** |
|---|---|
| **Minimum Lot Area** | |
| Interior | 11,000 square feet |
| Corner | 12,500 square feet |
| **Minimum Lot Width** | |
| Interior | 85 feet |
| Corner | 100 feet |
| **Minimum Lot Depth** | |
| Interior | 110 feet |
| Corner | 100 feet |
| Maximum Building Height | 30 feet |
| Minimum Front Yard Building Setback | 30 feet[a, b] |
| **Minimum Side Yard Building Setbacks** | |
| Interior | 5 feet |
| Corner | 10 feet[c] |
| Reverse Corner | Equal to existing front yard of adj. lot but not greater than 30 feet |
| **Minimum Rear Yard Building Setback** | 30 feet |

a See Section 1004.04, Existing Setbacks.

b Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front property line.

c The corner side yard setback requirement applies where a parcel is adjacent to a side street or right-of-way. The required setback from an unimproved right-of-way may be reduced to the required interior side yard setback by the Community Development Department upon the determination by the Public Works Director that the right-of-way is likely to remain undeveloped.

(Ord. 1411, 6-13-2011) (Ord. 1452, 09-09-2013)

C. Improvement Area: Improvement area, including paved surfaces , the footprints of principal and accessory buildings, and other structures like decks, pergolas, pools, etc., shall be limited to 50% of the parcel area. The purpose of this overall improvement area limit is to allow for rather liberal construction on a residential property while preventing over-building. Within this improvement area limit, paved surfaces and building footprints shall be limited to 30% of a parcel; for parcels within a Shoreland or Wetland Management District, paved surfaces and building footprints shall be further limited to 25% of the parcel area. The purpose of these further limits on paved surfaces and building footprints within the overall improvement area allowance is to prevent problems caused by excess storm water runoff:

1. For the purposes of this section, “improvements” does not include yard ornaments, fences, retaining walls, gardens, planting beds, or other landscaping.
2. Exception: For properties at least 20 years old, the above limits on paved surfaces and building footprints may be exceeded, within the allowed improvement area, by receiving a Residential Storm Water Permit (ReSWP) from the City Engineer. Because additional paved surfaces and buildings generate additional storm water runoff, the ReSWP

is designed to mitigate excess storm water runoff through technical analysis of building materials, soils, slopes, and other site conditions:

a. The purpose of this exception is to encourage homeowners to modernize and improve older properties while maintaining the overall character of the

community. b. For the purposes of the ReSWP, age of a property is determined by the newer of the house construction or the configuration of the parcel boundaries; age is calculated by subtracting the year in which the home was constructed, or the year in which the parcel boundaries were established in their present configuration, from the year of application for ReSWP. For houses or parcels less than 20 years old, a ReSWP may be considered for a property which cannot be practically used by mobility-impaired occupants. .

## 1004.09: LOW DENSITY RESIDENTIAL - 2 (LDR-2) DISTRICT

A. Statement of Purpose: The LDR-2 District is designed to provide an environment of one-family dwellings on small lots, two-family and townhouse dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is established to recognize existing areas with concentrations of two-family and townhouse dwellings, and for application to areas guided for redevelopment at densities up to 8 units per acre or with a greater diversity of housing types.

B. Dimensional Standards:

| **Table 1004-4** | **One-Family** | **Two-Family** | **Attached** |
|---|---|---|---|
| Maximum density | 8 Units/net acre - averaged across development site | | |
| Minimum lot area | 6,000 Sq. Ft. | 4,800 Sq. Ft./Unit | 3,000 Sq. Ft./Unit |
| Minimum lot width | 60 Feet | 30 Feet/unit | 24 Feet/unit |
| Maximum building height | 30 Feet | 30 Feet | 35 Feet |
| **Minimum front yard building setback** | | | |
| Street | 30 Feet[a, b] | 30 Feet[a, b] | 30 Feet[a, b] |
| Interior courtyard | 10 Feet[c] | 10 Feet[c] | 10 Feet[c] |
| **Minimum side yard building setback** | | | |
| Interior | 5 Feet | 5 Feet | 8 Feet (end unit) |
| Corner | 10 Feet | 10 Feet | 15 Feet |
| Reverse corner | Equal to existing front yard of adjacent lot, but not greater than 30 feet | | |
| Minimum rear yard setback | 30 Feet | 30 Feet | 30 Feet |

a See Section 1004.04, Existing Setbacks.

b Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front street right-of-way line.

c Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 4 feet to the front courtyard parcel boundary.

(Ord. 1411, 6-13-2011)

C. Improvement Area: Improvement area, including paved surfaces, the footprints of principal and accessory buildings, and other structures like decks, pergolas, pools, etc, shall be limited to 50% of the parcel area. The purpose of this overall improvement area for rather liberal construction on a residential property while preventing over-building. Within this improvement area limit, paved surfaces and building footprints shall be limited to 30% of a parcel; for parcels within a Shoreland or Wetland Management District, paved surfaces and building footprints shall be further limited to 25% of the parcel area. The purpose of these further limits on paved surfaces and building footprints within the overall improvement area allowance is to prevent problems caused by excess storm water runoff.

1. For the purposes of this section, “improvements” does not include yard ornaments, fences, retaining walls, gardens, planting beds, or other landscaping.
2. Exception: For properties at least 20 years old, the above limits on paved surfaces and building footprints may be exceeded, within the allowed improvement area, by

receiving a Residential Storm Water Permit (ReSWP) from the City Engineer. Because additional paved surfaces and buildings generate additional storm water runoff, the ReSWP is designed to mitigate excess storm water runoff through technical analysis of building materials, soils, slopes, and other site conditions.

a. The purpose of this exception is to encourage homeowners to modernize and improve older properties while maintaining the overall character of the community. b. For the purposes of the ReSWP, age of a property is determined by the newer of the house construction or the configuration of the parcel boundaries; age is calculated by subtracting the year in which the home was constructed, or the year in which the parcel boundaries were established in their present configuration, from the year of application for ReSWP. For houses or parcels less than 20 years old, a ReSWP may be considered for a property which cannot be practically used by mobility- impared occupants. .

D. Building Arrangement: Buildings may be organized in several ways, including the examples in this section.

1. Arranged along the street without a common open space, as is typical for most residential lots. Open space is provided on individual lots.
2. Arranged around a common courtyard that faces the street (see diagram), with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.
3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.

(Ord. 1452, 09-09-2013)

## 1004.10: MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT

A. Statement of Purpose: The MDR District is designed to provide an environment of varied housing types at an overall density of 5 to 12 units an acre, including single-family attached dwellings, small multi-family buildings, two-family and small-lot, one-family dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the Comprehensive Plan.

B. Dimensional Standards:

| **Table 1004-5** | **One-Family** | **Two-Family** | **Attached** | **Multifamily** |
|---|---|---|---|---|
| Maximum density | 12 Units/net acre - averaged across development site | | | |
| Minimum density | 5 Units/net acre - averaged across development site | | | |
| Minimum lot area per unit | 4,800 Sq. Ft. | 3,600 Sq. Ft. | 3,600 Sq. Ft. | 3,600 Sq. Ft. |
| Minimum lot width | 40 Feet | 30 Feet/unit | N/a | N/a |
| Maximum building height | 30 Feet | 30 Feet | 35 Feet | 40 Feet |
| Maximum improvement area | 65% | 65% | 65% | 65% |
| **Minimum front yard building setback** | | | | |
| Street - local | 30 Feet a | 30 Feet a | 30 Feet a | 30 Feet |
| Street – non-local (A and B Minor Reliever and A Minor Augmentor) | NA | NA | zero feet b | 30 feet |
| Interior courtyard – 40 | 15 Feet c | 15 Feet c | 15 Feet c | 15 Feet |

| Table 1004-5 | One-Family | Two-Family | Attached | Multifamily |
|---|---|---|---|---|
| foot or less courtyard width | | | | |
| Interior courtyard – 41-45 foot courtyard width | 10 feet c | 10 feet c | 10 feet c | 10 feet |
| Interior courtyard – 45 feet or greater courtyard width | 5 feet d | 5 feet c | 5 feet c | 5 feet |
| **Minimum side yard building setback** | | | | |
| Interior | 5 Feet | 5 Feet | 5 Feet | 10 Feet |
| Periphery | 5 feet | 5 feet | 8 feet | 20 feet |
| Corner/street | 10 Feet | 10 Feet | 15 Feet | 20 Feet |
| Reverse corner/street | Equal to existing front yard of adjacent lot, but not greater than 30 feet | | | |
| **Minimum rear yard building** | | | | |
| **setback** | | | | |
| Interior | 0 feet | 0 feet | 0 feet | 0 feet |
| Periphery | 30 feet | 30 feet | 45 feet | 45 feet |
| Minimum periphery alley setback | 10 feet e | 10 feet e | 10 feet e | 10 feet e |

a. Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front street right-of-way line.
b. Zero feet setback for non-enclosed porch or 15 feet from A/B Minor Reliever or A Minor Augmentor, whichever is greater.c. Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 4 feet to the front courtyard parcel boundary.
d. Where courtyards are equal to or exceed 45 feet, covered entries and porches sheltering (but not enclosing) front doors may extend to the front courtyard parcel boundary.
e. Requires landscaping and/or fencing approved by the community development department.

C. Building Arrangement: Buildings may be organized in several ways, including the examples in this section:
   1. Arranged along the street without a common open space, as is typical for most residential lots. Open space is provided on individual lots.
   2. Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings (see diagram). The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.
   3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.

## 1004.11: HIGH DENSITY RESIDENTIAL DISTRICTS (HDR-1 AND HDR-2)

A. Statement of Purpose: The HDR districts are designed to provide an environment of predominantly high-density housing types, including manufactured-home communities, large and small multi-family buildings, and single-family attached dwellings, at an overall density exceeding 12 units per acre, along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow

innovative development patterns, consistent with the Comprehensive Plan.

B. Dimensional Standards:

| Table 1004-6 | HDR-1 | | HDR-2 |
|---|---|---|---|
| | **Attached** | **Multifamily** | **Multifamily** |
| Maximum density | 24 Units/net acre | | None |
| Minimum density | 12 Units/net acre | | 24 Units/net acre |
| Maximum building height | 35 Feet | 65 Feet | 95 Feet |
| Maximum improvement area | 75% | 75% | 85% |
| **Minimum front yard building setback** | | | |
| Street | 30 Feet | 30 Feet | 10 Feet |
| Interior courtyard | 10 Feet | 10 Feet | 15 Feet |
| **Minimum side yard building setback** | | | |
| Interior | 8 Feet (end unit) | 20 Feet, when adjacent to ldr-1 or ldr-2<br>10 Feet, all other uses | 20% Height of the building[a] |
| Corner | 15 Feet | 20 Feet | 20% Height of the building[a] |
| Minimum rear yard building setback | 30 Feet | 30 Feet | 50% Height of the building[a] |
| a The City may require a greater or lesser setback based on surrounding land uses. | | | |

(Ord. 1405, 2-28-2011)

C. Building Arrangement: Buildings may be organized in several ways, including the examples in this section:

1. Arranged along the street without a common open space. Open space is provided on individual lots or on privately defined spaces to the rear of attached dwellings.
2. Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.
3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.

(Ord. 1403, 12-13-2010) (Ord. 1464, 03-24-2014)

# CHAPTER 1005
# COMMERCIAL AND MIXED-USE DISTRICTS

SECTION:

1005.01: Statement Of Purpose
1005.02: Design Standards
1005.03: Table of Allowed Uses
1005.04: Neighborhood Business (NB) District
1005.05: Community Business (CB) District
1005.06: Regional Business (RB) Districts
1005.07: Community Mixed-Use (CMU) Districts
(Ord. 1483, 10/26/2015)

## 1005.01 STATEMENT OF PURPOSE

The commercial and mixed-use districts are designed to:

A. Promote an appropriate mix of commercial development types within the community;
B. Provide attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes including transit, walking, and bicycling;
C. Improve the community's mix of land uses by encouraging mixed medium- and high-density residential uses with high-quality commercial and employment uses in designated areas;
D. Encourage appropriate transitions between higher-intensity uses within commercial and mixed use centers and adjacent lower-density residential districts; and
E. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.

## 1005.02 DESIGN STANDARDS

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50% or more of building floor area) in all commercial and mixed-use districts. Design standards apply only to the portion of the building or site that is undergoing alteration.

A. Corner Building Placement: At intersections, buildings shall have front and side facades aligned at or near the front property line.
B. Entrance Orientation: Where appropriate and applicable, primary building entrances shall be oriented to the primary abutting public street. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. (Ord. 1415, 9-12-2011)

C. Vertical Facade Articulation: Buildings shall be designed with a base, a middle, and a top, created by variations in detailing, color, and materials. A single-story building need not include a middle.
   1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.
   2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.

D. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:
   1. Stepping back or extending forward a portion of the facade;
   2. Variations in texture, materials or details;
   3. Division into storefronts;
   4. Stepbacks of upper stories; or
   5. Placement of doors, windows and balconies.

E. Window and Door Openings:
   1. For nonresidential uses, windows, doors, or other openings shall comprise at least 60% of the length and at least 40% of the area of any ground floor facade fronting a public street. At least 50% of the windows shall have the lower sill within three feet of grade.
   2. For nonresidential uses, windows, doors, or other openings shall comprise at least 20% of side and rear ground floor facades not fronting a public street. On upper stories, windows or balconies shall comprise at least 20% of the facade area.
   3. On residential facades, windows, doors, balconies, or other openings shall comprise at least 20% of the facade area.
   4. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.
   5. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building facade.
   6. Displays may be placed within windows. Equipment within buildings shall be placed at least 5 feet behind windows.

F. Materials: All exterior wall finishes on any building must be a combination of the following materials: No less than 60% face brick; natural or cultured stone; pre-colored or factory stained or stained on site textured pre-cast concrete panels; textured concrete block; stucco; glass; fiberglass; or similar materials and no more than 40% pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other materials of equal quality to those listed, may be approved by the Community Development Department.

G. Four-sided Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.

H. Maximum Building Length: Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.

I. Garages Doors and Loading Docks: Overhead doors, refuse, recyclables, and/or

compactors shall be located, and to the extent feasible, on rear or side facades that do not front a public street, to the extent feasible, residential garage doors should be similarly located. Overhead doors of attached residential garages on a building front shall not exceed 50% of the total length of the building front. Where overhead doors, refuse, recyclables, and/or compactors abut a public street frontage, a masonry screen wall comprised of materials similar to the building, or as approved by the Community Development Department, shall be installed to a minimum height to screen all activities. (Ord. 1415, 9-12-2011) (Ord. 1443 & 1444, 06-17-2013

J. Rooftop Equipment: Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
(Ord. 1435, 4-08-2013) (Ord. 1494A, 2/22/2016)

## 1005.03 TABLE OF ALLOWED USES

Table 1005-1 lists all permitted and conditional uses in the commercial and mixed use districts.

A. Uses marked as “P” are permitted in the districts where designated.
B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
C. Uses marked as “NP” are not permitted in the districts where designated.
D. A “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011 of this Title; standards for conditional uses are included in Section 1009.02 of this Title.
E. Combined Uses: Allowed uses may be combined within a single building, meeting the following standards:
   1. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;
   2. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and
   3. Nonresidential uses are not permitted above residential uses.

| **Table 1005-1** | **NB** | **CB** | **RB-1** | **RB-2** | **Standards** |
|---|---|---|---|---|---|
| Office Uses | | | | | |
| Office | P | P | P | P | |
| Clinic, medical, dental or optical | P | P | P | P | |
| Office showroom | NP | P | P | P | |
| Retail, general and personal service* | P | P | P | P | |
| Commercial Uses | | | | | |
| Animal boarding, kennel/day care (indoor) | P | P | P | P | Y |
| Animal boarding, kennel/day care (outdoor) | NP | C | C | C | Y |

| **Table 1005-1** | **NB** | **CB** | **RB-1** | **RB-2** | **Standards** |
|---|---|---|---|---|---|
| Animal hospital, veterinary clinic | P | P | P | P | Y |
| Bank, financial institution | P | P | P | P | |
| Club or lodge, private | P | P | P | P | |
| Day care center | P | P | P | P | Y |
| Grocery store | C | P | P | P | |
| Health club, fitness center | C | P | P | P | |
| Learning studio (martial arts, visual/performing arts) | C | P | P | P | |
| Limited production and processing-principal | NP | NP | NP | P | |
| Limited warehousing and distribution | NP | NP | NP | P/C | Y |
| Liquor store | C | P | P | P | |
| Lodging: hotel, motel | NP | P | P | P | |
| Mini-storage | NP | P | P | P | |
| Mortuary, funeral home | P | P | P | P | |
| Motor fuel sales (gas station) | C | P | P | P | Y |
| Motor vehicle repair, auto body shop | NP | C | P | P | Y |
| Motor vehicle rental/leasing | NP | P | P | P | Y |
| Motor vehicle dealer (new vehicles) | NP | NP | P | P | |
| Movie theater, cinema | NP | P | P | P | |
| Outdoor display | P | P | P | P | Y |
| Outdoor storage, equipment and goods | NP | NP | C | C | Y |
| Outdoor storage, fleet vehicles | NP | P | P | P | Y |
| Outdoor storage, inoperable/out of service vehicles or equipment | NP | C | P | P | Y |
| Outdoor storage, loose materials | NP | NP | NP | NP | |
| Pawn shop | NP | C | C | C | |
| Parking | C | C | C | C | |
| Restaurant, Fast Food | NP | P | P | P | |
| Restaurant, Traditional | P | P | P | P | |
| Residential Family Living | | | | | |
| Dwelling, one-family attached (townhome, rowhouse) | NP | NP | NP | NP | |
| Dwelling, multi-family (3-8 units per building) | NP | NP | NP | NP | |
| Dwelling, multi-family (upper stories in mixed-use building) | P | P | NP | NP | |
| Dwelling, multi-family (8 or more units per building) | C | NP | NP | NP | |
| Dwelling unit, accessory | NP | NP | NP | NP | Y |
| Live-work unit | C | NP | NP | NP | Y |
| Residential Group Living | | | | | |
| Community residential facility, state | C | NP | NP | NP | Y |

| Table 1005-1 | NB | CB | RB-1 | RB-2 | Standards |
|---|---|---|---|---|---|
| licensed, serving 7-16 persons | | | | | |
| Student Housing | NP | P | P | P | Y |
| Nursing home, assisted living facility | C | C | C | C | Y |
| Civic and Institutional Uses | | | | | |
| College, or post-secondary school, campus | NP | NP | P | P | Y |
| College or post-secondary school, office-based | P | P | P | P | Y |
| Community center, library, municipal building | NP | NP | P | P | |
| Place of assembly | P | P | P | P | Y |
| School, elementary or secondary | NP | NP | P | P | Y |
| Theater, performing arts center | NP | NP | P | P | Y |
| Utilities and Transportation | | | | | |
| Essential services | P | P | P | P | |
| Park-and-ride facility | NP | P | P | P | |
| Transit center | NP | P | P | P | |
| Accessory Uses, Buildings and Structures | | | | | |
| Accessory buildings for storage of business supplies and equipment | P | P | P | P | Y |
| Accessibility ramp and other accommodations | P | P | P | P | |
| Detached garage and off-street parking spaces | P | P | P | P | Y |
| Drive-through facility | NP | C | C | C | Y |
| Gazebo, arbor, patio, play equipment | P | P | P | P | Y |
| Home occupation | P | NP | NP | NP | Y |
| Limited production and processing – accessory | P | P | P | P | |
| Renewable energy system | P | P | P | P | Y |
| Swimming pool, hot tub, spa | P | P | P | P | Y |
| Telecommunications tower | C | C | C | C | Y |
| Tennis and other recreational courts | C | C | P | P | Y |
| Temporary Uses | | | | | |
| Temporary building for construction purposes | P | P | P | P | Y |
| Sidewalk sales, boutique sales | P | P | P | P | Y |
| Portable storage container | P | P | P | P | Y |

(Ord. 1405, 2-28-2011) (Ord. 1427, 7-9-2012) (Ord. 1445, 7-8-2013) (Ord. 1469, 06-09-2014) (Ord. 1483, 10/26/2015)

## 1005.04 Neighborhood Business (NB) District

A. Statement of Purpose: The Neighborhood Business District is designed to provide a limited range of neighborhood-scale retail, service, and office uses in proximity to

residential neighborhoods or integrated with residential uses. The NB district is also intended to:

1. Encourage mixed use at underutilized retail and commercial intersections;
2. Encourage development that creates attractive gateways to City neighborhoods;
3. Encourage pedestrian connections between Neighborhood Business areas and adjacent residential neighborhoods;
4. Ensure that buildings and land uses are scaled appropriately to the surrounding neighborhood; and
5. Provide adequate buffering of surrounding neighborhoods.

B. Design Standards: The standards in Section 1005.02 shall apply except building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.

C. Dimensional Standards:

| **Table 1005-2** | |
|---|---|
| Minimum lot area | No requirement |
| Maximum building height | 35 feet |
| Minimum front yard building setback | No requirement |
| Minimum side yard building setback | 6 feet where windows are located on a side wall or on an adjacent wall of an abutting property<br>10 feet from residential lot boundary<br>Otherwise not required |
| Minimum rear yard building setback | 25 feet from residential lot boundary<br>10 feet from nonresidential boundary |
| Minimum surface parking setback | 5 feet |

D. Residential Density: Residential densities shall not exceed 12 units per acre.

E. Improvement Area: The total improved area, including paved surfaces and the footprints of principal and accessory buildings and structures, shall not exceed 85% of the total parcel area.

F. Frontage Requirement: Buildings at corner locations shall be placed within five feet of the lot line on either street for a distance of at least 20 feet from the corner.

G. Parking Placement: Surface parking shall not be located between the front facade of a building and the abutting street. Parking shall be located to the rear or side of the principal building. Parking abutting the primary street frontage is limited to 50% of that lot frontage.

H. Screening from Residential Property: Screening along side and rear lot lines abutting residential properties is required, consistent with Chapter 1011 of this Title.

## 1005.05 COMMUNITY BUSINESS (CB) DISTRICT

A. Statement of Purpose: The Community Business District is designed for shopping areas with moderately scaled retail and service uses, including shopping centers, freestanding businesses, and mixed-use buildings with upper-story residential uses. CB Districts are intended to be located in areas with visibility and access to the arterial street system. The district is also intended to:

1. Encourage and facilitate pedestrian, bicycle and transit access; and
2. Provide adequate buffering of surrounding neighborhoods.

B. Dimensional Standards:

| **Table 1005-3** | |
|---|---|
| Minimum Lot Area | No requirement |
| Maximum building height | 40 feet |
| Front yard building setback (min – max) | 0 to 25 feet[a] |
| Minimum side yard building setback | 6 feet where windows are located on a side wall of an abutting property<br>10 feet from residential lot boundary[b]<br>Otherwise not required |
| Minimum rear yard building setback | 25 feet from residential lot boundary<br>10 feet from nonresidential boundary |
| Minimum surface parking setback | 5 feet |
| a Unless it is determined by the Community Development Department that a certain setback minimum distance is necessary for the building or to accommodate public infrastructure.<br>b Unless greater setbacks are required under Section 1011.12 E.1. of this Title. | |

C. Residential Density: Residential densities shall not exceed 24 units per acre.
D. Improvement Area: The total improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total parcel area.
E. Frontage Requirement: A minimum of 30% of building facades abutting a primary street shall be placed within 25 feet of the front lot line along that street.
F. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.
G. Parking Placement: When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage, and/or other site design issues are shown to require additional space. Screening along side and rear lot lines abutting residential properties is required, consistent with Chapter 1011 of this Title.

## 1005.06 REGIONAL BUSINESS (RB) DISTRICTS

A. Statement of Purpose: The RB District is designed for businesses that provide goods and services to a regional market area, including regional-scale malls, shopping centers, large-format stores, multi-story office buildings and automobile dealerships. RB Districts are intended for locations with visibility and access from the regional highway system. The district is also intended to:
   1. Encourage a “park once” environment within districts by enhancing pedestrian movement and a pedestrian-friendly environment;
   2. Encourage high quality building and site design to increase the visual appeal and continuing viability of development in the RB District; and
   3. Provide adequate buffering of surrounding neighborhoods.
B. Design Standards: The standards in Section 1005.02 shall apply except that ground floor facades that face or abut public streets shall incorporate one or more of the

following features along at least 60% of their horizontal length:

1. Windows and doors with clear or slightly tinted glass to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas;
2. Customer entrances;
3. Awnings, canopies, or porticoes; and
4. Outdoor patios or eating areas.

C. Dimensional Standards:

| **Table 1005-4** | |
|---|---|
| Minimum lot area | No requirement |
| Maximum building height | 65 feet; taller buildings may be allowed as conditional use |
| Minimum front yard building setback | No requirement (see frontage requirement below) |
| Minimum side yard building setback | 6 feet where windows are located on a side wall or on an adjacent wall of an abutting property<br>10 feet from residential lot boundary<br>Otherwise not required |
| Minimum rear yard building setback | 25 feet from residential lot boundary<br>10 feet from nonresidential boundary[a] |
| Minimum surface parking setback | 5 feet |
| a Unless greater setbacks are required under Section 1011.12 E.1. of this Title. | |

D. Improvement Area: The total improved area, including paved surfaces and footprints of principal and accessory buildings or structures, shall not exceed 85% of the total parcel area.

E. Frontage Requirement: A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:

1. At least 50% of the street frontage shall be occupied by building facades placed within 20 feet of the front lot line. No off-street parking shall be located between the facades meeting this requirement and the street.
2. At least 60% of the street frontage shall be occupied by building facades placed within 65 feet of the front lot line. Only 1 row of parking and a drive aisle may be placed within this setback area.
3. At least 70% of the street frontage shall be occupied by building facades placed within 85 feet of the front lot line. Only 2 rows of parking and a drive aisle may be placed within this setback area.

F. Access and Circulation: Within shopping centers or other large development sites, vehicular circulation shall be designed to minimize conflicts with pedestrians.

G. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

H. Standards for Nighttime Activities: Uses that involve deliveries or other activities between the hours of 10:00 P.M. and 7:00 A.M. (referred to as “nighttime hours”) shall meet the following standards:

1. Off-street loading and unloading during nighttime hours shall take place within a completely enclosed and roofed structure with the exterior doors shut at all times.
2. Movement of sweeping vehicles, garbage trucks, maintenance trucks, shopping carts,

and other service vehicles and equipment is prohibited during nighttime hours within 300 feet of a residential district, except for emergency vehicles and emergency utility or maintenance activities.

3. Snow removal within 300 feet of a residential district shall be minimized during nighttime hours, consistent with the required snow management plan.

## 1005.07 COMMUNITY MIXED-USE (CMU) DISTRICTS

A. Statement of Purpose: The Community Mixed-Use Districts are designed to encourage the development or redevelopment of mixed-use centers that may include residential, office, commercial, park, civic and institutional, utility and transportation, park, and open space uses. Complementary uses should be organized into cohesive districts in which mixed- or single-use buildings are connected by streets, sidewalks and trails, and open space to create a pedestrian-oriented environment. The CMU districts are intended to be applied to areas of the City guided for redevelopment and may represent varying degrees of intensification with respect to land use, hours of operation, or building height.

1. The CMU-1 District is the most restrictive mixed-use district, limiting building height and excluding the most intensive land uses, and is intended for application to redevelopment areas adjacent to low-density residential neighborhoods.
2. The CMU-2 District is less restrictive, being open to a wider variety of land uses and building height, and is intended to provide transition from higher-density development to parks and other natural areas.
3. The CMU-3 District is intended for moderate intensity development, suitable for transitions between higher and lower intensity districts.
4. The CMU-4 District is a more intensive mixed-use district, intended for areas close to high-traffic roadways and large-scale commercial developments.

B. Regulating Plan: CMU districts must be guided by a regulating plan for each location where it is applied. A regulating plan uses graphics and text to establish requirements pertaining to the following kinds of parameters. Where the requirements for an area governed by a regulating plan are in conflict with the design standards established in Section 1005.02 of this Title, the requirements of the regulating plan shall supersede, and where the requirements for an area governed by a regulating plan are silent, Section 1005.02 shall control.

1. Street and Block Layout: The regulating plan defines blocks and streets based on existing and proposed street alignments. New street alignments, where indicated, are intended to identify general locations and required connections but not to constitute preliminary or final engineering.
2. Street Type: The regulating plan may include specific street design standards to illustrate typical configurations for streets within the district, or it may use existing City street standards. Private streets may be utilized within the CMU districts where defined as an element of a regulating plan.
3. Parking
    a. Locations: Locations where surface parking may be located are specified by block or block face. Structured parking is treated as a building type.
    b. Shared Parking or District Parking: A district-wide approach to off-street parking for nonresidential or mixed uses is preferred within the CMU district. Off-street surface parking for these uses may be located up to 300 feet away from the use. Off-street structured parking may be located up to 500 feet away from the use.

c. Parking Reduction and Cap: Minimum off–street parking requirement for uses within the CMU district may be reduced to 75% of the parking requirements in Chapter 1019 of this Title. Maximum off-street parking shall not exceed the minimum requirement unless the additional parking above the cap is structured parking.

4. Building and Frontage Types: Building and frontage types are designated by block or block face. Some blocks are coded for several potential building types; others for one building type on one or more block faces.
5. Build to Areas: Build to Areas indicate the placement of buildings in relation to the street.
6. Uses: Permitted and conditional uses may occur within each building type as specified in Table 1005-5, but the vertical arrangement of uses in a mixed-use building may be further regulated in a regulating plan
(Ord. 1415, 9-12-2011) (Ord. 1467, 04-21-2014) (Ord. 1483, 10/26/2015)

C. Regulating Plan Approval Process: A regulating plan may be developed by the City as part of a zoning amendment following the procedures of Section 1009.06 of this Title and thus approved by City Council. (Ord. 1415, 9-12-2011)

D. Amendments to Regulating Plan: Minor extensions, alterations or modifications of proposed or existing buildings or structures, and changes in street alignment may be authorized pursuant to Section 1009.05 of this Title. (Ord. 1415, 9-12-2011)

E. Twin Lakes Regulating Plan Map:
Figure 1005-1: Twin Lakes Regulating Plan Map, west of Fairview Avenue

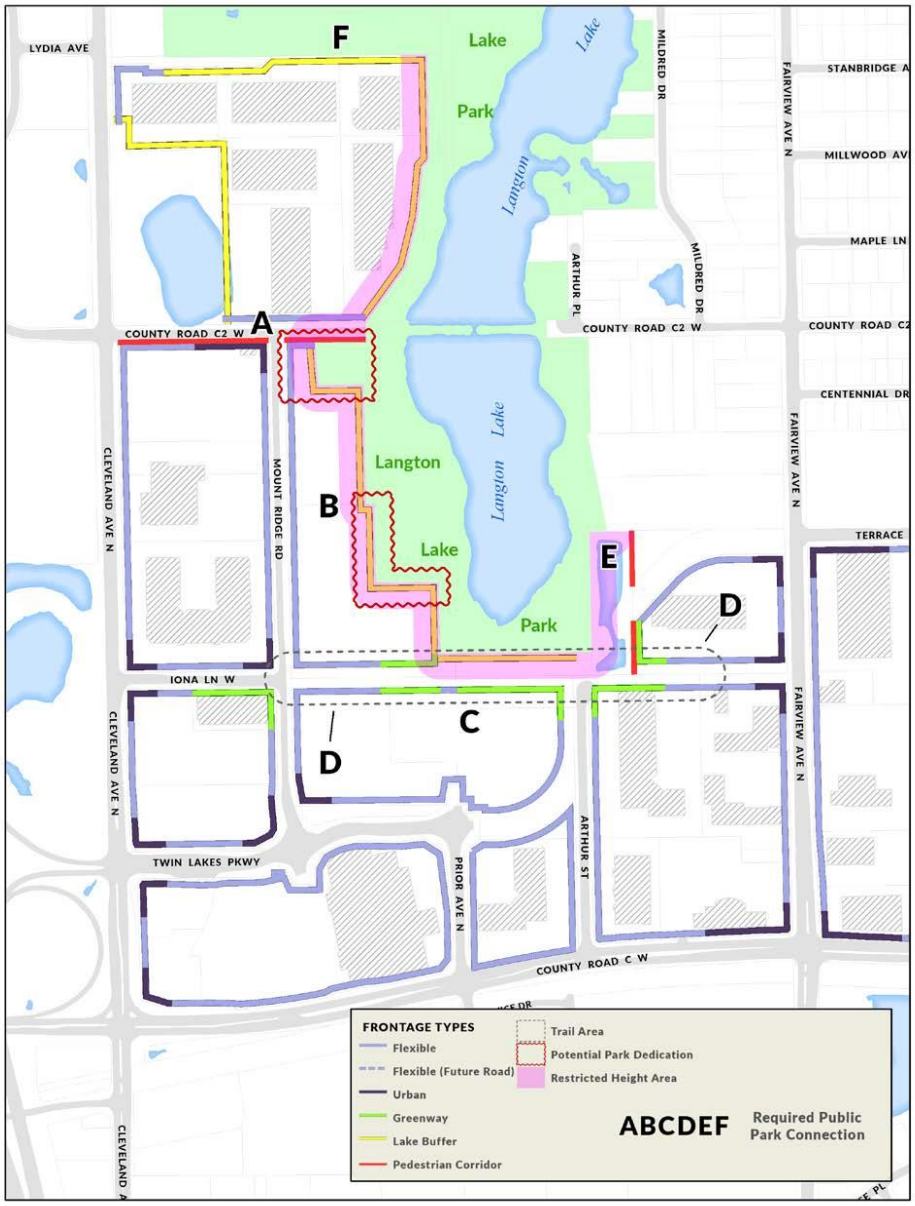
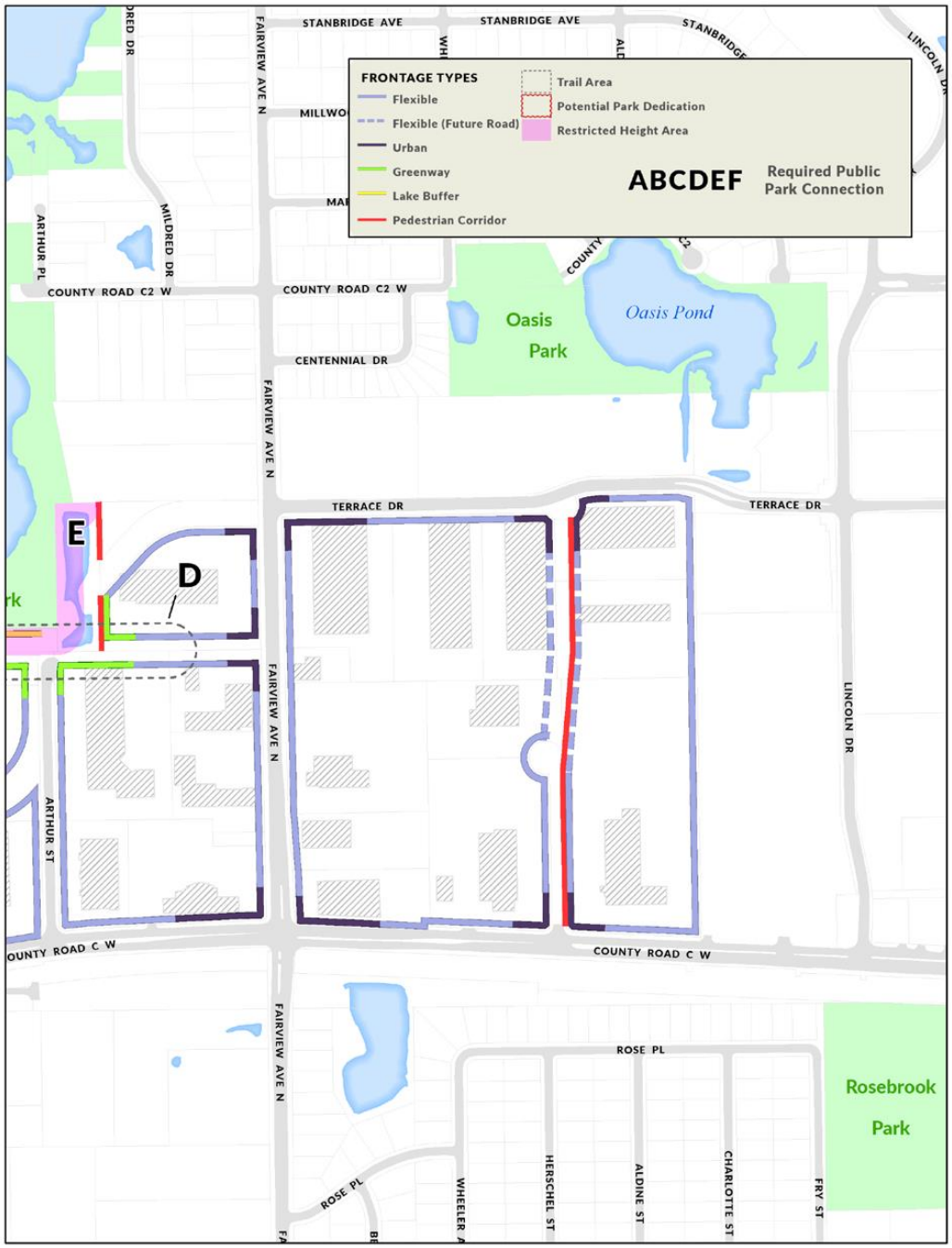
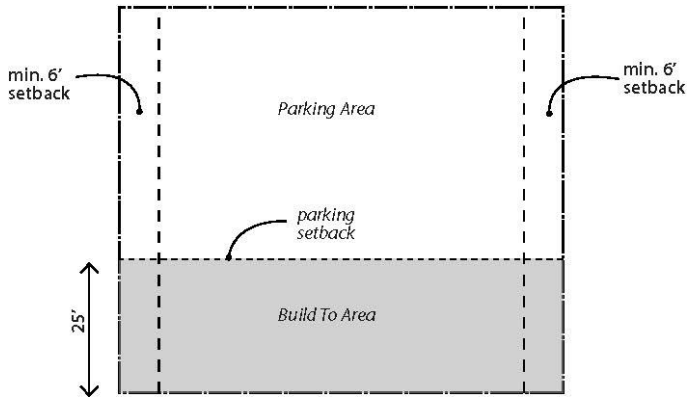


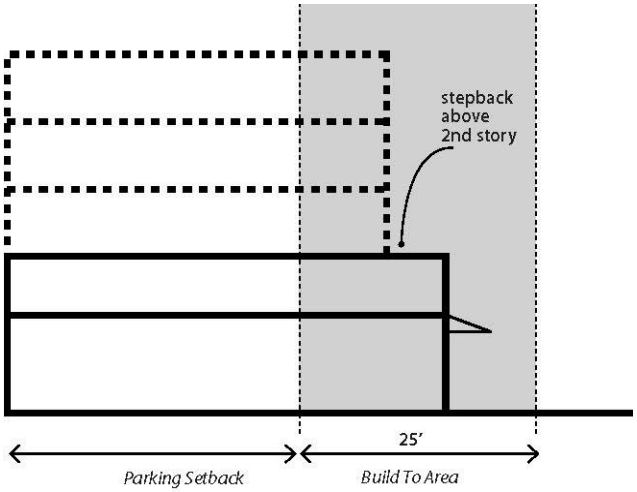
Figure 1005-2: Twin Lakes Regulating Plan Map, east of Fairview Avenue



1. Greenway Frontage
   a. Siting




      i. Build To Area
         A. Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the Build to Area.
         B. At least 90% of the lineal Build To Area shall be occupied by the front facade of the building.
         C. Within 30 feet of a block corner, the ground story facade shall be built within 10 feet of the corner.
   b. Undeveloped and Open Space
      i. Lot coverage shall not exceed 85%.
      ii. Undeveloped and open space created in front of a building shall be designed as a semi-public space, used as a forecourt, outdoor seating, or other semi-public uses.
   c. Building Height and Elements




      i. Ground Floor: Finished floor height shall be a maximum of 18" above sidewalk.
      ii. Height is limited to 35 feet in the CMU-1 district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet..

iii. Facade

A. The primary facade (facades fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

B. Blank lengths of wall fronting a public street or pedestrian Connection shall not exceed 20 feet.

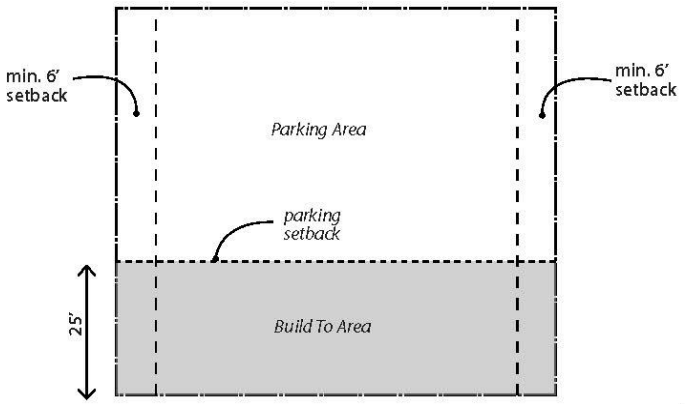
C. Building facades facing a pedestrian or public space shall include at least 30% windows and/or entries.

D. All floors above the second story shall be stepped back a minimum of 8 feet from the ground floor facade.

iv. Entries: Entries shall be clearly marked and visible from the sidewalk. Entries are encouraged at least every 50 feet along the Greenway Frontage.

2. Urban Frontage

a. Siting




i. Build To Area

A. Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the Build to Area.

B. At least 50% of the lineal Build To Area shall be occupied by the front facade of the building.

C. Within 30 feet of a block corner, the ground story facade shall be built within 10 feet of the corner.

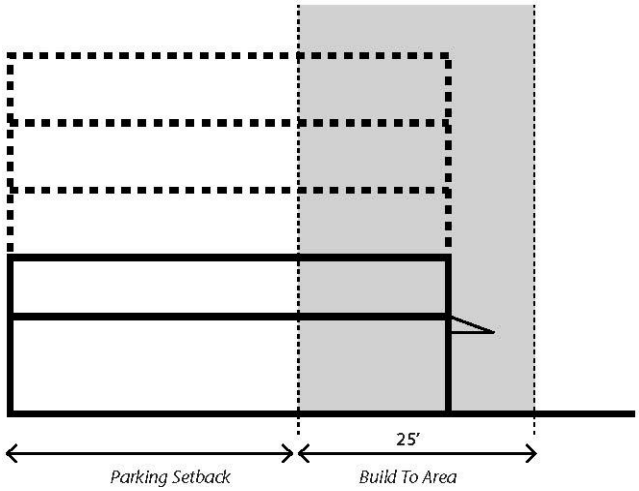
D. If a building does not occupy the Build To Area, the parking setback must include a required landscape treatment consistent with Sections 4 and 5 below.

ii. Undeveloped and Open Space

A. Lot coverage shall not exceed 85%.

B. Undeveloped and open space created in front of a building shall be designed as a semi-public space, outdoor seating, or other semi-public uses.

b. Building Height and Elements




i. Height is limited to 35 feet in the CMU-1 district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet.

ii. Facade

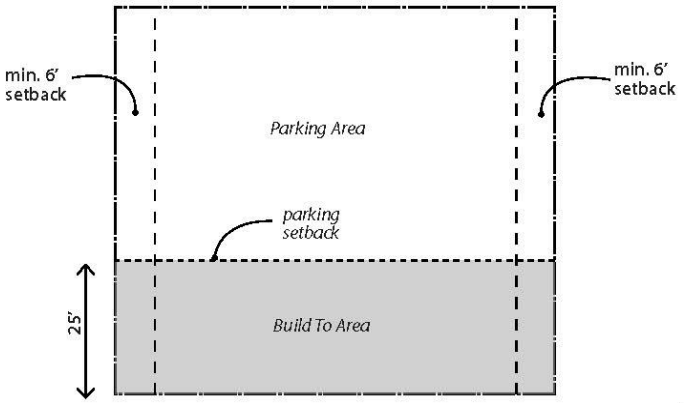
A. The primary facade (facade fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

B. Blank lengths of wall fronting a public street or pedestrian connection shall not exceed 30 feet.

iii. Entries: Entries shall be clearly marked and visible from the sidewalk. Entries are encouraged at least every 100 feet along the Urban Frontage.

3. Flexible Frontage

a. Siting




i. Build To Area

A. Refer to Regulating Plan Map (Figure 1005-1) for location of the Build To Area. Building may be placed anywhere within the parcel, but building placement is preferred in the Build To Area.

B. Building placement is preferred in the Build To Area. If a building does not occupy a Build To Area, the parking setback must include a required landscape treatment consistent with Sections 4 and 5 below.

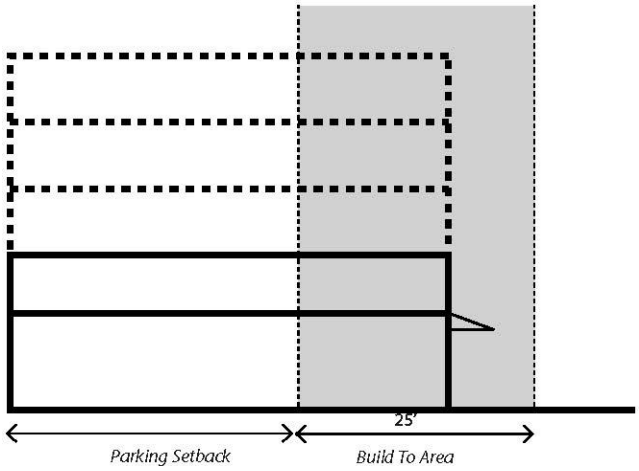
C. On Flexible Frontage sites located at or near pedestrian corridors or roadway intersections, where building placement is not to be in the build-to area, the City will require additional public amenities or enhancements including, but not limited to, seating areas, fountains or other water features, art, or other items, to be placed in the build-to area, as approved by the Community Development Department.

ii. Undeveloped and Open Space

A. Lot coverage shall not exceed 85%.

B. Undeveloped and open space created in front of a building shall be designed as a semi-public space, outdoor seating, or other semi-public uses.

b. Building Height and Elements




i. Height is limited to 35 feet in the CMU-1 district and within the Restricted Height Area surrounding Langton Lake Park; elsewhere, building height is limited to 65 feet..

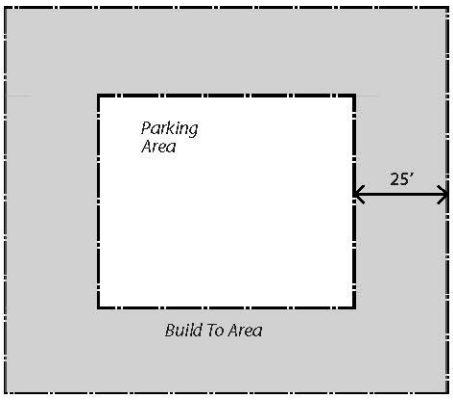
ii. Facade

A. Blank lengths of wall fronting a public street or pedestrian connection shall not exceed 30 feet.

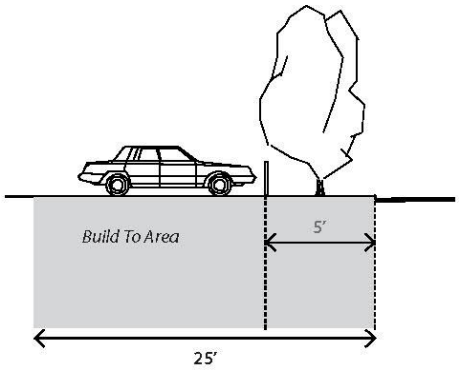
B. The primary facade (facade fronting the Build To Areas, a Pedestrian Corridor, park or public street) of all buildings shall be articulated into distinct increments such as stepping back or extending forward, use of storefronts with separate windows and entrances; arcade awnings, bays and balconies; variation in roof lines; use of different but compatible materials and textures.

iii. Entries: Entries shall be clearly marked and visible from the sidewalk.

4. Parking

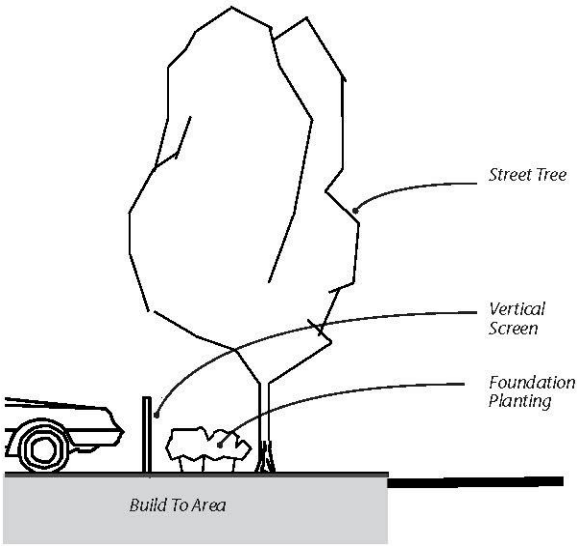



a. Parking shall be located behind the Build To Area/parking setback line.
b. Driveways and/or curb cuts are not allowed along the Greenway Frontage.
c. Parking Within the Build To Area: Where parking is allowed within the Build To Area, parking shall be set back a minimum of 5 feet from the property line, and shall be screened by a vertical screen at least 36" in height (as approved by the Community Development Department) with the required landscape treatment.




d. Parking Contiguous to Langton Lake Park: Parking on property contiguous to Langton Lake Park shall be set back a minimum of 15 feet from the property line. The setback area shall be landscaped consistent with the requirements of Section 1011.03 of this Title.

5. Landscaping

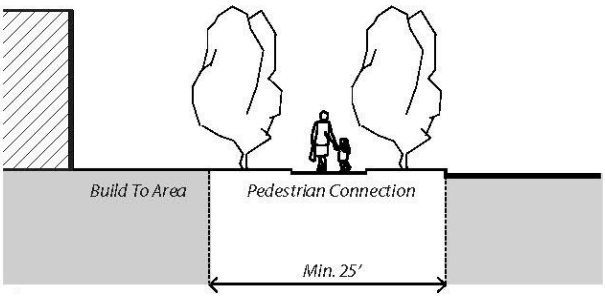



   a. Greenway Frontage: 1 tree is required per every 30 linear feet of Greenway Frontage
   b. Urban and Flexible Frontage
      i. 1 tree is required per every 30 linear feet of Urban and/or Flexible Frontage.
      ii. Parking Within the Build To Area: If parking is located within the Build To Area, the required vertical screen in the setback area shall be treated with foundation plantings, planted at the base of the vertical screen in a regular, consistent pattern.

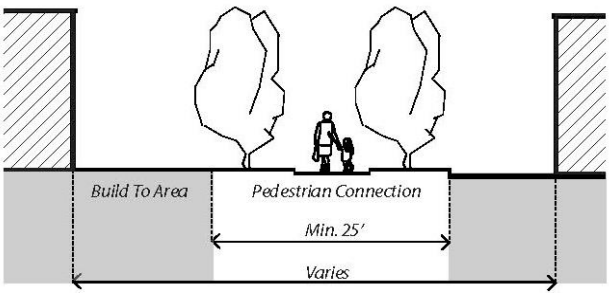
6. Public Park Connections
   Each pedestrian corridor identified below shall be a minimum of 25 feet wide and include a paved, multi-use path constructed to specifications per the City of Roseville. Each pedestrian connection shall also contain the following minimum landscaping:
   - 1 3-caliper-inch tree for every 20 lineal feet of the length of the pedestrian corridor. Such trees shall be hardy and urban tolerant, and may include such varieties as red buckeye, green hawthorn, eastern red cedar, amur maackia, Japanese tree lilac, or other variety approved by the Community Development Department.
   - 12 5-gallon shrubs, ornamental grasses, and/or perennials for every 30 lineal feet of the pedestrian corridor. Such plantings may include varieties like hydrangea, mockorange, ninebark, spirea, sumac, coneflower, daylily, Russian sage, rudbeckia, sedum, or other variety approved by the Community Development Department.

   All plant materials shall be within planting beds with wood mulch.

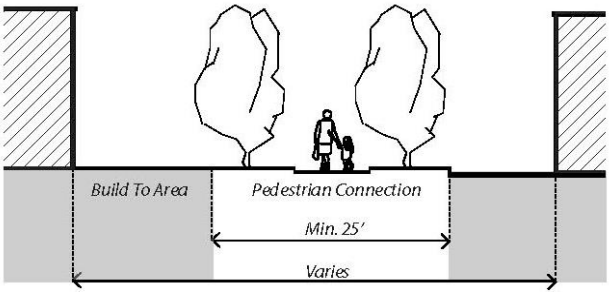
   a. County Road C2 Connection: A pedestrian corridor shall be built that connects adjacent properties to the Langton Lake Park path.



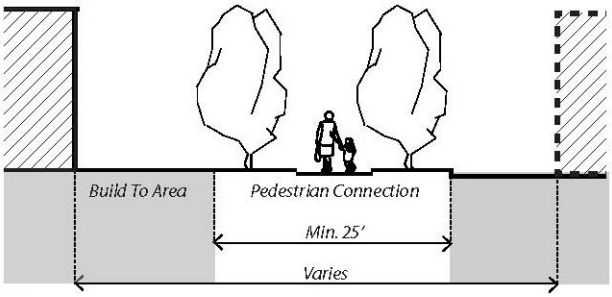

b. Langton Lake Park/Mount Ridge Road Connection: A pedestrian corridor shall be built that connects Mount Ridge Road to the Langton Lake Park path.




c. Langton Lake Park/Prior Avenue Connection: A pedestrian corridor shall be built that connects Prior Avenue to the Langton Lake Park path.



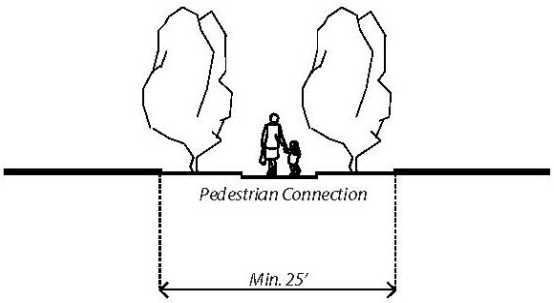

d. Iona Connection




i. A pedestrian corridor shall be built that connects Mount Ridge Road to Fairview Avenue, intersecting with Langton Lake Park and Twin Lakes Parkway.

ii. The pedestrian corridor shall take precedent over the Build To Area. In any event, the relationship of buildings to the pedestrian corridor shall be consistent with the required frontage.

e. Langton Lake Connection: A pedestrian corridor shall be built that connects the adjacent properties to Langton Lake Park path.




(Ord. 1403, 12-13-2010) (Ord. 1415, 9-12-2011) (Ord. 1467, 4-21-2014)

F. TABLE OF ALLOWED USES

1. Uses marked as "P" are permitted in the districts where designated.
2. Usert marked with a "C" are allowed as conditional uses in the districts where designated , in compliance with all applicable standards.
3. Uses marked as "NP" are not permitted in the districts where designated.
4. A "Y" in the "Standards" column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011 of this Title; standards for conditional uses are included in Section 1009.02 of this Title.
5. Combined uses: Allowed uses may be combined within a single building, meeting the following standards.
   a. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;
   b. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and
   c. Nonresidential uses are not permitted above residential uses.

| **Table 1005-5** | **CMU-1** | **CMU-2** | **CMU-3** | **CMU-4** | **Standards** |
|---|---|---|---|---|---|
| **Office Uses** | | | | | |
| Clinic, medical, dental, or optical | **P** | P | P | P | |
| General | P | P | P | P | |
| Office showroom | C | P | P | P | |
| **Commercial Uses** | | | | | |
| Animal Boarding (exclusively indoors) | C | P | P | P | Y |
| Animal Boarding (outdoors) | NP | NP | NP | NP | |
| Animal hospital/veterinary clinic | P | P | P | P | Y |
| Bank/financial institution | P | P | P | P | |
| Club or lodge, private | P | P | P | P | |
| Daycare center | P | P | P | P | Y |
| Grocery store | P | P | P | P | |
| Health club/fitness center | P | P | P | P | |
| Learning studio (martial arts, visual or performing arts | P | P | P | P | |
| Liquor store | C | P | P | P | |
| Lodging (hotel) | NP | NP | NP | P | |
| Mini-storage | NP | Np | NP | NP | |
| Mortuary/funeral home | C | P | P | P | |
| Motor fuel sales (gas station) | NP | C | C | C | Y |
| Motor vehicle rental/leasing | NP | C | C | C | Y |

| | | | | | |
|---|---|---|---|---|---|
| Motor vehicle repair, auto body shop | NP | NP | NP | NP | Y |
| Motor vehicle dealer (new vehicles) | NP | NP | NP | NP | |
| Movie theater | NP | P | P | P | |
| Outdoor display | P | P | P | P | Y |
| Outdoor storage, equipment and goods | NP | NP | NP | NP | Y |
| Outdoor storage, fleet vehicles | NP | NP | NP | NP | Y |
| Outdoor storage, inoperable vehicles/equipment | NP | NP | NP | NP | |
| Outdoor storage, loose materials | NP | NP | NP | NP | |
| Parking | C | C | C | C | |
| Pawn ship | NP | NP | NP | NP | |
| Restaurants, fast food | C | C | P | P | |
| Restaurants, fast food w/ drive-through | NP | NP | NP | NP | |
| Restaurants, traditional | P | P | P | P | |
| Retail, general and personal service | P | P | P | P | |
| Retail, large format | NP | NP | NP | C | |
| Vertical mixed use | NP | C | P | P | |
| **Industrial Uses** | | | | | |
| Laboratory for research, development and/or testing | C | P | P | P | |
| Light industrial | NP | NP | NP | NP | |
| Limited production/processing | C | P | P | P | |
| Limited warehousing/distribution | C | C | C | C | Y |
| Manufacturing | NP | NP | NP | NP | |
| Warehouse | NP | NP | NP | NP | |
| **Residential Family Living** | | | | | |
| Accessory dwelling unit | P | P | NP | NP | Y |
| Live-work unit | P | P | P | P | Y |
| Manufactured home park | C | C | C | C | |
| Multi-family (≥3 units/building) | C | C | C | C | |
| One-family attached (duplex or twinhome) | NP | NP | NP | NP | |
| One-family attached (townhome or row house) | P | P | P | P | |
| One-family detached | C | C | NP | NP | |
| **Residential Group Living** | | | | | |
| Assisted living | C | C | C | C | |
| Nursing home | C | C | C | C | Y |
| State licensed facility for 1-6 persons | C | C | C | C | Y |
| State licensed facility for 7-16 persons | C | C | C | C | Y |
| Student housing | NP | NP | NP | NP | |
| **Civic and Institutional Uses** | | | | | |
| College, campus setting | NP | NP | NP | NP | Y |
| College, office setting | P | P | P | P | Y |
| Community center, library, municipal building | P | P | P | P | |
| Elementary/secondary school | NP | NP | NP | NP | Y |
| Hospital | NP | NP | NP | NP | |
| Place of assembly | C | P | P | P | Y |
| Theater/performing arts center | C | P | P | P | Y |
| **Accessory Uses, Buildings, and Structures** | | | | | |
| Accessibility ramp/other accommodations | P | P | P | P | |
| Bed & Breakfast establishment | C | C | C | C | |
| Communications equipment (TV, shortwave radio)P | P | P | P | P | Y |
| Day care family/group family | P | P | NP | NP | Y |
| Detached garage/off-street parking | P | P | P | P | Y |
| Drive-throughs | NP | NP | C | C | Y |
| Gazebo, arbor, patio, play equipment | P | P | P | P | Y |

| | | | | | |
|---|---|---|---|---|---|
| Home occupation | P | P | P | P | Y |
| Renewable energy system | P | P | P | P | Y |
| Roomer/boarder | P | P | P | P | Y |
| Storage building | P | P | NP | Np | Y |
| Swimming pool, hot tub, spa | P | P | P | P | Y |
| Telecommunication tower | C | C | C | C | Y |
| Tennis/other recreational court | P | P | P | P | Y |
| **Temporary Uses** | | | | | |
| Temporary building for construction purposes | P | P | P | P | Y |
| Sidewalk sales, boutique sales | P | P | P | P | Y |
| Portable storage container | P | P | P | P | Y |
| **Utilities/Transportation Uses** | | | | | |
| Essential services | P | P | P | P | |
| Park-and-ride facility | NP | P | P | P | |
| Transit Center | NP | P | P | P | |

(Ord. 1483, 10/26/2015)

# CHAPTER 1006
# EMPLOYMENT DISTRICTS

SECTION:

1006.01: Statement Of Purpose
1006.02: Design Standards
1006.03: Table Of Allowed Uses
1006.04: Office/Business Park (BP) District
1006.05: Industrial (I) District

## 1006.01: STATEMENT OF PURPOSE

The employment districts are designed to foster economic development and redevelopment and to enhance opportunities for business expansion and growth. They are also intended to:

A. Encourage reinvestment, revitalization, and redevelopment of retail, office, and industrial properties to maintain a stable tax base, provide new living-wage job opportunities, and increase the aesthetic appeal of the city;
B. Encourage appropriate transitions between higher-intensity uses within employment centers and adjacent lower-density residential districts; and
C. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm.

## 1006.02: DESIGN STANDARDS

The following standards apply to all development within the employment districts.

A. Landscaping: All yard space between the building setback line and the street right-of-way line not utilized for driveways, parking of vehicles, or pedestrian elements shall be landscaped with grass, trees, and other landscape features as may be appropriate.
B. Entrance Orientation: At least one building entrance shall be oriented to the primary abutting public street. The entrance must have a functional door. Entrances shall be clearly visible and identifiable from the street.
C. Materials: All exterior wall finishes on any building must be a combination of the following materials: No less than 60% face brick; natural or cultured stone; textured pre-cast concrete panels, pre-colored or factory stained or stained on site textured concrete block; stucco; glass; fiberglass; or similar materials and no more than 40% pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other new materials of equal quality to those listed may be approved by the Community Development Department.
D. Overhead Doors: Overhead Doors shall be located on rear or side facades
E. Rooftop Equipment: Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent
streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being

served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would
interfere with system operations.

F. Service Areas and Mechanical Equipment: Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than 10 feet to the street side of a building.
(Ord. 1435, 4-8-2013) (Ord. 1494A, 2/22/2016)

## 1006.03: TABLE OF ALLOWED USES

Table 1006-1 lists all permitted and conditional uses in the employment districts.

A. Uses marked as “P” are permitted in the districts where designated.
B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
C. Uses marked as “NP” are not permitted in the districts where designated.
D. “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

| **Table 1006-1** | **O/BP** | **I** | **Standards** |
|---|---|---|---|
| **Office and Health Care Uses** | | | |
| Office | P | P | |
| Clinic, medical, dental, or optical | P | NP | |
| Hospital | C | NP | |
| Office showroom | P | P | |
| College or post-secondary school, office-based | P | P | |
| **Manufacturing, Research, and Wholesale Uses** | | | |
| Artisan workshop | NP | P | Y |
| Asphalt plant, batch or other | NP | NP | |
| Catering establishment | NP | P | |
| Concrete plant, batch or other | NP | NP | |
| Contractor's yard | NP | P | |
| Crushing of aggregate as a principal use | NP | NP | |
| Fertilizer plant | NP | NP | |
| Laboratory for research, development, and/or testing | P | P | |
| Leather and fur tanning, curing, finishing, and dyeing | NP | NP | |
| Limited production and processing | P | P | |
| Limited warehousing and distribution | P/C | P | Y |
| Manufacturing and processing, no outdoor activities/ | NP | P | Y |
| Manufacturing and processing, outdoor activities/ | NP | C | Y |
| Outdoor Display | P | P | Y |
| Outdoor storage, equipment and goods | C | P | Y |
| Outdoor storage, fleet vehicles | P | P | Y |
| Outdoor storage, inoperable/out of service vehicles or equipment | C | P | Y |
| Outdoor storage, loose materials | NP | C | Y |

| | | | |
|---|---|---|---|
| Manufacturing and processing of clay products, structural such as brick, fire brick, tile, and pipe | NP | NP | |
| Manufacturing of insecticides, fungicides, disinfectants, and related industrial and household chemical compounds | NP | NP | |
| Metal casting or foundry | NP | NP | |
| Metals, precious and rare, reduction, smelting and refining | NP | NP | |
| Parking | C | C | Y |
| Petroleum refinery | NP | NP | |
| Printing | P | P | |
| Pulp processing plant (paper mill) | NP | NP | |
| Recycling center | NP | P | |
| Salvage or junk yard | NP | NP | |
| Slaughtering of animals | NP | NP | |
| Tire plant or tire recapping plant or facility | NP | NP | |
| Warehousing and distribution | NP | P | |
| Wholesale establishment | P | P | |
| Wood treatment plant | NP | NP | |
| **Commercial Uses, Personal** | | | |
| General retail sales and personal service*** | P | NP | Y |
| Animal boarding, animal day care, kennel | NP | P | Y |
| Animal hospital, veterinary clinic | P | NP | Y |
| Bank, financial institution | P | C | |
| Building materials sales, lumberyard | NP | P | |
| Day care center | P | NP | Y |
| Health club, fitness center | C | NP | |
| Learning studio (martial arts, visual/performing arts) | P | NP | |
| Lodging: hotel, motel | P | P | |
| Mini-storage | NP | P | |
| Motor fuel sales, gas station (includes repair) | C | P | Y |
| Motor vehicle repair, large | NP | P | |
| Motor vehicle dealer, rental/leasing | NP | C | Y |
| Restaurant, fast food | P | NP | Y |
| Restaurant, traditional | P | NP | |
| **Utilities and Transportation** | | | |
| Essential services | P | P | |
| Park-and-ride facility | C | C | |
| Transit center | C | C | |
| **Accessory Uses, Buildings, and Structures** | | | |
| Accessory buildings for storage of business supplies and equipment | P | P | Y |
| Accessibility ramp and other accommodations | P | P | |
| Caretaker's dwelling | C | C | |
| Drive-through facility | C | NP | Y |
| Off-street parking spaces | P | P | Y |
| Telecommunications tower | C | C | Y |
| Renewable energy system | P | P | Y |

(Ordinance 1427, 7-9-2012)

## 1006.04: OFFICE/BUSINESS PARK (BP) DISTRICT

A. Statement of Purpose: The Business Park District is designed to foster the development of business parks that integrate complementary employment and related uses in an attractive, efficient and functional environment. The district is also intended to:
   1. Provide readily accessible services for employees;
   2. Provide pedestrian, bicycle, and transit connections to and through the business park;
   3. Maintain and improve the quality of the natural landscape within the business park; and
   4. Provide appropriate transitions to surrounding neighborhoods and districts.

B. Design Standards: The standards in Section 1006.02 shall apply, with the following additions:
   1. Integrated Design: In the design of any business park, buildings and complementary uses shall be connected in a logical and cohesive manner by streets, sidewalks, trails, open space, and natural areas that combine to create a pedestrian-friendly environment. A pattern of blocks and interconnected streets is preferred.
   2. Four-sided Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.
   3. Maximum Building Length: Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.

C. Dimensional Standards:

| **Table 1006-2** | |
|---|---|
| Minimum lot area | 20,000 Square Feet |
| Minimum lot width | 60 Feet |
| Maximum building height | 60 Feet[a] |
| Minimum front yard building setback | See frontage requirement (E) |
| Minimum side yard building setback | 10 Feet<br>40 Feet from residential lot boundary |
| Minimum rear yard building setback | 10 Feet<br>40 Feet from residential lot boundary |
| **Minimum Parking Setbacks** | |
| Front yard | Equal to front yard building setbacks |
| Side or rear yard | 5 Feet[b]<br>40 Feet from residential lot boundary |

a Increased building height allowed as a conditional use.
b The Community Development Department may waive the minimum side and/or rear yard parking setbacks when parking facilities are to be shared with adjoining Employment Districts properties.

(Ord. 1411, 6-13-2011)

D. Improvement Area: The improved areas, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total development parcel area.

E. Frontage Requirement: A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:
   1. At least 50% of the street frontage shall be occupied by building facades placed within 20 feet of the front lot line. No off-street parking shall be located between the facades meeting this requirement and the street.

2. At least 60% of the street frontage shall be occupied by building facades placed within 65 feet of the front lot line. Only one row of parking and a drive aisle may be placed within this setback area.
3. At least 70% of the street frontage shall be occupied by building facades placed within 85 feet of the front lot line. Only two rows of parking and a drive aisle may be placed within this setback area.

## 1006.05 INDUSTRIAL (I) DISTRICT

A. Statement of Purpose: The Industrial District is designed to provide suitable sites for manufacturing, assembly, processing, warehousing, laboratory, distribution, related office uses, and truck/transportation terminals. The district is also designed to:
   1. Minimize any external physical effects of such operations on surrounding less intensive uses;
   2. Encourage and facilitate pedestrian, bicycle, and transit access throughout the industrial areas of the city; and
   3. Encourage development of an attractive and well-landscaped physical environment within the industrial areas of the city.

B. Design Standards: In addition to the standards in Section 1006.02, storage of inoperative vehicles and/or inoperative equipment shall be conducted entirely within an enclosed structure.

C. Dimensional Standards:

| **Table 1006-3** | |
|---|---|
| Minimum lot area | None |
| Maximum building height | 60 Feet |
| Minimum front yard building setback | 30 Feet |
| **Minimum Side Yard Building Setbacks** | |
| Interior | 10 Feet<br>40 Feet from residential lot boundary |
| Corner | 30 Feet from street right-of-way |
| Minimum rear yard building setback | 20 Feet<br>40 Feet from residential lot boundary |
| **Minimum Parking Setbacks** | |
| Front or corner side yard | See parking placement (E) |
| Interior side or rear yard | 5 Feet[a]<br>40 Feet from residential lot boundary |

a The Community Development Department may waive the minimum side and/or rear yard parking setbacks when parking facilities are to be shared with adjoining Employment Districts properties.

(Ord. 1411, 6-13-2011)

D. Improvement Area: The improved areas, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total development parcel area.

E. Parking Placement: When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and 2 rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space.

F. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

(Ord. 1403, 12-13-2010)

# CHAPTER 1007
# INSTITUTIONAL DISTRICT

SECTION:

1007.01: Statement Of Purpose
1007.02: Design Standards
1007.03: Table of Allowed Uses

## 1007.01: STATEMENT OF PURPOSE

The Institutional District is designed to:

A. Permit and regulate a variety of governmental, educational, religious, and cultural uses that provide important services to the community. These uses are not located within a particular geographic area and are often in proximity to lower-density residential districts.
B. Require appropriate transitions between higher-intensity institutional uses and adjacent lower-density residential districts.
C. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.

## 1007.02 DESIGN STANDARDS

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50% or more of building floor area) in the Institutional District. Design standards apply only to the portion of the building or site that is undergoing alteration.

A. Corner Building Placement: At intersections, buildings shall have front and side facades aligned at or near the front property line.
B. Entrance Orientation: Primary building entrances shall be oriented to the primary abutting public street. The entrance must have a functional door. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
C. Vertical Facade Articulation: Buildings shall be designed with a base, a middle and a top, created by variations in detailing, color and materials. A single-story building need not include a middle.
    1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.
    2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.
D. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:
    1. Stepping back or extending forward a portion of the facade;
    2. Variations in texture, materials or details;
    3. Stepbacks of upper stories; or
    4. Placement of doors, windows and balconies.

E. Window and Door Openings:
   1. Windows, doors, or other openings shall comprise at least 60% of the length and at least 40% of the area of any ground floor facade fronting a public street. At least 50% of the windows shall have the lower sill within 3 feet of grade.
   2. Windows, doors, or other openings shall comprise at least 20% of side and rear ground floor facades not fronting a public street. On upper stories, windows, or balconies shall comprise at least 20% of the facade area.
   3. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.
   4. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building facade.
   5. Displays may be placed within windows. Equipment within buildings shall be placed at least 5 feet behind windows.

F. Materials: All exterior wall finishes on any building must be a combination of the following materials: No less than 60% face brick; natural or cultured stone; pre-colored factory stained or stained on site textured pre-cast concrete panels; textured concrete block; stucco; glass; fiberglass or similar materials and no more than 40% pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Under no circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or plain concrete block be acceptable as an exterior wall material on buildings within the city. Other materials of equal quality to those listed may be approved by the Community Development Department.

G. Four-sided Building Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.

H. Special or Object-Oriented Buildings: In some cases, a uniquely designed building may be proposed that is considered outside of these stated Standards due to its purpose, use, design, and/or orientation (e.g. a memorial, special civic function, etc.). If such a building is proposed, then it may be considered independently of these standards and would be subject to final approval by the City Council.

I. Maximum Building Length: Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.

J. Garage Doors and Loading Docks: Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.

K. Rooftop Equipment: Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

L. Dimensional Standards:

| Table 1007-1 | |
|---|---|
| Minimum lot area | No requirement |
| Maximum building height | 60 Feet |
| Front yard building setback (min. - Max.) | No requirement |
| Minimum side yard building setback | 10 Feet where windows are located on a side wall or on an adjacent wall of an abutting property<br>20 Feet from residential lot boundary<br>Otherwise not required |
| Minimum rear yard building setback | 25 Feet from residential lot boundary<br>10 Feet from nonresidential boundary |
| Minimum surface parking setback | 15 Feet from the property line<br>20 Feet from the property line abutting a residential property |

M. Improvement Area: Improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 75%.
N. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.
O. Parking Placement: Where parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space. Screening along side and rear lot lines abutting residential properties is required, consistent with Section 1011.03B.
(Ord. 1435, 4-8-2013) (Ord. 1494A, 2/22/2016)

## 1007.03 TABLE OF ALLOWED USES

Table 1007-2 lists all permitted and conditional uses in the Institutional District.

A. Uses marked as “P” are permitted.
B. Uses marked with a “C” are allowed as conditional uses in the district where designated.
C. A “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

| Table 1007-2 | INST | Standards |
|---|---|---|
| **Civic/Institutional** | | |
| Cemetery | P | |
| College, or post-secondary school, campus | C | Y |
| Community center | P | |
| Emergency services (police, fire, ambulance) | P | |

| Table 1007-2 | INST | Standards |
|---|---|---|
| Government office | P | |
| Library | P | |
| Museum, cultural center | P | |
| Multi-purpose recreation facility, public | P | |
| Place of assembly | P | Y |
| Parking, off-site | C | Y |
| School, elementary or secondary | P | |
| Theater, performing arts center | P | |
| **Transportation** | | |
| Maintenance facility | C | |
| Park and ride facility | C | |
| **Accessory Uses, Buildings, and Structures** | | |
| Accessibility ramp and other accommodations | P | |
| Accessory structure | P | |
| Athletic fields | P | |
| Athletic fields with lights | C | |
| Garden, public or community (flowers or vegetables) | P | Y |
| Gymnasium | P | |
| Portable restroom facilities | P | Y |
| Public announcement system | C | |
| Renewable energy systems | P | Y |
| Swimming pool | P | |
| Telecommunication towers | C | Y |
| Trash receptacle | P | |

(Ord. 1403, 12-13-2010) (Ord. 1427, 7-9-2012)

# CHAPTER 1008
# PARK AND RECREATION DISTRICT

SECTION:

1008.01: Statement of Purpose
1008.02: Design Standards
1008.03: Table of Allowed Uses
(Ord. 1405, 2-28-2011)

## 1008.01: STATEMENT OF PURPOSE

Park and Recreation District apply to public and private lands oriented toward active and/or passive recreational opportunities that are predominantly outdoors. The purpose of the Parks and Recreation district is to establish regulations that will support the natural and manufactured amenities identified in the Roseville Parks and Recreation System Master Plan and Ramsey County Parks and Recreation System Plan, to facilitate high quality recreational experiences elsewhere, and to ensure that such recreational structures and activities are located and arranged so as to minimize potential negative and maximize positive impacts to surrounding properties.

## 1008.02: DESIGN STANDARDS

The following standards shall apply to all new roofed and enclosed buildings and major expansions of similar existing buildings (i.e., expansions that constitute 50% or more of building floor area) in the recreation district. Design standards apply only to the portion of the building or site that is undergoing alteration. (Ord.1405, 2-28-2011)

A. Vertical Facade Articulation: Buildings shall be designed with a base and a top, created by variations in detailing, color, and materials.
   1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.
   2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.
B. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:
   1. Stepping back or extending forward a portion of the facade;
   2. Variations in texture, materials or details; or
   3. Placement of doors, windows, and balconies.
C. Materials: All exterior wall finishes on any building must be one or a combination of the following materials: wood lapsiding or shakes (preferably cedar), face brick, natural or cultured stone, pre-colored or factory stained or stained on site textured pre-cast concrete panels, textured concrete block, stucco, glass, fiberglass or similar materials. In addition to the above materials, accent materials, not exceeding 10% of any exterior building elevation, may include pre-finished metal, cor-ten steel, copper, premium grade wood with mitered outside corners (e.g., cedar, redwood, and fir), or fiber cement board. Other new materials of equal quality to those listed, including the use of commercial grade lap-siding in the Neighborhood Business District, may be approved by the Community Development Department.
D. Dimensional Standards: Recreation facilities, excluding trails or pathways, shall be set

back 20 feet from property lines abutting residential districts.

E. Four-Sided Building Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.

F. Maximum Building Length: Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.

G. Special or Object-Oriented Buildings: In some cases, a uniquely designed building may be proposed that is considered outside of these stated Standards due to its purpose, use, design, and/or orientation (e.g. a memorial, special civic function, etc.). If such a building is proposed, then it may be considered independently of these standards and would be subject to final approval by the City Council.

H. Garages Doors and Loading Docks: Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.

I. Waste and Recycling Areas: Trash storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. The enclosure should be accessible, yet located away from main entries and residential uses. Seasonal trash storage areas shall be screened by a solid board-on-board fence and/or approved landscaping.

J. Buffer Strip: All new active uses (including dugouts, sports fields, park shelters, play structures, and other active park uses), maintenance structures, and parking lots, but excluding trails or pathways, shall be separated from residential uses by a minimum 20-foot wide landscaped buffer. A buffer strip that lies between parking lots, maintenance structures, and/or access roads and a residential use shall include screening of headlights to a minimum height of 42 inches, utilizing a combination of native plants, coniferous/deciduous trees, shrubs, solid board-on-board fencing, and/or landscaped berms. A buffer strip that lies adjacent to all other uses shall include sod or a combination of native plants, coniferous/deciduous trees, shrubs, and/or solid board-on-board fencing.

(Ord. 1405, 2-28-2011) (Ord. 1435, 4-08-2013)

## 1008.03: TABLE OF ALLOWED USES

(Ord. 1405, 2-28-2011)

Table 1008-1 lists all permitted and conditional uses in the Park and Recreation District.

A. Uses marked as “P” are permitted in the Park and Recreation District.

B. Uses marked with a “C” are allowed as conditional uses in the Park and Recreation District, in compliance with all applicable standards. However, uses that are listed as conditional are permitted if the use is consistent with the Roseville Parks and Recreation System Master Plan or the Ramsey County Parks and Recreation System Plan for a particular park and recreation use.

C. A “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

| Table 1008-1 | REC | Standards |
|---|---|---|
| Park and recreation uses | P | |
| Amphitheater | C | |
| Athletic fields with lights | C | |
| Golf course with club house (private or public) | C | |
| Dog park, off-leash | C | |
| Gardens, public or community (flower or vegetable) | P | |
| Sports courts with lights | C | |
| Waterparks/aquatic facilities | C | |
| **Accessory Use, Buildings, and Structures** | | |
| Accessory structures | P | |
| Portable restroom facilities | P | Y |
| Public announcement systems | C | |
| Renewable energy systems | P | Y |
| Telecommunication tower | C | Y |
| Trash receptacles | P | |

(Ord. 1403, 12-13-2010)

# CHAPTER 1009
# PROCEDURES

SECTION:

1009.01: Administrative Deviation
1009.02: Conditional Uses
1009.03: Interim Uses
1009.04: Variances
1009.05: Changes to Approved Plans
1009.06: Zoning Changes
1009.07: Developer Open House Meetings
1009.08: Appeals

## 1009.01: ADMINISTRATIVE DEVIATION

A. Purpose: Administrative deviations are intended to encourage owners of residential properties in LDR-1 or LDR-2 Districts to modernize and improve their properties while maintaining the overall character of the community. This is accomplished by allowing limited encroachments into certain required building and driveway setbacks and/or limited increases in fence height.

B. Exceptions: If any part of a proposal does not meet the requirements for administrative deviation as established in this section, the entire proposal shall be ineligible for administrative deviation approval; all deviations greater than what is described in this section shall adhere to the variance procedure established in Section 1009.04. If the entrance to a driveway with a nonconforming setback is reconstructed as part of a public improvement project or any other public action but is not closer than 2 feet from an interior side property line, the Community Development Department may approve a driveway setback deviation without adhering to the procedure described in Subsection D below.

C. Limitations by Category of Administrative Deviation:

1. Building Setback Deviation: A building setback deviation is a reduction of the required front, rear, interior side, and/or reverse-corner side yard setbacks for principal and/or accessory buildings. A building setback deviation shall not allow the encroachment of a building into public easements or required standard-corner side yard setbacks.
   a. A building setback deviation shall not be allowed for a principal building less than 20 years old. Age of a principal building is calculated by subtracting the year in which the building was constructed from the year of application for administrative deviation. Notwithstanding this age limitation, building setback deviations may be considered for newer homes which cannot be practically used by mobility-impaired occupants.
   b. A building setback deviation shall not allow principal building setbacks of less than 24 feet from front or rear property lines
   c. A building setback deviation shall not allow a principal building setback of less than 3 feet from an interior side property line.
   d. A building setback deviation may allow principal buildings to extend toward a reverse-corner side property line as far as 70 feet from the opposite, interior side property line, provided that the reverse-corner side setback shall not be less than

15 feet. A building setback deviation from a reverse-corner side property line shall not be allowed on parcels created/subdivided after January 1, 2011.

e. A building setback deviation shall not allow an accessory building to be closer than 3 feet to a rear or interior side property line nor closer to a reverse-corner side property line than the principal building.

2. Driveway Setback Deviation: A driveway setback deviation is a reduction of the required interior side yard setback for driveways and parking/turnaround areas.
   a. A driveway setback deviation shall not allow encroachments into the required setback of a driveway at the property line from corner side property lines established in Chapter 703 of the Code.
   b. A driveway setback deviation shall not allow a driveway or parking area/ turnaround setback less than 2 feet from an interior side property line.
   c. A driveway setback deviation shall not allow a driveway or parking area/ turnaround setback less than 10 feet from a corner side property line.
3. Fence Height Deviation: A fence height deviation is an increase of the required fence height limit to allow for better screening and/or noise reduction adjacent to highway rights-of-way, busy commercial areas, or other unusual properties. A fence height deviation shall not allow fences in excess of 8 feet in height.

D. Administrative Deviation Approval Process: The owner of property on which an administrative deviation is proposed shall file an application for approval of the administrative deviation by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed according to the process established in this section.
   1. Hearing and Notification: The Community Development Department shall schedule an administrative hearing with the Administrative Deviation Committee (ADC) to consider the application. The applicant and contiguous property owners shall be notified in writing by the Community Development Department of the time and place of the administrative hearing not less than 5 days prior to such hearing. All property owners receiving notification of the administrative hearing shall be invited to comment on the proposed project and to attend the hearing.
   2. Review of Application: During the administrative hearing described above, the ADC shall review applications for administrative deviation and provide recommendations pertaining to the approval or denial of the request; the Community Development Department may request additional review of applications from other City departments or public agencies.
   3. Decision: After considering any public input and the recommendations of the above parties, the Community Development Department shall have the authority to approve or deny administrative deviation applications.
   4. Appeal: No permits shall be issued for a project requiring an administrative deviation before the expiration of a mandatory 10-day appeal period beginning on the date of the decision of the Community Development Department; notwithstanding the following provisions, appeals of this decision shall adhere to the process established in Section 1009.08.
      a. Appeals may be made by the original applicant or those property owners notified of the administrative hearing pursuant to Subsection D1 above.
      b. If all of those property owners notified of the administrative hearing pursuant to Subsection D1 above indicate to the Community Development Department that they will not appeal the decision, the appeal period may be waived.

E. Considerations for Approval:
   1. Building Setback Deviation: In addition to other requirements of this section, the

ADC shall consider the following factors prior to recommending approval or denial of a building setback deviation:

a. The affect of the proposed project on the functional use of the property;
b. The affect of the proposed project on the enclosed storage on the property;
c. The propensity of the proposed project to create or exacerbate a drainage problem;
d. Whether the proposed building mass would be consistent with that on contiguous properties;
e. The proper scaling and integration of a new roof with the existing roof of the principal building on the property;
f. The affect of the proposed project on the aesthetic quality of the property;
g. Whether the existing garage space on the property accommodates more than one vehicle; and
h. Whether the proposed project places more vehicles adjacent to first floor bedrooms on contiguous properties.

2. Driveway Setback Deviation: In addition to other requirements of this section, the ADC shall consider the following factors prior to recommending approval or denial of a driveway setback deviation:

a. The intended use of the proposed driveway or driveway expansion;
b. The proximity of the proposed driveway to bedrooms on adjacent properties;
c. The potential for the proposed driveway to cause storm water problems on adjacent properties;
d. The aesthetic impact of the proposed driveway; and
e. The incorporation of landscaping and/or fencing to screen the proposed driveway from adjacent properties.

3. Fence Height Deviation: In addition to other requirements of this section, the ADC shall consider the unique circumstances surrounding an applicant's property prior to recommending approval or denial of a fence height deviation.

F. Additional Conditions of Approval: The Community Development Department may add conditions to an administrative deviation approval in order to mitigate the impact(s) of a reduced building or driveway setback on adjacent properties. The Administrative Deviation Review Committee may recommend such conditions but such conditions shall be imposed or remitted at the discretion of the Community Development Department.

## 1009.02 CONDITIONAL USES

A. Purpose: Several land uses and structures have been designated as conditional uses in certain zoning districts; the purpose of the conditional use review process is to ensure that proposed conditional uses will satisfy applicable standards and criteria established for the protection of the public health, safety, and general welfare. Particular conditional uses may be subject to specific requirements in addition to the general standards and criteria pertaining to all conditional uses, and any conditional uses may be approved with conditions considered reasonable and necessary to enhance compatibility with surrounding uses.

B. Applications: The owner of property on which a conditional use is proposed shall file an application for approval of the conditional use by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. In addition, for applications pertaining to City-owned land in a Park and Recreation District, the proposed conditional use shall be reviewed for recommendation by the Parks and Recreation Commission prior to

submission of an application for approval. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108 of this Code. If a proposed conditional use is denied, an application for substantially the same conditional use on the same property shall not be accepted within 1 year of the date of the denial.

C. General Standards and Criteria: When approving a proposed conditional use, the Planning Commission and City Council shall make the following findings:
   1. The proposed use is not in conflict with the Comprehensive Plan;
   2. The proposed use is not in conflict with any Regulating Maps or other adopted plans;
   3. The proposed use is not in conflict with any City Code requirements;
   4. The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
   5. The proposed use will not be injurious to the surrounding neighborhood, will not negatively impact traffic or property values, and will not otherwise harm the public health, safety, and general welfare.

D. Specific Standards and Criteria: When approving the conditional uses identified below, all of the additional, specific standards and criteria shall apply.

1. Animal Boarding, Animal Day Care, Kennel: If outside exercise runs or other outdoor activities are contemplated, the following standards shall be met:
   a. Outdoor dog runs or exercise areas shall be located at least 100 feet from a residentially zoned property or property in residential use or shall have, at the time of application for conditional use approval, the written support of all owners of such properties within 100 feet; and
   b. Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material.
2. Bank, Financial Institution: There are no specific standards for this use.
3. Bed and Breakfast Establishment:
   a. The use shall only be conducted in a one-family dwelling and shall be limited to a maximum of 4 sleeping rooms.
   b. Breakfast is the only meal that may be served, and it shall be limited to registered guests.
   c. Length of stay shall not exceed 21 consecutive days for each registered guest.
4. Building Height Increase: There are no specific standards for increased building height where allowed by the applicable zoning district requirements
5. Caretakers Dwelling: There are no specific standards for this use.
6. College, or Post-secondary School, Campus:
   a. A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.
   b. A campus master plan shall be required to address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus.
7. Communications Equipment - Shortwave Radio and TV Antennas: There are no specific standards for this use.
8. Community Residential Facility, State Licensed, Serving 7-16 Persons: there are no specific standards for this use.
9. Day Care Center: There are no specific standards for this use.
10. Day Care Facility, Group Family: There are no specific standards for this use.
11. Dormitory: There are no specific standards for this use.

12. Drive-through Facilities:
    a. Drive-through lanes and service windows shall be located to the side or rear of buildings and shall not be located between the principal structure and a public street, except when the parcel and/or structure lies adjacent to more than one public street and the placement is approved by the Community Development Department.
    b. Points of vehicular ingress and egress shall be located at least 60 feet from the street right-of-way lines of the nearest intersection.
    c. The applicant shall submit a circulation plan that demonstrates that the use will not interfere with or reduce the safety of pedestrian and bicyclist movements. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with on site parking/circulation.
    d. Speaker box sounds from the drive-through lane shall not be loud enough to constitute a nuisance on an abutting residentially zoned property or property in residential use.
    e. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
    f. A 10-foot buffer area with screen planting and/or an opaque wall or fence between 6 and 8 feet in height shall be required between the drive-through lane and any property line adjoining a public street or residentially zoned property or property in residential use and approved by the Community Development Department.
13. Garden, Public or Community (flower or vegetable),greater than 10,000 square feet: There are no specific standards for this use.
14. Grocery Store: There are no specific standards for this use.
15. Health Club, Fitness Center: There are no specific standards for this use.
16. Hospital: There are no specific standards for this use.
17. Learning Studio: There are no specific standards for this use.
18. Limited Warehousing and Distribution: 9 or greater pick-up, cargo, and/or cube variety fleet delivery/distribution trucks. There are no specific standards for this use. 19. Liquor Store: There are no specific standards for this use.
20. Live-work Unit:
    a. The work space component shall be located on the first floor or basement of the building, and shall have an entrance facing the primary abutting public street.
    b. The dwelling unit component shall be located above or behind the work space, and shall maintain a separate entrance which is located on the front or side facade and accessible from the primary abutting public street.
    c. The work space component of the unit shall not exceed 50% of the total gross floor area of the unit.
    d. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit which would require the building to be classified as a mixed-use building shall not be allowed.
    e. The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a

wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business, or auto service or repair for any vehicles other than those registered to residents of the property.

21. Maintenance Facility: There are no specific standards for this use.
22. Manufactured Home Park:
    a. Minimum Dimensional Standards:

| **Table 1009-1** | |
|---|---|
| Lot area | 5,000 Square feet |
| Lot width | 50 Feet |
| Lot depth | 100 Feet |
| Front yard setback | 20 Feet |
| Side yard | 10 Feet |
| Rear yard | 15 Feet |
| Setback from public right-of-way | 50 Feet |
| Setback from exterior boundary | 25 Feet |
| Distance between mobile homes | 20 Feet |
| Setback from permanent ponding area | 75 Feet |

    b. Sidewalks: A concrete sidewalk at least 3 feet 6 inches wide shall be built and maintained by the owner or operator providing access to all mobile home sites, recreational areas, common use buildings, storage areas, and the primary abutting public street.
    c. Lighting: Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities of occupants' use. The manufactured home park grounds, street and pedestrian areas shall be lighted from sunset to sunrise in accordance with a lighting plan approved by the Community Development Department.
    d. Recreation Areas: All manufactured home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located so as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be a minimum of 10% of the land area of the manufactured home park. All equipment installed in such area shall be owned and maintained by the owner or operator of the manufactured home park at the owner or operator's expense.
    e. Landscaping: All areas shall be landscaped in accordance with a landscaping plan approved by the Community Development Department. The following minimum landscaping requirements shall be maintained in all manufactured home parks:
        i. Each lot shall be properly landscaped with at least one tree and hedge. All yards shall be sodded or planted in grass. There shall be a minimum of 20 trees per gross acre in all areas of a manufactured home park. Trees, grass, and landscape materials shall be properly maintained and replaced, as necessary, to conform to the approved landscape plans and specifications.
        ii. A visual screen, consisting of a compact hedge, redwood fence, coniferous trees or other landscape or fencing materials approved by the Community Development Department shall be installed and maintained around the periphery of the manufactured home park to substantially inhibit eye level vision from the exterior and shall be kept free of rubbish, debris, and weeds.

f. Storm Shelter: A storm shelter structure capable of housing all of the occupants of the manufactured home park shall be constructed in a central location. Such structure shall be of an all masonry construction capable of withstanding 75-mile-perhour winds. Such structure may also house other common facilities such as vending machines, laundry equipment, and ancillary utilities. The design of such structure shall be approved by the Community Development Department.
g. Manufactured Home Stands: Each lot for a manufactured home shall have an area of reinforced concrete 4 inches in depth, of adequate size to accommodate each manufactured home unit. The stand shall not heave, shift, or settle unevenly under the weight of a manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the structure. Anchors or tie downs shall be cast in place at a maximum separation of 12 feet on center and be capable of sustaining a minimum pull of 4,800 pounds per anchor.
h. Skirting: All manufactured home units shall have skirts around the entire manufactured home made of plastic, fiberglass, or other comparable, noncombustible material approved by the Community Development Department and shall be of a permanent color or painted to match the skirted manufactured home so as to enhance the general appearance of the home.
i. Storage Building: A structure shall be provided on the premises to accommodate storable items of manufactured home occupants providing at least fifteen square feet of storage area per manufactured home unit in the manufactured home court. Such storage spaces shall be designed and maintained to provide secure storage for each manufactured home unit; the design shall be subject to approval of the Community Development Department.

23. Manufacturing and Processing, Outdoor Activities/Storage:
    a. Areas of outdoor activity or storage shall not be located between the principal use and the primary public street.
    b. Areas of outdoor activities or storage shall be screened by a solid opaque wall or fence at least 8 feet in height.
    c. Aggregates and other granular materials shall be stored in such a way that prevents erosion.
    d. The Planning Commission and the City Council shall give special consideration to the height of equipment and materials stored outside and its visibility from nearby properties and roadways.
24. Motor Fuel Sales, Motor Vehicle Repair, Body Shop:
    a. Pump Islands and Canopies: The centerline of pump islands (or the outer edge of a pump island canopy, if present) shall be a minimum of 25 feet from a property line.
    b. Driveways: Driveways shall be located a minimum of 50 feet from the street right-of-way lines of the nearest intersection.
    c. Outdoor Display Sales Area: All outdoor display sales areas shall be limited to 250 square feet, shall not be located in pump area, and shall require an Outdoor Display Sales Permit and site plan to be approved by the Community Development Department.
25. Motor Vehicle Rental/Leasing: In commercial and mixed-use districts, motor vehicle rental and leasing businesses may be allowed as tenants in office and office service buildings, meeting the following requirements:
    a. Storage of vehicles on the premises shall be purely an accessory use, and shall not function as display or advertising, and shall not be allowed to alter the appearance and character of the property.
    b. If located in an office building, rental or leasing shall be limited to small vehicles

and the parking spaces, signage, and other visible evidence of the rental or leasing business shall be compatible with the office setting.

i. Small Vehicles: For rental and leasing businesses, a small vehicle is defined as a motor vehicle intended primarily for passenger use and no taller than 7 feet in height and no longer than 20 feet in length.
ii. Parking Spaces: One on-site parking space shall be required for each rental vehicle in addition to the number of parking spaces required in Chapter 1019 of this Code for employees of the rental or leasing business and for other uses on the site or in the same building.
iii. Maintenance and Cleaning: All maintenance and cleaning of vehicles, all equipment for maintenance and cleaning of vehicles, and all trailers or other equipment or devices used for transporting vehicles shall be completely within the principal building or completely screened from eye level of adjacent public streets, residential areas, and from other tenant spaces if the use is in a multi-tenant building.
iv. Storage of Vehicles: Storage of vehicles shall not interfere with the safe and efficient access and circulation of vehicles and pedestrians on site.

26. Motor Vehicle Dealer: The sale of new motor vehicles shall be permitted only by a licensed motor vehicle dealer with a new vehicle franchise. The sale of used motor vehicles by a licensed motor vehicle dealer is permitted, but shall only occur in conjunction with on-site new vehicle franchises and the sales of new motor vehicles.
27. Multi-family, Dwellings with 8 or more Units per Building: There are no specific standards for this use.
28. Nursing Home/Assisted Living Facility:
    (Ord. 1405, 2-28-2011)
    a. The yard requirements for multi-family use in the district apply.
    b. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
    c. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.
    d. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
29. Off -site Parking:
    a. Paved pedestrian access shall be provided and maintained between the off-site parking facility and the principle structure.
    b. The off-site parking facility shall be located no further than 300 feet from a residential structure and no further than 500 feet from a non-residential structure. Shuttle service may be provided as an alternative means of access for non-residential uses.
    c. Off-site parking facilities shall be protected by a covenant running with the land and recorded with the County in a form approved by the City Attorney. Such a covenant shall not be revoked without consent of the City. A recorded document shall be provided to the Community Development Department prior to the use of the off -site parking area.
30. One-family Attached Dwelling (townhome, rowhouse): There are no specific standards for this use.
**31.** Outdoor storage: All outdoor storage shall occur on paved surfaces consistent with the

parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. Areas of outdoor storage shall not obstruct required drive aisles or parking stalls. Due consideration shall be given to the aesthetic impacts of the nature of outdoor storage and necessary screening on the surrounding properties.

Equipment and goods: Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Equipment available for rent may be displayed without screening in an area not exceeding 10% of the screened outdoor storage area.

Inoperable/out of service vehicles or equipment: All vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque.

Loose materials: All materials shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Special attention shall be given to the need to control erosion and prevent pollution. Small amounts of materials stored outdoors and available for sale may be displayed in an area without screening.

32. Park and Ride Facility: There are no specific standards for this use.
33. Pawn Shop: There are no specific standards for this use.
34. Place of Assembly: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
35. Renewable Energy Systems: There are no specific standards for this use.
36. Transit Center: There are no specific standards for this use.

(Ord.1418, 10-10-2011) (Ordinance 1427, 7-9-2012)

E. Validation: A conditional use approval shall be validated by the applicant through the commencement of the authorized use or of any necessary construction (subject to the permit requirements of Title 9 of this Code) in support of the conditional use within 1 year of the date of the approval. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the conditional use approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the conditional use approval.

F. Expiration: A conditional use approval shall automatically expire if:
   1. The approval is not validated pursuant to Subsection E; or
   2. A validated conditional use which has become nonconforming ceases operation for a continuous period of 1 year or longer.

G. Recording: A certified copy of a City Council resolution approving a conditional use shall be filed with the Ramsey County Recorder upon validation.

(Ord. 1457, 10-21-2013)

## 1009.03 INTERIM USES

A. Purpose: Certain land uses might not be consistent with the land uses designated in the Comprehensive Land Use Plan, and they might also fail to meet all of the zoning standards established for the district within which they are proposed; some such land uses may, however, be acceptable or even beneficial if reviewed and provisionally approved for a limited period of time. The purpose of the interim use review process is to allow the approval of interim uses on a case-by-case basis; approved interim uses

shall have a definite end date and may be subject to specific conditions considered reasonable and/or necessary for the protection of the public health, safety, and general welfare.

B. Open House Meeting: Prior to submitting an application for a proposed interim use, an applicant shall hold a community open house meeting as described in Section 1009.07 of this Title.

C. Applications: The owner of property on which an interim use is proposed shall file an application for approval of the interim use by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108. If a proposed interim use is denied, an application for substantially the same interim use on the same property shall not be accepted within 1 year of the date of the denial.

D. General Standards and Criteria: When approving a proposed interim use, the Planning Commission and City Council shall make the following findings:
   1. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
   2. The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
   3. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

E. Expiration: An interim use approval shall expire and an approved interim use shall cease, at the earliest of:
   1. 5 years from the date of the approval;
   2. Upon the expiration date established in the approval; or
   3. Upon reaching some other expiration threshold established as a condition of approval.

F. Renewals: If an approved interim use is to be continued beyond the date of its expiration or if an expired interim use is to be reinstated, an applicant shall follow the above process for seeking a new interim use approval. Notwithstanding this requirement, the City Council may approve extensions to the expiration of an approved interim use when:
   1. The approved interim use has not yet commenced; and
   2. The duration of the approved interim use is not to exceed 3 months.

   To request an extension under these circumstances, applicants shall submit to the Community Development Department a written request including an explanation of the factor(s) which necessitate the extension. Within 30 days of receipt of such a request, the matter shall be brought to the City Council for action.

## 1009.04 VARIANCES:

A. Purpose: Each zoning classification indicates specific development standards such as setback and height restrictions. There are occasions, however, when the strict application of such standards may be inappropriate because of unique circumstances to the property. The variance procedure is authorized by MN Stat. 462.357, subd. 6 and is designed to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning. Unique circumstances may include factors such as the size, shape, topography, vegetation, wetlands, or other such characteristics of the land. Variances should not be granted to residential density standards or type of use. (Ord. 1413, 7-18-2011)

B. Applications: The owner of property on which a variance is proposed shall file an application for approval of the variance by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing according to the process set forth in Chapter 108 of this Code. If a proposed variance is denied, an application for substantially the same variance on the same property shall not be accepted within 1 year of the date of the denial. (Ord. 1413, 7-18-2011)

C. Approval: The City 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. In order to approve a variance request, the Variance Board shall find based on the application submitted:
   1. The proposal is consistent with the Comprehensive Plan;
   2. The proposal is in harmony with the purposes and intent of the zoning ordinances;
   3. The proposal puts the subject property to use in a reasonable manner;
   4. There are unique circumstances to the property which were not created by the landowner; and
   5. The variance, if granted, will not alter the essential character of the locality.. (Ord. 1413, 7-18-2011)

D. Validation and Expiration: A variance approval shall be validated by the applicant through the commencement of any necessary construction (subject to the permit requirements of Title 9 of this Code) authorized by the variance within 1 year of the date of the approval. A variance approval shall automatically expire if the approval is not validated pursuant this section. Notwithstanding this time limitation, the Variance Board may approve extensions of the time allowed for validation of the variance approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the variance approval.

## 1009.05 CHANGES TO APPROVED PLANS:

A. Purpose: To provide flexibility in responding to development constraints which were unanticipated during the review of proposals requiring development approval (e.g., conditional use, variance, etc.) by allowing administrative approval of minor changes to the approved location, size, and/or type of site improvements.

B. Minor Changes: The Community Development Department may approve such minor changes upon review by the Development Review Committee to ensure that the proposed changes neither cause any aspect of the project to fail to comply with applicable Code requirements nor materially change any important representations made to the City and surrounding residents during the original review and approval process.

C. Major Changes: If the Development Review Committee determines that a proposed change cannot be considered as a minor change, such change may be considered either as an amendment to the original plan or as a new proposal; in either case, the applicant shall follow the process established in this Title for seeking a new approval of the appropriate type.

## 1009.06 ZONING CHANGES

A. **Amendment:** An Amendment to a Zoning Ordinance or map ("Official Zoning Map") may be initiated by the governing body (City Council), the planning agency (including

the Community Development Department), a property owner, or by petition of affected property owners as defined in the City's Zoning Ordinance. The purpose of the zoning change review process is to consider such changes for approval where they would be consistent with the guidance and intent of the Comprehensive Plan and would not be injurious to the public health, safety, and general welfare.

B. Open House Meeting: Prior to submitting an application for a proposed zoning map change, an applicant shall hold a community open house meeting as described in Section 1009.07 of this Title.

C. Applications: The owner of property on which a zoning change is proposed shall file an application for approval of the zoning change by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108. If a proposed zoning change is denied, an application for substantially the same zoning change on the same property shall not be accepted within 1 year of the date of the denial.

D. Petitions: A petition containing the signatures of at least 50% of the property owners within the public hearing notification area for a particular piece of property may be submitted as an application for approval of a zoning change when none of the petitioners is the owner of said property.

Such an application-by-petition, along with a letter detailing the reasons for the requested zoning change, and the fee set forth in Chapter 314 of this Code, shall be submitted to the Community Development Department and shall be reviewed according the same process as established in Subsection C above, including a petitioner-sponsored open house meeting for a proposed zoning map change as required in Subsection B above.

## 1009.07 DEVELOPER OPEN HOUSE MEETINGS

A. Purpose: Certain proposals or applications for development may constitute significant departures from the present or historical use and/or zoning of a property. Prior to submitting an application for approval of an interim use or zoning map change, therefore, an applicant shall hold an open house meeting with property owners in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.

B. Timing: The open house shall be held not less than 15 days and not more than 45 days prior to the submission of an application for approval of a proposal requiring a developer open house meeting and shall be held on a weekday evening beginning between 6:00 p.m. and 7:00 p.m. and ending by 10:00 p.m.

C. Location: The open house shall be held at a public location (not a private residence) in or near the neighborhood affected by the proposal, and (in the case of a parcel situated near Roseville's boundaries) preferably in Roseville. In the event that such a meeting space is not available the applicant shall arrange for the meeting to be held at the City Hall Campus.

D. Invitations: The applicant shall prepare a printed invitation identifying the date, time, place, and purpose of the open house and shall mail the invitation to the recipients in a list prepared and provided in electronic format by Community Development Department staff . The recipients will include property owners within the public hearing notification area established in Chapter 108 of the City Code, members of the Planning Commission and City Council, and other community members that have registered to receive the invitations. The invitation shall clearly identify the name, phone number,

and email address of the host of the open house to be contacted by invitees who have questions but are unable to attend the open house. The invitations shall also include a sentence that is substantially the same as the following:
*This open house meeting is an important source of feedback from nearby property owners and is a required step in the process of seeking City approval for the proposed [zoning map change/interim use], and a summary of the comments and questions raised at the open house meeting will be submitted to the City as part of the formal application.*

E. Summary: A written summary of the open house shall be submitted as a necessary component of an application for approval of a proposal requiring a developer open house meeting. The summary shall include a list of potential issues/concerns and any possible mitigations or resolutions for resolving the issue(s) and/or concern(s). Citizens are also encouraged to submit their own summary of the meeting highlighting concerns/issues and any mitigations and resolutions. A sign-in sheet shall be provided on which citizens may, but are not required, to enter their name and address. The sign-in sheet shall be submitted by the developer with the open house summary.

No later than the date of submission of the application the applicant/developer shall be responsible for mailing a copy of the meeting summary ot all attendees who provided their names and addresses on the sign-in sheet.

## 1009.08 APPEALS

A. An appeal pertaining to a decision of the Variance Board or an administrative ruling of the Community Development Department regarding any interpretation of the intent of this Title, or any administrative action approving or denying an application or request related to any matter addressed in this Title may be filed by any property owner or their agent.
   1. The appeal shall be submitted to the City Manager within 10 calendar days after the making of the order or decision being appealed.
   2. The appeal shall state the specific grounds upon which the appeal is made.
   3. The appeal shall be accompanied by the fee set forth in Chapter 314 of this Code.

B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within 30 days of the receipt of the appeal. The Board of Adjustments and Appeals will reconsider only the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appeals applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion, if that information serves to clarify information previously considered by the Variance Board and/or staff.
   1. Variance Appeals: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s), members of the Variance Board, and to all of those property owners within the public hearing notification area established in Chapter 108 of the City Code, as well as the owner of the subject property.
   2. Administrative Deviation Appeals: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s) and all of those property owners who received notice of the original administrative deviation hearing, as well as the owner of the subject property.
   3. Appeals of Administrative Decisions: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s) as well as the

owner of the subject property.

(Ord. 1403, 12-13-2010)

# CHAPTER 1010
# SIGN REGULATIONS

SECTON:

1010.01: Purpose and Findings
1010.02: Definitions
1010.03: General Provisions
1010.04: Maintenance, Removal of Signs, Fines
1010.05: On-Premise Signs
1010.06: Sign Area Computation
1010.07: Temporary Signs
1010.08: Real Estate Signs
1010.09: Other Signs
1010.10: Dynamic Displays
1010.11: Master Sign Plans

## 1010.01: PURPOSE AND FINDINGS:

A. Purpose: The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the City's goals by authorizing:

1. Permanent signs that establish a high standard of aesthetics;
2. Signs that are compatible with their surroundings;
3. Signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
4. Signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
5. Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
6. Permanent signs that give preference to the on-premise owner or occupant; and
7. Temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.

B. Findings: The City of Roseville finds it is necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further,

the City finds that:

1. Permanent and temporary signs have a direct impact on and relationship to the image of the community;
2. The manner of installation, location, and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;
3. An opportunity for viable identification of community businesses and institutions must be established;
4. The safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location, and appearance of signs that divert the attention of drivers;
5. Installation of signs suspended from, projecting over, or placed on the tops of buildings, walks, or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
6. Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
7. Uncontrolled and unlimited signs, particularly temporary signs that are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
8. Commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
9. The right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location, and number.

## 1010.02: DEFINITIONS

A. Definitions: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this section:

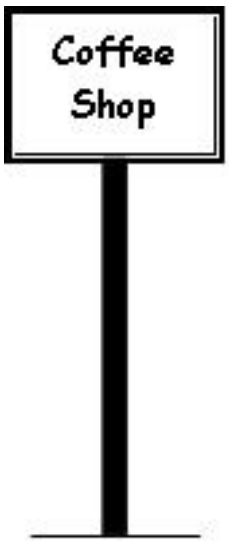
1. SIGN: Any writing, pictorial presentation, number, illustration or decoration, flag, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include the terms “building” or “landscaping,” or any architectural embellishment of a building not intended to communicate information.
2. AREA IDENTIFICATION SIGN: A freestanding sign which identifies the name of, including but not limited to, a residential development, a multiple residential complex, a shopping center or shopping area, a business park, an industrial park, a building complex, or any combination thereof.
3. BALLON: A flexible, nonporous bag inflated with air or a gas lighter than air, such as helium.
4. BUILDING CANOPY OR AWNING: A sign constructed of flexible translucent or fabric-type material that incorporates a written message or logo on the exterior. Building canopies shall be considered part of the wall area and thus

shall not warrant additional sign area.

5. BUILDING COMPLEX: A group of two or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings or uses are located on the same lot or parcel.
6. COMMERCIAL SIGN: Any sign that advertises or identifies a product, business, service, event, or any other matter of a commercial nature, and that seek~~s~~ to draw attention to or promote a commercial, business, or economic interest or activity in contrast to noncommercial signs that expresses an opinion or viewpoint of a social or political nature.
7. CONSTRUCTION SIGN: Any non-illuminated sign that displays information regarding the construction or development of the site on which it is displayed.
8. DIRECTIONAL SIGN: A sign which contains no advertising and is intended to facilitate the safe movement of pedestrians and vehicles into, out of, and around the site on which the sign is located.

Directional Sign

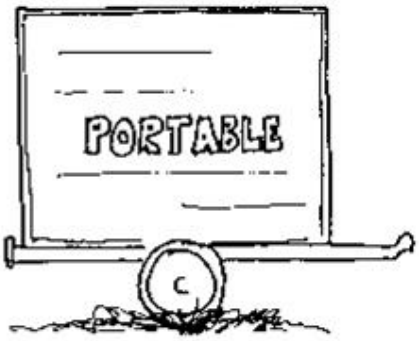
9. DYNAMIC DISPLAY: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink," or any other method or technology that allows the sign face to present a series of images or displays.
10. FLAG: A piece of cloth or bunting varying in color and design, attached to a pole, used as a symbol, standard, emblem or insignia, or containing text other than that associated with a commercial, business, or economic interest or activity.
11. FREESTANDING SIGN: Any sign not affixed to a building including but not limited to a ground sign, pole sign, pylon sign, or monument sign.
12. GROUND SIGN: A sign mounted on the ground attached either to footings or a base with an open space between the ground and the sign face.
13. HEIGHT OF FREESTANDING SIGN: The actual distance from the grade to the highest point of the sign, including any structure or architectural component of the sign.
14. HOME OCCUPATION SIGN: A sign located at a residence advertising a business conducted in the residence or by persons residing in the residence.
15. ILLUMINATION, INTERNAL: A light source within the sign.
16. ILLUMINATION, EXTERNAL: A light source that is not internal to the sign.



Freestanding Sign

17. ILLUMINATED SIGN: A sign on or from which artificial light is directed.

18. LOGO: An identifying graphic that may or may not be a registered trademark.
19. MASTER SIGN PLAN: Written document describing all proposed signs regarding a specific site, development, or complex, submitted by the owner/manager, including all types of signs/signage desired, reviewed, and approved by the City, and shall at a minimum include sign type, location, and size illustrations.
20. MOBILE SIGN (also referred to as Portable Sign): A sign designed or intended to be moved or transported by trailer or on wheels. A sign may be a mobile sign even if it has wheels removed, was designed without wheels, or is attached temporarily to the ground, a structure, or other sign. Signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business.



Mobile (Portable) Sign

21. MONUMENT SIGN: A freestanding sign located directly at grade.
22. NAMEPLATE SIGN: A wall sign that states only the name or address or both of the business or occupant of the lot where such sign is placed. Letters and/or numbers must be at least 4 inches in height, and the maximum sign area shall not exceed 4 square feet.

Monument Signs

23. NON-COMMERCIAL SIGN: Communicative devices that express an opinion or viewpoint of a social or political nature in contrast to commercial signs that seek to draw attention to or promote a commercial, business, or economic interest or activity.
24. NON-CONFORMING SIGN: A sign that lawfully existed prior to June 18, 2012, but does not conform to this chapter.

25. OFF-SITE SIGN: A sign that advertises any business, product, person, event, or service conducted, sold, manufactured, or located off the premises where the sign is located.
26. PAINTED SIGN: A sign painted directly on the outside wall or roof of a building or on a fence, rock, or similar structure or feature in any zoning district.
27. PENNANTS (also referred to as streamer): Pieces of cloth, paper, or plastic that do not include any written or graphical, or other form of copy and are intended to be individually supported or attached to each other by means of rope, string or other material, and are intended to be hung on buildings or other structures or between poles.
28. PERMANENT SIGN: Any sign that is displayed or intended for display for an indefinite period of time.
29. POLE SIGN: A sign that is mounted at or near the top of a single or multiple poles.

30. POLITICAL SIGN: A sign announcing candidates seeking political office or issues to be voted upon at a political election.

31. PORTABLE SIGN: See Mobile Sign.

32. PROJECTING SIGN: A wall sign that protrudes horizontally more than 1 foot from the wall to which it is attached.

33. PYLON SIGN: A freestanding sign supported by its own structure and not attached to any building.

34. READERBOARD SIGN: A sign where the message is changeable with letters or numbers.

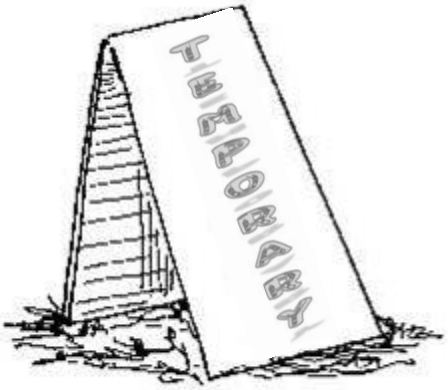
Projecting Sign

35. REAL ESTATE SIGN: Any sign pertaining to the sale, lease, or rental of land or buildings.

36. SEARCHLIGHT: A powerful light or lights equipped with a reflector to produce a bright beam or beams.

37. SPECIAL EVENT DEVICE: Any sign, searchlight, laser display, or other attention-getting device used in conjunction with a special event.

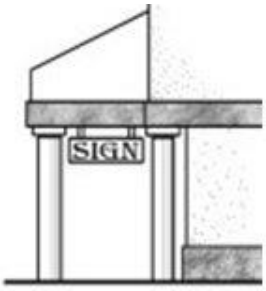
38. TEMPORARY SIGN: A sign that is designed or intended to be displayed for a short period of time and is not permanently installed. This includes A or T - frame signs, sandwich, curb signs, and balloons.



Temporary Sign

39. UNDER CANOPY SIGN: Any sign hanging below a building canopy, awning, or building overhang.

40. UNIFIED DEVELOPMENT: A development of three or more principal structures with common characteristics as determined by the City. Common characteristics may include shared access, similar architecture, single ownership, or history of site plan review approval.

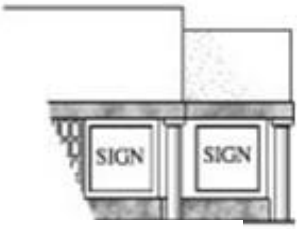


Under Canopy Sign

41. WALL SIGN: A sign constructed on a panel attached to a structure or raised letters or symbols attached to a wall or combination thereof. No part of such a sign is painted on the wall surface.

42. WINDOW SIGN: Any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.

43. WINDSOCK A large roughly conical device open at both ends and attached to a stand by a pivot so that the wind blows through it, not including devices used for navigational purposes.



Window Sign

**1010.03: General Provisions**

A. Permit Required: The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying the required fees, except as herein otherwise provided, including those approved through the Master

Sign Plan process.

B. Exempted Signs: The following signs are exempt from the requirements of this Chapter:

1. Signs erected by a public agency in and/or above or overhanging a public right-of-way.
2. The following signs are permitted in residential districts for non-commercial purposes only: banners, balloons, pennants, spinners, windsocks, streamers, ribbons, whirling devices, or light bulb strands.

C. Prohibited Signs.

1. No sign will be attached to trees or utility poles.
2. No sign will be painted directly on any exterior building surface. Sign letters and symbols may be attached directly to a wall by adhesive or mechanical means.
3. No sign will overhang the public right-of-way, sidewalk easement, walkway easement or bicycle path easement except a bus bench or approved trash container at a designated public transportation pick-up location.
4. No sign will extend above the roof line of a building (roof sign).
5. Projecting signs must not project further than 30 inches from the wall to which they are anchored.
6. No sign will be installed that by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.
7. No sign will noticeably move either by mechanical means (rotating sign) or as a result of normal wind pressure.
8. The following specific signs shall be prohibited: off-site, flashing, mobile/portable, roof, rotating, and painted signs, banners, and billboards.
9. All other signs not expressly permitted by this Chapter.

D. Non-Conforming Signs: All nonconforming signs in existence on June 18, 2012, may continue subject to the provisions of Chapter 1011 of this Title and State Law.

E. Sign Permit Process:

**1.** Permit Application: An application for a sign permit shall be made on the application provided by, or located in the Community Development Department, and state or have attached thereto the name and address of the applicant or person or company that will be erecting the sign; the address/location of the building, structure, or lot on which the sign is to be erected; the written consent of the property owner of the land on which the sign is to be erected; and any other pertinent information the Community Development Department considers necessary. These requirements may be waived by the City Planner where they are not applicable.

**2.** Permit Review: All sign permits will be reviewed by the Community Development Department to determine completeness. Should a permit be deficient in appropriate/applicable items necessary to process the sign permit, an email and/or letter will be composed to the applicant indicating the deficiencies of the permit. No permit will be acted upon until all requested/required

information is submitted/received and/or reviewed.

3. Fees: Every applicant must pay a fee for each sign regulated by this Chapter before being granted a permit.
   a. The City Council will establish the permit fee by resolution.
   b. A double fee will be charged if a sign is erected without first obtaining a permit for such sign.
4. Revocation of Permit: The Community Development Department is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter. Any party aggrieved by such revocation may appeal the action to the Board of Adjustment and Appeals within 10 days after the revocation.
5. Expiration of Permit: A permit expires if the sign is not erected within 180 days after issuance and no permit fees or inspection fees for such sign will be refunded.
6. Inspection: Sign installations for which a permit is required may be subject to inspection by the Community Development Department to ensure that such signs are erected according to the approved permit.

## 1010.04. MAINTENANCE, REMOVAL OF SIGNS, FINES

A. All signs must be maintained by the sign owner in a safe, neat, clean, and attractive condition. A sign must be replaced or refurbished so as to restore the original appearance thereof whenever it begins to fade, chip or discolor, rust, cease to be in good repair, or become unsightly.

B. Removal of signs will be governed by the following:
   1. On-premises signs shall be removed from the building and property by the owner of such property within 14 days after the use is terminated.
   2. Off-premises signs shall be removed within 30 days after discontinuation of use of the sign. A sign shall be considered discontinued if the message is removed, the subject of the message no longer exists, or the sign is not maintained.

C. If the Community Development Department finds that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this Chapter, the sign shall be deemed a public nuisance and abated under Chapter 407.06 of the City Code.

D. Removal of Abandoned Signs, Signs in Disrepair, and Signs Located in Public Right-of-Way.
   1. Abandoned signs and signs in disrepair: An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 10 business days after notification. If compliance with this provision is not met, the matter will be abated through the requirements of Chapter 407 of the City Code.
   2. Signs on public property or within public right-of-way: The city may at any time and without notice impound signs that have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
      a. A fee must be paid to the City as established in city code section 710. For

each subsequent impoundment in a calendar year, the specified fee shall be doubled;

b. The sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and

c. The city may not be held liable for any damage to impounded signs.

E. Fines for Sign without Permit, Illegal /Prohibited Sign, and Perpetual Violation of Code:

1. All signs, including temporary signs, shall have an approved permit prior to installation. Signs installed in any fashion without a permit shall receive a notice to remove within 5 business days of the receipt of a letter from Community Development Department. Should the sign not be removed within the 5 business days, the Community Development Department will issue a fine of $50.00 and another 5 business days to remove. Should the sign remain a fine of $100 will be issued and an immediate request sought. Should the sign not be removed and/or the fine fee not paid, the Community Development Department will thereafter seek compliance through the public nuisance chapter 407 of the City Code. The same fines and process shall be applied to situations where illegal/prohibited signs are installed with or without an approved permit.

2. Those property owners and/or business that have signs deemed a perpetual violation shall be deemed a public nuisance and abated through Chapter 407 of the City Code. For purposes of this Code requirement perpetual violation shall refer to 5 violations in a calendar year.

F. Appeal: Should the property owner, business owner, tenant, renter, and/or proprietor object to the Community Development Director or Designee decision regarding the perpetual violation ruling, an appeal may be filed within 10 days following the receipt of a letter indicating the perpetual violation by the Community Development Director or Designee. The appeal shall follow the requirements listed in Section 1009.08 of this Code.

## 1010.05. ON-PREMISE SIGNS

A. On-Premise Sign: All wall and/or freestanding signs in all districts shall be subject to the following requirements. Signs shall not be permitted within the public right-of-way or easements except on benches and shelters that have received permits as per Section 703.05 of this Code, and newspaper and cabstands, all of which shall be as governed by Chapter 901 and Section 703 of this Code. City, county, state, and federal traffic directional signs are permitted.

**SIGNS ALLOWED IN RESIDENTIAL DISTRICTS**
**LDR-1 and LDR-2 Districts**

| ***Type*** | ***Maximum Number Allowed*** | ***Maximum Sign Area Allowed*** | ***Placement, Location & Height*** | ***Restrictions*** |
|---|---|---|---|---|
| **Home Occupation** | 1 | 6 sq. ft. | On a wall or in front | Non-illuminated |

| | | | | |
|---|---|---|---|---|
| | | | yard w/10 foot minimum setback and 4 foot maximum height | |
| **Nameplate** | 1 | 4 sq. ft. | On wall or in front yard w/10 foot minimum setback and 4 foot maximum height | Internally illuminated |

**MDR, HDR-1, and HDR-2 Districts**

| ***Type*** | ***Maximum Number Allowed*** | ***Maximum Sign Area Allowed*** | ***Placement, Location & Height*** | ***Restrictions*** |
|---|---|---|---|---|
| **Complex "project" Signage** | 1 per complex or residential development | 50 sq. ft. | 15 foot minimum from a property line. 6 foot maximum height. | Can be located on building front or be freestanding. |
| **Nameplate** | 1 for each dwelling group | 24 sq. ft. | On wall or in front yard w/10 foot minimum setback and 4 foot maximum height | Internally Illuminated |

**SIGNS ALLOWED IN COMMERCIAL and MIXED USE DISTRICTS, EMPLOYMENT DISTRICTS, and INSTITUTIONAL DISTRICTS NB, I, and INST Districts**

| ***Type*** | ***Maximum Number Allowed*** | ***Maximum Sign Area Allowed*** | ***Placement, Location & Height*** | ***Restrictions*** |
|---|---|---|---|---|
| **Wall Sign** | Multiple | 1 sq. ft. per lineal foot of tenant space or building front (main public entry as per determination by Community Development Department). | Installed on exterior building wall or facade | Sign area for all sides of building (including fuel canopy) is capped at the Maximum Sign Area Allowed (column 3). |
| **Freestanding Fuel Canopy Signs** | Multiple | ½ sq. ft. per lineal foot of freestanding fuel canopy front (as per determination by Community Development Department) | Installed on exterior of freestanding fuel canopy | Sign area for canopy is capped at the Maximum Size Allowed (column 3) |
| **Freestanding** | 1 on interior | 75 sq. ft. maximum | 15 foot | |

| | | | | |
|---|---|---|---|---|
| **Signs** | lot, 2 on through lot or multiple frontage lot; or as approved w/master sign plan. | for single sided sign or 150 sq. ft. maximum on a double sided sign. | minimum from a property line. 20 foot maximum height | |

**CB, RB, O/BP, and CMU Districts**

| ***Type*** | ***Maximum Number Allowed*** | ***Maximum Sign Area Allowed*** | ***Placement Location*** | ***Restrictions*** |
|---|---|---|---|---|
| **Wall Sign** | Multiple | 1.5 sq. ft. per lineal foot of tenant space or building front (main public entry as per determination by Community Development Department). | Installed on exterior building wall or facade | Sign area for all sides of building (including fuel canopy) is capped at the Maximum Size Allowed (column 3). |
| **Freestanding Fuel Canopy Signs** | Multiple | ½ sq. ft per lineal foot of freestanding fuel canopy front (as per determination by Community Development Department.) | Installed on exterior of freestanding fuel canopy | Sign area for canopy is capped at the Maximum Size Allowed (column 3) |
| **Freestanding Signs** | 1 on interior lot, 2 on through lot or multiple frontage lot; or as approved w/master sign plan. | 100 sq. ft. maximum on a single sided sign or 200 sq. ft. maximum on a double sided sign. | 15 foot minimum from a property line. 25 foot maximum height | |

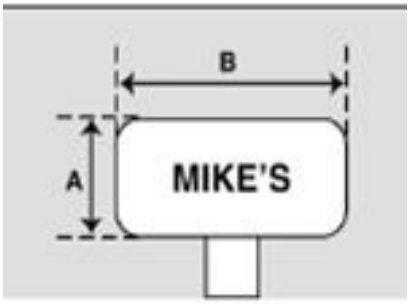
B. Directional Signs: Directional signs may be incorporated into a development including information such as traffic directions, house numbers, management office location, or other information necessary to direct persons to facilities or areas within the development.

1. Directional signs shall not exceed 8 square feet in size and 8 feet in height and are not closer than 1 foot from a public street right-of-way, unless approved as a component of a Master Sign Plan.
2. Off-site directional signs are prohibited.
3. Where applicable, directional signs are required to be incorporated into an approved Master Sign Plan.

(Ord. 1434, Tables - 03/25/13)

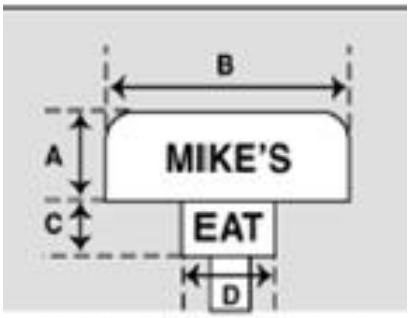
## 1010.06: SIGN AREA COMPUTATION

A. Computation of Sign Surface Area of Individual Cabinet or Panel Sign: To compute the area for a cabinet or panel sign face, compute by means of the smallest square, rectangle, circle, triangle, or combination thereof that will encompass the extreme limit of the copy, representation, logo, emblem, or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is attached or affixed, but not including any support framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the pertinent zoning regulations and is clearly incidental to the display itself.




Area = A X B

B. Computation of Sign Surface Area of Individual Signs Mounted Letters or Symbols: When a sign is composed of individual mounted letters or symbols, the sign surface area shall be determined by means of the total or the smallest contiguous square, rectangle, circle, triangle, or combination thereof that will encompass each letter, representation, logo, emblem, or other display.




Area = (A X B) + (C X D)

C. Computation of Sign Surface Area of Awning or Canopy: To compute the area of an awning or canopy sign, compute by means of the smallest square, rectangle, circle, triangle or combination thereof that will encompass the extreme limits of the copy, representation, logo, emblem or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop.

## 1010.07: TEMPORARY AND ANNUAL SIGNS

A. The Community Development Department may issue a Temporary Sign Permit or an Annual Sign Permit for temporary and/or semi-permanent signs in commercial, employment, and institutional districts, subject to the following requirements:

1. Temporary and Annual signs shall be comprised/constructed of durable all-weather materials (such as but not limited to plywood, coreaplast [plastic foam-core] alumacore, and polycarbonate [Lexan]) mounted to the building wall or they may be freestanding.
2. Type: Temporary and/or annual signs shall be A or T-frame, sandwich, fabricated and/or a manufactured sign on stands or posts, or a type/style approved by the Community Development Department.
3. Size: The surface area of any temporary sign shall not exceed 32 square feet.

This area shall be in addition to permanent, window, or other signage allowed elsewhere in this Chapter.

4. Duration: During any calendar year temporary signs, such as grand opening signs, special event signs, and other similar signs may be in place no more than 60 days, which duration may be broken into multiple events/days not exceeding a total of 60 days per calendar year. Annual signs shall be allowed for a full calendar year and may be renewed annually with an approved permit.
5. Number: A use shall be limited to two temporary signs, and/or a single annual sign, and the City reserves the right to limit/regulate, through the Temporary Sign Permit, the number of temporary signs on multi-tenant, malls, and/or unified development sites.
6. Location: Freestanding temporary signs shall be located on private property and outside the public right-of-way.
7. Penalty: All temporary and/or annual signs that do not have a permit, and/or not in compliance with the requirements listed above, and/or have violated their approval (permit), shall be subject to a $50 fine and prescribed in Section 1010.04E .
8. Temporary Sign Permits may be issued for one or more events on a single permit as long as each events date/duration is specific on the permit.

B. Other approved attention getting devices:

1. The Community Development Department may issue a Temporary Attention Getting Device Permit for attention getting devices such as searchlights, balloons, pennants/streamers, or inflatables (or others as approved by the Community Development Department).
2. Balloons shall not exceed 2 feet in diameter, be limited to an inflatable height of 20 feet, be limited to a grouping of no more than 5, and not be permitted more than 15 days or 5 events (whichever is less) per calendar year.
3. Inflatables shall be limited to 24 square feet in size, a maximum height of 6 feet, be ground mounted, and not be permitted more than 15 days or 5 events (whichever is less) per calendar year.
4. Searchlights must not be directed into residential areas or onto streets and are not to be permitted more than six days per calendar year, and a site/property is limited to one searchlight unit per event.

## 1010.08: REAL ESTATE SIGNS

A. The Community Development Department may issue a sign permit for the sale, rental, and/or leasing of a property in the medium and high density residential, commercial, employment, and institutional districts as listed below:

B. Within low, medium, and high density residential zoning districts, temporary real estate signs shall comply with the following requirements:

1. 6 square foot maximum area
2. 6 foot maximum height
3. One sign per property

4. Shall be removed within 7 days after execution of rental or lease agreement or the closing of a sale.

C. Within commercial, employment, and institutional zoning districts, temporary real estate signs shall comply with the following requirements:

1. Multi-tenant buildings and unified developments where new signage is requested, said real estate/leasing sign shall be made part of the required Master Sign Plan as require in Section 1010.11 of this chapter.

2. Single tenant buildings shall be allowed a real estate sign not exceeding 32 square feet mounted on the building wall or incorporated into an existing freestanding sign. If it is determined by the Community Development Department that either a wall sign or incorporation into existing freestanding sign is not conducive, the site will be allowed one freestanding real estate not exceeding 32 square feet, limited to 8 feet in height, and setback a minimum of 15 feet from a property line.

3. In situations where the selling, renting, and/or leasing sign is desired on vacant land/property, a freestanding sign not exceeding 32 square feet, limited to 8 feet in height, and setback a minimum of 15 feet from a property line (or as approved by the Community Development Department) shall be allowed.

4. Unless explicitly stated, the number of real estate signs shall be limited to one sign per lot, except multi-fronted or through lots, which may be permitted an additional sign on the second street frontage, or as approved by the Community Development Department.

D. Leasing signs shall be removed within 7 days after execution of rental or lease agreement or the closing of a sale.

## 1010.09: OTHER SIGNS

A. No permit or permit fee shall be required for the following types of temporary signs, however, all other provisions of this Chapter shall apply.

1. Nameplate Signs

2. Construction Signs: Construction signs shall be confined to the site of construction, alteration, or repair and shall be constructed of high-quality material maintained in good repair. No more than one sign is permitted on each street frontage the project abuts. The sign shall be removed within 180 days of the date of the issuance of a building permit for the work. A conditional use permit is required for a contractor sign to remain in place longer than allowed by this subsection. Construction signs are allowed in zoning districts in accordance with the following criteria:

| ZONING DISTRICT | SIZE | HEIGHT | PLACEMENT/SETBACK |
|---|---|---|---|
| LDR1 & LDR2 | 16 sq. ft. | 8 foot maximum | 5 feet from property line/zero if attached to security fence |
| All other Districts | 32 sq. ft. per street frontage | 12 foot maximum | 5 feet from property line/zero if attached to security fence |

3. Flags

4. Garage/Yard Sale Signs: The sign shall only be displayed during the term of the sale and must be removed when the sale is completed.
5. Holiday signs may be displayed over a period not to exceed a total of 60 days per calendar year. The aggregate total area of such signs shall not exceed 50 square feet.
6. Political signs to the extent that the following criteria are met:
    a. In years when a state general election is held, political signs may be posted from August 1 until 10 days following the state general election. Any such signs must be removed by those responsible for their being posted.
    b. In years when no state general election is held, if there is a primary for any office, political signs for all offices may be posted no more than 21days before the primary election. When there is no primary for any office, such signs may be posted not more than 21 days before the general election. All such signs must be removed by those responsible for their being posted within five days following the general election. Said political signs shall not exceed 12 square feet gross area.
    c. Political signs shall be set back at least 15 feet from the outside edge of any street or back of curb of all City and county streets.
    d. Political signs shall not be placed so as to cause a hazard to public safety.
    e. Political signs shall not be placed on any property without permission of the property owner.
    f. Political signs shall not be located on any city owned property.
    g. Signs in violation of the above provisions may be removed by city staff and stored for two weeks. After two weeks, unclaimed signs will be disposed of by the city.
7. Real estate signs to the extent that the following criteria are met:
    a. Low Density Residential 1 and 2 (LDR1 and LDR2) Property: For the purpose of selling, renting or leasing any LDR1and LDR2 property, a real estate sign not in excess of ten square feet in gross surface area in single and two-family districts may be placed within the front yard or in the public street right of way beyond the front yard. No part of the sign shall be closer than 6 feet from the curb. If there is a sidewalk, no part of the sign shall be closer than two feet from the edge of the sidewalk.
8. Security System Signs: Signs identifying the presence of a security or alarm system are allowed not to exceed two square feet.
9. Window Signs: Signs affixed to or painted on windows or placed within 36 inches of a window to be viewed from the exterior of the building shall not occupy more than 25% of the total window area, nor shall they be placed in a location that would block the view into the building from a public street of the clerk's or cashier's area. Under no circumstances shall the total area of window signage exceed ½ the allowable area of wall signage for the affected building.
10. Signs that are affixed to City-owned light poles or standards that contain information advertising the City itself or City events, provided the signs are located in non-residential areas, have been approved by the City Council and City Public Works Director or the Director’s designee. (Ord. 1367, 5-12-2008)

## 1010.10: DYNAMIC DISPLAYS

A. Dynamic Display: Any sign using a dynamic display, in whole or in part, must meet the following operational standards:

   1. Duration: In all districts, the full sign image or any portion thereof must have a minimum duration of 25 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

   2. Transition: In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous repixalization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

   3. Brightness: The dynamic display sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

   4. Dimmer Control: Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

   5. Fluctuating or Flashing Illumination: No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.

   6. Video Display: No portion of any dynamic display sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imager, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, or bands of light or expanding or contracting shapes.

   7. Time and Temperature: A display of time, date, and temperature must remain for at least 60 seconds before changing to a different display. However, individually, the time, date, or temperature information may change no more often than once every 10 seconds.

## 1010.11: MASTER SIGN PLANS

A. Purpose: The purpose of a Master Sign Plan is to establish a fair and equitable process for complex signage situations that accommodate the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.

B. Effect of Master Sign Plan: Upon approval of a Master Sign Plan, all future signs shall conform to the Master Sign Plan. Modifications to the provisions of the Master Sign Plan may be granted only with the approval of an amended Master Sign Plan.

C. Required: A Master Sign Plan is required for:

   1. Building complexes
   2. Multi-tenant structures
   3. Covered mall buildings, shopping centers, or strip malls
   4. Planned unit developments

5. Area identification signs
6. Churches/places of worship/institutions/schools
7. Unified Development

D. Guideline: Where applicable the underlying signage requirements of Section 1010.05 shall be used as the minimum base standard for signage in the proposed Master Sign Plan.

E. Criteria: To assist property owners and their tenants with signage needs, the City has established the following criteria that shall be used in developing, reviewing, and approving each Master Sign Plan.

1. Location: No freestanding sign shall be located closer than five feet to a property line, roadway easement, or other public easement. No freestanding sign shall be erected that, by reason of position, shape, or color, would interfere in any way with the proper functioning or purpose of a traffic sign or signal. No freestanding sign shall be located within the Traffic Visibility Triangle. No freestanding sign shall impede/impair traffic.

2. Quality: All signage shall improve the aesthetics or functional use of the site. All freestanding signs shall include materials that complement the architectural design/existing building materials, including but not limited to face brick, natural or cut stone, integrally colored concrete masonry units/rock faced block, glass, pre-finished metal stucco or similar cementation coating, and/or factory finished metal panels. Landscaping may be integrated into any freestanding sign.

3. Type: All types of signs are permitted except those prohibited by Section 1010.03C of this Chapter.

4. Size: The size of all signage (building wall and free standing) shall be limited to 2 times the maximum allowed under Section 1010.05 of this Chapter

5. Height: The height of any free standing sign shall be limited to 40 feet.

6. Number: The number of freestanding signs shall be reasonably related to the number of access points to public streets and/or the number of tenants within the multi-tenant structure.

F. Master Sign Plan Process: The following has been established by the City of Roseville for reviewing and approving Master Sign Plans:

1. Application Requirements: The property owner, his/her agent/manager, a design, architectural, or consulting firm, or a sign company, acting on behalf thereof, shall submit a completed Master Sign Plan Application to the Community Development Department. A completed application includes completion of the application form, submittal of all applicable proposed plans and specifications, and the submittal of the required fee as set-forth in Chapter 314 of this Code.

2. Submittal Review: Upon submittal of a Master Sign Plan application, the Community Development Department will review the information provided for completeness and determine whether modifications and/or clarification is necessary. Once an application has been determined complete, the Community Development Department will set the administrative hearing before the Master Sign Plan Committee (MSPC).

3. Establishment of Administrative Hearing and Notice: The Community Development Department will provide notice (postcard) to the applicant and contiguous/effected property owners not less than one week prior to a Master

Sign Plan hearing. The Community Development Department may notify additional property owners if a determination is made that such additional notification is merited.

4. Hearing and Approval: The MSPC shall hold an administrative hearing for each Master Sign Plan proposal, take public comment, and provide a recommendation to the Community Development Director or Designee for approval. The Community Development Director or Designee shall make the final decision and provide written approval of a Master Sign Plan to the applicant.

G. Appeal: Should the applicant or a contiguous property owner object to the Community Development Director or Designee decision on the Master Sign Plan, an appeal may be filed within 10 days following the administrative decision by the Community Development Director or Designee. The appeal shall follow the requirements listed in Section 1009.08 of this Code.
(Ord. No. 1425, 6-18-2012)

# CHAPTER 1011
# PROPERTY PERFORMANCE STANDARDS

SECTION:

1011.01: Statement of Purpose and Applicability
1011.02: Environmental Regulations in All Districts
1011.03: Landscaping and Screening in All Districts
1011.04: Tree Preservation and Restoration in All Districts
1011.05: Lot Controls in All Districts
1011.06: Visibility Triangles in All Districts
1011.07: Height Exemptions in All Districts
1011.08: Fences in All Districts
1011.09: Essential Services in All Districts
1011.10: Solar Energy Systems in All Districts
1011.11: Additional Standards in All Non-LDR Districts
1011.12: Additional Standards for Specific Uses in All Districts

## 1011.01: STATEMENT OF PURPOSE AND APPLICABILITY

A. This Chapter establishes requirements pertaining to:
   1. Environmental regulations in all districts
   2. Landscaping and screening in all districts
   3. Tree preservation and restoration in all districts
   4. Lot controls in all districts
   5. Visibility triangles in all districts
   6. Height exemptions in all districts
   7. Fences in all districts
   8. Essential services in all districts
   9. Solar energy systems in all districts
   10. Additional standards in all non-LDR districts
   11. Additional standards for specific uses in all districts

B. The purpose of this Chapter is to establish regulations of general applicability to property throughout the City, to establish regulations for certain specific uses that are allowed in multiple districts, to promote the orderly development and use of land, minimize conflicts between uses of land, and protect the public health, safety, and welfare. The regulations set forth in this Chapter shall apply to all structures and uses of land, except as otherwise provided in this Title.

## 1011.02 Environmental Regulations in All Districts:

A. Statement of Purpose: The purpose of this Section is to establish standards for activities within all zoning districts that have the potential to affect the natural environment or the livability of residential or employment areas.

B. Compliance: All uses must comply with the environmental standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard will apply. All

applicants for building permits in non-residential districts and/or non-residential uses shall demonstrate compliance with the performance standard set forth in this Section. An application for building permit shall not be deemed complete until a showing by the applicant that they meet the standards herein.

C. In General: All uses shall be conducted so as to prevent any nuisance, hazard or commonly recognized offensive conditions, including creation or emission of noise, smoke and particulate matter, toxic or nontoxic matter, odors, vibrations, glare or heat, and the use of explosives.
   1. Noise: Any use established shall be so operated that no noise resulting from said operation which would constitute a nuisance is perceptible beyond the premises. This does not apply to incidental traffic, parking and off-street loading operations.
   2. Smoke And Particulate Matter: The emission of smoke or particulate matter is prohibited where such emission is perceptible beyond the premises to the degree as to constitute a nuisance.
   3. Toxic Or Noxious Matter: No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located, toxic or noxious matter of such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.
   4. Odors: The emission of odorous matter in such quantities as to be readily detectable beyond the boundaries of the immediate site is prohibited.
   5. Vibrations: Any use creating periodic earthshaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be prohibited if such vibrations are perceptible beyond the boundaries of the immediate site.
   6. Glare or Heat: Any operation producing intense glare or heat shall be performed within a completely enclosed building.
   7. Explosives: No activities involving the storage, utilization or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically licensed by the city council. Such materials shall include, but not be confined to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDS, tetryl and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium.

## 1011.03 Landscaping and Screening in All Districts:

A. Landscaping Generally:
   1. Purpose. The City recognizes the aesthetic, ecological, and economic value of landscaping in both the natural and built environments, and has established minimum landscaping and screening requirements applicable throughout the City to serve the following objectives:
      a. Protect the health, safety, and general welfare of the community;
      b. Deter crime through the use of good environmental design practices;
      c. Promote the reestablishment of vegetation in the community for aesthetic, health, and wildlife reasons;
      d. Improve ground water quality;
      e. Reduce storm water runoff;
      f. Promote compatibility between land uses by reducing the visual, noise, dust, and lighting impacts of specific development on users of the site and abutting uses;

g. Aid in energy conservation by providing shade from the sun and shelter from the wind;
h. Safeguard and enhance property values;
i. Encourage a resourceful and prudent approach to urban development and break up expanses of paved areas and provide surface shade;
j. Provide incentives for creative land use and good site design which preserves existing trees and maintenance of existing vegetation; and
k. Provide an objective method for the replacement of trees.

2. Applicability: The Community Development Department may require additional landscaping or alter the placement of the landscaping as deemed appropriate.
3. Minimum Landscape Requirements:
   a. All open areas of a lot that are not used for buildings, parking or circulation areas, patios, or storage shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover materials, and other site design features to ensure soil stabilization. This shall not apply to undisturbed areas retained in a natural state.
   b. All landscaping and site improvements shall be completed within 1 year after the certificate of occupancy has been issued.
   c. An underground sprinkler system shall be installed in all landscaped areas except areas to be preserved in a natural state or where all proposed plant materials are drought-tolerant. Where drought-tolerant plant materials are used, irrigation shall be required only for the 2-year period following the installation and may be accomplished using hoses, water trucks, or other nonpermanent means.
   d. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the subject site, to the immediate perimeter of the structure, parking areas, and along areas to be screened.
   e. The following minimum number of plant materials shall be provided:
      i. One and two-family dwellings constructed after January 1, 2011 shall plant 1 tree per lot in the boulevard. The boulevard tree shall be of a species identified in the City of Roseville Street Tree Master Plan for streets and boulevards and shall be planted according to City requirements.
      ii. Multi-family residential dwellings shall require 1 canopy or evergreen tree per dwelling unit.
      iii. Non-Residential uses shall require the greater of:
         --1 canopy or evergreen tree per 1,000 square feet of gross building floor area; or
         --1 canopy or evergreen tree per 50 lineal feet of site perimeter;
      iv. Up to 25% of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of 2 ornamental trees to 1 canopy or evergreen tree.
      v. Except for one- and two-family dwellings, shrubs shall be required at the greater of the following:
         --6 shrubs per 1,000 square feet of gross building floor area; or
         --6 shrubs per 50 lineal feet of site perimeter.
      vi. In a mixed-use building or development, each use shall be calculated separately to determine minimum landscape requirements.
   f. The City encourages the use of native plant materials that provide interest and color in the winter.
4. Plant Material Standards:
   a. The complement of trees required shall be at least 25% deciduous and at least 25% coniferous. Not more than 30% of the required number of trees shall be

composed of a single species.

b. Minimum Size of Plantings: Caliper inches to be measured 6 inches off the ground.
   i. Canopy tree: 3-inch caliper
   ii. Ornamental tree: 1.5-inch caliper
   iii. Evergreen tree: 6-foot height
   iv. Deciduous or evergreen shrub: 5-gallon pot

5. Method of Installation:
   a. The spacing of trees shall be appropriate to the type of plant species provided. Evergreen shrubs shall be planted in clusters in order to maximize survival.
   b. Visibility triangles shall be maintained as required in Section 1011.06 by selecting and locating landscaping and design features that do not exceed the height limitation in visibility triangles.
   c. All deciduous shrubs and spreading or globe evergreen shrubs shall be moved onto the site in pots. All other plant materials shall be balled and burlapped (B&B) or moved onto the site with a tree spade.
   d. In calculating the required plant material under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number.
6. Alternative Landscape Options: The City encourages the use of special design features such as xeriscaping, raingardens/bioswales, rooftop gardens, native landscapes, integrated pedestrian facilities, and public art. To encourage the use of these special design features the city acknowledges a degree of flexibility may be necessary to adjust to unique situations. This subsection provides such flexibility and presents alternative ways to meet the standards set for in this section. The alternatives provided below are discretionary and are subject to approval of the Community Development Department, unless the development application requires approval by the City Council, in which case the City Council shall approve the alternative landscape plan. Landscape requirements may be modified if the proposal meets any of the following:
   a. It is of exceptional design that includes amenities such as public art, public seating, an outdoor plaza, green rooftop, recreational benefit, and/or transit shelter.
   b. It is deemed equivalent to the minimum requirements of this Section and complies with the purpose and objectives of this Section.
   c. It will allow a site plan that is more consistent with the character of the area.
   d. It will result in the retention of more existing significant trees.
   e. It better accommodates or improves the existing physical conditions of the subject property.
   f. The topography decreases or eliminates the need for visual screening.
   g. It does not reduce the effect of required screening.
   h. Efforts are made to create interest by providing a variety of colors and textures.
7. Required Landscape Plan: With the exception of one- and two-family dwellings, a detailed landscape plan shall be submitted for review and approval by the Community Development Department for all new developments, additions, or modifications to existing developments, or when changes are made to existing landscape plans. Landscape plans shall be prepared by a registered landscape architect or other qualified individual as determined by the Community Development Department. The landscape plan shall be drawn to a scale of not smaller than 1 inch equals 50 feet. The locations and materials which are to be used in landscaping existing and proposed developments shall be clearly drawn and labeled on a

landscape plan. The plan shall, at a minimum, show the following:

a. Boundary lines of the property with accurate dimensions.
b. Locations of existing and proposed buildings, parking lots, roads, and other improvements;
c. Existing topography and proposed grading with contour intervals no greater than 2 feet;
d. Location and diameter of trees and common names of existing trees and shrubs;
e. Planting schedule containing symbols, quantities, common and botanical names, size of plant materials, and root condition;
f. Planting details illustrating proposed locations of all new plant materials;
g. Locations and details of other landscape features including berms, retaining walls, fences, walls, sculptures, fountains, street furniture, lights, courtyards, and planters;
h. Details of restoration of disturbed areas including areas to be sodded or seeded;
i. Location and details of irrigation systems;
j. Details and cross sections of all required non-vegetative screening;
k. Description of the method to be employed for the protection of all existing landscape materials to be saved; and
l. Planting and installation details as necessary to ensure conformance with all required standards.

8. Maintenance: The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this Section and is the responsibility of the owner and tenant of the property on which the materials are required. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this requirement shall be a violation of this Section.
   a. All new landscape plans shall be accompanied by a landscape maintenance plan that includes all initial plant warranties, the plan for mulch restoration, and all pertinent contact information.
   b. Plantings shall be maintained in a neat, healthy condition and comply with the site maintenance plan approved by the Community Development Department. Plantings which have died shall be promptly replaced in accordance with a landscape plan approved by the City for the site.
9. Security:
   a. Landscape Security Required: Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developer, contractor, or property owner shall deposit a security with the City to guarantee compliance with and to indemnify the City for any expenses incurred in enforcing the requirements of this Section.
      i. One- and Two-family Dwellings: Landscape security for detached or attached one- or two-family dwellings shall be a cash escrow in the amount of $500.00.
      ii. All Other Uses: Landscape security for all uses except detached or attached one- or two-family dwellings shall be in a form approved by the Community Development Department and shall be equal to 125% of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing. The estimated cost shall be subject to approval by the City. If the estimated cost submitted by the developer to the City is not approved by the City, the City shall have the exclusive right to determine the estimated cost.
   b. Landscape Inspection: The developer, contractor, or property owner shall request an inspection after the required landscaping has been installed. The Community

Development Department will perform the inspection and determine compliance with the approved landscape plan.

c. Releasing the Security: Upon the determination by the Community Development Department that a landscape installation is consistent with landscape requirements and approved plans, the security shall be released to the developer, contractor, or property owner according to the requirements below.

i. One- and Two-family Dwellings: A required security shall be released upon the successful inspection of the landscape installation. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied obligations.

ii. All Other Uses: The landscape security for all uses except detached or attached one- or two-family dwellings shall be held by the Community Development Department for a minimum of 2 full years beginning upon the successful inspection of the landscape installation. A reduction can be sought after the first year and after an inspection is requested by the developer, contractor, or property owner. If the Community Development Department determines that the landscape is established appropriately, a portion of the security may be released. That part of the security which has not been released at the end of the first year shall be retained and shall secure the remaining obligation to replant trees which are not alive or are unhealthy at the end of the year and to replant missing trees. The entire security may be released 1 year after the replanting of such trees has been satisfactorily completed and the City has certified that those replacement trees are alive and healthy. To be certified as alive and healthy, all of the following conditions must exist:

--No tree shall have sustained mechanical injury to the trunk of a tree causing loss of more than 30% of the bark circumference of the tree at any location along the tree's trunk.

--No tree shall have had soil compacted to 6 inches deep over more than 30% of its root zone.

--No tree shall have had more than 30% of its roots cut for the installation of any utility or for any other purpose.

--No more than 25% of the crown of a tree shall consist of dead branches.

d. None of a security shall be released until the developer's, contractor's, property owner's obligations to indemnify the City for any expenses incurred in enforcing the requirements of this Section are satisfied.

10. Penalties for Violation: Any tree that is visibly damaged, has a root system that has been driven on, or has a root zone in which the soil has been compacted in any way, shall be replaced in accordance to the tree replacement formula found in Section 1011.04G. Also, any person who is not authorized by the City who removes any tree from any public property without first obtaining a permit and any person who fails to replace trees in the manner provided in this subsection shall, in addition to the criminal penalties prescribed by law, be required to pay to the City the estimated cost of tree replacement in the amount determined by the City. Upon determination that this has occurred, the City shall submit a bill for the amount of tree replacement. If that amount is not received by the City within 90 days, such amount shall be assessed as a special assessment on any land located in the City owned by the person violating this Section.

B. Buffer Area Screening: The setback requirements established for uses in each district are intended to act as buffers between those districts and uses, but heightened screening

is appropriate between low-density residential dwellings and more intensive uses. For all new construction in all districts that lie adjacent to or across the street from LDR Districts, therefore, additional screening shall be implemented as required herein.

1. Exception: The requirements in this subsection shall be applied in addition to the preceding general landscaping requirements, except that they shall not apply to Low Density Residential or Park and Recreation Districts.
2. Acceptable Screening: Screening requirements of this Title shall be satisfied through the use of buildings, berms, solid board-on-board fences, walls, planting screens, evergreen trees, hedges, or some combination thereof. If the topography, existing vegetation, permanent structure, or other feature creates a barrier which achieves the standards of this section, they may be substituted.
   a. Screen Fences and Walls: Any screen fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. Such screens shall be at least 6 feet in height and shall be 100% opaque.
   b. Planted Screening: Any planting screens shall consist of healthy plants, shall be at least 6 feet in height, and shall be designed to provide a minimum year round opacity of 80% at the time of installation.
   c. Notwithstanding these requirements, screening along street rights-of-way shall be maintained at a height not less than 3 feet nor more than 4 feet.
3. Maintenance: Screen fences and walls which are in disrepair shall be promptly repaired. Planted screens shall be maintained according to the normal landscape maintenance requirement of Section 1011.03A8

C. Parking Lot Landscape: Off street parking lots with more than 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture. Turf grass is permitted within landscaped areas located around the periphery of a parking lot.

1. Islands are required at the end of each row of cars, where it abuts vehicle circulation aisles or driveways, or every 15 stalls, whichever is less.
2. Islands shall be provided to separate pedestrian and vehicular traffic.
3. All islands shall contain a minimum of 160 square feet and a minimum dimension shall be 5 feet.
4. At least 1 canopy tree shall be provided in each island, in addition to assorted shrubs, perennials, to assorted ornamental grass.
5. Islands shall be prepared with clean soil to a depth of 5 feet and amended to ensure adequate drainage and nutrient and moisture-retention levels for the establishment of plantings.

D. All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought-tolerant plant materials are used exclusively. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

## 1011.04 Tree Preservation and Restoration in All Districts:

A. Intent and Purpose

The City of Roseville recognizes that trees are a significant element of the community given their beauty (adding color and interest to the urban landscape, and being a source of joy and spiritual renewal for many), their importance to the environment (purifying air and water, helping to conserve soil and energy, reduction of noise and energy consumption, and providing valuable habitat for all kinds of wildlife), and their positive

impact on property values (by providing buffering, protection of privacy, and a unique sense of place within neighborhoods).

The purpose of this section is to protect and promote this important resource by:

1. Ensuring trees are protected when they are most vulnerable: during times of development;
2. Establishing reasonable requirements for replacement of significant trees lost due to development;
3. Incentivizing the protection and planting of trees at all times for the benefits they provide;
4. Instituting plan requirements to ensure tree losses can be identified prior to development, and that adequate replacement plantings will occur following land disturbances;
5. Providing for fair, effective, and consistent enforcement of the regulations contained herein.

B. Applicability

1. The regulations in this section shall apply to any individual, business or entity that applies for one of the below permits or approvals.
   a. An application for platting, re-platting, or any lot division application that does not qualify as a minor lot subdivision; or
   b. A building permit application to construct a new principal structure or seeking to expand the footprint of an existing principal structure by more than 50%; or
   c. A demolition permit seeking to remove more than 50% of a principal structure in anticipation of immediate or future redevelopment; or
   d. A grading permit seeking to add, move, or relocate 50 cubic yards or more in all non-Shoreland Management Districts; or 10 cubic yards with the Shoreland Management District.
2. If the Community Development Department determines that pre-application tree removal occurred in order to circumvent the regulations in this section, the Department may require equivalent tree replacement as if a tree preservation plan had been submitted prior to removal. Pre-application tree removal shall be considered removed within two years of application. Any costs to estimate the removal may be charged to the applicant. Said determinations may be appealed to the Board of Adjustment and Appeals under Section 1009.08 of this Title.
3. Activities subject to the provisions of Chapter 1017, Shoreland, Wetland, and Storm Wastewater Management, may require tree preservation beyond that which is required by this section. In all such instances, the more restrictive preservation standard shall apply.
4. In all instances in which submissions by a degreed forester or certified arborist are required, such submissions shall be reviewed and approved by City Staff or contractors with equivalent credentials.

C. Exemptions

The following activities are exempt from the requirements of this section:

1. Tree removal related to city public improvements projects or repairs;
2. Emergency removal of a tree or trees to protect public health

D. Trees Required to be Inventoried

All deciduous trees measuring a minimum of six (6) inches at Diameter Breast Height (DBH), and all coniferous trees that are twelve (12) feet or more in height, shall be identified on the tree preservation plan sets required by this section.

E. Tree Classifications

All trees required to be inventoried shall be assigned a classification as follows:

1. Heritage Trees:

a. All deciduous trees measuring equal to or greater than twenty-seven (27) inches at DBH, and all coniferous trees measuring equal to or greater than fifty (50) feet in height.
b. A smaller tree can be considered a heritage tree if:
   i. A degreed forester or certified arborist determines it is a rare or unusual species or of exceptional quality, or
   ii. If it is specifically used by a developer as a focal point in a development project, and the Community Development Department concurs with the designation given the tree's location, species, and/or likelihood to become a prominent feature of the development.

2. Significant Trees:
   a. All deciduous trees with DBH measurements of twelve (12) inches or greater, but less than twenty-seven (27) inches.
   b. All coniferous trees that are twenty-five (25) feet or greater, but less than fifty-(50) feet in height.
3. Common Trees:
   a. All deciduous trees with DBH measurements of six (6) inches or greater, but less than twelve (12) inches.
   b. All coniferous trees that are twelve (12) feet tall or greater, but less than twenty-five (25) feet in height.
4. Exempt:
   In lieu of one of the above classifications, an inventoried tree may be classified as "Exempt" if a degreed forester or certified arborist certifies that one or more of the following conditions are met:
   a. The tree is identified as an Invasive Species and must be removed;
   b. The tree suffers from a major insect or pathological problem that cannot be resolved;
   c. The tree is experiencing extensive decay or hollow; or
   d. The tree has suffered damage or is in poor condition such that is has a life expectancy of less than ten (10) years.
   e. The tree must be removed to accommodate the installation of public streets, utilities, or storm water ponding areas. Trees classified as exempt based only on this condition shall be clearly identified on plan sets and within the required matrix.

F. Incentive Multipliers

To incentivize the protection and preservation of the most important trees within the community, the following incentive multipliers are to be used against the net preservation or loss shown on a tree preservation plan as required in Section 1011.04(G)

| | |
|---|---|
| 1. Heritage Trees | 2.0 |
| 2. Significant Trees | 1.0 |
| 3. Common Trees: | 0.5 |

G. Tree Preservation Plan Set Required

At the time of application for preliminary plat, grading permit, demolition permit or building permit which includes the demolition of a principal structure; a tree preservation plan meeting the following requirements, or a simplified plan set out as outlined in 1011.04(H), shall be submitted by the applicant (failure to provide a complete tree preservation plan set shall be grounds to deem an application incomplete):

1. The tree preservation plans shall be prepared and signed by a degreed forester or certified arborist.

2. The preparation date of all tree preservation plan components shall not precede the date of application by more than two 2) years.
3. The tree preservation plan set shall consist of four (4) components.
   a. An overall tree inventory including the following information:
      i. Location, diameter, unique identifier, and species of all trees on the site;
      ii. Location, diameter, unique identifier, and species of all adjacent significant trees on adjacent property whose typical root protection zone extends on to the subject property.
      iii. Trees on the subject property shall be tagged and numbered with the unique identifier assigned to the tree as part of the overall tree inventory.
   b. A disturbance plan showing the overall tree inventory in relation to the following and including:
      i. Identification of which inventoried trees are:
         1. Protected, preserved, or undisturbed
         2. Removed or disturbed (the typical root protection zone will be impacted); and
         3. Exempt [per Section 1011.04(E)(4)]
      ii. Proposed grading contours of the site.
      iii. Proposed location of building pads and other impervious surfaces being installed.
      iv. Proposed disturbance zones (due to construction, grading, utility installations and other development activities) as identified by cross-hatching or gray-colored shading on the plan.
      v. Identification of tree protection zones:
         1. At a minimum, plans must identify the typical root protection zone for all inventoried trees except those proposed for removal.
         2. At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less protection than a typical root protection zone.
      vi. Proposed locations and details of tree protection fencing to be installed for all trees to be preserved.
   c. A final planting plan showing:
      i. The final inventory of existing trees to remain on-site following completion of all development activities.
      ii. Location, diameter, and species of all proposed replacement trees in conformance with Section 1011.04(J).
      iii. Location, diameter, and species of all required landscaping as required by Section 1011.03.
   d. A matrix of inventoried trees that meets the following specifications:
      i. Data for each tree shall include:
         1. A unique identification number assigned to each tree that identifies the tree on the preservation plan sets;
         2. The tree's classification as defined in Section 1011.04(E);
         3. The tree's species or common name;
         4. The actual size of deciduous trees at diameter breast height (noting if a tree is a multi-stemmed tree and how many stems exist); and for coniferous trees, the following diameter breast heights based on their classification:
            a. Heritage Coniferous Tree: 18 inches
            b. Significant Coniferous Tree: 12 inches

c. Common Coniferous Tree: 6 inches

5. An indication as to whether the tree is intended for removal, intended to be preserved, or is exempt due to the condition of the tree or the location of the tree in an allowed removal area.

ii. A summary table shall be provided which includes the following:

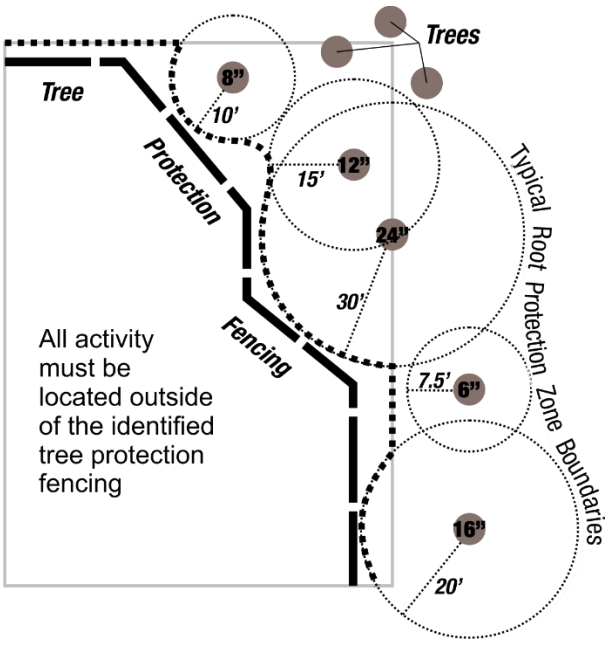
1. The total number of inventoried trees on the site broken down by Heritage trees, Significant Trees, Common Trees, and Exempt Trees;
2. The total number of diameter breast height inches on the site broken down into Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
3. The total number of allowed diameter breast height inches that can be removed without replacement per Section 1011.04(I)
4. The total number of trees in each category being removed;
5. The total number of diameter breast height inches planned for removal broken down by Heritage Trees, Significant Trees, Common Trees, and Exempt Trees;
6. The net diameter breast height inches being preserved or removed in relation to allowed removal of reach tree type;
7. A denotation of the incentive multiplier for each tree type; Heritage Trees (x2), Significant Trees (x1), Common Trees (x0.5) and Exempt Trees (x0).
8. The final product of diameter breast height inches being preserved or removed multiplied by the incentive multiplier;
9. The final sum of removals and credits following consideration of the incentive multiplier. Final numbers reflect caliper inches.

Example Summary Table

| | Number of Trees | Number Of Diameter Inches | Allowed Removal % | Allowed Removal in Inches | Number of Trees Removed | Actual Removal in Inches | Net Removal or Net Preservation | Incentive Multiplier | **Final Caliper Inches** |
|---|---|---|---|---|---|---|---|---|---|
| Heritage | 3 | 120 | 15% | 18 | 0 | 0 | 18 | 2 | 36 |
| Significant | 5 | 60 | 35% | 21 | 2 | -30 | -9 | 1 | -9 |
| Common | 8 | 48 | 35% | 17 | 8 | -48 | -31 | 0.5 | -16 |
| Exempt | 12 | 64 | 100% | 64 | 12 | -64 | 0 | 0 | 0 |
| Total | 28 | 292 | | 120 | 22 | -142 | -22 | | 11 |

H. Tree Preservation Simplified Plan Set

1. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may be submitted when trees do not exist on the site or when no activity is planned within the typical root protection zone of existing trees. Simplified plans, when pre-approved for submittal, shall include the following information:
   a. Location of trees (both on and adjacent to the property) showing required protection zones.
      i. At a minimum, plans must identify the



typical root protection zones for each tree which forms the boundary of vegetation being protected during the proposed activity.

ii. At the discretion of the applicant, greater protection may be provided to individual trees by identifying a tree's unique dripline as the protection zone; in no instance shall a dripline provide less projection than a typical root protection zone.

b. Proposed grading contours of the site (if applicable):

c. Proposed location of building pads and other impervious surfaces being installed;

d. Proposed locations and details of tree protection fencing to be installed for all treed areas to be protected.

2. At the discretion of the Community Development Department, a simplified Tree Preservation Plan may also be submitted when a significant majority of trees will be preserved on a site, and the few trees to be impacted within the area of activity will clearly not exceed allowed removal thresholds.

3. An escrow as required by 1011.04(M) shall still be required for any activity which can be permitted with a simplified Tree Preservation plan set.

I. Allowable Tree Removal

1. In conjunction with platting, re-platting, or any lot division that requires a tree preservation plan, the approved plan shall dictate tree preservation requirements on all new lots until such time as the lots have been developed for their intended purpose.

a. Inventoried trees within right-of-way(s) or easement(s) that are being used for the installation of public streets, utilities, or storm water ponding areas may be removed without required replacement.

b. Of all remaining inventoried trees not exempt per Section 1011.04(I)(1)(a) above, up to 15% of the total DBH-inches of all Heritage trees, up to 35% of the total DBH-inches of all Significant trees, and up to 35% of the total DBH-inches of all Common trees may be removed without tree replacement or restitution subject to the incentive multipliers listed in Section 1011.04(F);

c. The required final planting plan shall identify the final allowed tree removal for each lot within the proposed development.

2. Properties that are subject to the Tree Preservation requirements of Section 1011.04 due to a requested building permit, demolition permit, or grading permit shall determine allowable removal based on the following:

a. If a tree preservation plan set was previously approved for the site within two (2) years of the application date and the proposed activity is in substantial conformance with the approved plan as determined by the Community Development Department, then the approved plan set shall dictate allowed removals on the lot.

b. If a tree preservation plan was previously approved for the site within two (2) years of the application date, but the proposed activity was not authorized by the approved plan as determined by the Community Development Department, then the approved plan shall be updated.

i. The updated plan set shall be administratively reviewed and finalized in conjunction with the triggering permit application;

ii. Additional tree replacement, if deemed necessary, shall become a condition of approval for the application being requested.

iii. The City shall not be responsible to reimburse any party for replanting which has already occurred if the updated plan preserves more trees than initially anticipated.

c. If the subject lot is not party to a previously approved tree preservation plan set,

then a new tree preservation plan in conformance with Section 1011.04(F) (G) or (H) shall be submitted, administratively reviewed, and finalized in conjunction with the triggering permit application.

J. Replacement Tree Specifications

1. The minimum size for Deciduous replacement trees shall be 3-inch caliper, with each caliper inch counting towards one (1) diameter breast height inch required for replacement.
2. The minimum height for Coniferous replacement trees shall be six (6) feet with credits for each replacement tree being in accordance with the following table:

| Height Range (min 6') | Credit Against Required DBH Replacement Inches |
|---|---|
| Less than 8 feet | 1 inch |
| 8 feet to less than 12 feet | 2 inches |
| 12 feet or greater | 3 inches |

3. Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by MN Stat. 18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root stock, provided the trees are planted no later than May 15th in any year, and the planting is inspected by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
4. Replacement trees shall be covered by a minimum 2-year guarantee in accordance with Section 1011.04(M).
5. When heritage trees are removed, replacement trees options shall be as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
6. Replacement trees for significant and common trees may be selected by the applicant, but all final planting plans shall be subject to review and approval by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department, who will determine whether the proposed trees are suitable to the site, are well placed, and accomplish local diversity goals.
7. Replacement trees may be utilized to meet landscaping and screening requirements if placement, species, and location are consistent with those requirements.
8. Replacement Tree Locations. Required replacement trees shall be planted on the site being developed unless doing so is deemed to be impractical (i.e. due to lack of space), inappropriate (available planting areas are not ideal for new plantings or would do little to enhance the site), or counterproductive to a property's intent (i.e. would entail too much screening for a retail business) as determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department. When such a determination is made, the applicant shall comply with replacement requirements in one of two ways:
   a. As directed by the City , required replacement trees may be located on public boulevards or other public lands throughout the City if such lands are deemed to be available with priority given to locations within or near the affected area; or
   b. The City may accept a cash in lieu payment in accordance with the required fee listed in the City Fee Schedule. In no instance shall cash in lieu of payment exceed 10% of the Fair Market Value of the development site.

K. Tree Protection Required

All trees which are to be retained on a site shall be marked and physically protected from harm or destruction caused by soil compaction, equipment and material storage within a tree's identified protection zone, bark abrasions, changes in soil chemistry, out-of-season pruning, and root damage during construction.

1. Before any construction or grading of any development project occurs, a "safety fence" per the approved tree preservation plan shall be erected meeting the following requirements:
   a. Must be at least 4 feet in height and staked with posts no less than every 5 feet.
   b. Shall be placed around the identified protection zone(s) of trees to be preserved per the approved tree preservation plan.
   c. Signs shall be placed along the fence line identifying the area as a tree protection area, and prohibiting development activities beyond the fence line.
2. The tree protection fencing shall remain in place until all grading and construction activity is terminated; failure to maintain tree protection fencing shall be grounds for issuance of a stop work order.
3. No equipment, construction materials, or soil may be stored within the identified protection zone of any inventoried tree to be preserved.
4. Care must be taken to prevent a change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
5. Drainage patterns on the site shall not change considerably causing drastic environmental changes in the soil moisture content where trees are intended to be preserved.
6. Pruning of oak trees and elm trees shall be subject to the following requirements:
   a. Pruning of Oak trees shall not occur from March 15th through July 1st.
   b. Pruning of Elm trees shall not occur from April 1st through August 31st.
   c. On a year to year basis, the City Council may alleviate or extend the above seasonal restrictions by resolution if, in its opinion, the same is necessary for the betterment of city wide oak and elm tree populations.
   d. If pruning of either tree type is absolutely necessary during prohibited timeframes, the city shall be notified before work begins, and the landowner shall be required to seal all wounds with a proper wound sealing paint authorized by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.
7. Unplanned Loss of Trees
   a. Any tree, not previously identified for removal, that is determined by the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department to be destroyed or damaged as a result of development activity shall be replaced at the following rates:

| Category | Replacement Rate |
|---|---|
| Heritage Trees | 2.5 |
| Significant Trees | 1.5 |
| Common Trees | 1.0 |

   b. Unauthorized tree removal which results in mandatory replacement shall require the applicant to prepare or update a final planting plan as required by Section 1011.04(G)(3)(c). Replacement plantings shall only occur once authorized by

the City Forester or other degreed forester or certified arborist as assigned by the Community Development Department.

L. Certification of Compliance with Approved Landscape Plan
Upon completion of construction activity and/or required landscaping, the Developer shall notify the City and request an inspection of the work. Following the inspection, the City shall notify the Developer that additional work is still required, or issue a letter finding that all plantings have been satisfactorily completed. The required warranty period for plantings shall begin on the date of the issued satisfactory completion letter.

M. Warranty Requirement
1. New Development Sites: The Developer shall provide a financial guarantee, in a form satisfactory to the City, prior to the approval or issuance of any permit for land alteration.
   a. The amount of the guarantee shall be 125% of the estimated cost to furnish and plant replacement trees. The estimated cost shall be provided by the Developer subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of replacement trees. The City reserves the right in its sole discretion to determine the estimated cost in the event the Developer's estimated cost is not approved.
   b. The security shall be maintained for at least 2 years after the date that the last replacement tree has been planted. Upon a showing by the Developer and such inspection as may be made by the City, that portion of the security may be released by the City equal to 125% of the estimated cost of the replacement trees which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the Developer's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of the replanting of such trees the entire security may be released.
2. Development or Redevelopment of Existing Lots: The developer shall provide a cash escrow in the amount of $500.00 to guarantee compliance with the requirements of this Ordinance. Said security shall be released upon compliance by the developer to the satisfaction of the City. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied Developer's obligations to indemnify the City for any expenses in enforcing this requirement.
3. The City may retain from the security required above as reimbursement an amount expended by the City to enforce the provisions of this Section.

N. Entry on Private Property and Interference with Inspection
The Community Development Department may enter upon private premises as any reasonable time for the purposes of enforcing the regulations set forth in this Section. No person shall unreasonably hinder, prevent, delay, or interfere with the Community Development Department while engaged in the enforcement of this Section. (Ord. 1490, 12/7/2015)

## 1011.05 Lot Controls in All Districts:

A. Purpose: Lot controls are established to provide for the orderly development and use of land, and to provide for adequate light, air, open space, and separation of uses.

B. Use of Lots: All lots shall be used in a manner consistent with the requirements of this Title and the zoning district in which the property is located. No part of any existing lot shall be used as a separate lot or for the use of another lot, except as may be otherwise

provided in the City Code.

C. Lots of Record:
   1. A lot of record shall be deemed a buildable lot provided it has frontage on a public right-of-way and meets the setback and size requirements for the district in which it is located.
   2. Exception: An LDR-zoned lot of record as of January 1, 2011, which does not meet the requirements of this Title as to area or width, may be utilized for one-family detached dwelling purposes provided the measurements of such lot meets 100% of the front yard, side yard and rear yard setback requirements for the district in which it is located and at least 60% of the minimum lot area and lot width requirements for the district in which it is located.

D. Principal Buildings in LDR Districts: No LDR-zoned lot shall include more than 1 principal building.

E. Principal Buildings in Non-LDR Districts: Lots in non-LDR districts may include more than 1 principal building, provided each building meets all of the requirements, including setbacks, of the district in which it is located.

F. Required Yards: Yard requirements shall be as specified for the zoning district in which the lot is located.

G. Yard Encroachments: The following improvements shall not be considered as encroachments into required yards, provided they conform to the pertinent limitations.
   1. Cornices, canopies, awnings, eaves, gutters, bay windows, and other ornamental features which do not extend more than 3 feet into the required yard.
   2. Chimneys, air conditioning units, fire escapes, uncovered stairs, ramps, and necessary landings which do not extend more than 3 feet into the required yard.
   3. Terraces, steps, uncovered porches and patios, decks, stoops, or similar features which do not extend above the height of the ground floor level of the principal structure or to a distance less than 2 feet from any lot line. Notwithstanding this requirement, patios shall not be less than 10 feet from a street right-of-way.
   4. Fences constructed and maintained in accordance with the applicable provisions of this Title.

## 1011.06 Visibility Triangles in All Districts:

A. Purpose: This section is intended to define and regulate areas around street intersections for the purpose of preserving adequate sight lines for the safety of motorists, cyclists, and pedestrians passing through the intersections. Visibility triangles are described by locating Points A, B, and C as instructed in this Section and connecting these points with straight lines.

B. Applicability: Although the visibility triangles described in this section at least partially overlap land in the public right-of-way, the requirements of this section apply only to the privately owned property (i.e., land which is not in the public right-of-way) that lies within a visibility triangle.

C. Definitions: The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them:
   1. Street X: At an intersection, Street X is the street of higher classification or, if intersecting streets are of equal classification, the primary street as determined by the Community Development Department.
   2. Street Y: At an intersection, Street Y is the street of lower classification or, if intersecting streets are of equal classification, the street which is not determined by the Community Development Department to be the primary street.
   3. Width of Street: The distance in feet measured from back-of-curb to back-of-curb or,

in the absence of a curb, the distance measured perpendicularly from the edge of the paving surface to the opposite edge of the paving surface.

D. Parcels Zoned Low-Density Residential: The visibility triangle for a street intersection adjacent to an LDR-zoned parcel shall be described as follows:
   1. Point A: Located by extending the curb lines (or pavement edges where there are no curbs) of Streets X and Y toward the intersection until the curb lines meet.
   2. Point B: Located on the curb line of Street Y 45 feet from Point A.
   3. Point C: Located on the curb line of Street X 45 feet from Point A.

E. Parcels Not Zoned Low-Density Residential: The regulations in this section shall apply to all private property, except LDR-zoned property, within visibility triangles.
   1. Controlled Street Intersections:
      a. Four-way Stop or Traffic Control Signal: The visibility triangle for a four-way stop or traffic signal controlled intersection shall be described as follows:
         i. Point A: Located at the intersection of the center lines of Streets X and Y.
         ii. Point B: Located on the center line of Street Y at a distance from Point A equal to 1½ times the average of the widths of Street X and Y.

$$Distance\ from\ Point\ A\ to\ Point\ B = \frac{3}{4}(width\ of\ Street\ X + width\ of\ Street\ Y)$$

         iii. Point C: Located on the center line of Street X at a distance from Point A equal to 1½ times the average of the widths of Streets X and Y.

$$Distance\ from\ Point\ B\ to\ Point\ C = \frac{3}{4}(width\ of\ Street\ X + width\ of\ Street\ Y)$$

      b. Three-way Stop: The visibility triangle for a three-way stop at a T-intersection shall be described the same as for the four-way stop.
      c. Two-way Stop: The visibility triangle for a two-way stop controlled intersection shall be described as follows (Street Y has stop control):
         i. Point A: Located at the intersection of the center lines of Streets X and Y.
         ii. Point B: Located on the center line of Street Y at a distance from Point A equal to half the width of Street X plus 15 feet.

$$Distance\ from\ Point\ A\ to\ Point\ B = \left(\frac{width\ of\ Street\ X}{2}\right) + 15\ feet$$

         iii. Point C: Located on the center line of Street X at a distance in feet from Point A given by Table 1011-4 according to the speed limit and width of Street X.

**Table 1011-4**

| **Width of Street X (in feet)** | **Speed Limit of Street X** | | | | |
|---|---|---|---|---|---|
| | **30 mph** | **35 mph** | **40 mph** | **45 mph** | **50 mph** |
| 16 - 20 | 155 | 190 | 220 | 290 | 350 |
| 21 - 25 | 170 | 205 | 245 | 300 | 365 |
| 26 - 30 | 185 | 225 | 265 | 330 | 400 |
| 31 - 35 | 200 | 245 | 290 | 360 | 435 |
| 36 - 40 | 215 | 265 | 310 | 390 | 470 |
| 41 - 45 | 230 | 280 | 330 | 420 | 505 |
| 46 - 50 | 250 | 300 | 355 | 450 | 540 |

| Table 1011-4 | | | | | |
|---|---|---|---|---|---|
| **Width of Street X (in feet)** | **Speed Limit of Street X** | | | | |
| | **30 mph** | **35 mph** | **40 mph** | **45 mph** | **50 mph** |
| 51 - 55 | 265 | 320 | 375 | 475 | 575 |
| 56 - 60 | 280 | 340 | 400 | 505 | 610 |

d. One-way Stop: The visibility triangle for a one-way stop at a T-intersection shall be the same as for the two-way stop.
e. Two-way Yield: The visibility triangle for a two-way yield controlled intersection shall be described as follows (Street Y has yield control):
   i. Point A: Located at the intersection of the center line of Streets X and Y.
   ii. Point B: Located on the center line of Street Y at a distance from Point A equal to half the width of Street X plus 50 feet.

$$Distance\ from\ Point\ A\ to\ Point\ B = \left(\frac{width\ of\ Street\ X}{2}\right) + 50\ feet$$

   ii. Point C: Located on the center line of Street X at a distance in feet from Point A given by Table 1011-5, according to the speed limit of Street X.

| Table 1011.5 | | | |
|---|---|---|---|
| Speed Limit of Street X or Y (in miles per hour) | 30 | 35 | 40 |
| Distance from Point A(in feet) | 110 | 140 | 180 |

f. One-way Yield: The visibility triangle for a one-way yield at a T-intersection shall be described the same as for the two-way yield.
g. Special: The visibility triangle for all other types of controlled intersections shall be described as combinations of the above visibility triangles.

2. Uncontrolled Street Intersections:
   a. Four-leg and Three-leg Intersections: Other than T-intersections, the visibility triangle for these types of intersections shall be described as follows:
      i. Point A: Located at the intersection of the center lines of Streets X and Y.
      ii. Point B: Located on the center line of Street Y at a distance from Point A given by Table 1011-5, according to the speed limit of Street Y.
      iii. Point C: Located on the center line of Street X at a distance from Point A given by Table 1011-5, according to the speed limit of Street X.
   b. T-Intersections: The visibility triangle shall be determined as for T-intersections with a one-way yield.
   c. Roundabout Intersections: No visibility triangle is necessary at roundabout intersections because all traffic circulates in the same counterclockwise direction.
3. Intersections of Streets with Driveways (or Alleys): The visibility triangle for the intersection of a street with a driveway shall be described as follows.
   a. Point A: Located by extending the curb lines (or pavement edges where there are no curbs) of the street and driveway toward the intersection until the curb lines meet.
   b. Point B: Located on the curb line of the driveway 10 feet from Point A.
   c. Point C: Located on the curb line of the street 10 feet from Point A.
4. Intersections of Driveways (or Alleys) with Sidewalks (or Paths): The visibility triangle for the intersection of a driveway shall be described as follows:

a. Point A: Located at the intersection of the driveway and sidewalk.
b. Point B: Located on the edge of the sidewalk 5 feet from Point A.
c. Point C: Located on the curb line (or pavement edge, if no curb is present) of the driveway 5 feet from Point A.

F. Prohibitions: The following restrictions apply to all visibility triangles:
1. No structures shall be erected except for fences, walls, or berms not exceeding 30 inches in height as measured from the top of the curb (or pavement edge where there is no curb) immediately adjacent to the triangle area;
2. No motor vehicle, trailer, or other equipment shall be allowed to park, stand, or stop; and
3. No vegetation shall be planted or allowed to grow higher than 30 inches as measured from the top of the curb (or pavement edge where there is no curb) immediately adjacent to the triangle area.

## 1011.07 Height Exemptions in All Districts:

A. The building and structure height limitations established for each zoning district shall apply to all buildings and structures, except that the following shall be exempt from said height limitation:
1. Church spires
2. Belfries
3. Cupolas and domes which do not contain usable space
4. Monuments
5. Water towers
6. Fire and hose towers
7. Observation towers
8. Flagpoles
9. Electrical transmission towers
10. Chimneys
11. Smokestacks
12. Parapet walls extending not more than 3 feet above the limiting height of the building
13. Cooling towers
14. Grain elevators
15. Elevator penthouses

B. Exception: If, in the opinion of the Community Development Department, such structure would adversely affect adjacent property, such greater height shall not be authorized except by the City Council pursuant to the appeals procedure established in Section 1009.08.

## 1011.08 Fences in All Districts:

A. General Requirements: Fences may be constructed, placed, or maintained in any yard or adjacent to a lot line in accordance with these requirements.
1. The owner of the property upon which a fence is located shall be responsible for locating all property lines prior to constructing said fence.
2. All fence posts and supporting members shall be placed within the property lines of the property on which the fence is located.
3. Fences in front yards shall not exceed 4 feet in height. Notwithstanding this limitation, fences in front yards which are adjacent to the side or rear yards of abutting lots may be as tall at 6.5 feet.
4. Fence height shall be measured from the average grade adjacent to the bottom of the

fence to the top of the fence material. Fence posts may extend an additional 6 inches.

5. All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way.
6. All fences shall be constructed of durable, uniform, weather-resistant, and rust-proofed materials.
7. All fences shall be maintained and kept in good condition.
8. Fences exceeding 4 feet in height shall require a permit from the City.
9. Temporary snow fencing is allowed seasonally, when snow is present, without a permit.
10. Non-residential Fences: In addition to the requirements of this section, fences in all non-residential districts shall conform to the screening requirements of Section 1011.03B of this Chapter.
11. Fencing of Play Areas: For public or private parks and playgrounds located adjacent to a public right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a fence no less than 4 feet in height shall be installed between the facility and the right-of-way.

B. Residential Fences: The following standards shall apply to all fences constructed in any residential zoning district
   1. No fence used for screening or security shall exceed 6.5 feet in height;
   2. Fences shall be comprised of chain-link, wood, plastic, or metal, but shall not be barbed wire, electric, weaved or welded wire
   3. Exception: Weaved or welded wire or mesh fences erected at the periphery of a garden and used to keep unwanted animals out of the garden shall be allowed to a maximum of 8 feet in height.

   (Ord. 1436 5-13-13)

## 1011.09 Essential Services in All Districts:

A. Purpose: The purpose of this Section is to provide for the installation of essential services in a manner that does not adversely affect the public health, safety, or welfare.

B. Essential Services Allowed by Permit: The following essential services, when installed primarily for the use of City residents, shall only require a permit from the City Engineer:
   1. All communication lines.
   2. Underground electrical transmission lines, overhead utility lines, and electrical transmission lines intended to serve properties within the City.
   3. Pipelines for distribution to individual properties within the City.
   4. Electrical substations with less than 33 KV.
   5. Radio receivers and transmitters accessory to an essential service, when placed on an existing utility pole, tower, or light standard.

## 1011.10 Solar Energy Systems in All Districts:

A. Solar energy systems are allowed as accessory uses in all zoning classifications where structures of any sort are allowed.

B. Active solar energy systems shall be allowed as accessory uses in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below:
   1. Height: Active solar systems must meet the following height requirements:
      a. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall

be considered to be mechanical devices and are restricted consistent with other such mechanical devices.

b. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

2. Setback: Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
   a. Roof-mounted Systems: Consistent with the required building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
   b. Ground-mounted Systems: Ground-mounted solar energy systems shall not extend into the required side- or rear-yard setback when oriented at minimum design tilt.
3. Visibility: Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
   a. Building-integrated Photovoltaic Systems: Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use, and performance standards for the district in which the building is located.
   b. Solar Energy Systems with Mounting Devices: Roof- or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mounted systems that are visible from the nearest edge(s) of the street frontage right(s)-of-way shall be reviewed and approved by Community Development staff to ensure the system meets the wind load standards for the roof and there are not major aesthetic impacts with the system to the surrounding properties.
   c. Coverage: Roof- or building- mounted systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of 1 foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.
4. Approved Components: Electric solar energy system components must have a UL listing.
5. Plan Approval Required: All solar energy systems shall require administrative plan approval by the Community Development Department.
   a. Applications: Plan application for solar energy systems shall be accompanied by scaled horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building, or on the property for a ground-mount system, including the property lines.
   b. Pitched-roof-mounted Systems; For all roof-mounted systems other than a flat roof the elevation drawings shall show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
   c. Flat-roof-mounted Systems: For flat-roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the

roof.

6. Plan Approvals: Applications that meet the design requirements of this policy shall be granted administrative approval by the Community Development Department and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
7. Compliance with Building Code: All active solar energy systems shall require building permits.
8. Compliance with State Electric Code: All photovoltaic systems shall comply with the Minnesota State Electric Code.
9. Utility Notification: No grid-intertie photovoltaic system shall be installed until evidence has been given to the Community Development Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

## 1011.11 Additional Standards in All Non-LDR Districts:

A. Rooftop Equipment: Rooftop equipment, including structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood or other material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

B. Waste and Recycling Areas: Waste and recycling storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. Waste and recycling enclosures within developments of 2-stories or more shall incorporate a trellis cover or a roof design to screen views from above. The enclosure should be accessible to residents and businesses, yet located away from main entries.

C. Maintenance Activities: Movement of sweeping vehicles, garbage trucks, maintenance trucks, and other service vehicles and equipment is prohibited within 300 feet of a residential district between the hours of 10:00 P.M. and 7:00 A.M., except for emergency vehicles and emergency utility or maintenance activities. Snow removal shall be undertaken in a manner that minimizes activity between the hours of 10:00 P.M. and 7:00 A.M. Long term snow storage (more than 7 days) shall not occur within 300 feet of a residential district unless approved by the Community Development Department. Long term snow storage may only occur on surplus parking spaces beyond the required spaces within Chapter 1019 of this Title.

D. Service Areas and Mechanical Equipment: Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than 10 feet to the street side of a building, unless determined by Community Development Department that there is no reasonable alternative.

E. Parking Lot Lighting: The following standards for on-site lighting of parking lots shall be required for all uses.
   1. Fixtures: Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare unless decorative and utilized for pedestrian safety.
   2. Minimum Lighting Levels: Energy efficient lighting systems shall be employed for all exterior lighting. Minimum lighting levels, measured at a height of 5 feet above the grade, for parking facilities shall be as follows:

a. Covered Parking Facilities (Day):
    i. General parking and pedestrian areas: 5 foot-candles
    ii. Ramps/corners: 10 foot-candles
    iii. Entrances/exits: 50 foot-candles
    iv. Stairwells: 20 foot-candles
b. Covered Parking Facilities (Night):
    i. General parking and pedestrian areas: 5 foot-candles
    ii. Ramps/corners: 5 foot-candles
    iii. Entrances/exits: 5 foot-candles
    iv. Stairwells 20 foot-candles
c. Open Parking Areas:
    i. General parking, vehicle, and pedestrian areas: .4 to 1 foot-candle

3. All lights not reasonably required for security or business operations must be turned off between the hours of 10:00 P.M. and sunrise, or operated by motion detectors so that they only turn on when there is activity nearby and turn off shortly thereafter.
4. Pole Height: The height of light poles shall not exceed 12 feet if located closer than 50 feet to a residential property line, nor a height of 25 feet if located between 50 feet and 100 feet of a residential property line. Light poles or fixtures may be a maximum of 40 feet tall if located greater than 100 feet from a residential property line and if the light source and light source glare is completely screened by building, berm, or landscape material with a minimum opacity of 90% to eye level view of living spaces in homes within 300 feet of light source.
5. Decorative Lighting: Decorative poles and luminaires shall be allowed on all new development sites when incorporated as pedestrian safety/security lighting along walkways, paths, and near the principal structure.

## 1011.12 Additional Standards for Specific Uses in All Districts:

A. Residential Uses, Principal:
1. One- and two-family dwellings: See design standards in Section 1004.05.
2. Multi-family dwellings: See design standards in Section 1004.06 in addition to the following:
    a. Recreational facilities must be provided to serve the needs of the anticipated population.
    b. Minimum distances between buildings shall equal the sum of the required side yards for each building.
    c. Screening and buffering shall be required per Section 1011.03B of this Chapter.
3. Cohousing Community: Cohousing is a permitted use within any housing type that is permitted within the zoning district where the cohousing development is located. Likewise, any housing type that is conditional within the zoning district may be used for cohousing with conditional use approval. Any allowed use within the zoning district where the cohousing development is located may be allowed as part of the cohousing development.
    a. A cohousing community shall provide a community building for the shared use of the residents for typical domestic activities such as cooking or child care, and for home occupations as regulated in Section 1011.12B
    b. Usable open space may be combined and shared among cohousing units.
4. Community residential facility, state licensed:
    a. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
    b. To the extent practical, all new construction or additions to existing buildings

shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.

c. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

5. Nursing Home, Assisted Living, Congregate Care:
   a. The yard requirements for multi-family dwelling in the district apply.
   b. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
   c. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens, and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.
   d. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

B. Residential Uses, Accessory:
   1. Accessory Dwelling Units (ADU):
      a. An ADU shall be located on a lot occupied by a one-family dwelling.
      b. No more than one ADU shall be allowed on a lot.
      c. Either the principal dwelling unit or the ADU shall be owner-occupied and both dwelling units shall be under unified ownership.
      d. Maximum occupancy of an ADU shall be limited to 2 people.
      e. An ADU shall be assigned a unique address identifier to differentiate it from the principal dwelling. An attached ADU shall be identified by “Unit A” and a detached ADU shall be identified by “Unit B” following the primary property address (e.g., 1234 Elm Street  Unit B).
      f. A detached ADU may be located above a detached garage or within a separate accessory building meeting the standards for accessory buildings established in §1004.02 of this Title.
      g. A property shall have a minimum of 1 additional, conforming, off-street vehicle parking space above and beyond the number of parking spaces required for the principal dwelling unit in the zoning district.
      h. Home Occupations: Home occupations are permitted in ADUs, provided that the combined impacts of home occupations in the ADU and the principal dwelling unit conform to the standards and limitations established in §1011.12B2 of this Title.
      i. Dimensional Standards for All ADUs:
         i. Maximum height of an ADU, including one built above a garage shall not exceed the standards for principal or accessory buildings, as applicable.
         ii. Unit size: An ADU shall include at least 300 square feet of living area up to a maximum of 650 square feet of living area, but in no case shall an ADU exceed 75% of the principal dwelling’s four season living area (exclusive of the ADU). For the purposes of this provision, “living area” shall include kitchen areas, bathrooms, living rooms, bedrooms (including the closet which defines the bedroom), and other rooms, and shall exclude utility rooms, hallways, entryways, storage areas, and garages.
         iii. An ADU shall include a maximum of 1 bedroom.

iv. Setback requirements: All ADUs shall meet the standards for principal buildings; notwithstanding this requirement, detached ADUs shall not be located closer to the front property line than the principal building.

j. The entryway to a detached ADU shall be connected to a street frontage with a paved walkway.

k. Design Standards for Attached ADUs: The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a one-family dwelling.

l. Design Standards for Detached ADUs:

i. Material: The exterior finish material shall match in type, size, and placement, the exterior finish material of the principal dwelling unit.

ii. Roof pitch: The roof pitch shall match the predominant roof pitch of the principal dwelling unit.

iii. Details: Trim shall match the trim used on the principal dwelling unit. Projecting eaves shall match those of the principal dwelling unit.

iv. Windows: Windows shall match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).

m. Permit Required: A lifetime, non-transferrable ADU Occupancy Permit shall be required from the Community Development Department to allow an ADU to be rented. For the purposes of this provision, a "rented" ADU is one that is being occupied by a person or persons other than the family (as defined in §1001.10 of this Title) occupying the principal dwelling unit. Each property owner seeking to rent an ADU, or occupy an ADU while renting the principal dwelling unit, shall apply for a new ADU Occupancy Permit according to the procedure established herein. In addition to receiving an ADU Occupancy Permit, the property shall be in compliance with the City's rental registration requirements.

i. Application: The owner of property on which an ADU is proposed shall file a permit application by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. The Community Development Department will review the application to determine whether the application is complete and the subject property is eligible to receive the requested ADU permit.

ii. Notification: Upon the determination that a complete application has been submitted and that the property is eligible to receive the requested ADU permit, property owners within a radius of 100 feet shall be notified in writing by the Community Development Department of the application and that they have 7 days in which to share comments or concerns about the application before the Community Development Department issues the permit.

iii. Conditions: The City may impose conditions on the issuance of an ADU permit. Such conditions must be directly related to, and must bear a rough proportionality to, impacts created by the ADU.

iv. Revocation: If a permitted ADU or the property for which an ADU permit has been issued should fail to meet the requirements of the permit, and/or if a property for which an ADU permit has been issued should become ineligible for such permit, the issued ADU permit may be revoked upon the determination by the Community Development

Department that the noncompliance and/or ineligibility issue(s) cannot or have not been resolved. If an ADU permit is revoked, occupation of the ADU by a person or persons other than the family (as defined in §1001.10 of this Title) occupying the principal dwelling unit shall cease within 60 days of the date of the revocation.

v. Appeals: Determinations pertaining to the continuing compliance and/or eligibility of an ADU permit or the property for which an ADU permit has been issued are subject to appeal according to the procedure for appeals of administrative decisions established in Section 1009.08 of this Title.

vi. Expiration: An ADU permit shall expire upon transfer of the property to a new owner. Continued use of an ADU on a property which has been transferred to a new owner shall require the new owner to apply for a new ADU permit.

2. Garden Sheds in LDR Districts: Garden sheds may be built and/or sided with materials which are different in character from the principal structure, but acceptable materials shall not include galvanized or corrugated metal.

3. Home Occupation: Home occupations are allowed in residential districts, subject to the standards below.

   a. All new home occupations as of January 1, 2011, shall be subject to an annual registration with the City, on a form as required by the Community Development Department and with a fee as determined by the City Council.
   b. Home occupations shall be clearly incidental and subordinate to the residential use of the property. Exterior alterations or modifications that change the residential character or appearance of any structures or the property itself are not allowed.
   c. Home occupations shall not occupy more than 30% of the floor area of the dwelling, to a maximum of 600 square feet. The home occupation shall be conducted entirely within the dwelling. An accessory building shall not be used in the operation of a home occupation.
   d. Only persons residing on the premises and no more than 1 nonresident employee shall be engaged in the conduct of home occupations on the premises at any given time.
   e. There shall be no outside storage of products, materials, or equipment used in conjunction with home occupations.
   f. The required off-street parking for the residential use shall not be reduced or made unusable by home occupations.
   g. Home occupations shall not generate excessive traffic or parking demand that is detrimental to the character of the neighborhood.
   h. Shipment and delivery of products, merchandise, or supplies shall be by single rear axle straight trucks or similar delivery vehicles normally used to serve residential neighborhoods.
   i. There shall be no indications of offensive noise, odors, smoke, heat, glare, vibration, or electrical interference at or beyond the boundaries of the residential lots occupied by home occupations.
   j. Home occupations shall meet all applicable fire and building codes, as well as any other City, State, or Federal regulations.
   k. Signage for home occupations shall be subject to the requirements of Chapter 1010 of this Title.
   l. The following activities shall be prohibited as home occupations:
      i. The operation of any wholesale or retail business unless it is conducted

entirely by mail or Internet. The sale of products incidental to the delivery of a service is allowed.

ii. Any manufacturing, welding, machine shop, or similar use.
iii. Motor vehicle repair.
iv. The sale, lease, trade, or transfer of firearms or ammunition.
v. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.

4. Private Swimming Pools: All private swimming pools, hot tubs, and other similar private recreational facilities are subject to the following standards:
   a. The facility shall not be operated as a business or private club.
   b. The facility shall not be located within any required front or side yard.
   c. The facility, including any walks, paved areas, or related structures or equipment, shall be set back at least 10 feet from any property line.
   d. For swimming pools, the pool itself, the rear yard, or the entire property shall be enclosed by a non-climbable wall, fence, or combination thereof at least 4 feet in height with ventilating slats with openings not exceeding 4 inches, with a self-closing gate with a latch and located on the inside, 3 inches below the top of fence and capable of being secured with a lock so as to prevent uncontrolled access by children. If the only access is through a principal or accessory structure, such point of access shall be lockable. In the case of above-ground pools, pool sides that are vertical may contribute to the required fencing, provided all points of access are controlled to prevent access by children, including the removal of all ladders or stairs whenever the pool is not in use (or compliance with a nationally recognized pool safety standard).
   e. For in-ground pools, the pool shall be set back at least 6 feet from the principal structure.
   f. Hot tubs shall not be located within 5 feet of any side yard or rear lot line, or within any required front yard. Such pools may be equipped with a child-resistant, lockable cover in lieu of a 4 foot tall fence. Hot tubs are permitted on attached or detached decks if it can be proven that the deck is engineered to be structurally sound enough to support the bearing load of the hot tub.
   g. Portable pools shall not be located within 5 feet of any side or rear lot line, or within any required front yard. Such pools may be equipped with a child resistant cover in lieu of a 4 foot tall fence. Any ladder or other means of entry into a portable pool shall be detachable and placed so that no child can gain entry into the pool without the owner's consent. Portable pools shall not be in place longer than 6 months in a calendar year.
   h. Lighting shall be so oriented so as not to cast light on adjacent properties.
   i. The facility shall not be located within any drainage or utility easement.
   j. Any accessory mechanical apparatus shall be located at least 30 feet from any residential structure on an adjacent lot.
   k. All swimming pools containing more than 3,000 gallons or with a depth in excess of 42 inches shall require a building permit from the City.
5. Private Recreational Courts: All private tennis courts, ball courts, and other similar private recreational facilities are subject to these standards.
   a. The facility shall not be operated as a business or private club.
   b. The facility shall not be located within any required front or side yard.
   c. The facility, including any walks, paved areas or related structures or equipment, shall be set back at least 10 feet from any property line.
   d. The facility shall not be located on a public street.
   e. The facility shall not be located within any drainage or utility easement.

f. A chain link or other non-opaque fence not exceeding 10 feet in height may be allowed to enclose a hard-surfaced recreational court. If such a fence is used, it shall be set back at least 5 feet from side property lines and 10 from the rear property line, and shall not be placed in front of the principal structure.

6. Roomers, boarders: A maximum of 3 roomers or boarders shall be permitted per dwelling unit.

(Ord. 1418, 10-10-2011)

C. Civic and Institutional Uses:

1. Church, Religious Institution: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
2. School, Elementary or Secondary: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
3. College, or Post-secondary School, Campus:
   a. An office-based facility established after the effective date of this ordinance within a Neighborhood Business district shall have vehicular access to a collector or higher classification street, and shall have buffer area screening consistent with Section 1011.03B of this Title.
   b. A campus master plan, approved by the City Council, may be required for campus facilities to address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus.
4. Theater (Live Performance) Performing Arts Center: A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.

(Ord. 1427, 7-9-2012)

D. Institutional and Recreational Uses: Whenever temporary and/or portable restroom facilities are located within Institutional or Park and Recreation Districts for longer than the duration of a single event, the following requirements shall apply unless the Community Development Department determines that the proposed location provides adequate distance and screening from residential property views:

1. Facilities shall be located a minimum of 75 feet from any residentially zoned property; and
2. Facilities shall be screened with a minimum 6 foot tall 100% opaque board-on-board wood fence.

E. Business and Commercial Uses:

1. Extended Hours of Operation adjacent to all Residential Districts: Fence or screening height in the following requirements supersede the limitations established elsewhere in this Title:
   a. Buffer Area: Where a Community Business, Regional Business, or Community Mixed Use District abuts a residential district, all existing buffers shall remain in effect, and any new site improvement shall include an increased buffer area of a minimum of 20 to 40 feet as determined by the Community Development Department. This protective buffer shall contain no structures, shall not be used for parking, off-street loading or storage, and shall include screening. The screening treatment shall include the seeding of grass or sodding of the whole of the buffer area, the planting of shrubbery and trees and maintaining of same, a compact screen wall, fence, berm, landscaping, or combination thereof, which shall be not less than 75% opaque year-round to a minimum height of 6 feet above the parking lot curb. The screening treatment must be approved by the

Community Development Department and shall be in harmony with a residential neighborhood and provide sufficient screening of the Community and Regional Business uses. The fence or landscape screening shall be no less than 6 feet at the time of installation. Where a berm, wall, fence, or combination thereof is required for screening purposes for a commercial use adjacent to a residential use, such berm, wall, fence, or combination thereof shall be set back from the residential district boundary at least 3 times its height, and landscaped with trees, shrubs, perennials and sod or seed to screen 50% of the surface of the wall or fence at maturity of the plant materials year-round.

b. Traffic: The site plan shall provide vehicular circulation routes away from residential areas and avoid commercial vehicle ingress and egress from local residential streets to commercial property sites. In the site plan review and approval process, every reasonable effort must be made to design the site circulation so that service vehicles over 1 ton capacity do not use routes which bring vehicles between a building and a residential district boundary. The site plan shall also provide pedestrian access routes using walks or paths, including where practical, connections to adjacent residential areas. Service vehicles over 1 ton capacity which enter or exit the site between the hours of 10:00 P.M. and 7:00 A.M. shall use a designated route approved by the City. Deliveries and/or delivery truck access, in and on the site during the hours of 10:00 P.M. to 7:00 A.M., shall be limited to single unit, 2 axle vehicles not in excess of 26,000 pounds gross weight. The designated route shall keep vehicles at least 300 feet away from any residential district boundary, or be completely screened by a building, wall, landscaped berm, fence, or combination thereof to a point 14 feet above the ground at the outside edge of the truck route lane and to a point 5 feet above the first floor (main level) of the adjacent residences.

c. Off-Street Parking: Where a 24 hour use is within 300 feet of a residential district, that portion of the site within 300 feet shall provide screening of parking and driving areas adjacent to residential areas. The screening shall have a minimum opacity of 90% year-round and a minimum height of 6 feet, and shall be comprised of landscaping, walls, fences, berms, or combinations thereof.

d. Service delivery or non-customer vehicles shall not be parked or staged within 300 feet of a residential district, except when actively loading or unloading.

e. In no case shall vehicle staging for unloading occur for more than 24 hours on a site within any Community Business, Regional Business, or Community Mixed Use District.

f. Off-Street Loading: Off-street loading shall be as listed in Chapter 1019 of this Title and servicing space shall be designated for each store unit in the shopping district. Such loading space shall be designed so as not to conflict with movement of vehicular traffic to and from parking areas.

   i. Any commercial loading dock within 300 feet of a residential district shall be completely screened by a wall, landscaped berm, fence, or combination thereof from an adjacent residential area, to a point 14 feet above the ground at the loading area and to a point 5 feet above the first floor (main level) of adjacent residences.

   ii. Any commercial loading dock within 300 feet of a residential district which is to be used for any reason by vehicles or equipment between the hours of 10:00 P.M. and 7:00 A.M. shall be within a completely enclosed and roofed structure. All loading and unloading operations shall occur with the exterior doors shut at all times.

2. Animal Hospital, Veterinary Clinic: All activities shall take place within completely

enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited except in zoning districts where specifically permitted.

3. Day Care Center: The center must meet all standards for registration and inspection and not exceed state limits for number of clients.
4. Mini-storage Facility: No commercial transactions shall be permitted other than the rental of storage units. Plans for on-site circulation and driveway locations shall be reviewed as part of the site plan review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.
5. Communication Antennas and Towers: See subsection G below.
6. Restaurants:
   a. In the Employment districts, all restaurants shall be incorporated within a multi-use retail center.
   b. Points of vehicular ingress and egress for fast food restaurants shall not be onto a street which is used primarily for access to abutting residential property.
   c. A litter collection plan shall be developed for fast food restaurants and submitted to the Community Development Department. The litter collection plan obligates the restaurant operator to keep the area surrounding the restaurant free of litter for a reasonable, specified distance.
7. Accessory Buildings: Accessory buildings shall be limited to a single structure/building of no greater than 500 square feet in size with a maximum height of 15 feet. Setbacks for accessory structures/buildings are as regulated under Tables 1005.02, 1005.03, and 1005.04, except that accessory structures or buildings shall not be permitted in a front yard.
8. Outdoor display: All outdoor display shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls.
9. Outdoor storage, fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or “retired” vehicles) shall adhere to the requirements for outdoor storage of inoperable/out of service vehicles or equipment.
10. Outdoor storage, inoperable/out of service vehicles or equipment: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence 6-8 feet in height and at least 95% opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls.
11. Student housing, existing building:
    a. Student housing seeking to reuse an existing hotel, apartment building/complex or nursing care/assisted living facility shall be a permitted use.
    b. Reuse sites that are currently adjacent to residentially zoned or used property shall be reviewed by the Community Development Department for screening/fencing needs to mitigate parking and/or drive lane impacts.
12. Student housing, new construction

a. New construction of student housing shall be limited to a maximum height of 35 feet and a minimum setback of 30 feet when adjacent to LDR-1 or LDR-1 district; a maximum height of 40 feet and a minimum setback of 20 feet when adjacent to MDR district; a maximum height of 65 feet and minimum setback of 15 feet when adjacent High Density Residential-1 district; and a maximum height of 95 feet and minimum setback of 15 feet when adjacent to High Density Residential-2 district.

b. Buildings may be stepped with lower heights placed nearer lower density residential use/district and greater heights being placed near roadways.

c. Minimum parking lot and/or garage setbacks for student housing uses in all allowed districts shall be 10 feet, which area shall consist of landscaping, an opaque screen fence, or a combination thereof.

F. Employment Uses:

1. Artisan Workshop: Sale of goods produced shall not exceed 25% of the floor area of the facility.
2. General Retail Sales and Personal Service: In the Employment Districts, retail or service uses must be located within buildings or as part of building complexes that include office or other employment-related uses and shall be limited to 25% of the building or complex.
3. Motor Vehicle Broker/Wholesaler: All activities related to a vehicle broker or vehicle wholesaler shall be conducted within the building. No sale lots shall be allowed. A vehicle being readied for purchase/sales transaction shall be allowed to be parked in the parking lot for no more than 8 hours.
4. Manufacturing and Processing, Outdoor Activities:
   a. Outdoor servicing, processing, or manufacturing, shall be no closer than 300 feet to a property occupied by a residential use.
   b. All outdoor servicing, processing, or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of the Minnesota Pollution Control Agency, Ramsey County, and the City.
   c. The applicant shall provide a site plan showing the location of buildings, areas of outdoor servicing, processing or manufacturing, and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to comply with the environmental regulations established in Section 1011.02.
5. Wholesale Uses: Within the Office/Business Park District, a wholesale use shall not exceed 25% of the gross floor area of the building where it is located.
6. Accessory Buildings: Accessory buildings shall be limited to a single structure/building of no greater than 500 square feet in size with a maximum height of 15 feet. Setbacks for accessory structures/buildings are as regulated under Tables 1006.02 and 1006.03, except that accessory structures or buildings shall not be permitted in a front yard.
7. Outdoor display: All outdoor display shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Display shall not obstruct required drive aisles or parking stalls.
8. Outdoor storage, equipment and goods: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. Areas of outdoor storage shall not obstruct

required drive aisles or parking stalls. Greater setbacks shall be considered for pressurized canisters or potentially explosive goods. Equipment and goods shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque. Equipment available for rent may be displayed without screening in an area not exceeding 10% of the screened outdoor storage area.

9. Outdoor storage, fleet vehicles: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district. Fleet vehicles in active use need not be screened, but inoperable or otherwise out-of-service vehicles (e.g., snow plows in the summer, or "retired" vehicles) shall adhere to the requirements for outdoor storage of inoperable/out of service vehicles or equipment.

10. Outdoor storage, inoperable/out of service vehicles or equipment: All outdoor storage shall occur on paved surfaces consistent with the parking area requirements of Section 1019.11 of this Title, and shall adhere to the parking area setback requirements in the applicable zoning district except that no outdoor storage shall be allowed between a principal building and the front property line. All such vehicles or equipment which are inoperable or unused for more than 72 hours shall be screened by screen wall or fence at least 6 feet in height and at least 95% opaque, and an outdoor storage area shall not obstruct required drive aisles or parking stalls.

G. Accessory Uses and Structures:

1. Telecommunication Towers and Antennas:

a. Private Antennas and Towers: Private (noncommercial) receiving or transmitting antennas and towers more than 20 feet in height above the principal structure height in residential districts or more than 50 feet in height above the principal structure height in business and industrial districts shall be a conditional use in all districts.

b. City-Owned Antennas and Towers: City-owned or controlled antennas and tower sites shall be a permitted use in Commercial, Community Mixed Use, and Employment Districts, and a conditional use in all other districts.

c. Commercial Antennas and Towers - City Sites: Commercial receiving or transmitting antennas and towers regardless of height or size with the exception of satellite dish antennas shall connect to and use the City tower sites if use of such facilities is technically feasible.

d. Commercial Antennas and Towers - Non-City Sites: Commercial receiving or transmitting antennas and towers not located on a City tower site shall be a conditional use. Commercial receiving or transmitting antennas and towers may only be located in Commercial, Community Mixed Use and/or Employment Districts. The City may establish permit review periods, tower termination, time limits or an amortization schedule specifying the year in which the tower shall be taken down by the applicant or assign. A performance bond or other surety may be required by the City in order to assure removal of the tower at a specific date.

e. Application: The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.

f. Requirements: All antennas and towers and support structures including guy wires and foundations shall be subject to the appropriate requirements of subsection "h" of this Section and the setback requirements established for accessory structures in the applicable zoning district. Antennas, towers, guy wires and foundations, and support buildings shall be constructed on 1 lot or parcel and shall be set back a minimum of 30 feet from any front property line.

g. Design: All antennas and towers shall be designed and screened as visually appropriate, shall utilize a City-approved gray or blue color, and shall contain no signage, including logos, except as may be required by any State or Federal regulations.
h. Existing Facilities: Existing transmitting and receiving facilities at the time of the adoption of this Section may remain in service. However, at such time as any material change is made in the facilities, full compliance with this Section shall be required. No transmitting or receiving antennas or towers may be added to existing nonconforming facilities. Towers and receiving facilities shall be dismantled and removed from the site within 1 year after abandonment of the use of the tower or facility for communication purposes.
i. Security Fencing: Security fencing for antennas and towers may include chain link and barbed wire to a total height of 8 feet above grade.
j. Support Buildings: Support buildings to house switching and other communication equipment shall have a brick exterior, be a maximum of 200 square feet in size, 24 feet in height and have 2 off-street, paved parking spaces.
k. Building Permit: A building permit shall be required for the construction of new antennas and/or towers and shall include wind loading and strength and footing calculations prepared by a Minnesota registered engineer.
l. Exception: Antennas attached to, but not above, the exterior walls of buildings as an integral part of the architecture shall be a permitted use in all Commercial, Community Mixed Use and/or Employment Districts. Antennas attached to existing public utility structures or existing public utility towers in any zoning district, including electrical transmission towers or other structures deemed appropriate by the Community Development Department, shall be a permitted use in all zoning districts, provided the antenna(s) do not increase the height or bulk of said structure or tower.

2. Temporary Uses and Structures: The following temporary uses and structures shall be permitted in all zoning districts unless specified otherwise, provided such use or structure complies with the regulations of the zoning district in which it is located and all other applicable provisions of this Title:
   a. Garage and boutique sales in residential districts: Garage sales and residential boutique sales are permitted accessory uses in residential districts, but shall be limited to 3 sales each calendar year per dwelling unit, and shall not exceed 3 consecutive days per sale or 9 total days in duration per year. The maximum daily hours of operation shall be 8:00 A.M. to 6:00 P.M. A residential boutique sale shall not occupy more than 400 square feet of a dwelling unit.
   b. Construction Sites: Storage of building materials and equipment or temporary buildings for construction purposes shall be located on the same lot as the project under construction, and shall be removed within 30 days following completion of construction.
   c. Portable Storage Unit: A maximum of 2 portable storage units, not exceeding a cumulative gross floor area of 250 square feet shall be permitted on a lot for no more than 30 days per calendar year, unless otherwise approved in conjunction with a building permit.
   d. Annual Outdoor Storage and Display: An annual permit shall be required from the Community Development Department to allow outdoor storage and display of merchandise in the Commercial and Mixed-Use Districts. The Community Development Department shall review a site plan and specifics of the proposed outdoor storage and display area/use and may issue the permit, subject to (but not limited to) the following requirements:

i. The area of outdoor storage and/or display shall be limited to 350 square feet or as determined by the Community Development Department.
ii. The outdoor storage and/or display shall not utilize existing on-site parking spaces.
iii. The outdoor storage and/or display area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
iv. Merchandise shall be stacked and/or arranged neatly and may be up to 8 feet in height or as determined by the Community Development Department.
v. The type of merchandise shall be limited to items incidental to the primary or principal use of the premises or as determined by the Community Development Department.

e. Seasonal Outdoor Sales: A seasonal outdoor sales permit shall be required from the Community Development Department to allow outdoor sales of merchandise such as produce, plants, garden supplies, and/or a farmer's market. The Community Development Department shall review a site plan and specifics of the proposed seasonal outdoor sales area/use and may issue the permit, subject to (but not limited to) the following requirements:
i. The outdoor sales area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
ii. The outdoor sales area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
iii. The outdoor sales area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
iv. Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
v. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.
vi. Signage shall be regulated by Chapter 1010 of this Title.

f. Temporary Event: A temporary event permit shall be required from the Community Development Department to allow the temporary sale of merchandise or temporary event/activity. These uses may include the sales of fireworks, rugs, and other similar merchandise and events utilizing search lights or tents for employee/customer appreciation. The Community Development Department shall review a site plan and specifics of the proposed event area/use and may issue the permit, subject to (but not limited to) the following requirements:
i. Any single or recurring temporary event shall be limited 30 total days per calendar year.
ii. The event area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
iii. The event area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
iv. The event area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
v. Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.

vi. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.

vii. Signage shall be regulated by Chapter 1010 of this Title.

(Ord. 1427, 7/9/12) (Ord. 1487, 11/30/2015)

# CHAPTER 1012
# NONCONFORMING USES

Eliminated – Ord. 1403, 12-13-2010

# CHAPTER 1013
# GENERAL REQUIREMENTS

Eliminated – Ord. 1403, 12-13-2010

# CHAPTER 1014
# CONDITIONAL USE PERMITS; VARIANCES

Eliminated – Ord. 1403, 12-13-2010

# CHAPTER 1015
# ADMINISTRATION

Eliminated – Ord. 1403, 12-13-2010

# CHAPTER 1016
# AMENDMENTS

Eliminated – Ord. 1403, 12-13-2010

# CHAPTER 1017
# SHORELAND, WETLAND AND STORM WATER MANAGEMENT

SECTION:


1017.01: Short Title
1017.02: Jurisdiction
1017.03: Statutory Authorization
1017.04: Policy; Statement of Purpose
1017.05: Definitions
1017.06: Enforcement Compliance
1017.07: Disclaimer
1017.08: Interpretation
1017.09: Severability
1017.10: Abrogation and Greater Restrictions
1017.11: Administration
1017.12: Water Management Overlay Districts
1017.13: Shoreland Classifications
1017.14: Water Management Overlay District Lot Standards
1017.15: Additional Lot Dimension Requirements
1017.16: Structure Design Standards
1017.17: General Design Criteria for Structures
1017.18: Design Criteria for Commercial, Industrial, Public and Semi-Public Uses
1017.19: Notifications to the Department of Natural Resources
1017.20: Variances
1017.21: Conditional Uses
1017.22: Nonconformities
1017.23: Subdivision/Platting Provisions
1017.24: Planned Unit Development Requirements - Repealed (Ord. 1405, 2-28-2011)
1017.25: Grading, Filling and Land Alteration
1017.26: Storm Water Management
1017.27: Amendment

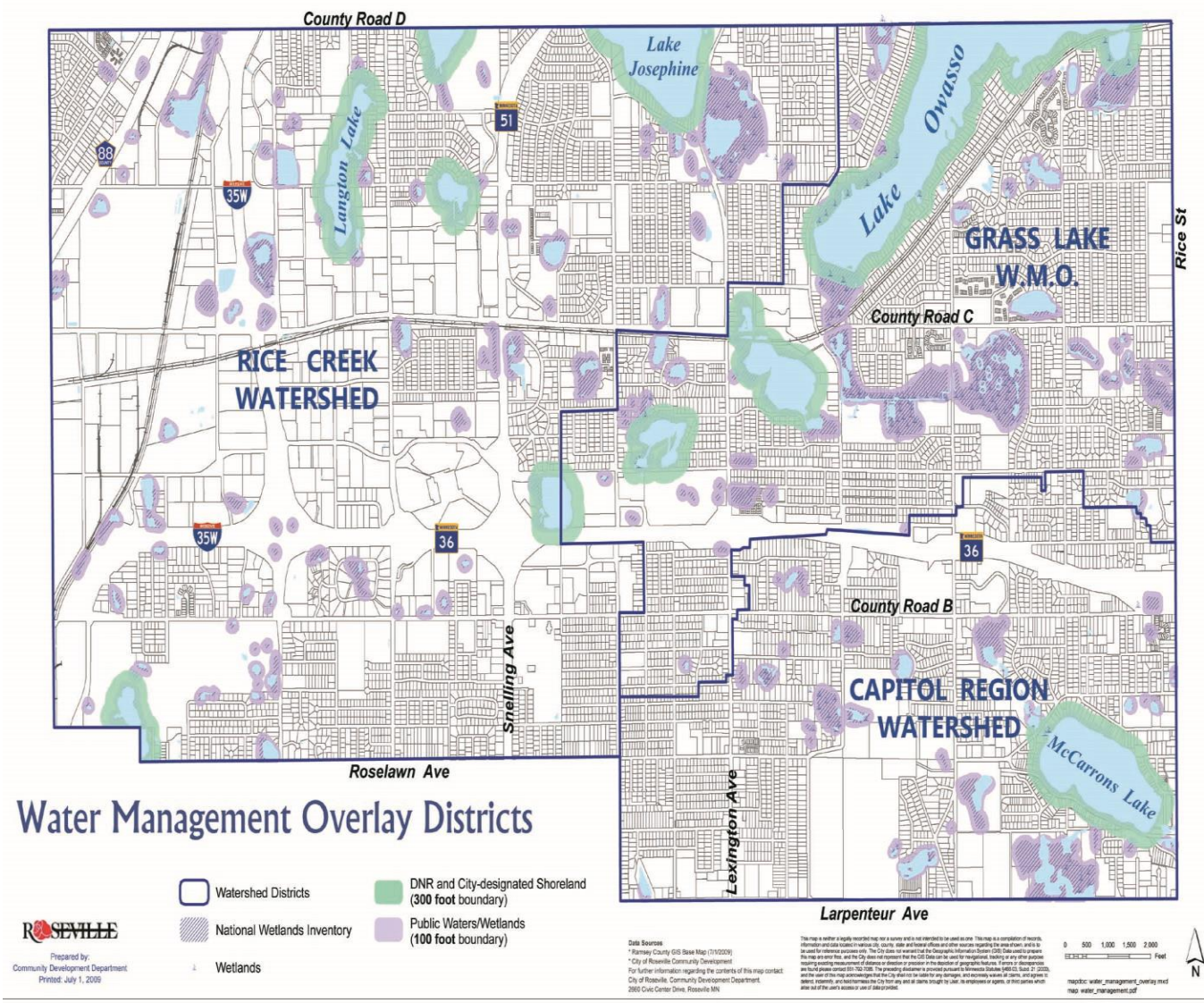

## 1017.01: SHORT TITLE:

The name of this Chapter shall be *THE CITY OF ROSEVILLE SHORELAND, WETLAND, AND STORM WATER MANAGEMENT ORDINANCE.* (Ord. 1156, 12-12-94)
(Ord. 1359, 1-28-2008)

## 1017.02: JURISDICTION:

The provisions of this Chapter shall apply to the shoreland, wetland and storm water

management overlay districts and the City in general as each section specifies. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)




**(Ord. 1359, 1-28-2008)**

## 1017.03: STATUTORY AUTHORIZATION:

This Shoreland, Wetland and Storm Water Management Chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes chapters 103B, 105, 462 and 497; Minnesota Rules, parts 6120.2500 through 6120.3900; Minnesota Rules chapters 8410 and 8420. (Ord. 1156, 12-12-94)
(Ord. 1359, 1-28-2008)

## 1017.04: POLICY; STATEMENT OF PURPOSE:

A. Waters and Wetland Policy:
1. The City's Comprehensive Land Use Plan identifies specific goals and policies related to the proper management of its shoreland, lakes, wetlands, water and soil resources.
2. The City recognizes that the uncontrolled use of shorelands, wetlands, and land alteration activities in general in the City affects the public health, safety and general welfare not only by contributing to the pollution of surface and ground waters, but also

by impairing the local tax base.

3. Land development and use impact all receiving waters, especially lakes, by contributing to their impairment through point and nonpoint pollution sources.

4. The City has adopted a Surface Water Management Plan that recognizes that its storm water system is integrated with the management of its natural lakes and wetlands.

5. Therefore, the City has determined that it is in the best interests of the public to manage its Comprehensive Plan and Surface Water Management Plan by a consolidated approach with this Chapter to avoid conflict and duplication to the maximum practical extent.

B. Statement of Purpose: to achieve the policies described in the City Comprehensive Plan, State and Federal policies and statutes, the City intends to determine, control and guide future development within and surrounding those land areas which are contiguous to designated bodies of public water and areas of "natural environmental significance" as herein defined and regulated. Specifically, this Chapter purports to:

1. Regulate the placement of sanitary and storm water disposal facilities on lots;

2. Regulate the area of a lot and the length of water frontage suitable for a building site;

3. Regulate alteration of the shorelands and wetlands of public waters;

4. Control natural environment areas of ecological value to maintain existing aquatic, vegetation and wildlife conditions to the maximum extent possible;

5. Regulate the use and subdivision of land within the corporate limits as it relates to public waters, shorelands and storm water;

6. Provide variances from the minimum standards and criteria. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008)

## 1017.05: DEFINITIONS:

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 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.

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

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 (such as a detached garage).

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 percent over a distance for 50 feet or more shall not be considered part of the bluff):

A. Part or all of the feature is located in a shoreland area;

B. The slope rises at least twenty five (25) feet above the ordinary high water level of the waterbody;

C. The grade of the slope from the toe of the bluff to a point twenty five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and

D. The slope must drain toward the waterbody.

BLUFF IMPACT ZONE: A bluff, and, only in shoreland districts, land located thirty (30) feet landward from the top of a bluff.

BOARD OF ADJUSTMENT AND APPEAL: The Roseville City Council and Mayor.

BOATHOUSE: A structure designed and used solely for the storage of water crafts, boats, boating or water craft 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 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 City Code that may not be appropriate generally, but may be approved by the City Council with appropriate restrictions as provided by the City Code upon a finding that certain conditions as detailed in the Zoning Ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use, through the imposition of conditions, is compatible with the existing neighborhoods.
CONDITIONAL USE PERMIT: A permit specially and individually granted in accordance with this Code, by the City Council after review thereof by the Planning Commission as a flexibility device to enable the City Council to assign dimensions or conditions to a proposed use, after consideration of the impacts on or functions of adjacent and nearby properties and the special problems that the proposed use presents.
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 (3) feet above ground.
DOCK: A seasonal water-oriented accessory structure or walkway extended from the ordinary high water level into the bed of public waters for access to open water and anchorage of water craft.
DUPLEX, TRIPLEX AND QUAD: A dwelling structure on a single lot, having two (2), three (3), and four (4) 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 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 Minnesota Statutes, sections 93.44 to 93.51.
GAZEBO: A seasonal water-oriented accessory structure used as a detached nonheated shelter. It may have a roof, floor, screen walls, but has no sewer or water service.
GUEST COTTAGE: A structure used as a dwelling unit that may contain sleeping spaces and kitchens 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 Minnesota Statutes chapter 462 (for municipalities).
HEIGHT OF BUILDING: "Height of building" shall be as defined in the Minnesota State Building Code. It means the vertical distance between the highest adjoining ground level at the building or ten (10) 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.
LIFT: A mechanical device used to lift a boat from the water.
LOT: A parcel of land designated by plat, metes and bounds, registered land survey,

auditors plot, or other accepted means and separated from other parcels 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.
NONCONFORMING USE: A nonconforming use is any use or arrangement of land or structures legally existing prior to the enactment of a Code provision prohibiting such use.
NONCONFORMING USES: Any use of a building or premises which, on the effective date of this Chapter, does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premises is located (also see definition of Substandard Use).
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.
PATIO: An inground surface of paving or wood materials, not attached to the main structure.
PORCH, SCREENED: A seasonal habitable addition to a residential structure, considered part of the structure.
PUBLIC WATERS: Any "waters" as defined in Minnesota statutes, section 103G.005, subdivisions 15 and 18.
SEMIPUBLIC USE: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
SENSITIVE RESOURCE MANAGEMENT: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water 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.
SEWER SYSTEM: The combination of public and private 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 in a public sewage treatment facility.
SHORE IMPACT ZONE: Land located between the ordinary high water level of public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.
SHORELAND: Land located within 1,000 feet from the ordinary high water level of the lakes classified in section 1017.13 of this chapter. The limits of the 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 MnDNR commissioner. (Ord. 1359, 1-28-2008)
SHORELAND MANAGEMENT DISTRICT: Land located within three hundred (300) feet from the ordinary high water level; or the first tier of riparian lots or the first tier of lots beyond a public street when the street is adjacent to a public water body, whichever is greater, of certain public waters as established by the City Council as established by this code. (Ord. 1405, 2-28-2011)
SIGNIFICANT HISTORIC SITE: Any archaeological site, standing structure, or other

property that meets the criteria for eligibility to the National Register of Historic Places, is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota statutes, section 307.08. An historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

STEEP SLOPE: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

STORM WATER POND: A manmade pond capable of holding water seasonally or permanently, the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands and natural water bodies.

STRUCTURE: Any building or appurtenance, including attached or detached decks and fences. "Structure" does not include aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, seasonal docks, and other supporting facilities such as at grade driveways and patios.

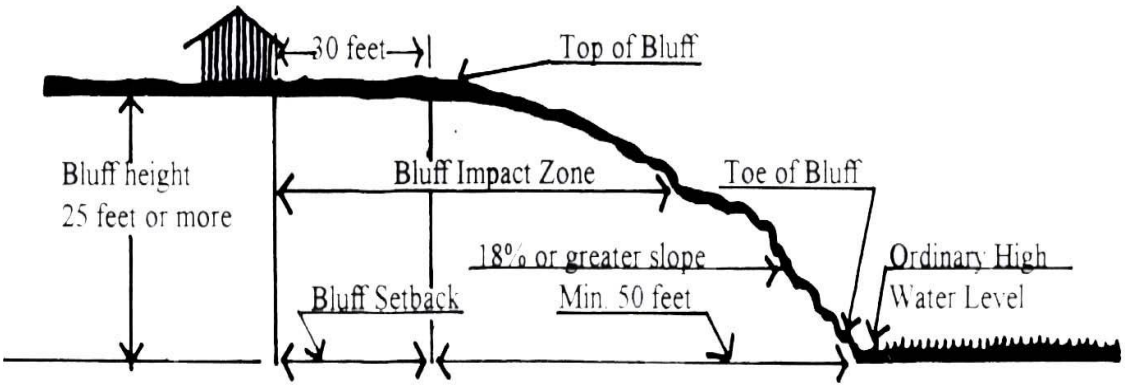
SUBDIVISION: Land that is divided for the purpose of sale, rent, or lease. (Ord. 1405, 2-28-2011)

SUBSTANDARD USE: Any use of shorelands existing prior to the date of enactment of any city ordinance which is permitted within the applicable zoning district, but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

SURFACE WATER ORIENTED COMMERCIAL USE: The use of land for commercial purposes, where access to and use of 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 fifty (50) foot segment with an average slope exceeding eighteen percent (18%) located in bluff impact zone. See illustration following definition of Top of The Bluff.

TOP OF THE BLUFF: The higher point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%) located in bluff impact zone. See illustration below.




VARIANCE: The same as that term is defined or described in Minnesota statutes, chapter 462 (for municipalities).

WATER ORIENTED ACCESSORY STRUCTURE OR FACILITY: A small, aboveground 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 land form that is transitional between "terrestrial" and "aquatic systems" as defined in Minnesota statutes, section 103G.005, subdivision 19.

WETLAND BOUNDARY: The boundary line between what is considered to be upland and wetland using the methodology for delineating wetlands as prescribed in Minnesota statutes, section 103G.2242, subdivision 2. (Ord. 1156, 12-12-1994; amd. Ord. 1270, 9-23-2002)

(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

## 1017.06: ENFORCEMENT 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 disposal facilities; the filling, grading, lagooning, or dredging of any shoreland area; the cutting of shoreland vegetation and the subdivision of lots shall be in full compliance with the terms of this chapter and other applicable regulations. Construction of buildings, water supply and city utility service systems and erection of signs shall require a permit, unless otherwise expressly excluded by the requirements of this chapter. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

## 1017.07: DISCLAIMER:

This chapter does not imply that areas outside of the shoreland, wetland and storm water management overland district or land uses permitted within that district will be free from flooding or flood damages. This chapter does not create liability on the part of the city or its officers or employees for any flood damage that may result from reliance on this chapter or any administrative decisions made under it. (Ord. 1156, 12-12-1994)
(Ord. 1359, 1-28-2008)

## 1017.08: 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. 1156, 12-12-1994)
(Ord. 1359, 1-28-2008)

## 1017.09: SEVERABILITY:

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

## 1017.10: 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. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

## 1017.11: ADMINISTRATION:

A. Enforcement: The Community Development Department is responsible for the overall administration and enforcement of this chapter. Any violation of the provisions of this chapter, the provisions of any permit issued in accordance with 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 or as otherwise provided in this code.

B. Permits Required:

1. In addition to any permit requirements of an underlying district or specific shoreland or waterfront improvements, permits are required for the construction of retaining walls, driveways, parking lots, patios, fences, water related accessory structures, watercraft accessory devices and signs within the building setback area from the ordinary high water mark. Application for a permit shall be made to the Community Development Department on the forms provided. The application shall include the necessary information including visual displays, soil, slope and vegetation protection plans so that city staff can determine the site's suitability for the intended use.

2. All permits within this chapter must specify a termination date, not to exceed 12 months from the date of issuance. A permit may be determined to be null and void by the Community Development Department if it is determined after issuance that false supporting information was filed with the permit application. As part of any such determination, the Director may issue a stop work order, post the same on site, send a copy by certified mail to the permittee and determine what other enforcement action is necessary.

C. Certificate of Zoning Compliance: The Community Development Department shall issue a certificate of zoning compliance for each activity requiring a permit as specified in this chapter. This certificate shall specify that the use of land conforms to the requirements of this Chapter. (Ord. 1156, 12-12-1994)
(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

## 1017.12: WATER MANAGEMENT OVERLAY DISTRICTS:

A. Creation: The Water Management Overlay District hereby created and is divided into the following subdistricts as shown on the Official Zoning Map or an attachment thereto: the Shoreland District, the Wetland Protection District, and the Storm Water District.

1. Shoreland District: All land meeting the definition of shoreland adjacent to the public waters listed in Section 1017.13 of this Chapter. (Ord. 1359, 1-28-2008)

2. Wetland Protection District: All upland within one hundred (100) feet of the wetland boundary of wetlands and those public waters not specifically listed as shoreland.

3. Storm Water District: All land either within one hundred (100) feet of the normal water level of constructed storm water ponds or wetlands managed for storm water quantity and quality management purposes, or all land below the 100-year flood elevation of such ponds or wetlands, whichever is most restrictive.

B. Official Zoning Map: The amended Official Zoning Map, with Water Management Overlay Districts, is hereby adopted by reference and declared to be a part of this Chapter.

C. Maintenance of Records: Said Official Zoning Map shall be on file in the office of the Community Development Department. The Community Development Department shall maintain the necessary records to maintain and display the Official Zoning Map as amended. (Ord. 1405, 2-28-2011)

D. Boundaries: The boundaries of the overlay districts as shown on the Official Zoning Map are considered to be approximate and must be established on the ground at the time of any application for permit, variance, conditional use or subdivision of land. (Ord. 1405, 2-28-2011)

E. Allowable Land Uses: The existing zoning on the site shall specify the allowable land uses but all such uses must additionally comply with any more restrictive standards and criteria of this Chapter.

F. Private Sewer Systems Prohibited: Individual on-site sewage treatment systems are prohibited in all Water Management Overlay Districts. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

## 1017.13: SHORELAND CLASSIFICATIONS:

The following public waters of the City have been classified either consistent with the criteria found in Minnesota Regulations, part 6120.3300, and the Protected Waters Inventory Map for Ramsey County, Minnesota, or classified by the City when no classification was available from the Minnesota Department of Natural Resources. The "shoreland area" for the water bodies listed in the table below shall be as defined in this Chapter and shown on the Official Zoning Map. "Wetland protection areas" shall be as defined in subsection 1017.12A2 of this Chapter. "Storm water protection areas" shall be as defined in subsection 1017.12A3 of this Chapter. (Ord. 1156, 12-12-1994)

| **Shoreland Classification Table** | | | |
|---|---|---|---|
| | **Lake Name** | **MnDNR ID#** | **Classification** |
| **MnDNR Designated Shoreland:** | Lake Josephine | 57P | GD |
| | Lake Owasso | 56P | GD |
| | Little Lake Johanna | 58P | RD |
| | North Bennett | 207P | GD |
| | McCarrons | 54P | |
| **City Designate Shoreland:** | Langton Lake | 49P | GD |
| | Zimmerman Lake | 53W | GD |
| | Bennett Lake | 48W | GD |
| | Walsh Lake | 214W | GD |
| | Willow Lake | 210W | GD |
| | Oasis Pond | 205W | GD |
| GD=General Development<br>RD=Recreational Development | | | |

(Ord. 1156, 12-12-1994; amd. Ord. 1216, 12-14-1998) (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

## 1017.14: WATER MANAGEMENT OVERLAY DISTRICT LOT STANDARDS:

A. Additional Standards: The following development standards are in addition to any standards that apply specifically to the underlying zoning district. Where there is conflict between the underlying and overlying district standards, the most restrictive shall apply.

B. Lot Area and Width Standards: The lot area (in square feet) and lot width standards (in feet) for single and duplex housing on residential lots created after the date of enactment

of this Chapter for the lake classifications are the following:

1. Shoreland Overlay District Lot Standards:

| | Recreation Development Lakes | | | | General Development Lakes | | | |
|---|---|---|---|---|---|---|---|---|
| Underlying Zones | Riparian Lots | | Nonriparian Lots | | Riparian Lots | | Nonriparian Lots | |
| | Area* | Width* | Area* | Width* | Area* | Width* | Area* | Width* |
| R-1 (Single Family) | 15,000 | 100 | 11,000 | 85 | 15,000 | 100 | 11,000 | 85 |
| R-2 (Duplex) | 35,000 | 135 | 26,000 | 135 | 26,000 | 135 | 17,500 | 135 |

* Area means land above the normal ordinary high water level.

(Ord. 1405, 2-28-2011)

2. Wetland Overlay District Lot Standards: The minimum lot area, width and depth requirements of the underlying land use zoning district within this code shall apply provided that not more than 25% of the lot area may be included in any wetland area to meet the minimum lot area dimension.

3. Storm Water Overlay District Lot Standards: The minimum lot area, width and depth requirements of the underlying land use zoning district within this code shall apply provided that not more than 25% of the lot area may be included in any storm pond or wetland area (which is below the normal level of the adjacent storm water pond) to meet the minimum lot area dimension. (Ord. 1156, 12-12-1994)

(Ord. 1359, 1-28-2008)

## 1017.15: ADDITIONAL LOT DIMENSION REQUIREMENTS:

A. Dwelling Unit Densities: Only land above the ordinary high water level of public waters may be used to meet lot area standards. Lot width standards shall be met at both the ordinary high water level and at the building line. Not more than 25% of the lot area of each lot may be included in any wetland, which is below the normal ordinary high water level. (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

B. Controlled Accesses: Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions shall be allowed only a conditional use and shall meet or exceed the following standards: (Ord. 1405, 2-28-2011)

1. They shall be suitable in terms of physical access and potential slope erosion and vegetation damage for the intended uses of controlled access lots;

2. They shall have a specific lot size not less than 170 feet (two 85-foot wide lots combined);

3. They shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

4. Covenants or other equally effective legal instruments shall 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 may 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 nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants shall limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and shall require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They shall also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. (Ord. 1156, 12-12-1994)

## 1017.16: STRUCTURE DESIGN STANDARDS:

A. Placement of Structures on Lots: When more than one setback applies to a site, structures and facilities shall be located to meet the most restrictive setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the average setback of adjoining structures from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

| STRUCTURE SETBACKS FROM WATER BODY | | | | |
|---|---|---|---|---|
| Type of Water Body | Structure Setback from Water Body | Structure Setback from Bluff | Roads, Driveway, Parking and Other Impervious Surface or Setback | Maximum Bldg/Structure Height [4] |
| MnDNR and City Public Waters | 75 Ft [1, 3] | 30 Ft. | 30 Ft.[5] | 30 Ft. |
| Wetland | 50 Ft. [2, 3] | Not Applicable | 30 Ft. [5] | 30 Ft. |
| Storm Pond | 10 Ft. [2, 3] | Not Applicable | 10 Ft. | 30 Ft. |

1. Setback is measured from the normal ordinary high water level.

2. Setback is measured from the wetland or pond boundary.

3. One water- oriented accessory structure designed in accordance with subsection1017.17C of this chapter may be set back a minimum distance of 10 feet from the ordinary high water level.

4. See subsection1017.17G of this chapter.

5. A 30 foot setback from road or parking surfaces may include a combination of land within rights of way and adjacent to the right of way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.

All other structure setback requirements shall be as stated in the underlying zoning district for each parcel.
(Ord. 1405, 2-28-2011)

B. Additional Structure Standards for All Districts:

1. Bluff Impact Zones: Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.
2. Commercial Or Industrial Land Uses: Commercial or industrial land uses without water oriented uses shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, the principal structure, accessory buildings and parking areas, shall either be set back 150 feet from the ordinary high water level or be set back one hundred (100) feet and be 50% screened by opaque vegetation from view from the water by vegetation or topography, assuming summer, leaf-on conditions. (Ord. 1156, 12-12-1994)
3. Fences: In bluff impact, shoreland, and wetland zones, fences shall be set back the same distance from the shoreline as required for the principal structure or attached deck on the lot, except that a fence on a lot with a preexisting principal structure and attached deck may extend to the same setback as the deck or the structure. Fences shall be of similar design, texture, and color as the principal structure or shall be of an earth tone or color and material.

Fences used for safety or containment may be set within 25 feet of the OHWL. Such fences shall be a maximum of 25% opaque, and no more than 42 inches in height. Such fences shall be clad in earth tone coatings.

With the exception of regulations in this subsection, fences in bluff impact, shoreland, and wetland zones shall meet all height and setback requirements of section 1011.08 of this title. Fences placed on the road side of a lot with water or wetland frontage shall comply with front yard fence requirements of section 1011.08 of this title. (Ord. 1270, 9-23-2002) (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

## 1017.17: GENERAL DESIGN CRITERIA FOR STRUCTURES:

A. Low Floor Elevations: All habitable structures constructed within the overlay district shall be built with their lowest floor, including basement, no lower than the following elevation criteria, whichever provides the greater degree of protection as determined by the city engineer:
1. Two feet above the 100-year flood elevation, if known; or
2. At least three feet above the highest known water level, or three 3 feet above the ordinary high water level, whichever is higher; or
3. At least three 3 feet above the "wetland boundary" as defined in Section 1017.05 of this Chapter.
The City Engineer shall develop and maintain a list of elevations of known 100-year flood levels, ordinary high water levels, highest known water levels and wetland boundary levels as they become available through special studies or the Minnesota Department of Natural Resources.

B. Low Floor Elevations Exceptions: A variance may be granted from the elevation requirements specified in subsection A above only where a hardship is determined and provided the structure is flood-proofed according to State and Federal standards for floodplain areas.
Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in subsection A if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

C. Permitted Water-Oriented Accessory Structures: Each lot may have one water-oriented non-habitable accessory structure not meeting the normal structure setback in subsection 1017.16A of this Chapter if this water-oriented accessory structure complies

with the following provisions:
1. Water oriented accessory structure dimensional requirements:

| | | |
|---|---|---|
| a. | Maximum floor area: | 250 square feet |
| b. | Maximum width as viewed from water: | 12 feet |
| c. | Maximum height: | 10 feet |
| d. | Setback from ordinary high water: | * |
| e. | Boathouse setback from ordinary high water level: | 10 feet** |
| f. | Side yard setback from property line: | 20 feet |
| g. | Detached deck height above grade: | 8 feet |

* 50% of distance between ordinary high water mark and the structure setback from the water.

** Also permitted for docks, and off-season storage of ice fishing houses and docks.

2. The structure or facility shall be constructed of material architecturally similar in design, texture, and color to the principal structure on the lot; the design shall be reviewed by the City Planner prior to issuance of building permits.
3. The structure shall be screened a minimum of 50% by opaque vegetation or topography on the three walls seen from the lake with ecologically suited landscaping landward of the ordinary high water level from the lake.
4. The roof shall not be used as a deck or used as a storage area.
5. The structure or facility shall not be designed or used for human habitation and shall not contain utility systems.

D. Stairways, Chair Lifts, and Stair and Deck Landings: Stairways and chair lifts shall be used for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:
1. Stairways and chair lifts shall not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, and public open-space recreational properties; (Ord. 1405, 2-28-2011)
2. Stair and deck landings for stairways and chair lifts on residential lots shall not exceed 48 square feet in area. Landings larger than 48 square feet may be used for commercial properties, and public open-space recreational properties; (Ord. 1405, 2-28-2011)
3. Canopies or roofs shall not be permitted on stairways, chair lifts, or stair or deck landings;
4. Stairways, chair lifts, and stair or deck landings shall be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
5. Stairways, chair lifts, and stair or deck landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
6. Facilities such as ramps, chair lifts, or mobility paths for physically handicapped persons shall be permitted for achieving access to shore areas, provided that the dimensional and performance standards of subsections 1 through 5 are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

E. Significant Historic Sites: No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

F. Steep Slopes, Visibility and Erosion: The Public Works and Community Development Directors shall evaluate possible soil erosion impacts and development visibility from public waters prior to issuance of a permit for construction of roads, driveways, structures, or other improvements on steep slopes. An erosion and sedimentation control plan shall be prepared as required by Section 803.04: Erosion and Sedimentation Control. When necessary, conditions shall be attached to the permit to preserve existing vegetation, screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)

G. Height of Structures: All structures in residential districts, except steeples and chimneys from churches and institutional uses, shall not exceed 30 feet in height.

H. Placement and Design of Roads, Driveways, and Parking Areas:

1. Public and private roads and parking areas shall be designed to utilize natural vegetation and topography to achieve maximum screening from view of public waters. The Public Works Director shall review all roads and parking areas to ensure they are designed and constructed to minimize and control erosion, consistent with Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)

2. Roads, driveways, and parking areas shall meet structure setbacks outlined in subsection 1017.16A and shall 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 shall be designed to minimize adverse impacts.

3. Public and private watercraft, canoe rack storage, 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 subsection are met. For private facilities, the grading and filling provisions of Section1017.25 of this Chapter shall be met. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008)

## 1017.18: DESIGN CRITERIA FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC USES:

A. Uses With Water-Oriented Needs: Surface water-oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet impervious coverage limits, setbacks, and other zoning standards in this Chapter. The uses shall also be designed to incorporate topographic and vegetative screening of parking areas and structures.

B. Uses Without Water-Oriented Needs: Uses and surface parking without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must be set back double the normal ordinary high water level setback and shall be screened by fifty percent (50%) opaque or more screen from view from the water by vegetation or topography, assuming summer, leaf-on conditions. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

## 1017.19: NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES:

A. Notice of Public Hearings: Copies of all notices of any public hearings to consider

variances, ordinance amendments, or conditional uses affecting a MnDNR designated shoreland district shall be sent to the MnDNR, Division of Waters Regional Hydrologist and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.

B. Notice of Approval: A copy of approved amendments and subdivisions/plats, and final decisions granting variances, or conditional uses in a MnDNR designated shoreland district shall be sent to the MnDNR, Division of Waters Regional Hydrologist and postmarked within ten (10) days of final action. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

(Ord. 1405, 2-28-2011)

## 1017.20: VARIANCES:

A. Procedure: Variances in these overlay districts may only be granted in accordance with Minnesota Statutes, Chapter 462 and Section 1009.04 of this Title. A variance shall not circumvent the general purposes and intent of this Chapter. No variance shall be granted for a use that is prohibited within the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.

B. Notice of Approval: When a variance is approved in a MnDNR designated shoreland district after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in subsection 1017.19B shall also include the official summary of the public record/testimony, the findings of facts, and conclusions which supported the issuance of the variance. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

(Ord. 1405, 2-28-2011)

## 1017.21: CONDITIONAL USES:

Conditional uses allowable within shoreland areas shall be subject to all of the review and approval procedures of this Section 1009.02 of this Title. The following additional evaluation criteria and conditions apply within shoreland areas:

A. Evaluation Criteria: A thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions on the site shall be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

2. The visibility of structures and other facilities as viewed from public waters is limited;

3. The types, uses, and numbers of watercraft that the project will generate can be safely accommodated on the site;

4. The impact the proposed use may have on the water quality of the water body is not excessive.

B. Conditions Attached to Conditional Use Approvals: The City Council, upon consideration of the criteria listed above and the purposes of this Chapter may attach such conditions to Conditional Use approvals as it deems necessary. Such conditions may include, but are not limited to, the following:

1. Increased setbacks from the ordinary high water level;

2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

3. Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

## 1017.22: NONCONFORMITIES:

All legally established nonconformities as of the date of this Code amendment may continue, but they shall be managed according to applicable State statutes and the requirements of Section 1002.04 of this Title for the subjects of alterations and additions, repair after damage, discontinuance of use and intensification of use. (Ord. 1405, 2-28-2011) The following standards apply to nonconforming lots and uses in the shoreland management areas:

A. Construction on Nonconforming Lots of Record:

1. Lots of record in the office on the County Recorder on the date of enactment of the City shoreland controls (March 27, 1974) that do not meet the requirements of this Chapter may be allowed as building sites without variances from lot size requirements provided; the use is permitted in the zoning district; all sanitary requirements of the City Code are complied with insofar as practical; and the minimum lot size and length of water frontage shall be not less than seventy percent (70%) of standard lot water frontage requirements; the lot has been in separate ownership from abutting lands since the original adoption of the City shoreland controls (March 27, 1974).

2. A variance from setback requirements shall be obtained before any use or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider, in addition to the requirements of Section 1017.20, public utilities available to the lot and shall deny the variance if adequate facilities cannot be provided. (Ord. 1359, 1-28-2008)

3. If, in a group of two or more contiguous lots under one ownership since the original adoption of the City shoreland controls (March 27, 1974), any individual lot does not meet the requirements of Section 1017.17, the lot shall not be considered as a separate parcel of land for the purposes of development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Sections 1017.14 through 1017.16 of this Chapter. (Ord. 1359, 1-28-2008)

B. Additions/Expansions to Nonconforming Structures: All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 1017.14 through 1017.16. Any deviation from these requirements may only be authorized by a variance pursuant to Section 1017.20.

C. Deck Additions: Deck additions may be allowed, without a variance, to a structure which does not meet the required setback from the ordinary high water level, if all of the following criteria and standards are met:

1. The structure existed prior to the date the City's original shoreland structure setbacks were established on March 27, 1974.

2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.

3. The new 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; and the deck shall be constructed of materials similar to the materials of the principal structure, wood, or earth tone; and the new deck shall not be roofed or screened.

D. Existing Decks: Existing decks, at the date of adoption of this Chapter, which meet the required setbacks and have had valid building permits, may be enclosed as part of the structure. Deck extensions beyond and from a nonconforming, enclosed deck which would increase the nonconforming setback, shall not be permitted. (Ord. 1156, 12-12-

94) (Ord. 1359, 1-28-2008)

## 1017.23: SUBDIVISION/PLATTING PROVISIONS:

A. Land Suitability: Each lot created through subdivision shall be suitable for the proposed use as defined by the suitability analysis. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, availability of City sewer and water, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. (Ord. 1405, 2-28-2011)

B. Consistency With Other Controls: Subdivisions shall conform to all official controls of this community. A subdivision shall 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. Each lot shall meet the minimum lot size and dimensional requirements of Sections 1017.14 through 1017.16.

C. Information Requirements: Sufficient information shall be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
1. Topographic contours at two (2) foot intervals or less from City public works maps or more accurate sources, showing limiting site characteristics;
2. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
3. Adequate soil information to determine suitability for building and public utilities for every lot from the most current existing sources or from field investigations such as soil borings or other methods;
4. Information regarding adequacy of domestic City 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 storm water runoff and erosion, both during and after construction activities;
5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
6. A line or contour representing 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 an on-site storm water ponding area is required by a project to store surface water runoff, the City may require easements over natural drainage or ponding areas for future maintenance of storm water and significant wetlands.

E. Platting: All subdivisions that create three or more lots or parcels that are two and one-half acres or less in size shall be processed as a plat in accordance with City Subdivision Regulations[1]. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

## 1017.24: PLANNED UNIT DEVELOPMENT REQUIREMENTS-

REPEALED (Ord. 1405, 2-28-2011)

## 1017.25: GRADING, FILLING AND LAND ALTERATION:

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[1] Title 11 of this Code.

A. Permit Required: No person, firm or corporation may engage in any excavation, grading, surfacing or filling of land in the City without first securing a permit as set forth in this Section.

1. Permit from City Engineer/Public Works Director: A permit is required from the City Engineer/Public Works Director or designee, for any of the following activities:

a. Placement of or grading of more than ten cubic yards of material on steep slopes adjacent to lakes and wetlands or within the shore or bluff impact zones.

b. Placement of or grading of more than 50 cubic yards of earthen material anywhere in the City.

c. Where filling or grading occurs within ten feet of a property line or when such activity alters the drainage patterns of adjacent properties.

2. Permit from City Council: A permit from the City Council is required for any projects meeting the following criteria:

a. Any fill, grading, or drainage of a public water or a wetland, provided the City Council first determines that the project is either exempt from the 1991 Wetlands Conservation Act or certifies the replacement of any loss of wetland area, values and functions in accordance with Minnesota Rules, Chapter 8420 as amended. Questions relating to wetland type, location, area, functions and values must be referred to the technical advisory panel established by Minnesota Statutes section 103G.2242 as amended.

b. For any filling or excavating on developed land zoned LDR-1 or LDR-2 where the site is less than one acre and the fill or excavation exceeds 500 cubic yards. (Ord. 1405, 2-28-2011)

c. For any filling or excavating on developed land zoned LDR-1 or LDR-2 where the site is one acre or greater and the proposed fill/excavation exceeds 1,000 cubic yards. (Ord. 1405, 2-28-2011)

d. For any filling or excavating on undeveloped land zoned LDR-1 or LDR-2 where the site is less than one acre and the proposed fill/excavation exceeds 2,000 cubic yards. (Ord. 1405, 2-28-2011)

e. For any filling or excavating on undeveloped land zoned LDR-1 or LDR-2 where the site is greater than one acre and the proposed fill/excavation exceeds 4,000 cubic yards. (Ord. 1405, 2-28-2011)

f. For any filling or excavating on developed commercial/industrial property where the site is less than two and one-half acres and the proposed fill/excavation exceeds 2,500 cubic yards.

g. For any filling or excavating on developed commercial/industrial property where the site is greater than two and one-half acres and the proposed fill/excavation exceeds 5,000 cubic yards.

h. For any filling or excavating on undeveloped commercial/industrial property where the site is less than two and one-half acres and the proposed fill/excavation exceeds 5,000 cubic yards.

i. For any filling or excavating on undeveloped commercial/industrial property where the site is greater than two and one-half acres and the proposed fill/excavation exceeds 10,000 cubic yards.

B. Applications For Permits, Additional Information: All applications for permits for grading and filling activities or land disturbances within the overlay district shall be accompanied by plans, specifications, and completion schedules in conformance with Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)

C. Building Permits, Special Provisions: All building permits involving any excavation, fill or grading shall contain special provisions that specify:

1. That the permittee is responsible for the cleanup and any damages resulting from soil eroded from the building site onto public streets, into the storm sewer system and onto any adjoining private property as required in Section 803.04: Erosion and Sedimentation Control; and(Ord. 1342, 11-13-2006)

2. That the permittee shall install and maintain erosion control as required in Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)

D. Shoreland Alterations: Alterations of vegetation and topography shall 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. Fill and grading activities within shoreland shall comply with subsections 1017.24A2a through A2i and 1017.24B. Erosion control measures shall comply with Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1405, 2-28-2011) (Ord. 1416, 9-26-2011)

E. Vegetation Alterations in Shoreland Areas:

1. Exemption: Vegetation alteration necessary for the construction of structures and roads and parking areas regulated by Sections 1017.14 through 1017.16 of this Chapter are exempt from the vegetation alteration standards that follow.

2. Vegetation Alteration Standards: Removal or alteration of vegetation is allowed subject to the following standards:

a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing outside of the impact zones is allowable as a conditional use if an erosion control and sedimentation plan is developed per the requirements of Section803.04: Erosion and Sedimentation Control. (Ord.1342, 11-13-2006) (Ord. 1359, 1-28-2008) (Ord. 1416, 9-26-2011)

b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees may be allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of lawns and new vegetation, stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and

c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

3. Connections to Public Waters: Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by subsections A through D of this section. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters and other needed approvals have been obtained. (Ord. 1156, 12-12-1994)

(Ord. 1359, 1-28-2008) 1416, 9-26-2011)

## 1017.26: STORM WATER MANAGEMENT:

The following general and specific standards shall apply to all developments within the city:

A. General Standards:

1. Existing Natural Drainageways: When possible, existing natural drainageways, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

2. Minimum Disturbance: Development shall 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 shall be stabilized and protected as

soon as possible and facilities or methods used to retain sediment on the site.

3. Constructed Facilities: When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water 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 shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

B. Specific Standards:

1. Impervious Surface Coverage: Impervious surface coverage of a site shall not exceed 25% of the site area in a shoreland or wetland overlay district unless storm water is conveyed to an approved, on-site or regional storm water ponding/retention facility designed to accommodate the increased runoff prior to discharge from the site into public waters or wetlands.

2. Review by City Engineer: All proposed storm water facilities shall be reviewed by the city engineer and certified for compliance with the city's surface water management plan, National Urban Runoff Program (NURP) standards, the Minnesota Pollution Control Agency's (MPCA) Urban Best Management Practices, and any established standards of the water management organization having jurisdiction in the project area.

3. Commercial, Industrial, and Residential Development Affectation: All commercial and industrial developments and redevelopments affecting more than five acres of land and all residential developments affecting more than five 5 acres of land shall:

a. Be served by storm water ponding facilities, on- or off-site, designed to remove a minimum of 90% of total suspended solids resulting from the runoff from a one inch rainfall event, and

b. Within the development, provide for settling chambers, sumps, dry ponds or other devices to provide for the filtering or settling of fine sands prior to discharge into the city's storm water system.

4. Private Storm Water Facilities: All private storm water facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of on a five year interval. One to five year waivers from this requirement may be granted by the city engineer when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.

5. Inventory of Private Storm Water Facilities: Upon adoption of this chapter, the city engineer shall inventory and maintain a data base for all private storm water facilities requiring maintenance to assure compliance with this section. (Ord. 1239, 4-24-2000)

(Ord. 1359, 1-28-2008)

## 1017.27: AMENDMENT:

This chapter may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in Section 1009.06 of this Code. (Ord. 1405, 2-28-2011)

# CHAPTER 1018
# EROSION AND SEDIMENTATION CONTROL

Chapter 1018 deleted 9-26-2011

See Section 803.04  Erosion and Sedimentation Control

(Ord. 1416, 9-26-2011)

# CHAPTER 1019
# PARKING AND LOADING AREAS

SECTION:

1019.01: Statement of Purpose
1019.02: Applicability
1019.03: Exempted Improvements
1019.04: Minimum Parking Requirements
1019.05: Reductions to Minimum Requirements
1019.06: Parking Area Maximums
1019.07: Shared Parking
1019.08: Proof of Parking
1019.09: Parking Area Use
1019.10: Bonuses
1019.11: Design Requirements
1019.12: Maintenance
1019.13 Bicycle Parking
1019.14 Pedestrian Circulation and Access Area
1019.15 Off-street Loading Facilities

## 1019.01: STATEMENT OF PURPOSE

The purpose of regulating off-street parking, paved areas, and loading spaces is to prevent congestion on public rights-of-way for the safety and welfare of the public. The regulations are created through analysis of the associated land use intensity, duration, time, and style, and result in design requirements and standards for such facilities.
(Ord. No. 1405, 2-28-2011)

## 1019.02 Applicability

No building permit or certificate of occupancy shall be issued for the construction of a new building, the enlargement or increase in the net floor area of an existing building, the development of a use not located in a building, or the change from one type of use to another, unless off-street parking spaces, loading bays, and bicycle parking are provided in accordance with this Code.

## 1019.03 Exempted Improvements

If undertaking improvements to an existing parking area, the following improvements are exempt from this section:

A. Seal coating or surface treatment (e.g. mill and overlay) of a parking area; or
B. Patching or repair to less than 25% of the parking area surface.

## 1019.04 Minimum Parking Requirements

A. Parking space requirements are established in Table 1019-1. For uses not listed, the off-street parking requirements shall be established by the Community Development

Department based upon the characteristics and functional similarities between uses including, but not limited to: the size of building, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles. For structures containing multiple uses, parking shall be calculated separately for each use.

B. Required parking spaces shall be located on the same lot as the principal use, unless shared parking or off-site parking is approved for the use.

C. The number provided for required parking spaces in Table 1019-1 shall be the minimum requirement. For those uses that the minimum parking is calculated on a use per square foot, the total gross floor area will be applied.

**Table 1019-1: Minimum Parking Standards**

| Use | Minimum Standard |
|---|---|
| Residential, single-family dwelling | 2 spaces per dwelling unit, 1 space must be enclosed. |
| Residential, two-family dwelling | 2 spaces per dwelling unit, 1 must be enclosed. |
| Residential, multi-family dwelling | 1 space per bedroom plus .25 spaces per every 1 unit for visitor parking. |
| Cluster housing | 2 spaces per dwelling unit, 1 space must be enclosed |
| Senior housing | 1 enclosed space per dwelling unit plus .25 space per unit for visitor parking |
| Adult day care | 1 space per each employee plus 1 space per each 10 program participants, based on maximum participant capacity of the facility. |
| Group day care, nursery school | 1 space per employee plus 1 space per each 10 program participants, based on maximum participant capacity of the facility. |
| Medical or dental office | 1 space per 250 sq. ft. of gfa, but not fewer than 5 spaces |
| Assisted living | 1 space per employee plus 1 space per 4 beds or dwelling unit, whichever is greater |
| Nursing home | 1 space per 4 beds at designed capacity |
| Community center | Parking requirement shall be based upon uses within the building |
| Libraries, museums, art | 1 space per 300 sq. ft. gfa of principal structure |
| Places of public assembly or religious institutions | 1 space per each 4 seats at maximum capacity of assembly hall.<br>A single seat on a bench is equal to 28”. |
| Elementary and junior high schools | 2 spaces per each classroom or 1 space for each 5 seats in the primary assembly area, whichever is greater |
| High school and post-secondary schools | 1 space per each 4 students based on building capacity, plus one space for each two classrooms. |
| Animal hospitals and veterinarians | 1 space per each 250 sq. ft. gfa, but not fewer than 5 spaces. |

| | |
|---|---|
| Bank | 1 space per each 300 sq. ft. gfa |
| Catering | 1 space per each 500 sq. ft. gfa |
| Coffee shop | 1 space per each 200 sq. ft. gfa |
| Convention or exhibit halls | 1 space per each 4 occupants at maximum designed capacity. |
| Food service or bakeries | 1 space per 25 sq. ft. customer floor area. |
| Lodging (e.g. hotel, motel, or inn) | 1 space per each guest room plus 1 space per 20 guest rooms to accommodate staff parking; plus 75% of the normal space required for accessory uses (e.g. restaurant, banquet space, meeting rooms, etc.) |
| Motor fuel station | 3 spaces. Multiple uses shall be calculated separately. |
| Motor vehicle service | 4 spaces per each service bay. |
| Offices | Less than 50,000 sq. ft. floor area: 1 space per each 250 sq. ft. gfa<br><br>Between 50,000 sq. ft. floor area and 200,000 sq. ft. floor area: 1 space per each 275 sq. ft. gfa<br><br>Between 200,000 sq. ft. floor area and 400,000 sq. ft. floor area: 1 space per each 300 sq. gfa<br><br>Greater than 400,000 sq. ft. floor area: 1 space per each 325 sq. ft. gfa |
| Open sales or rental lots | 1 space per each 2,500 sq. ft. customer service area. |
| Sport/health club, studio, pool | One space per each 200 sq. ft. non-court area.<br><br>Two spaces per tennis/racquetball court.<br><br>One space per each 50 sq. ft. deck area for a swimming pool. |
| Theater, auditorium, assembly halls | 1 space per each 4 seats. A single seat on a bench is equal to 28”. |
| Restaurants - Drive-through/Fast Food | 1 space per each 60 sq. ft. floor area. |
| Restaurants - Sit-down | 1 space for every 3 seats under maximum designed capacity |
| Retail store, grocery, and service establishment where > 25% gross floor area is customer area | 1 space per each 325 sq. ft. gfa |
| Large merchandise retail (e.g. appliance stores, car sales) | 1 space per each 500 sq. ft. gfa |

| | |
|---|---|
| Retail where < 25% gross floor area is customer area | One space per each 100 sq. ft. of customer service area. |
| Shopping Center | 1 space per 325 sq ft. of gfa<br><br>Grocery stores and theaters shall be calculated separately.<br><br>Restaurants and food service shall be calculated separately unless the shopping center exceeds 20,000 sq. ft. in size and no wait-staff is present, and the use constitutes less than 25% of the shopping center's floor area. |
| Manufacturing, fabrication, or processing | 1 space per employee on the largest shift |
| Retail showrooms | 1 space per each 500 sq. ft. floor area. |
| Warehouse | 1 space per each 2,000 sq. ft. gfa. |

## 1019.05 Reductions to Minimum Requirements

The off-street parking reductions described in this section may be utilized jointly or separately except as indicated otherwise.

A. Modification Request: An applicant may request a modification of the minimum required number of parking spaces by submitting a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analysis, unless an equally qualified individual is authorized by the Community Development Department.

B. Transit Service: Parking may be reduced by 10% for any parcel located within one-quarter of a mile of a transit stop. To qualify, the transit stop must be served by regular transit service on all days of the week and adequate pedestrian access must be available between the transit stop and the parcel. Regular transit service shall operate at least twice hourly between 7:30 a.m. and 6:30 p.m. on weekdays and once hourly after 6:30 p.m. Regular transit service shall operate on Saturdays, Sundays, and holidays.

C. On-Street Parking: Parking may be reduced on a one-for-one basis through the use of on-street parking adjacent to the parcel. To qualify, adequate pedestrian access must be available between the principal structure and all on-street parking spaces. On-street parking reductions may be approved by the Community Development Department, subject to a determination by the City Engineer that adequate off-street parking will be available to accommodate vehicles during snow removal and other periods of parking restrictions.

D. Travel Demand Management: In those instances where no transit or on-street parking reductions are available, parking minimums may be reduced by 5% through the implementation of a travel demand management plan. Such a plan shall be filed with and approved by the Community Development Department and may be subject to an annual review.

## 1019.06 Parking Area Maximums

The maximum number of parking spaces for any building or use shall not exceed the amount determined in this section.

A. Minimum parking requirement of 20 or fewer spaces shall not have more than 175% of the number of spaces identified in Table 1019-1.
B. Minimum parking requirement of more than 20 spaces and less than 51 spaces shall not have more than 150% of the number of spaces identified in Table 1019-1.
C. Minimum parking requirement of 51 spaces or more shall not have more than 125% of the number of spaces required as identified in Table 1019-1.
D. Additional parking may be provided if it does not increase impervious surface area beyond that which would be created by meeting the maximum parking requirement. Examples of additional parking include, but are not limited to, under structure parking, roof top parking, or structured parking above a surface parking lot.
E. An applicant may request a modification of the maximum allowed number of parking spaces by submitting a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analysis, unless the Community Development Department authorizes an equally qualified individual.

## 1019.07 Shared Parking

Shared off-street parking facilities are allowed to collectively provide parking in any district for more than 1 structure or use, subject to the conditions established in this section:

A. The uses must have their highest peak demand for parking at substantially different times of the day or week or an adequate amount of parking shall be available for all uses during shared hours of peak demand. A parking plan shall address the hours, size, and mode of operation of the respective uses.
B. The minimum spaces required under a shared parking plan shall be based on the following:
    1. For those uses parking at substantially different times of the day or week, the number of spaces required for the uses that require the most parking; and
    2. For those uses parking at the same hours of peak demand, the minimum shall be 1.5 times the number of spaces required by the use(s) that require the most parking.
C. Shared parking facilities shall be protected by a covenant running with the land and recorded with the County in a form approved by the City Attorney. Such a covenant shall not be revoked without consent of the City. A certified copy of the recorded document shall be provided to the Community Development Department prior to the use of the shared parking arrangement.

## 1019.08 Proof of Parking

If it is demonstrated that the required minimum parking is in excess of the actual demand, all of the required parking need not be constructed initially. The City Council may grant a Proof of Parking Agreement to the developer. This agreement shall describe the required parking, demonstrate that space exists to comply with the parking requirement, and set conditions for the future construction of the required parking, if necessary. The agreement shall state that the developer or future successors shall be responsible for completing parking improvements to meet City Code requirements. The area of future parking shall be landscaped, but that landscaping shall not be used to satisfy landscaping requirements.

## 1019.09 Parking Area Use

Required parking spaces and the driveways providing access to them shall not be utilized for the following:

A. Storage of unlicensed or inoperable motor vehicles, other goods, or snow;
B. Display, sales, rental, or repair of motor vehicles;
C. Permanent display and sales goods; temporary or seasonal display and sale of goods shall be allowed pursuant to Section 1011.12 of the City Code;
D. Loading and unloading of vehicles; and
E. Living space, unless required parking spaces are provided elsewhere.

## 1019.10 Bonuses

If 50% or more of all required off-street parking spaces are provided via above- or underground structured parking, the following bonuses shall apply:

A. For each structured parking space, 300 square feet shall be added as lot area for the purpose of determining allowable density up to a 20% increase.
B. The height added to the principle structure by any floor that is totally used for parking in or under the principle structure shall not be included to determine the size of the required yards.

## 1019.11 Design Requirements

A. Site Plan: All applications for a building permit shall include a site plan, drawn to scale, that depicts the location and arrangement of vehicle parking, curb cuts, driveways, and walkways and to be consistent with the requirements of Chapter 703 of this Code.
B. Access and Location: Parking areas shall have access to a public street. Driveways shall be located to minimize interference with traffic movement, and to be consistent with the requirements of Chapter 703 of this Code.
C. Parking Spaces: Required parking spaces shall be at least 9 feet wide and 18 feet long. Up to 50% of the required spaces may be designated compact spaces. Compact spaces shall be identified through appropriate signage. Unless alternative requirements are designated by the Community Development Department and/or City Engineer, parking spaces shall be served by access drives with minimum dimensions provided as follows:

**Table 1019-2: Parking Lot Dimensions**

| Stall Angle (degrees) | Curb Length (feet) | Vehicle Projection (feet) | Aisle (feet) | Traffic Flow |
|---|---|---|---|---|
| 45 | 9 | 22 | 14 | One way |
| 60 | 9 | 21 | 16 | One way |
| 75 | 9 | 21 | 18 | One way |
| 90 | 9 | 18 | 24 | Two way |
| 90 compact | 8 | 16 | 24 | Two way |
| Parallel | 23 | 8.5 | 22 | |

D. Handicapped Parking Spaces: The size, number, and location of stalls reserved for handicapped parking shall be provided and identified as required by applicable regulations. These spaces are included in the computation for the minimum parking space requirement.
E. Turnarounds:
   1. All parking areas except those serving one-family and two-family dwellings on local streets shall be designed so that cars do not have to back into the public street.
   2. Parking areas for one-family and two-family dwellings with driveway access onto County or State roads shall be designed so that cars do not have to back into the

street.

F. Surfacing: All off-street parking areas and driveways shall be constructed of bituminous asphalt, concrete, pavers, or other material approved by the City Engineer.

G. Walkways: Required parking areas for 6 or more vehicles shall have walkways separated from the parking area and surfaced with bituminous asphalt, pavers, or concrete to provide access from parking areas to the entrances of buildings.

H. Drainage: All parking or paved areas shall be adequately served by storm sewer or other approved storm water facilities. Such facilities shall be approved by the City Engineer.

(Ord. 1471, 2014-11-10)I. Curbs: A 6-inch-high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where the City Engineer determines that a curb would impede the drainage plan.

## 1019.12 Maintenance

All off-street parking areas shall be maintained in good repair.

## 1019.13 Bicycle Parking

A. Bicycle parking is required to provide adequate and safe facilities for the storage of bicycles, to encourage the use of bicycles as an alternative to motor vehicles, and to provide bicycle access to employment, commercial, and other destinations.

B. General Requirements:
   1. Bicycle parking may be provided using the following approaches:
      a. Bicycle Racks: Open-air devices to which a bike may be locked, suitable for short-term visitor and customer parking;
      b. Bicycle Lockers: Stand-alone enclosures designed to hold one bicycle per unit, preferred for sites where all-day bicycle parking is common; and/or
      c. Bicycle Lock-ups: Site-built secure enclosures that hold 1 or more bicycles, best for residents' and employees' all-day or long-term bicycle storage.
   2. All bicycle racks or lockers must be securely anchored to the ground or building structure; or
   3. Bicycle racks or lockers shall be placed on a level, pavement or concrete surface.

C. Location Criteria for Bicycle Racks:
   1. Bicycle racks shall be placed near building entrances, generally within 50 feet.
   2. Bicycle rack placement should allow for visual monitoring by people within the building and/or people entering the building.
   3. Bicycle racks shall be located to avoid conflicts with pedestrians.
   4. Bicycle racks shall be at least 24 inches from a wall to which they are parallel and 30 inches from a wall to which they are perpendicular.

D. Number of Required Bicycle Parking Spaces:
   1. Bicycle parking spaces equal to 10% of the automobile parking space requirement, but not less than four bicycle parking spaces.
   2. Exceptions:
      a. Low-density Residential: No bicycle parking spaces are required.
      b. Schools: Schools shall provide a minimum of 1 bicycle parking space per 10 students.

E. Proof of Bicycle Parking: If it is demonstrated that the required minimum bicycle parking is in excess of the actual demand, all of the required parking need not be constructed initially. The Community Development Department may approve a Proof of Bicycle Parking Plan. This plan shall describe the required bicycle parking, demonstrate that space exists to comply with the bicycle parking requirement, and set conditions for the future construction of the required bicycle parking, if necessary. The Plan shall state

that the developer or future successors shall be responsible for completing bicycle parking improvements to meet City Code requirements.

## 1019.14 Pedestrian Circulation and Access

A. Access Points: Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops. Pedestrian access shall be coordinated with existing development to provide circulation patterns between developments.
B. Conflicts: Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances, and between buildings.
C. Design Standards: Pedestrian access and walkways shall meet the following minimum design standards:
    1. Access and walk walkways shall be well-lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation, or other means to protect pedestrians from vehicular traffic;
    2. Access and walkways shall be a minimum of 6 feet of unobstructed width and meet City standards for surfacing of walkways or sidewalks;
    3. Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture, or other equivalent means; and
    4. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles. Raised crosswalks or speed bumps may be required at all points where a walkway crosses the lane of vehicle travel.

## 1019.15 Off-street Loading Facilities

A. Loading Zones: The off-street loading requirement for nonresidential buildings may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area and access to the loading zone area shall be provided such that it does not conflict with automobile circulation to, from, or within the site.
B. Loading Docks, Berths, and Facilities:
    1. Loading Facility: A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.
    2. Location:
        a. All loading berth curb cuts shall be located 40 feet or more from the intersection of two street rights-of-way.
        b. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, unless the loading berth is entirely within a building.
        c. Loading facilities shall not occupy the required front yard. In situations where access to the loading berth is directly from the street and no other practicable means of access exist, this requirement may be waived by the Community Development Department.
    3. Access: Each loading berth location shall permit vehicular access to a street in a manner that will least interfere with traffic.
    4. Surfacing: All loading facilities and accessways shall be paved with bituminous or concrete paving to control the dust and drainage.

5. Screening: See Section 1011.03 of the City Code.

C. Accessory Use: No loading berth or access drive shall be used for the storage of goods or inoperable vehicles. It may not be included as a part of the space necessary to meet the off-street parking requirements.

(Ord. 1403, 12-13-2010)

# CHAPTER 1020
# SEXUALLY ORIENTED USES

1020.01: Purpose
1020.02: General Provisions
1020.03: Sexually Oriented Uses - Principal
1020.04: Sexually Oriented Uses - Accessory

## 1020.01: PURPOSE:

The purpose of this chapter is to establish provisions for the opportunity as well as controls of sexually oriented uses within the city of Roseville. (Ord. 1263, 5-5-2002)
(Ord. 1359, 1-28-2008)

## 1020.02: GENERAL PROVISIONS:

Sexually oriented uses as defined in this title shall be subject to the following general provisions:

A. Activities classified as obscene as defined by Minnesota statutes, section 617.241 are not permitted and are prohibited.
B. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also used for residential purposes.
C. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also licensed to sell intoxicating liquor, non-intoxicating malt liquor or wine.
D. A sexually oriented use which does not qualify as a sexually oriented use - accessory, shall be classified as a sexually oriented use - principal.
E. See section 1002.02 of this title for definitions of terms relating to this chapter. (Ord. 1263, 5-5-2002)
(Ord. 1359, 1-28-2008)

## 1020.03: SEXUALLY ORIENTED USES - PRINCIPAL:

A. Sexually oriented uses-principal shall be located at least one thousand three hundred twenty (1,320) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented use - principal is located to the property line of:

Another sexually oriented use - principal.

Churches.

Daycare centers.

On-sale or off-sale liquor establishments.

Public library.

Public or private schools and government office buildings.

Public parks and other public recreation facilities.

Residentially zoned property.

B. Sexually oriented uses - principal activities, as defined by this title, shall be classified as one use. No two (2) sexually oriented uses - principal shall be located in the same building or upon the same property and each use shall be subject to subsection A of this section.

C. Sexually oriented uses - principal shall, in addition to other sign requirements established by this code or this chapter, also adhere to the following signing regulations:
1. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.
2. Shall not contain material classified as advertising.
3. Shall comply with the requirements of size and number of the district in which they are located. (Ord. 1263, 5-5-2002)

(Ord. 1359, 1-28-2008)

## 1020.04: SEXUALLY ORIENTED USES - ACCESSORY:

A. Sexually oriented uses - accessory shall:

1. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located; provided that the maximum floor area used for sexually oriented uses - accessory may not exceed one thousand (1,000) square feet.
2. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.
3. Not involve or include any activity except the sale or rental of merchandise.

B. Sexually oriented uses - accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

1. Movie Rentals: Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.
2. Magazines: Publications classified or qualifying as sexually oriented shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

C. Sexually oriented uses - accessory shall be prohibited from both internal and external advertising and signing of sexually oriented materials and products.

D. Sexually oriented uses - accessory activities, including sale or display of instruments, devices or paraphernalia which are used or designed for use in connection with specified sexual activities, shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted. (Ord. 1263, 5-5-2002) (Ord. 1342, 11-13-2006) (Ord. 1359, 1-28-2008)

# CHAPTER 1021
# FLOODPLAIN REGULATIONS

SECTION:

1021.01: Statutory Authorization, Findings of Fact and Purpose
1021.02: General Provisions
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1021.04: Floodway District (FW)
1021.05: Floodfringe District (FF)
1021.06: Procedures for Determining 1% Annual Chance Flood Elevations (100-YR flood elevations) in Zone A
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1021.10: Administration
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## 1021.01: STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

A. Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Roseville, Minnesota does ordain as follows:

B. Findings of Fact:

1. The flood hazard areas of the City of Roseville, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
3. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

C. Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section B-1 by provisions contained herein.

## 1021.02: GENERAL PROVISIONS

A. Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the

jurisdiction of the City of Roseville shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

B. Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the Ramsey County, Minnesota (All Jurisdictions); Flood Insurance Rate Map panels therein numbered 27123C0012G, 27123C0015G, 27123C0016G, 27123C0020G, 27123C0036G, 27123C0038G, 27123C0080G, 27123C0085G and 27123C0101G; and the Flood Insurance Rate Map Index (Map Number 27123CIND0B), all dated June 4, 2010 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of Community Development

C. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

D. Interpretation:

1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

E. Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

F. Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Roseville or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

G. Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

H. Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
3. Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
   a. Certain conditions as detailed in the zoning ordinance exist.
   b. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
4. Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
5. Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
6. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
7. Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Ramsey County, Minnesota (All Jurisdictions).
8. Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
9. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
10. Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
11. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
12. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
13. Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
14. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
15. Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
16. Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or

less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

17. Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood", 1-percent annual chance flood or 100-year flood elevation.
18. Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
19. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 1021.09A1 of this Ordinance and other similar items.
20. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
21. Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
    a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
    b. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.
22. Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

I. Annexations: The Flood Insurance Rate Map panels adopted by reference into Section B above may include floodplain areas that lie outside of the corporate boundaries of the City of Roseville at the time of adoption of this ordinance. If any of these floodplain land area are annexed into the City of Roseville after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Roseville.

## 1021.03: ESTABLISHMENT OF ZONING DISTRICTS

A. Districts:
   1. Floodway District: The Floodway District shall include those areas designated as Zone AE and Zone A on the Flood Insurance Rate Map panels adopted in Section B that are below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
   2. Flood Fringe District: The Flood Fringe District shall include those areas designated as Zone AE and Zone A on the Flood Insurance Rate Map panels adopted in Section B that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14. See Section 1021.06 for procedures to determine the 1% annual chance flood elevation (100-year flood elevation).

B. Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 1021.04 and 1021.05 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:
   1. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 1021.11.
   2. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 1021.10 of this Ordinance.

**1021.04: FLOODWAY DISTRICT (FW)**

The permitted and conditional uses listed below are only allowable in the floodway if not prohibited by any other underlying zoning district classifications of the City of Roseville and if not prohibited by any applicable state or federal law.

A. Permitted Uses:
   1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, and wild crop harvesting.
   2. Boat launching ramps, swimming areas, parks, wildlife and nature preserves, and fishing areas.
   3. Residential lawns, gardens and play areas.

B. Standards for Floodway Permitted Uses:
   1. The use shall have a low flood damage potential.
   2. The use shall be permissible in the underlying zoning district if one exists.
   3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

C. Conditional Uses:
   1. Extraction and storage of sand, gravel, and other materials.
   2. Marinas, boat rentals, docks, piers, wharves, and water control structures.
   3. Railroads, streets, bridges, utility transmission lines, and pipelines.
   4. Placement of fill.

D. Standards for Floodway Conditional Uses:
   1. All Uses. No fill (including fill for roads and levees), deposit, obstruction, or other

use may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

2. All floodway conditional uses shall be subject to the procedures and standards contained in Section 1021.10D of this Ordinance.
3. The conditional use shall be permissible in the underlying zoning district if one exists.
4. Fill:
   a. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
   b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
   c. As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use must be title registered with the property in the Office of the County Recorder.
5. Storage of Materials and Equipment. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
6. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

**1021.05: FLOOD FRINGE DISTRICT (FF)**

A. Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 1021.05B.

B. Standards for Flood Fringe Permitted Uses:
   1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
   2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be flood proofed in accordance with the following standards:
      a. Accessory structures shall not be designed for human habitation.
      b. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to

the FP-3 or FP-4 flood proofing classification in the State Building Code and, for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. Flood proofed accessory structures must meet the following additional standards:

(1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

(3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

3. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

C. Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 1021.05B1-B2 and or any use of land that does not comply with the standards in Section 1021.05B3 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 1021.05D-E and 1021.10D of this Ordinance.

1. Standards for Flood Fringe Conditional Uses:

a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(1) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(2) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(a) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all

openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

b. Basements, as defined by Section 1021.02H2 of this Ordinance, shall be subject to the following:

(1) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 1021.05C1c of this Ordinance.

c. All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

d. Storage of Materials and Equipment:

(1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

e. The provisions of Section 1021.05C2 of this Ordinance shall also apply.

2. Standards for All Flood Fringe Uses:

a. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

b. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 1021.05C2a above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires

that it be located in flood plain areas.

c. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

d. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

e. Standards for recreational vehicles are contained in Section 1021.09A.

f. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

**1021.06: Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) in Zone A**

A. Reserved for Future Use

B. Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) in Zone A:

1. Upon receipt of an application for a permit or other approval within a Zone A, the Zoning Administrator will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Zoning Administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.
2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.
3. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the Zoning Administrator shall process the permit application consistent with the applicable provisions of Section 1021.04 and 1021.05 of this Ordinance.

**1021.07: SUBDIVISIONS**

A. Review Criteria: No land shall be subdivided which is unsuitable for the reason of

flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

B. Procedures for determining 1% annual chance flood elevation (100-YR flood elevation) in Zone A: In a designated Zone-A area, applicants shall provide the information required in Section 1021.06B of this Ordinance to determine the 1% annual chance flood elevation (100-year flood elevation) and the regulatory flood protection elevation for the subdivision site.

C. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 1% annual chance flood elevation (100-year flood elevation). FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

**1021.08: PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES**

A. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

B. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 1021.04 and 1021.05 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

C. On-Site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

**1021.09: PLACEMENT OF RECREATIONAL VEHICLES.**

A. Recreational vehicles that do not meet the exemption criteria specified in Section 1021.09A1 below shall be subject to the provisions of this Ordinance and as specifically

spelled out in Sections 1021.09A3 and A4 below.

1. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 1021.09A2 below and further they meet the following criteria:
    a. Have current licenses required for highway use.
    b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
    c. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
2. Areas Exempted For Placement of Recreational Vehicles:
    a. Individual lots or parcels of record.
    b. Existing commercial recreational vehicle parks or campgrounds.
    c. Existing condominium type associations.
3. Recreational vehicles exempted in Section 1021.09A1 lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the recreational vehicle or exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 1021.04 and 1021.05 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
4. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
    a. All new or replacement vehicles and related contents that are not elevated above the regulatory flood protection elevation or are not placed over properly elevated road access in the Floodway or Flood Fringe District, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 1021.10D of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 1021.09A1 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 1021.08C of this Ordinance.

**1021.10: ADMINISTRATION**

A. Community Development Department: The Community Development Department shall administer and enforce this Ordinance. If the Community Development Department finds a violation of the provisions of this Ordinance the Community Development Department shall notify the person responsible for such violation in accordance with the procedures stated in Section 1021.12 of the Ordinance.

B. Permit Requirements:

1. Permit Required. A Permit issued by the Community Development Department in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
2. Application for Permit. Application for a permit shall be made in duplicate to the Community Development Department and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
3. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Community Development Department shall determine that the applicant has obtained all necessary state and federal permits.
4. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Community Development Department stating that the use of the building or land conforms to the requirements of this Ordinance.
5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 1021.12 of this Ordinance.
6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
7. Record of First Floor Elevation. The Community Development Department shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Community Development Department shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.
8. Notifications for Watercourse Alterations. The Community Development Department shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

9. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Community Development Department shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

C. Variance Board:

1. Overview: Variance applications will be reviewed by City staff and discussed in a public hearing by the Variance Board, which meets on the first Wednesday of each month, as necessary. Minnesota State Law requires that a decision be issued for each application within 60 days of the application submission date. Sixty-day extensions may be obtained if more time is needed to resolve outstanding issues.
2. Application Deadline: Applications must be received by the close-of-business on the first Friday of each month; applications received after this date cannot be heard at the Variance Board meeting of the following month. The Variance process takes about 6 weeks from the application deadline.
3. Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.
4. Initial Review: Applications will be reviewed for completeness by Community Development Department staff, and a determination of completeness will be provided to the applicant in the form of a letter within about 10 days of the application submittal date. A letter in response to an *incomplete* application will identify the materials that are needed in order to complete the application; once all of the outstanding application materials are received, the 60-day action timeline will restart. A letter in response to a complete application will outline the schedule for the formal review and approval process described below.
5. Formal Review: Variance applications may be discussed by a panel of City staff representing various departments. The members of this panel will address points of concern based on their respective professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Variance Board.
6. Staff Report: Community Development staff will prepare a report summarizing the application, reviewing it against the City's Codes, Ordinances, and policies, and providing a recommendation for the Variance Board. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Variance Board meeting.
7. Notice of Public Hearing:
   a. Published and Mailed Notices: Minnesota State Law requires published notice in a City's legal newspaper a minimum of ten (10) days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the City of Roseville. A copy of the proposed variance application shall be mailed sufficiently in advance so that the Commissioner of Natural Resources will receive at least 10-days notice of the public hearing.
   b. Posted Signs: Variance applications also require a "Notice of Land Use Application" sign to be posted on the subject property by the applicant/property owner at least ten (10) days prior to the date of the public hearing; larger sites may require additional signs. These signs may be obtained at the Community Development counter in City Hall; to ensure that it is ready, please call 651-792-7005 to arrange a time to pick up the sign.
8. Variance Board Meeting: Applicants are encouraged to attend and participate in the

public hearing in order to respond to questions from the Variance Board and/or members of the public. The public hearing will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, video, or other proposed variance application. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.

9. At the Public Hearing: The Variance Board Chairperson will call the meeting to order at the appointed time, Commissioners and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Chairperson will introduce the application and City staff will review the issues and recommendations detailed in the staff report. Members of the Variance Board may ask questions about the application to be answered by City staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chairperson will close the public hearing, and the Board Members will discuss the application and take action.
10. Variance Board Action: The Variance Board has the authority to approve or deny an application and its decision is final. The Variance Board will provide the rationale for its decision and adopt a motion approving or denying the variance request. If the decision is not appealed within the time allowed, the variance becomes effective, and any necessary building permits may be issued; at this time the Variance Board resolution will be sent to Ramsey County to be recorded against the property. The Variance Board decision shall not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. A copy of all decisions granting variances shall be forwarded to the Commissioner of Natural Resources, within 10-days of such action. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
    a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
    b. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
    c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
11. Appeals: The decision of the Variance Board may be appealed by the applicant or by any other Roseville property owner within 10 days of the decision. Appeals are heard by the City Council which acts as the Board of Zoning Adjustments and Appeals. An appeal is a matter of public record, but it does not require a public hearing and no new information will be reviewed as part of the appeal; the Board of Zoning Adjustments and Appeals will simply review the Variance Board's

decision-making process to determine whether it complied with City Ordinances and State Statutes.

12. Flood Insurance Notice and Record Keeping. The Community Development Department shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

D. Conditional Use:

1. Overview: Conditional Use applications will be reviewed by City staff and discussed in a public hearing by the Planning Commission, which meets on the first Wednesday of each month, before a decision to approve or deny the application is made by the City Council at its regular meeting on the fourth Monday later that month.
2. Application Deadline: Applications must be received by the close-of-business on the first Friday of each month; applications received after this date cannot be heard at the Planning Commission meeting of the following month. Minnesota State Law requires that a decision be issued for each application within 60 days of the submission of a complete application.
3. Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.
4. Escrow Deposit: Because commercial uses can involve a significant amount of research and analysis by staff and/or outside consultants, the applicant must deposit $1,000 in escrow in addition to the commercial application fee for a Conditional Use. If the escrow is drawn down to $500, the applicant will be required to replenish the account; unused escrow funds will be returned to the applicant at the conclusion of the Conditional Use process.
5. Formal Review: Conditional Use applications may be discussed by a panel of City staff representing various departments. The members of this panel will address points of concern based on their respective professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Planning Commission.
6. Staff Report: Community Development staff will prepare a report summarizing the application, reviewing it against the City's Codes, Ordinances, and policies, and providing a recommendation for the Planning Commission. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Planning Commission meeting.
7. Notice of Public Hearing:
   a. Published and Mailed Notices: Minnesota State Law requires published notice in a City's legal newspaper a minimum of ten (10) days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the City of Roseville. A copy of the proposed conditional use application shall be mailed sufficiently in advance so that the Commissioner of Natural Resources will receive at least 10-days notice of the public hearing.
   b. Posted Signs: Conditional Use applications also require a "Notice of Land Use

Application" sign to be posted on the subject property by the applicant/property owner at least ten (10) days prior to the date of the public hearing; larger sites may require additional signs. These signs may be obtained at the Community Development counter in City Hall; to ensure that it is ready, please call 651-792-7005 to arrange a time to pick up the sign.

8. Planning Commission Meeting: Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the Planning Commission and/or members of the public. The public hearing will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, video, or other materials. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.
9. At the Public Hearing: The Planning Commission Chairperson will call the meeting to order at the appointed time, Commissioners and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Chairperson will introduce the application and City staff will review the issues and recommendations detailed in the staff report. Members of the Planning Commission may ask questions about the application to be answered by City staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chairperson will close the public hearing, and the Commissioners will discuss the application and take action.
10. Planning Commission Action: The Planning Commission does not approve or deny an application; instead, it makes a recommendation of approval or denial to the City Council and provides the rationale for its recommendation. The application, along with the recommendation of the Planning Commission, is then brought to the City Council which has authority to approve or deny the application.
11. City Council: At the scheduled time, the Mayor will call the meeting to order and it will progress similar to the Planning Commission meeting. Based on the recommendation from the Planning Commission in addition to its own review, the City Council will approve or deny the proposed Conditional Use as an item on the "Consent Agenda". At their discretion, however, the City Council may choose to review the application in greater detail and take public comment, similar to the public hearing, before ultimately approving or denying the request. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
12. Procedures for Approving a Conditional Use: The following procedures shall be followed when considering/approving a Conditional Use within all Flood Plain Districts.
    a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Roseville Community Development Department for determining the suitability of the particular site for the proposed use:
        (1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
        (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
    b. Transmit one copy of the information described in subsection "a" to a

designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

c. Based upon the technical evaluation of the designated engineer or expert, the Community Development Department shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

13. Factors upon which the Conditional Use shall be based: In approving a Conditional Use the City shall consider all relevant factors specified in other sections of this Ordinance, and:
    a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
    b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
    c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
    d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
    e. The importance of the services provided by the proposed facility to the community.
    f. The requirements of the facility for a waterfront location.
    g. The availability of alternative locations not subject to flooding for the proposed use.
    h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
    i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
    j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
    k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
    l. Such other factors which are relevant to the purposes of this Ordinance.
14. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
    a. Modification of waste treatment and water supply facilities.
    b. Limitations on period of use, occupancy, and operation.
    c. Imposition of operational controls, sureties, and deed restrictions.
    d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
    e. Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

**1021.11: NONCONFORMITIES**

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 1021.02H21 of this Ordinance, shall be subject to the provisions of Sections 1021.11A1 – A5 of this Ordinance.
   1. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
   2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 1021.11A3-A6 below.
   3. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 1021.04 or 1021.05 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
   4. If any nonconforming use is discontinued for l2 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of l2 months.
   5. If any nonconforming use or structure is substantially damaged, as defined in Section 1021.02H20 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 1021.04 and 1021.05 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
   6. If a substantial improvement occurs, as defined in Section 1021.02H21 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 1021.04 or 1021.05 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

**1021.12: PENALTIES FOR VIOLATION**

A. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
B. Nothing herein contained shall prevent the City of Roseville from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
   1. In responding to a suspected Ordinance violation, the Zoning Administrator and

Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

**1021.13: AMENDMENTS**

A. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.
B. All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

(Ord. 1394, 5-17-2010)

# CHAPTER 1022
# ZONING OVERLAY DISTRICT FOR THE TWIN LAKES REDEVELOPMENT AREA

(Rep. by Ord. 1430, 11/19/12)

# CHAPTER 1023
# PLANNED UNIT DEVELOPMENTS

SECTION:

1023.01: Purpose and Intent
1023.02: Initiation of Proceedings
1023.03: Reflection on the Official Zoning Map
1023.04: Permitted Locations for PUD Rezoning
1023.05: PUD Qualifications
1023.06: Permitted Uses Within a PUD
1023.07: Areas of Flexibility
1023.08: PUD Review Criteria
1023.09: PUD Review Procedure
1023.10: PUD Amendments
1023.11: PUD Cancellation
1023.12: Administration

## 1023.01: PURPOSE AND INTENT

A. The purpose of the Planned Unit Development (PUD)zoning district is to provide greater flexibility in the development of residential and non-residential areas in order to achieve more creative development outcomes while remaining economically viable and marketable. This is achieved by undertaking a process that results in a development outcome exceeding that which is typically achievable through the underlying zoning district. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.

B. Overarching goals (not requirements) of the City in approving a PUD include but are not limited to:
   1. Higher standards of site and building design such that a new development appears attractive and inviting from all surrounding parcels;
   2. Greater utilization of new technologies in building design, construction, and land development;
   3. A more creative and efficient use of land than would otherwise be possible;
   4. Incorporation of extensive landscaping and site amenities in excess of what is required by code;
   5. Creation of high-quality park, open space, and trail opportunities that exceed the expectations established in the Comprehensive Plan;
   6. Enhanced access to a convenient and efficient multi-modal transportation option to service the daily needs of residents at peak and non-peak use levels, with high connectivity to the larger community;
   7. Creative designs that reduce initial infrastructure costs as well as long-term maintenance and operational costs;
   8. The preservation and enhancement of desirable site characteristics (including flora and fauna, scenic views, and screening);
   9. Flexibility in design and construction to alleviate anticipated impacts to nearby properties and to provide greater opportunity for increased buffers between uses of

differing intensities;

10. Incorporation of structured parking to hide vehicle storage and to promote opportunities for improved buffering between intensive uses and sensitive areas;
11. Elimination of repetition by encouraging a housing mixture that diversifies the architectural qualities of a neighborhood;
12. Facilitation of a complementary mix of lifecycle housing; and
13. Accommodation of higher development intensity in areas where infrastructure and other systems are capable of providing appropriate levels of public services and subsequently lower intensity in areas where such services are inadequate or where natural features require protection and/or preservation.

**1023.02: INITIATION OF PROCEEDINGS**

The owner of property on which a PUD is proposed shall file the applicable application for approval of the PUD by paying the fee(s) set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form and within this Section. Complete applications shall be reviewed by City Commissions as deemed necessary by the Community Development Department, including a public hearing before the Planning Commission, and be acted upon by the City Council according to the process set forth in Chapter 108 of this Code. If a proposed PUD is denied, any subsequent application for a substantially similar PUD within one (1) year of the date of denial shall fully address all findings which supported the denial prior to being accepted as complete.

1023.03: REFLECTION ON THE OFFICIAL ZONING MAP

A. PUD provisions provide an optional method of regulating land use which permits flexitility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD district, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay District shall be governed by the underlying zoning district regulations.
B. All PUDs approved prior to April 11, 2016 shall be allowed to continue per the original conditions of approval.

**1023.04: PERMITTED LOCATIONS FOR PUD REZONING**

Establishment of a PUD Overlay District may be requested for any area regardless of current zoning.

**1023.05: PUD QUALIFICATIONS**

A. Establishment of a PUD will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership at the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.
B Projects eligible for a PUD shall have a site which consists of a parcel or contiguous parcels of land two (2) acres or more in size. Tracts of less than two (2) acres may be eligible for a PUD overlay district only if the applicant can demonstrate that a project of superior design can be achieved, or that greater compliance with the comprehensive plan goals and policies can be attained through use of the PUD process.

**1023.06: PERMITTED USES WITHIN A PUD**

A. The extent of permitted land uses within a PUD shall be limited to those land uses that are either permitted or deemed by the Community Development Department to be substantially similar to those allowed in the underlying zoning district.
B. Adopted PUD Overlay District regulations may include specific provisions governing uses which supersede underlying zoning requirements.
C. More than one building may be placed on one lot in a PUD.

**1023.07: AREAS OF FLEXIBILITY**

Flexibility provided through a PUD will not be approved simply to avoid adherence to underlying zoning regulations, but instead must be used as a springboard to new development that would not otherwise be possible utilizing existing zoning standards. Areas of possible flexibility include the following:

A. Building Placement – including zero lot line construction subject to building code allowances. Specifications and standards for lots and setbacks shall be at the discretion of the City Council and shall encourage a desirable living or working environment which assists in achieving the goals set out for PUDs in Section 1023.01 (B).
B. Trees/Landscaping Requirements – requires specialized landscaping plans that better address on-site needs and adjacent property concerns than would otherwise be required.
C. Open Spaces – provision of public open spaces that are enhanced with public art and other amenities to provide a congregation area and a unique sense of place within the development.
D. Parking Standards – a change in stall or lot configuration requirements in exchange for structured parking, better screening of parking areas, or higher quality landscaping throughout a parking area.
E. Exterior Materials – flexibility on exterior materials to allow for unique architectural expression.
F. Density – up to a 10% increase in residential density if the PUD provides substantially more site amenities and achieves more comprehensive plan goals than could be achieved in a conventional development for the applicable land use zone.
G. Other – the City Council reserves the right to consider other modifications to underlying zoning requirements not listed above provided such changes are supportable under the PUD review criteria listed in Section 1023.08.

**1023.08: PUD REVIEW CRITERIA**

The following findings shall be made by the City Council prior to approval of a new or amended PUD overlay district.

A. The quality of the building and site design proposed by the PUD will substantially enhance aesthetics of the site and implement relevant goals and policies of the comprehensive plan.
B. The design creates a unified environment within the project boundaries by ensuring architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and efficient use of utilities;
C. The design achieves maximum compatibility with surrounding land uses, both existing and anticipated, and shall minimize the potential adverse impacts that the PUD and surrounding land uses may have on one another;
D. The design takes into consideration proposed modification of underlying zoning

requirements and provides appropriate solutions to eliminate adverse impacts that proposed modifications may impose on surrounding lands.

E. If the proposed PUD involves construction over two or more phases, the applicant has demonstrated that each phase is capable of being a stand-alone development independent of other phases; and

F. At least one or more of the following specific goals will be achieved by the proposed PUD:

1. Sustainability Improvements
   Multiple sustainability techniques are incorporated into the development plans including but not necessarily limited to:
   a. Implementation of high-quality construction standards and the use of high-quality construction materials to ensure the longevity of the proposed project;
   b. Improvements to reduce the project's energy load, increase energy efficiency, and maximize the use of renewable energy sources;
   c. Inclusion of facilities to reuse or recycle water for on-site uses such as irrigation; and/or
   d. Enhancement of Indoor Environmental Quality (IEQ) by maximizing interior daylight, investment in appropriate ventilation and moisture control, occupant control over systems such as lighting and temperature, and avoidance of materials with high VOC emissions.
2. Improved Storm Water Management
   Where appropriate, maximize the use of ecologically based approaches to storm water management, restoration or enhancement of on-site ecological systems, and protection of off-site ecological systems through the application of Low Impact Development (LID) practices.
3. Enhanced Buffering
   Along property lines that abut different use types, implementation of two or more of the following techniques:
   a. Significant vegetative screening and maintenance of existing vegetation if possible and appropriate;
   b. Increased setbacks; and/or
   c. Inclusion of berms, walls, fencing, or a combination of such.
4. Structured Parking
   Inclusion of structure parking to minimize land area dedicated to vehicles thereby maximizing uses elsewhere on the property.

## 1023.09: PUD REVIEW PROCEDURE

All requests to establish a PUD Overlay District shall be initiated by following the steps below.

A. Developer Open House Required

1. Prior to submitting PUD Sketch Plan application for review, the applicant shall be required to hold a Developer Open House meeting in accordance with the provisions of Chapter 1102, Section 1102.01(B).

2. The written summary required by Chapter 1102, Section 1102.01 (B)(5) shall be submitted to the City as a component of the subsequent PUD Sketch Plan application.

B. PUD Sketch Plan

1. Purpose

   The PUD Sketch Plan is the next step in the public engagement process, which gives the developer an opportunity to present their ideas to the City Council and the public so as to gain general feedback on areas that will require additional analysis, study, design, and changes. Feedback gained during the PUD Sketch Plan phase should be addressed within the subsequent PUD Concept Plan to be presented at a second required Developer Open House meeting prior to formal submittal.

2. Specific PUD Sketch Plan Submittal Requirements

   Except as may be waived by the Community Development Department, the following information shall constitute a complete application for the PUD Sketch Plan:

   a. A listing of contact information including name(s), address(es) and phone number(s) of the owner of record, authorized agents or representatives, the engineer, the surveyor, and any other relevant associates;
   b. A listing of the following site data: address, current zoning, parcel size in acres and square feet and the current legal description(s);
   c. A narrative explaining the applicant's proposed objectives for the PUD, a listing of the areas of flexibility from standard zoning sought through the use of PUD design, and an explanation of how the proposal addresses the PUD review criteria in Section 1023.08.
   d. A listing of general information including the number of proposed residential units, commercial and/or industrial land uses and square footages by category of use, public use areas including a description of proposed use, and any other land use proposed as part of the PUD.
   e. Calculation of the proposed density of the project and the potential density under standard zoning regulations, including both gross density and net density accounting for developable and undevelopable land. Undevelopable land for the purposes of this calculation shall include all wetlands, floodplain, slopes greater than 18%, poor soils and areas of concentrated woodlands;
   f. The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas); and
   g. A PUD Sketch Plan illustrating the nature and type of proposed development. At a minimum, the plan should show:
      i. Area calculations for gross land area;
      ii. Existing zoning district(s) on the subject land and all adjacent parcels;
      iii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (such as schools and parks);
      iv. Area calculations for each parcel;
      v. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
      vi. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
      vii. Proposed sidewalks and trails;
      viii. Proposed parking areas;
      ix. Proposed parks, common areas, and preservation easements (indicate public

vs. private if applicable);

x. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;

xi. Location of utility systems that will serve the property; and

xii. Any additional information that may explain the proposed PUD.

3. PUD Sketch Plan Proposal Review
   Upon receiving a PUD Sketch Plan application, the Community Development Department shall schedule a date upon which the City Council will review the Sketch Plan application and provide feedback to the applicant.
   a. During the meeting, the City Council may make comment on the merit, needed changes, and suggested conditions that the proposer should adhere to with any future application.
   b. Staff should identify information submittals that were waived so the City Council may determine if such is needed for PUD Concept Plan submittal.
   c. The City Council may take comment from the public as part of the meeting.
   d. The City Council shall make no formal decision as part of the consideration. The City Council's comments are explicitly not an approval or denial of the project, but are intended only to provide information for the applicant to consider prior to application for a possible PUD Concept Plan.

C. Second Developer Open House Meeting Required
   1. Prior to submitting a PUD Concept Plan application for review, the applicant shall be required to hold a second developer Open House meeting in accordance with the provisions of Chapter 1102, Section 1102.01(B).
   2. The written summary required by Chapter 1102, Section1102.01(B)(5) shall be submitted to the City as a component of the subsequent PUD Concept Plan application.

D. PUD Concept Plan
   1. Prerequisites
      a. No application for a PUD Concept Plan will be accepted unless a distinctly similar proposal has completed the PUD Sketch Plan review process within the previous year from the date of the Concept Plan application.
      b. No application for a PUD Concept Plan will be accepted unless the required developer open house meeting has been held not less than 15 days and not more than 45 days prior to the submission of a PUD Concept application.
   2. PUD Concept Plan Submittal Requirements
      Except as may be waived by the Community Development Department, the following information shall constitute a complete application for PUD Concept Plan.
      a. All required information for a preliminary plat per Chapter 1102, Section 1102.01(C) and Section 1102.02;
      b. A written summary of the required Developer Open House meeting as required by Chapter 1102, Section 1102.01 (B)(5);
      c. A separate PUD Concept Site Plan that includes the following information:
         i. Administrative information (including identification of the drawing as a "PUD Concept Plan," the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
         ii. Area calculations for gross land area, wetland areas, right-of-way

dedications, and proposed public and private parks or open space;

iii. Existing zoning district(s) on the subject land and all adjacent parcels;

iv. Layout of proposed lots with future lot and block number. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote Outlots planned for public dedication and/or open space (such as schools and parks);

v. Area calculations for each parcel;

vi. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;

vii. Proposed gross hardcover allowance per lot (if applicable);

viii. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;

ix. Delineation of wetlands and/or watercourses over the property;

x. Delineation of the ordinary high water levels of all water bodies;

xi. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;

xii. Easements and rights-of-way within or adjacent to the subdivision parcel(s);

xiii. The location and orientation of proposed buildings;

xiv. Proposed sidewalks and trails;

xv. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, and if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;

xvi. Lighting location, style and mounting system, as well as a light distribution plan;

xvii. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable); and

xviii. Location, access and screening detail of large trash handling and recycling collection areas

d. Colored renderings which detail the building materials being used and clearly communicate the look and design of the proposed building(s);

e. A grading drainage and erosion control plan prepared by a registered professional engineer providing all information as required by Public Works and/or the Community Development Department;

f. A utility plan providing all information as required by Public Works and/or the Community Development Department;

g. A landscape plan prepared by a qualified professional providing all information outlined in Section 1011.03, Landscaping and Screening in All Districts;

h. A tree preservation plan as required by Section 1011.04, Tree Preservation and Restoration in All Districts;

i. The location and detail of signage providing all pertinent information necessary to determine compliance with Chapter 1010, Sign Regulations;

j. A traffic study containing, at a minimum, the total and peak-hour trip generation from the site at full development and the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements;

k. A plan sheet or narrative clearly delineating all features not consistent with underlying zoning regulations and all PUD goals being addressed in exchange for the desired areas of flexibility; and

l. Any other information as directed by the Community Development Department.

3. PUD Concept Plan Review
    a. As part of the review process for a PUD Concept Plan, the Community Development Department shall generate an analysis of the proposal against the expectations for PUDs and make a recommendation regarding the proposed overlay district for Planning Commission and City Council consideration.
    b. The Community Development Department shall prepare a draft ordinance to establish the potential overlay district to be established as a component of the PUD Final Plan.
    c. The Planning Commission shall hold a public hearing and consider the application's consistency with the goals for PUDs, the PUD review criteria, and applicable Comprehensive Plan goals. The Planning Commission shall make recommendations to the City Council on the meriut, needed changes, and suggested conditions to impose on the PUD.
    d. In approving or denying the PUD Concept Plan, the City Council shall make findings on the PUD review criteria outlined in Section 1023.08.
    e. As a condition of PUD Concept Plan approval, adoption and publication of an overlay district ordinance must occur prior to the filing of any future final plat.

E. PUD Final Plan
1. Application Deadline
   Application for a PUD Final Plan shall be submitted for approval within ninety (90) days of City Council approval of the PUD Concept Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
2. PUD Final Plan Submittal Requirements
   Except as may be waived by the Community Development Department, the following information shall constitute a complete application for PUD Final Plan:
    a. All required information for a final plat per Chapter 1102, Section 1102.04;
    b. All required PUD Concept Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Concept Plan approval;
    c. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowner's association or other documents or contracts which control the use or maintenance of property covered by the PUD:
    d. A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.
    e. Up-to-date title evidence for the subject property in a form acceptable to the Community Development Department.
    f. Warranty deeds for property being dedicated to the City such as parks and outlots must be free from all liens and encumbrances;
    g. All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, together with all necessary consents to the easement by existing encumbrancers of the property;
    h. Any other information deemed necessary by the Community Development Department to fully present the intention and character of the PUD; and
    i. If certain land areas or structures within the PUD are designated for recreational use, public plaza, open areas or service facilities, the owner of such land and buildings shall provide a plan to the City that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

3. PUD Final Plan Review

a. The Community Development Department shall generate an analysis of the final documents against the conditions of PUD Concept Plan approval and make a recommendation as to whether all conditions have been met or if additional changes are needed.
b. Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
c. The Community Deveopment Department shall finalize the ordinanace to establish the proposed overlay district for consideration by the Planning Commission and City Council.
d. The Planning Commission shall hold a public hearing on the proposed overlay district ordinance and Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because a PUD Concept Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and PUD Final Plan are in substantial compliance with the PUD Concept Plan and the required conditions of approval.
e. The City Council shall then consider the recommendations of the Community Development Department, the public, and the Planning Commission and make a decision of approval or denial, in whole or in part, on the PUD Fianl Plan. A denial shall only be based on findings that a PUD Final Plan is not in substantial compliance with the approved PUD Concept Plan and/or the required conditions of approval.
f. As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.
g. Planned Unit Development Agreement
    i. At its sole discretion, the City may as a condition of approval, required the owner and developer of the proposed PUD to execute a development agreement which may include but not be limited to all requirements of the PUD Final Plan.
    ii. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
h. As directed by the City, documents related to the PUD shall be recorded against the property.

4. Time Limit
    a. A PUD shall be validated by the applicant through the commencement of any necessary construction or establishment of the authorized use(s), subject to the permit requirements of Title 9 of this Code, in support of the PUD within one (1) year of the date of PUD Final Plan approval. Failure to meet this deadline shall render the PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the PUD approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the PUD.
    b. An application to reinstate a PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new PUD beginning

with a PUD Concept Plan [The prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open house in 1023.09(C) must be held].

**1023.10: PUD AMENDM ENTS**

Approved PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer. At such a time, the applicant shall make an application to the City for a PUD amendment.

A. Existing PUD Overlay Districts
   Amendments for approved PUD Overlay Districts shall be processed as one of the following.
   1. Administrative Amendment.
      The community Development Department may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances, provided the changes conform to the approved Overlay District intent and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative amendment allow additional stories to buildings, additional lots, or changes to designated uses established as part of the PUD. An administrative Amendment shall be memorialized in a letter signed by the Community Development Director and recorded against the PUD property.
   2. Ordinance Amendment.
      A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in Chapter 1009. Ordinance amendments shall be limited to changes that are deemed by the Community Development Department to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted overlay district language.
   3. PUD Amendment.
      Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. An application to amend a PUD shall be administered in the same manner as that required for a new PUD beginning with a PUD Concept Plan [the prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open house in 1023.09(C) must be held].

B. Pre-existing PUDs Approved as a Special Use Permit
   Pre-existing PUDs authorized prior to April 11, 2016 shall continue to be governed per the original conditions of approval until the PUD is cancelled by the City, or the PUD is converted to a PUD overlay district. An application to amend a pre-existing PUD shall be administered in the same manner as that required for a new PUD beginning with a PUD Concept Plan. [The prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open house in 1023.09(C) must be held].

**1023.11: PUD CANCELATTIONS**

A PUD shall be cancelled and revoked only upon the City Council adopting an ordinance rescinding the overlay district or special use permit establishing the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other

applicable land use regulations; threatens public safety, health, or welfare; or due to other applicable findings in accordance with law.

**1023.12: ADMINISTRATION**

In general, the following rules shall apply to all PUDs:

A. Rules and regulations:
   No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines.
B. Preconstruction.
   No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.
C. Effect on Conveyed Property.
   In the event that any real property in an approved PUD is conveyed in total or in part, the new owners thereof shall be bound by the provisions of the approved overlay district. (Ord. 1497 4/11/2016)

# TITLE 11
# SUBDIVISIONS

# CHAPTER 1101
# GENERAL PROVISIONS

SECTION:

1101.01: Purpose and Jurisdiction
1101.02: Definitions

## 1101.01: PURPOSE AND JURISDICTION:

A. Purpose: Because each new subdivision accepted by the City becomes a permanent unit in the basic physical structure of the future community and to which the future community will of necessity be forced to adhere, and further because piecemeal planning of subdivisions will bring a disastrous, disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a proposed master plan study aiming at a unified scheme of community interests; all subdivisions of land lying within the incorporated limits of the City shall in all respects fully comply with the regulations set forth in this Title.

B. Jurisdiction: It is the purpose of this Title to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes chapters 412, 429, 471, 505 and 508, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community. (Ord. 358, 2-5-1962)

## 1101.02: DEFINITIONS:

For the purpose of this Title, certain words and terms are defined as follows:
ALLEY: A public right of way which affords a secondary means of access to abutting property. (Ord. 215, 7-5-1956)
BOULEVARD: The portion of the street right of way between the curb line and the property line. (1990 Code)
BUILDING SETBACK LINE: A line within a lot or other parcel of land so designated on the plat of the proposed subdivision between which and the adjacent boundary of the street upon which the lot abuts the erection of an enclosed structure or fence or portion thereof is prohibited.
COLLECTOR STREET: A street which carries traffic from minor streets of residence development and the principal circulating streets within such a development.
COMPREHENSIVE PLAN: The composite of the functional and geographic elements of the Comprehensive Plan, or any segment thereof, in the form of plans, maps, charts and textual material as adopted by the City.
CUL-DE-SAC: A short minor street having one open end and being permanently terminated at the other by a vehicular turnaround.
DESIGN STANDARDS: The specifications to landowners or subdividers for the preparation of preliminary plans indicating, among other things, the optimum, minimum or maximum dimensions of such features as right of way and blocks as set forth in Chapter 1103.
EASEMENT: A grant by a property owner for the use of a strip of land by the public or any person for a specific purpose or purposes. (Ord. 216, 7-5-1956; amd. 1995 Code)

EMERGENCY VEHICLE: Any vehicle that is used for the preservation of the health, safety, and welfare of the residents, property owners, visitors, workers, and property of Roseville. (Ord. 1167, 7-8-1996)
FINAL PLAT: A map or plan of a subdivision and any accompanying material as described in Section 1102.04.
LOT: A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.
MARGINAL ACCESS STREET: A minor street which is parallel to and contiguous with a thoroughfare and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the adjoining thoroughfare.
MINOR STREET: A street other than a thoroughfare or collector street which affords local access to abutting properties.
OWNER: Includes the plural as well as the singular, and includes any person.
PEDESTRIANWAY: A public or private right of way across a block or providing access within a block to be used by pedestrians and for the installment of utility lines.
PLANNING COMMISSION: The Planning Commission of the City.
PRELIMINARY PLAT: A tentative map or plan of a proposed subdivision as described in Section 1102.02.
PROTECTIVE COVENANTS: Contracts made between private parties and constituting an agreement between these parties as to the manner in which land may be used with the view to protecting and preserving the physical, social and economic integrity of any given area. (Ord. 216, 7-5-1956; amd. 1995 Code)
ROADWAY: A driving surface made for vehicular traffic, including public and private roads and drive aisles. (Ord. 1167, 7-8-1996)
STREET: A public or private right of way which affords primary access by pedestrians and vehicles to abutting properties whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated. (Ord. 216, 7-5-1956; amd. 1995 Code)
STREET R.O.W.: The property dedicated for the construction of the street, sidewalks, and utilities. Property located between property lines of a platted public street. (Ord. 1167, 7-8-1996)
STREET WIDTH: The shortest distance between curb lines or edge of pavement.
SUBDIVISION: A described tract of land which is to be or has been divided into two (2) or more lots or parcels, any of which resultant parcels is less than five (5) 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 subdivided.
THOROUGHFARE: A public right of way with a high degree of traffic continuity and serving as an arterial traffic way between the various districts of the Roseville area, as shown in the Comprehensive Plan. (Ord. 216, 7-5-1956; amd. 1995 Code)

# CHAPTER 1102
# PLAT PROCEDURES

SECTION:

1102.01: Procedure
1102.02: Necessary Data for Preliminary Plat
1102.03: Requirements Governing Approval of Preliminary Plat
1102.04: Necessary Data for Final Plat
1102.05: Acceptance of Streets
1102.06: Required Land Improvements
1102.07: Arrangements for Improvements

## 1102.01: PROCEDURE:

Except as provided in Section 1104.04 of this Title, before dividing any tract of land into two or more lots or parcels, the owner or subdivider shall submit a preliminary plat of the subdivision for the approval of the Planning Commission and the Council in the following manner:

A. Sketch Plan:

1. Contents of Plans: Subdividers shall prepare, for review with the Planning Commission staff, subdivision sketch plans which shall contain the following information: tract boundaries, north point, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout and proposed general lot layout.

2. Informal Consideration: Such sketch plans will be considered as submitted for informal and confidential discussion between the subdivider and the Community Development staff. Submission of a subdivision sketch plan shall not constitute formal filing of a plat with the Commission.

3. Modifications: As far as may be practical on the basis of a sketch plan, the Community Development staff will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Title and will discuss possible plan modifications necessary to secure conformance. (1990 Code; 1995 Code)

B. Developer Open House Meeting

1. Purpose: Prior to submitting an application for a Preliminary Plat of 4 or more lots/parcels, an applicant shall hold an open house meeting with property owners in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.
2. Timing: The open house shall be held not less than 15 days and not more than 45 days prior to the submission of an application for approval of a preliminary plat and shall be held on a weekday evening beginning between 6:00 p.m. and 7:00 p.m. and ending by 10:00 p.m.
3. Location: The open house shall be held at a public location (not a private residence) in or near the neighborhood affected by the proposal, and (in the case of a parcel situated near Roseville's boundaries) preferably in Roseville. In the event that such a

meeting space is not available the applicant shall arrange for the meeting to be held at the City Hall Campus.

4. Invitations: The applicant shall prepare a printed invitation identifying the date, time, place, and purpose of the open house and shall mail the invitation to the recipients in a list prepared and provided in electronic format by Community Development Department staff. The recipients will include property owners within the public hearing notification area established in Chapter 108 of the City Code, members of the Planning Commission and City Council, and other community members who have registered to receive the invitations. The invitation shall clearly identify the name, phone number, and email address of the host of the open house to be contacted by invitees who have questions but are unable to attend the open house. The invitations shall also include a sentence that is substantially the same as the following:

   This open house meeting is an important source of feedback from nearby property owners and is a required step in the process of seeking City approval for the proposed preliminary plat. A summary of the comments and questions raised at the open house meeting will be submitted to the City as part of the formal application.

5. Summary: A written summary of the open house shall be submitted as a necessary component of a preliminary plat. The summary shall include a list of potential issues/concerns and any possible mitigations or resolutions for resolving the issue(s) and/or concern(s). Citizens are also encouraged to submit their own summary of the meeting highlighting concerns/issues and any mitigations and resolutions. It is encouraged that a list (name and address) of attendees be kept and submitted with open house summary.

C. Submission; Filing: Four copies of the preliminary plat shall be filed with the Community Development Director prior to the regular Planning Commission meeting at which the plat is to be considered, together with the filing fee and an abstractor's certified property certificate showing the property owners within 500 feet of the outer boundary of proposed subdivision. (Ord. 1357, 1-14-2008)

D. Action by Planning Staff: Prior to the meeting of the Planning Commission at which the preliminary plat is to be considered, the Community Development Director and Public Works Director shall examine the plat for compliance with this and other ordinances of the City, and submit a written report to the Commission. (1990 Code; 1995 Code)

E. Hearing by Planning Commission:

   1. Hearing on the Preliminary Plat: The Planning Commission shall hold a public hearing on the preliminary plat in accordance with the procedure set forth in Chapter 108 of this Code.

   2. Report of The Planning Commission: Within ten days after the completion of the hearing, the Planning Commission shall make a report concerning the preliminary plat unless the Planning Commission requests additional time as set forth in Chapter 108 of this Code.

F. Action By The City Council: (on preliminary plats)

   1. The recommendation of the Planning Commission on the preliminary plat shall be considered by the City Council, and the City Council shall approve or disapprove the plan within 120 days after the application was accepted as complete or such date as extended by the applicant or City Council. If the City Council shall disapprove said preliminary plat, the grounds for any such refusal shall be set forth in the proceedings of the City Council and reported to the person or persons applying for such approval. (Ord.

1176, 11-25-1996)

2. Approval of the preliminary plat shall not be construed to be approval of the final plat. (1990 Code; 1995 Code) (Ord. 1296, 10-20-2003)

G. Final Plat:

1. Final Plat Submission: The owner or subdivider shall submit the final plat of a proposed subdivision not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat will be considered void unless an extension is requested in writing by the subdivider and granted by the City Council. The owner or subdivider shall also submit with the final plat an up to date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant. (Ord. 1176, 11-25-1996) (Ord. 1296, 10-20-2003) (Ord. 1363, 3-24-2008)

2. Required Changes Incorporated: The final plat shall have incorporated all changes or modifications required by the City Council; in all other respects it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of this Title. (1990 Code; 1995 Code) (Ord. 1296, 10-20-2003)

H. Approval and Recording: The City Council shall act upon a final plat application within 60 days of the submission of a completed application. The refusal to approve the plat shall be set forth in the proceedings of the City Council and reported to the person or persons applying for such approval. If the final plat is approved, the subdivider shall record said plat with the County Recorder within one year after the date of approval and prior to the issuance of any building permit; otherwise, the approval of the final plat shall be considered void. (1990 Code; 1995 Code) (Ord. 1296, 10-20-, 2003) (Ord. 1363, 3-24-2008)

## 1102.02: NECESSARY DATA FOR PRELIMINARY PLAT:

In addition to the data prescribed by the law of the State of Minnesota, the preliminary plan shall include the following data:

A. Identification and Description:

1. Proposed name of subdivision, which name shall not duplicate the name of any plat previously recorded in the County.

2. Location by township, section, town or range or by other legal description.

3. Names and addresses of the owner or subdivider having control of the lands included in said plan, the designer of the plan and the surveyor.

4. Graphic (engineering) scale not less than one (1) inch to one hundred (100) feet.

5. North point (designated as true north).

6. Date of preparation.

B. Existing Conditions:

1. Boundary line of proposed subdivision clearly indicated.

2. Existing zoning classification.

3. Total approximate acreage in said plan.

4. Location, widths and names of all existing or previously platted streets or other public ways showing type of improvement, if any, railroad and utility rights of way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.

5. Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract. Such data as grades, invert elevations and location of catch basins, manholes and

hydrants shall also be shown.
6. Boundary lines of adjoining unsubdivided or subdivided land within one hundred (100) feet, identified by name and ownership. (Ord. 216, 7-5-1956)
7. Topographic data including contours at vertical intervals of not more than two (2) feet, except that contour lines shall be no more than one hundred (100) feet apart. Water courses, marshes, rock outcrops and other significant features also shall be shown. Topography maps shall be clearly indicated with dotted lines.

C. Subdivision Design Features:
1. Layout of streets showing right-of-way widths and names of streets. The name of any street previously used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street in which event the name shall be used.
2. Location and widths of alleys, pedestrian ways and utility easements.
3. Typical cross-sections of streets and alleys, together with an indication of the proposed storm water runoff.
4. Approximate center line gradients of streets and alleys, if any.
5. Location, size and approximate gradient of sewer lines.
6. Layout, numbers and typical dimensions of lots to the nearest foot.
7. Minimum front and side street building setback lines indicating dimensions of same.
8. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use including the size of such area or areas in acres. (Ord. 216, 7-5-1956)

## 1102.03: REQUIREMENTS GOVERNING APPROVAL OF PRELIMINARY PLAT:

A. Recommendations by Planning Commission: The Planning Commission may recommend and the City Council may require such changes or revisions as the City Council deems necessary for the health, safety, general welfare and convenience of the City.
B. Tentative Approval: The approval of a preliminary plat by the Planning Commission and the City Council is tentative only involving merely the general acceptability of the layout as submitted.
C. Subsequent Approval: Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, gas and electric service, grading, gradients and roadway widths and the surfacing of streets by the Public Works Director and other public officials having jurisdiction prior to the approval of the final plat by the City.
D. Flooding; Poor Drainage: No plat will be approved for a subdivision which is subject to periodic flooding, or which contains poor drainage facilities and which would make adequate drainage of the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the Public Works Director, make the area completely safe for residential occupancy and provide adequate street and lot drainage, the preliminary plat of the subdivision may be approved. (Ord. 216, 7-5-56)

## 1102.04: NECESSARY DATA FOR FINAL PLAT:

A. General: All information, except topographic data and zoning classification required on the preliminary plat shall be accurately shown.
B. Additional Delineation:
1. Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. Lot lines to show dimensions in feet and hundredths.

2. An identification system for all lots and blocks.
3. True angles and distances to the nearest established street lines or official monuments (not less than 3), which shall be accurately described in the plat.
4. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and angles.
5. Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
6. Accurate location of all monuments, which shall be concrete six inches by six inches by thirty inches (6" x 6" x 30") with iron pipe cast in center. Permanent stone or concrete monuments shall be set at each corner or angle on the outside boundary. Pipes or steel rods shall be placed at the corners of each lot and at each intersection of street center lines. All U.S., State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.
7. Accurate outlines, legal descriptions of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision with the purpose indicated therein.
8. Certification by a registered land surveyor to the effect that the plat represents a survey made by such surveyor and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
9. Notarized certification by owner and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas.
10. Certifications showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
11. Approval by signature of City, County and State officials concerned with the specifications of utility installations. (Ord. 216, 7-5-56)
13. Form for approval by County authorities as required. (Ord. 245, 5-10-58)

## 1102.05: ACCEPTANCE OF STREETS:

A. Approval of Plat or Annexation into City not Considered Acceptance: If any plat or subdivision contains public streets or thoroughfares which are dedicated as such, whether located within the corporate limits of the City or outside the corporate limits or contains existing streets outside of said corporate limits, the approval of the plat by the City Council or the subsequent annexation of the property to the City shall not constitute an acceptance by the City of such streets or thoroughfares, nor the improvements constructed or installed in such subdivision, irrespective of any act or acts by an officer, agent or employee of the City with respect to such streets or improvements.
B. Acceptance by Resolution of City Council: The acceptance of such streets or thoroughfares shall be made only by the approval of a resolution by the City Council after there has been filed, with the City Manager, a certificate by the Public Works Director. The certificate shall indicate that all improvements required to be constructed or installed in or upon such streets or thoroughfares in connection with the approval of the plat of subdivision by the City Council have been fully completed and approved by the Public Works Director, or a cash deposit or bond is on file to ensure the installation of such required improvements. However, if it appears to the City Council that a public local improvement will be constructed in any such street or thoroughfare within a reasonable foreseeable time, the City Council, upon the recommendation of the Public Works Director may, by resolution, temporarily accept such street or thoroughfare for the purpose of maintenance by the City, and defer the completion of the street or thoroughfare by the developer until such local improvement has been constructed. (Ord. 280, 8-4-59; amd. 1995 Code)

## 1102.06: REQUIRED LAND IMPROVEMENTS:

No final plat shall be approved by the City Council without first receiving a report signed by the Public Works Director certifying that the improvements described in the subdivider's preliminary plans and specifications meet the minimum requirements of all ordinances in the City, and that they comply with the following: (Ord. 373, 5-28-62; amd. 1995 Code)

A. Sewers:

1. Sanitary Sewers: Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the City sanitary sewer system is available or where detailed plans and specifications for sanitary sewers to serve the subdivision are available.

2. Storm Sewers: Storm sewers shall be constructed to serve all properties in the subdivision where a connection to the City storm sewer system is available or where detailed plans and specifications for storm sewers to serve the subdivision are available. Where drainage swales are necessary, they shall be sodded in accordance with subsection 1102.06E4.

3. Neighborhood Grading and Drainage Plan: The developer will submit a Neighborhood Grading and Drainage Plan (similar to plan submitted to F.H.A.) indicating the elevation of proposed houses, surrounding ground and the direction of flow. The developer will adhere to this plan, and the developer shall obtain prior written acceptance from the Public Works Director before any changes can be made.

4. City Participation in Cost: Where sewer mains are larger than required to serve the subdivision as delineated in the preliminary plan, the City may elect to participate in the cost of such sewer mains.

B. Water Supply: Where a connection to the City water system is presently available, water distribution facilities including pipe fittings, hydrants, valves, etc., shall be installed to serve all properties within the subdivision. Water mains shall be a minimum of six inches in diameter and where larger mains are required to serve future growth, the City may elect to participate in the cost of such water mains. Looping of all water mains shall be required and shall conform to the City Master Plan.

C. Street Grading: The full width of the right of way shall be graded, including the subgrade of the areas to be paved, in accordance with the plans approved by the Public Works Director and in accordance with the applicable requirements for street construction of the City. (Ord. 216, 7-5-56)

Street Improvements[1]:

1. All streets shall be improved with pavements to an overall width in accordance with the projected 20 year traffic volumes and consistent with street width policy adopted by the City Council. (1995 Code)

2. All pavements shall be constructed in accordance with the provisions of applicable requirements of the City.

3. Concrete curbs and gutters on all streets within the subdivision shall be constructed in accordance with applicable requirements of the City.

4. In congested traffic areas or in areas where the City Council deems necessary for the health, safety and general welfare of this community, sidewalks, to a width of not less than five feet and constructed of Portland cement concrete, shall be required.

5. Storm water inlets and necessary culverts shall be provided within the roadway improvement at points specified by the Public Works Director.

6. All curb corners shall have a radii of not less than 15 feet, except at collector and

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[1] See also Chapters 703 and 704 of this Code.

marginal access streets where they shall be not less than 25 feet.

7. All parkways within the dedicated street area shall be graded and sodded in an approved manner. (Ord. 216, 7-5-56; amd. 1995 Code) (Ord.1358, 1-28-2008)

E. Off-Street Improvements:

1. One tree having a trunk diameter (measured 12 inches above ground) of not less than 2 ½ inches shall be planted in a naturalistic way in the front yard of each lot in the subdivision, except that corner lots shall have 2 trees. They shall be accepted by the City only after one growing season as a live and healthy plant. Trees shall not be allowed to be planted in the boulevard area.

2. Driveways must be constructed of pavement approved by the Public Works Director. Each driveway shall be graded within the dedicated area to fit the boulevard section, and shall be a minimum of 12 feet in width in the boulevard area (excluding radii). The construction shall conform to City requirements, and the grade of the driveway shall conform to the requirements of the State Building Code.

3. The entire boulevard area, except driveways, shall be sodded with a good quality weed free sod.

4. All drainage swales shall be graded and sodded with a good quality weed free sod. (1990 Code; amd. 1995 Code)

F. Pedestrianways[1]: Pedestrianways installed or required by the City Council, shall be constructed according to specifications approved by the Public Works Director. (1995 Code)

G. Public Utilities:

1. All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground. Such lines, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Transformer boxes shall be located so as not to be hazardous to the public.

2. The City Council may waive the requirements of underground services as set forth in subsections 1 and 2 above if, after study and recommendation by the Planning Commission, the City Council establishes that such underground utilities would not be compatible with the planned development or unusual topography, soil or other physical conditions make underground installation unreasonable or impractical. (Ord. 598, 5-26-69)

## 1102.07: ARRANGEMENTS FOR IMPROVEMENTS:

A. Contract for Development: Prior to the acceptance of the final plat, the owner or subdivider shall enter into a contract for development of new subdivisions with the City. In conjunction with this contract, the owner or subdivider shall deposit with the Public Works Director either a cash deposit or a corporate surety performance bond, approved as to form by the City Attorney, in an amount equal to one and one-half (1 1/2) times the Public Works Director's estimated cost of said improvements or one and one-fourth (1 1/4) times the actual bid. This bond shall also have a clause which guarantees said improvements for a period of one year after acceptance by the City of said improvements. In lieu of this clause, a separate one year maintenance bond approved as to form by the City Attorney, shall be submitted to the Public Works Director upon acceptance of said improvements by the City Council. Upon receipt of this maintenance bond the performance bond may be released.

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[1] See also Chapter 704 of this Code.

B. Improvements: All such improvements shall be made in accordance with the plans and specifications prepared by a registered professional engineer and approved by the Public Works Director and in accordance with applicable City standards and requirements.

C. Bond: The owner or subdivider shall deposit with the Public Works Director cash or an approved indemnity bond to cover all expenses incurred by the City for engineering, legal fees and other incidental expenses in connection with the making of said improvements listed in Section 1102.06. In the event of a cash deposit, any balance remaining shall be refunded to the owner or subdivider after payment of all costs and expenses to the City have been paid.

D. Street Access to Improved Lots Required: It is not the intent of this Section to require the owner or subdivider to develop the entire plat at the same time making all the required improvements, but building permits will not be granted except as to lots having access to streets on which the required improvements have been made or arranged for by cash deposit or bond as herein provided. (1990 Code)

# CHAPTER 1103
# DESIGN STANDARDS

SECTION:

1103.01: Street Plan
1103.02: Streets
1103.021: Minimum Roadway Standards
1103.03: Alleys and Pedestrianways
1103.04: Easements
1103.05: Block Standards
1103.06: Lot Standards
1103.07: Park Dedication

## 1103.01: STREET PLAN:

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan, the approved standard street sections, and plates of applicable chapters, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served. (Ord. 216, 7-5-1956)

## 1103.02: STREETS:

A. Right of Way: All rights of way shall conform to the following minimum dimensions:

| | |
|---|---|
| Collector streets | 66 feet |
| Local streets | 60 feet |
| Marginal access streets | 50 feet |

(1995 Code)

B. Horizontal Street Lines: Where horizontal street lines within a block deflect from each other at any one point more than 10° there shall be a connecting curve. Minimum center line horizontal curvatures shall be:

| | |
|---|---|
| Collector streets | 300 feet |
| Minor streets | 150 feet |

C. Tangents: Tangents at least 50 feet long shall be introduced between reverse curves on collector streets.

D. Center Line Gradients: All center line gradients shall be at least 0.5% and shall not exceed on:

| | |
|---|---|
| Collector streets | 4 % |
| Minor streets | 6 % |

E. Connecting Street Gradients: Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length, in feet, of these curves, shall be 15 times the algebraic difference in the percent of grade of the two adjacent slopes. For minor streets, the minimum length shall be 7 ½ times the algebraic difference in the percent of grade of the two adjacent slopes.

F. Minor Streets: Minor streets shall be so aligned that their use by through traffic will be discouraged.

G. Street Jogs: Street jogs with center line offsets of less than 125 feet shall be prohibited.

H. Intersections: It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow.

I. Alleys: Alleys are not permitted in residential areas unless deemed necessary by the City Council.

J. Half Streets: Half streets shall be prohibited. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. In cases where the entire right of way has been dedicated to the public but the property of the owner and subdivider is located on one side of such street, the owner and subdivider shall be required to grade the entire street in accordance with the plans to be approved by the Public Works Director under the provisions of Section 1102.07, but the owner and subdivider shall only be required to deposit payment for one-half of the Public Works Director's estimated costs of the improvements required under this Title. Building permits shall be denied for lots on the side of the street where the property is owned by persons who have not entered into an agreement with the City for the installation of the improvements required under this Chapter.

K. Reserved Strips: Reserved strips controlling access to streets are prohibited. (Ord. 216, 7-5-1956; amd. 1995 Code) (Ord. 1358, 1-28-2008)

## 1103.021: MINIMUM ROADWAY STANDARDS:

The following minimum dimensional standards shall apply to all existing City and private roadways when newly constructed or reconstructed. All local residential streets must be constructed to a width of 32 feet from the face of curb to face of curb. In cases where this width is impractical, the City Council may reduce this dimension, as outlined in the City street width policy. However, for purposes of emergency vehicle access, no street shall be constructed to a width less than 24 feet. In order to preserve the minimum clear width, parking must be restricted according to subsection A of this Section.

A. Signage Requirements: "No parking" signs shall be installed in accordance to the following:

| | |
|---|---|
| 32 feet | Parking permitted on both sides of the street (no signs needed). |
| 26-32 feet | No parking on one side of the street (signs on one side). |
| 24-26 feet | No parking on both sides of the street (signs on both sides). |

B. Right-Of-Way Width: For City streets, the right of way shall be in accordance with Section 1103.02 of this Chapter. County Roads must comply with the Ramsey County right-of-way plan.

State highways must comply with the Minnesota State Highway Department right-of-way plans.

C. Cul-De-Sacs: If there is not a looped road system provided and the street is greater than 200 feet in length, an approved turnaround shall be constructed.

1. Length: Cul-de-sacs shall be a maximum length of 500 feet, measured along the center line from the intersection of origin to the end of right-of-way.

2. Right-Of-Way: Cul-de-sac right-of-way shall extend at least 10 feet outside of the proposed back of curb.

3. Standard Design: The standard cul-de-sac shall have a terminus of nearly circular shape with a standard diameter of 100 feet.

4. Alternatives to the Standard Design: An alternative to the standard design, to accommodate unusual conditions, may be considered by the Public Works Director and shall be brought to the City Council for approval based on the Public Works Director’s recommendation.

5. Islands: As an option, a landscaped island may be constructed in a cul-de-sac terminus. A minimum clear distance of 24 feet shall be required between the island and the outer curb. No physical barriers which would impede the movement of emergency

vehicles shall be allowed within the island. No parking shall be allowed in a cul-de-sac terminus with a landscaped island unless reviewed and recommended for approval by the Fire Marshal. (Ord. 1358, 1-28-2008)

## 1103.03: ALLEYS AND PEDESTRIANWAYS:

A. Alleys: Where permitted by the City Council, alley rights of way shall be at least twenty (20) feet wide in residential areas and at least twenty four (24) feet wide in commercial areas. The City Council may require alleys in commercial areas where adequate off-street loading space is not available.
B. Pedestrianways: Pedestrian rights of way shall be at least twenty (20) feet wide. (Ord. 216, 7-5-1956; amd. 1995 Code)

## 1103.04: EASEMENTS:

A. Easements at least a total of twelve (12) feet wide, centered on rear and side yard lot lines, shall be provided for drainage and utilities where necessary. They shall have continuity of alignment from block to block, and at deflection points easements for pole line anchors shall be provided.
B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water courses, together with such further width or construction or both as will be adequate for the storm water drainage of the area. (Ord. 216, 7-5-1956)
C. All drainage easements shall be so identified on the plat and shall be graded and sodded in accordance with Section 1102.06. (1990 Code)

## 1103.05: BLOCK STANDARDS:

A. The maximum length of blocks shall be one thousand eight hundred (1,800) feet. Blocks over nine hundred (900) feet long may require pedestrianways at their approximate centers. The use of additional access ways to schools, parks or other destinations may be required by the City Council.
B. Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public open space areas.
C. Blocks intended for commercial, institutional and industrial use must be designated as such and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.
D. Where a subdivision borders upon a railroad or limited access highway right of way, a street may be required approximately parallel to, and at a distance suitable for, the appropriate use of the intervening land as for park purposes in residential districts or for parking, commercial or industrial purposes in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and possible features grade separations. (Ord. 216, 7-5-1956)

## 1103.06: LOT STANDARDS:

A. The minimum lot dimensions in subdivisions designed for single-family detached dwelling developments shall be:
1. Eighty five (85) feet wide at the established building setback line and on outside street curvatures.
2. Not less than one hundred ten (110) feet in minimum depth.

3. Not less than eleven thousand (11,000) square feet in area.

B. The minimum corner lot dimensions for single-family detached dwelling developments where permitted under the Zoning Code shall be:

1. One hundred (100) feet wide at the established building setback line.
2. Not less than one hundred (100) feet in depth.
3. Not less than twelve thousand five hundred (12,500) square feet.

C. The minimum dimensions at the rear lot line of any lot shall be thirty (30) feet.

D. Butt lots shall be platted at least five (5) feet wider than the average interior lots in the block.

E. Streets.

1. Public Streets: See Section 1103.021.
2. Private Streets: Private streets may be allowed by the Council in its discretion provided they meet the following conditions:

a. Are not gated or otherwise restrict the flow of traffic;

b. Demonstrate a legal mechanism will be in place to fund seasonal and ongoing maintenance; and

c. Meet the minimum design standards for private roadways as set forward in Section 1103.021.

(Ord. 1359, 1-282-2008)

F. Side lines of lots shall be at right angles or radial to the street line. (Ord. 1359, 1-28-2008)

G. Double frontage lots shall not be permitted, except:

1. Where lots back upon a thoroughfare, in which case vehicular and pedestrian access between the lots and the thoroughfare shall be prohibited, and (Ord. 216, 7-5-1956)
2. Where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet greater than the minimum in order to allow space for a protective screen planting along the back lot line and also in such instances vehicular and pedestrian access between lots and the thoroughfare shall be prohibited. (Ord. 245, 5-10-1958)

H. Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width as required to assure house sites that meet shoreland ordinance requirements and that are not subject to flooding.

I. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and value to the proposed development. (Ord. 216, 7-5-1956; amd. 1995 Code)

J. Where new principal structures are constructed on lots contiguous to roadways designed as major thoroughfares in the City's Comprehensive Plan, driveways servicing such lots shall be designed and constructed so as to provide a vehicle turnaround facility within the lot. (Ord. 993, 2-10-1986)

K. Where new single-family residential lots are created on a new street, the driveway cut for the new lot must be placed within the new street. (Ord. 1359, 1-28-2008)

## 1103.07: PARK DEDICATION:

A. Condition to Approval: As a condition to the approval of any subdivision of land in any zone, including the granting of a variance pursuant to Section 1104.04 of this Title, when a new building site is created in excess of one acre, by either platting or minor subdivision, and including redevelopment and approval of planned unit developments, the subdivision shall be reviewed by the Park and Recreation Commission. The

Commission shall recommend either a portion of land to be dedicated to the public for use as a park as provided by Minnesota Statutes 462.358, subdivision (2)(b), or in lieu thereof, a cash deposit given to the City to be used for park purposes; or a combination of land and cash deposit, all as hereafter set forth.

B. Amount to be Dedicated: The portion to be dedicated in all residentially zoned areas shall be 10% and 5% in all other areas.

C. Utility Dedications Not Qualified: Land dedicated for required street right of way or utilities, including drainage, does not qualify as park dedication.

D. Payment in lieu of dedication in all zones in the city where park dedication is deemed inappropriate by the City, the owner and the City shall agree to have the owner deposit a sum of money in lieu of a dedication. The sum shall be reviewed and determined annually by the City Council by resolution. (Ord. 1061, 6-26-1989)

E. Park Dedication Fees may, in the City Council's sole discretion, be reduced for affordable housing units as recommended by the Housing and Redevelopment Authority for the City of Roseville.
(Ord. 1278, 02/24/03)

# CHAPTER 1104
# ADMINISTRATION AND ENFORCEMENT

SECTION:

1104.01: Inspection at Subdivider's Expense
1104.02: Building Permit
1104.03: Occupancy Permit
1104.04: Platting Alternatives (Ord. 1395, 9-13-2010)
1104.05: Variances
1104.06: Record of Plats

## 1104.01: INSPECTION AT SUBDIVIDER'S EXPENSE:

All required land improvements to be installed under the provisions of this Title shall be inspected during the course of construction by the Public Works Director. Salaries and all costs pursuant to such inspection shall be paid by the owner or subdivider in the manner provided in Section 1102.07 of this Title. (Ord. 216, 7-5-1956; 1990 Code)

## 1104.02: BUILDING PERMIT:

No building permit shall be issued for the construction of any building, structure or improvement to the land or any lot within a subdivision as defined herein which has been approved for platting until all requirements of this Title have been complied with fully. (Ord. 216, 7-5-1956; 1990 Code)

## 1104.03: OCCUPANCY PERMIT:

No occupancy permit shall be granted for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property and roadways providing access to the subject lot or lots have been constructed or are in the course of construction and are suitable for car traffic. (Ord. 216, 7-5-1956; 1990 Code)

## 1104.04: PLATTING ALTERNATIVES:

The following processes may be utilized, within the parameters set forth therein, as alternatives to the plat procedures established in Chapter 1102 (Ord. 1395, 9-13-2010):

A. Common Wall Duplex Subdivision: A common wall duplex minor subdivision may be approved by the City Manager upon recommendation of the Community Development Director. The owner shall file with the Community Development Director three copies of a certificate of survey prepared by a registered land surveyor showing the parcel or lot, the proposed division, all building and other structures or pavement locations and a statement that each unit of the duplex has separate utility connections. This type of minor subdivision shall be limited to a common wall duplex minor subdivision of a parcel in an R-2 District or other zoning district which allows duplexes, along a common wall of the structure and common lot line of the principle structure where the structure meets all required setbacks except the common wall property line. Within 60 days after approval by the City Manager, the applicant for the common wall duplex minor subdivision shall record the subdivision and the certificate of survey with the Ramsey County Recorder. Failure to record the subdivision within 60 days shall nullify

the approval of the subdivision.

B. Recombination: to divide one recorded lot or parcel in order to permit the adding of a parcel of land to an abutting lot and create two buildable parcels, the proposed subdivision, in sketch plan form, shall be submitted to the City Council for approval. No hearing or Planning Commission review is necessary unless the proposal is referred to the commission by the Community Development Director for clarification. The proposed recombination shall not cause any portion of the existing lots or parcels to be in violation of this regulation or the zoning code. Within 30 days after approval by the City Council, the applicant shall supply a certificate of survey to the Community Development Director and City Manager for review and approval. After completion of the review and approval by the Community Development Director and City Manager, the survey shall be recorded by the applicant with the Ramsey County Recorder within 60 days after approval by the City Manager.

C. Consolidations: The owner of two or more contiguous parcels or lots of record may, subject to Community Development Director and City Manager approval, consolidate said parcels or lots into one parcel of record by recording the consolidation with Ramsey County Recorder as a certificate of survey showing same, within 60 days of approval. No hearing is necessary unless the proposal is appealed by the applicant to the City Council. The proposed parcels shall not cause any portion of the existing lots, parcels, or existing buildings to be in violation of this regulation or the zoning code.

D. Corrections: When a survey or description of a parcel or lot has been found to be inadequate to describe the actual boundaries, approval of a corrective subdivision may be requested. This type of subdivision creates no new lots or streets. The proposed corrective subdivision, in sketch plan form, along with a letter signed by all affected owners agreeing to the new subdivision, shall be submitted to the City Council for approval. No hearing or Planning Commission review is necessary unless the proposal is referred to the Commission by the Community Development Director for clarification. The proposed parcels shall not cause any portion of the existing lots, parcels, or existing buildings to be in violation of this regulation or the zoning code. A certificate of survey illustrating the corrected boundaries shall be required on all parcels. Within 30 days after approval by the City Council, the applicant shall supply the final survey to the Community Development Director and City Manager for review and approval. After completion of the review and approval by the Community Development Director and City Manager, the survey shall be recorded by the applicant with the Ramsey County Recorder within 60 days. Failure to record the subdivision within 60 days shall nullify the approval of the subdivision.

E. Three Parcel Minor Subdivision: When a subdivision creates a total of three or fewer parcels, situated in an area where public utilities and street rights of way to serve the proposed parcels already exist in accordance with City codes, and no further utility or street extensions are necessary, and the new parcels meet or exceed the size requirements of the zoning code, the applicant may apply for a minor subdivision approval. The proposed subdivision, in sketch plan form, shall be submitted to the City Council at a public hearing with notice provided to all property owners within 500 feet. The proposed parcels shall not cause any portion of the existing lots, parcels, or existing buildings to be in violation of this regulation or the zoning code. Within 30 days after approval by the City Council, the applicant shall supply the final survey to the Community Development Director for review and approval. A certificate of survey shall be required on all proposed parcels. After completion of the review and approval by the City Manager, the survey shall be recorded by the applicant with the Ramsey County Recorder within 60 days. Failure to record the subdivision within 60 days shall nullify the approval of the subdivision. (Ord. 1171, 9-23-1996) (Ord. 1357, 1-14-2008)

(Ord. 1395, 9-13-2010)

## 1104.05: VARIANCES:

A. Hardship: Where there is undue hardship in carrying out the strict letter of the provisions of this Code, the City Council shall have the power, in a specific case and after notice and public hearings, to vary any such provision in harmony with the general purpose and intent thereof and may impose such additional conditions as it considers necessary so that the public health, safety and general welfare may be secured and substantial justice done.

B. Procedure For Variances: Any owner of land may file an application for a variance by paying the fee set forth in section 1015.03 of this title, providing a completed application and supporting documents as set forth in the standard community development department application form, and by providing the city with an abstractor's certified property certificate showing the property owners within three hundred fifty feet (350') of the outer boundaries of the parcel of land on which the variance is requested. The application shall then be heard by the variance board or planning commission upon the same published notice, mailing notice and hearing procedure as set forth in chapter 108 of this code. (Ord. 1359, 1-28-2008)

## 1104.06: RECORD OF PLATS:

All such plats of subdivisions after the same have been submitted and approved as provided in this Title shall be filed and kept by the City Manager among the records of the City. (Ord. 216, 7-5-1956)

# TITLE 12
# FRANCHISES AND COMMUNICATIONS SYSTEMS

# CHAPTER 1201
# ELECTRICAL FRANCHISE

SECTION:
1201.01: Grant of Franchise

## 1201.01: GRANT OF FRANCHISE:

It is hereby adopted for the purpose of granting a nonexclusive electrical franchise to Northern States Power Company, a Minnesota corporation, that certain document entitled:

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

Which document, together with amendments, not less than three (3) copies of which have been and are now filed in the office of the City Manager, is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling. (Ord. 820, 5-22-1978; amd. 1995 Code; Ord. 1210, 8-24-1998)

# CHAPTER 1202
# GAS FRANCHISE

SECTION:

1202.01: Grant of Franchise

## 1202.01: GRANT OF FRANCHISE:

It is hereby adopted for the purpose of granting a nonexclusive gas franchise to Northern States Power Company, a Minnesota corporation, that certain document entitled:

> *AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF ROSEVILLE, MINNESOTA, A GAS DISTRIBUTION SYSTEM INCLUDING THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OR DISTRIBUTION OF GAS TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TRANSMITTING GAS INTO AND THROUGH THE CITY, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF THE CITY FOR SUCH PURPOSES.*

Which document, together with amendments, not less than three (3) copies of which have been and are now filed in the office of the City Manager, is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling. (Ord. 820, 5-22-1978; amd. 1995 Code; Ord. 1211, 8-24-1998)

# CHAPTER 1203
# CABLE COMMUNICATIONS FRANCHISE

SECTION:

1203.01: Grant of Franchise

## 1203.01: GRANT OF FRANCHISE:

It is adopted for the purpose of granting a nonexclusive cable communication system franchise to Mediaone North Central Communications Corporation, a Minnesota corporation, that certain document entitled:

> *AN ORDINANCE GRANTING A FRANCHISE TO MEDIAONE NORTH CENTRAL COMMUNICATIONS CORP. TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE CITY OF ROSEVILLE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY'S RIGHT-OF-WAY ORDINANCE, IF ANY, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.*

Which document, together with amendments, not less than three (3) copies of which have been and are now filed in the office of the City Manager, is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling. (Ord. 911, 9-27-1983; amd. Ord. 943, 3-12-1984; Ord. 1087, 1-14-1991; 1995 Code; Ord. 1208, 8-10-1998) (Ord. 1472, 11-10-2014)

# CHAPTER 1204
# WIRELESS COMMUNICATIONS SYSTEM FRANCHISE

(Rep. by Ord. 1189, 10-27-1997)

# CHAPTER 1205
# WIRELESS COMMUNICATIONS SYSTEM PERMIT

(Rep. by Ord. 1189, 10-27-1997)

# CHAPTER 1206
# PRIVATE COMMUNICATIONS SYSTEM

SECTION:

1206.01: Short Title
1206.02: Definitions
1206.03: Requirements for Permits and Fees within the Right-of-Ways
1206.04: Terms
1206.05: Conditions
1206.06: Right-of-Way Access
1206.07: Occupational License Requirement
1206.08: Sale or Transfer of Permittee's System
1206.09: Existing Systems

## 1206.01: SHORT TITLE:

This Chapter shall be known and may be cited as the *PRIVATE COMMUNICATIONS SYSTEM ORDINANCE*. (Ord. 1149, 9-12-94)

## 1206.02: DEFINITIONS:

For the purpose of this Chapter and any permit in accordance herewith, the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise specifically provided in this Article, unless the context clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of the City Council. Words not defined shall be given their common and ordinary meaning:

CABLE SYSTEM: A non-broadcast facility consisting of a set of closed transmission paths with associated signal generation, reception and control equipment, under common ownership and control, which distributes or is designed to distribute to owners, users or subscribers, the signals of one or more television broadcast stations and other subscriber services with an existing franchise issued by the City.

EASEMENTS: Any strip of land created by a subdivider for public utilities, sanitation, or other specified uses having limitations, the tile to which shall remain in the name of the property owner, subject to the right-of-way use designated in the reservation constructed within the easement without written permit from the City.

ENGINEERING DEPARTMENT: The Engineering Department of the City.

FCC: The Federal Communications Commission or its legally appointed successor.

LOCAL ACCESS TRANSPORT AREA (LATA): The geographic area and communications system in which the City is located and in which the franchised local exchange carrier or any subsequent telephone company is authorized by the Public Service Commission to provide local exchange access telecommunications services.

LOCAL TELEPHONE SERVICE: The access to a local telephone system, and the privilege of telephonic quality communication with substantially all persons having telephone or radio telephone stations constituting a part of such local telephone system; or any facility or service provided in connection with a service described above.

The term local telephone service does not include any service which is a toll telephone

service; private communication service; cellular mobile telephone or telecommunication service; specialized mobile telephone or telecommunication service; specialized mobile radio, or pagers and paging service, including but not limited to beepers and any other form of mobile and portable one-way or two-way communication; or telephone typewriter or computer exchange service.

PERMITTEE: The person who is issued a telecommunication permit or permits in accordance with the provisions of this Chapter for the erection, construction, reconstruction, operation, dismantling, testing, use, maintenance, repairing, rebuilding or replacing of a private communications system in the City.

PRIVATE COMMUNICATIONS SYSTEM: Any system of communication lines, cables, equipment or facilities, which are used to provide a telephone, video, data, telemetry, intercom or telecommunications service, that in any manner occupies easements, streets, public ways or public places within the corporate limits of the City, as now or in the future may exist. Private communications system does not include any part of a State or municipally franchised local exchange or telephone system franchised by the City or any part of a Federal, State, county or local government owned communications system.

S.M.S.A.: Minneapolis/St. Paul Standard Metropolitan Statistical Area.

STREET: Any area established for vehicular or public access use of the entire width between the property lines of every way publicly maintained when any part thereof is open for public purposes. Street includes, but is not limited to, highway, avenue, road, alley, right of way, lane, boulevard, concourse, bridge, tunnel, parks, parkways and waterways.

TELECOMMUNICATIONS PERMIT: The privilege granted by the City by which the City authorizes a person to erect, construct, reconstruct, operate, dismantle, test, use, maintain, repair, rebuild or replace a private communications system that occupies the streets, public ways or public places within the City. Any telecommunication permit issued in accordance herewith shall be a nonexclusive permit.

TOLL TELEPHONE SERVICE: A telephonic quality communication for which there is a toll charge which varies in amount with the distance and elapsed transmission time or each individual communication; or a service which entitles the subscriber or user, upon the payment of a periodic charge which is determined as a flat amount or upon the basis of total elapsed transmission time, to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located.

TOTAL GROSS REVENUES: All cash, credits, or property of any kind or nature reported as revenue items to permittee's audited income statements or the income statements of any affiliate or subsidiary, arising from or attributable to the sale or exchange of communication services provided by the permittee within the City in any way derived from the operation of its private communications system, including, but not limited to, any interconnection between its system in the City and any system whatsoever. This sum shall be the basis for computing the fee imposed pursuant to subsection 1206.03B5. Such sum shall not include any bad debts, deposits, promotional or vendor discounts or credits, nor sales, service, occupational or other excise tax to the extent such taxes are charged separately from normal service charges and are remitted by the permittee directly to the taxing authority. (Ord. 1149, 9-12-94)

## 1206.03: REQUIREMENTS FOR PERMITS AND FEES WITHIN THE RIGHT-OF-WAYS:

A. Permit Requirement: No person or firm whether public, private, nonprofit or not for profit shall construct, operate or continue to operate a private communications system which occupies the streets, public ways and public places within the City without

having been issued a telecommunications permit by the City or a franchise for telephone, telecommunications service, video distribution system or cable television or cable communications system by the City.

1. Exemption: This subsection A shall not apply to an operator of a wireless telecommunications system who has a valid lease agreement with the City to pay rent and/or other consideration to the City for use of City land to construct and/or operate such a system, unless such lease agreement specifically states that this subsection A shall apply. (Ord. 1155, 11-29-94)

B. Compensation Requirements: Except as hereafter provided, it shall be a term and condition of any telecommunication permit issued in accordance herewith as a part of the consideration supporting the issuance of such telecommunication permit and the City's permission thereby to occupy and use the streets of the City, that the permittee shall pay each year to the City compensation and license fees as follows:

1. Permit Request Fee: All applicants shall pay a permit request fee of three hundred dollars ($300.00).

2. Long Distance Service: For providers of long distance access or long distance service, other than the franchised local exchange carrier, a minimum fee of five hundred dollars ($500.00) per year per cable or five hundred dollars ($500.00) per year per cable per linear mile or any portion thereof for systems extending over one mile, whichever is greater or the maximum allowed by law plus the fees set forth subsection B (5).

3. Nonfranchise Entity: For private communications systems owned by a nonfranchised entity, a minimum of five hundred dollars ($500.00) per year or five hundred dollars ($500.00) per linear mile, or any part thereof for systems extending over one mile. In no case shall the annual fee be less than five hundred dollars ($500.00.)

4. Separate Permit Required:

a. Lines, cables or fiber optic cables of a private communications system, placed in a conduit or duct bank owned by another permittee or franchisee of the City shall require a separate telecommunication application and permit, subject to the same requirements as other installations, except the fee for the additional telecommunications permit shall be one-half (1/2) the maximum allowed by law or one-half (1/2) of the otherwise applicable per linear mile fee for the portion of the pathway so utilized.

b. Lines, cables or fiber optics of a private communication system which are placed in a conduit or duct-bank owned by an entity not exempt by law or statute from the provisions of this article shall require a telecommunication permit, unless the franchise, or other authorization by which the exempt entity has the right to place the conduit or duct-bank within the City right of way prohibits the application of the permit and fee requirements contained in this Chapter to the lessee of space within the conduit or duct-bank.

5. Gross Revenue Fee: Any private communication system that serves customers and charges a fee for services provided by the private communications system within the City right of way shall pay in addition to applicable fees in (subsections A through D) quarterly, five percent (5%) of the total gross revenues from such customers to be calculated on the basis of all revenues derived from transmissions that bypass the local exchange carrier. Revenues derived from transmissions that enter a private communications system through the LATA shall not be part of the compensation and permit fees. The City may, at its option, adjust this permit fee each year or by an amount not exceeding the proportional cumulative increase in the Consumer Price Index published by the United States Department of Labor for Urban Wage Earners (1967=100%), since the initial establishment of this permit fee or since the most recent increase in the permit fee for any and all subsequent increases after the first increase,

and only after a public hearing and at least twenty (20) days' notice to all permittees, except as hereinafter provided. The City may raise the permit fee more than the cumulative increase in the Consumer Price Index in the event there is competent evidence that the fee imposed by the City is below the norm of fees imposed by other cities within the S.M.S.A.

C. Payment offers: The annual compensation and permit fee provided for in subsection B above shall be payable annually on or before October 1 of each calendar year for the portion of the private communications system within the City's right of way on January 1 of that year and a prorated permit fee, based upon the calendar quarter in which the application is filed, shall be paid at the time of the application for a telecommunication permit for all new portions of the system. Quarterly revenue fees are due January 1, April 1, July 1 and October 1.

D. Late Payment Penalty: Fees not paid within ten (10) days after the due date shall bear interest at the rate of one percent (1%) per month from the date due until paid.

E. Acceptance of Payment: The acceptance of any payment required hereunder by the City shall not be construed as an acknowledgment that the amount paid is the correct amount due, nor shall such acceptance of payment be construed as a release of any claim which the City may have for additional sums due and payable.

F. Audit of Payments: All fee payments shall be subject to audit by the City and assessment or refund if the payment is found to be in error. In the event that such audit results in an assessment and an additional payment to the City, such additional payment shall, at the City's option, be subject to interest at the rate of one percent (1%) per month retroactive to the date such payment originally should have been paid, which shall be due and payable immediately.

G. Federal, State and Local Tax Liability: Nothing in this Chapter shall be construed to limit the liability of the permittee for all applicable Federal, State and local taxes.

H. Utility Notification Requirement: Any holder of a telecommunications permit must be a member of a utility notification center or any subsequent alert and warning system to protect and locate their underground lines and cable. (Ord. 1149, 9-12-94)

## 1206.04: TERMS:

A. Any telecommunication permit issued by the City in accordance herewith shall be a nonexclusive permit for the use of the easements, streets, public ways or public places within the City as specified in the telecommunication permit for the erection, construction, reconstruction, operation, maintenance, dismantling, testing and use of a private communications system.

B. Any telecommunication permit issued by the City shall continue in full force and effect so long as the permittee is in compliance with this Chapter, all applicable Federal, State and local ordinances and regulations and the space occupied is not needed for a public purpose.

C. In the event any telecommunication permit shall be revoked, the applicable private communications system shall, at the option of the City be removed from the streets, public ways and public places at the sole expense of the permittee. (Ord. 1149, 9-12-94)

## 1206.05: CONDITIONS:

A. Any telecommunication permit issued for a private communications system in accordance herewith shall apply only to the location or locations stated on the telecommunication permit or permits. Each permit shall clearly state the location of each end and leg of the private communications system and specify the total length and be certified by a registered survey company.

B. Nothing in this Chapter shall be construed as a representation, promise or guarantee by the City that any other permit or other authorization required under the City Code for the construction or installation of a private communication system shall be issued. The requirements for any and all other permits as may be required by any City ordinance shall still apply and all other applicable permit fees shall still be due. (Ord. 1149, 9-12-94)

## 1206.06: RIGHT-OF-WAY ACCESS:

A. All Other Permits Required: Before commencing construction of its private communications system in, above, over, under, across, through or in any way connected with the streets, public ways or public places of the City, the permittee shall first obtain the written approval of, and all other necessary permits from, all appropriate City agencies, including, but not limited to, the Zoning Department and Department of Public Works. Application for such approval shall be made in the form prescribed by the Engineering Department.

B. Notice Before Construction: Upon obtaining such written approval, the permittee shall give the Engineering Department and any other appropriate agency written notice within a reasonable time of proposed construction, but in no event shall such notice be given less than ten (10) days before such commencement, except for emergency repairs of existing lines or cables.

C. Use of Existing Poles:

1. Any person who submits a request for a permit in accordance herewith shall include therein proposed agreements for the use of existing utility poles and conduits, if applicable, with the owner(s) of such facilities to be used or affected by the construction of the proposed private communications system. These agreements shall become effective on the date of execution of the permit issued in accordance herewith in the event that such person is issued a permit.

2. In the event that permission to use existing poles or conduits cannot be obtained, the permittee shall submit documentation to support the unavailability of existing poles and a detailed plan for construction ensuring protection for existing facilities.

3. Nothing in this Chapter or any permit issued in accordance herewith, shall be construed as authorizing the permittee to erect and maintain new poles in areas serviced by existing poles, if the poles are available for the permittee's use. The permittee shall obtain written approval from the Engineering Department and other appropriate City agencies before erecting any new poles or installation of any underground conduits where none exist.

D. Surface Disturbance Requirement: It shall be unlawful for the permittee or any other person to open or otherwise disturb the surface of any street, sidewalk, driveway, public way or other public place for any purpose whatsoever without obtaining approval to do so after proceeding in the manner prescribed in subsections A and B hereof.

E. Street and Sidewalk Restoration: The permittee shall restore any street or sidewalk it has disturbed in accordance with the provisions of the City standard specifications for streets and sidewalks, and shall, at its own cost and expense, restore and replace any other property disturbed, damaged or in any way injured by or on account of its activities to as good as the condition such property was immediately prior to the disturbance, damage or injury or pay the fair market value of such property to its owner or shall make such other repairs or restorations as outlined in the approved permit. The permittee shall warrantee all repairs to paved streets and sidewalks for a period of five (5) years.

F. Temporary Removal of System Components: The permittee shall, at its own cost and expense, protect, support, temporarily disconnect, relocate in the same street or other

public place or remove from such street or other public place any of its property when required to do so by the City because of street or other public excavation, construction, repair, regrading or grading, traffic conditions, installation of sewers, drains, water pipes, City owned power or signal lines, tracts, vacation or relocation of streets or any other type of structure or improvement of a public agency, or any type of improvement necessary for the public health, safety or welfare or upon termination of expiration of the permit.

G. System Maintenance Requirement: The permittee shall maintain all wires, conduits, cables, and other real and personal property and facilities in good condition, order and repair. The permittee shall provide indemnity insurance and performance bonds or demonstrate financial responsibility as required and shall comply with all rules and regulations issued by the Engineering Department governing the construction and installation of private communications systems.

H. Permittee Record Requirements: The permittee shall keep accurate, complete and current maps and records of its system and facilities which occupy the streets, public ways and public places within the City and shall furnish, as soon as they are available two (2) complete copies of such maps and records, including as-built drawings with horizontal and vertical dimensions, to the Engineering Department.

I. Other Rules and Regulations: The permittee shall comply with all rules and regulations issued by the Engineering Department governing the construction and installation of private communications systems. (Ord. 1149, 9-12-94)

## 1206.07: OCCUPATIONAL LICENSE REQUIREMENT:

Any person who shall carry on or conduct any business or occupation or profession for which a license or tax is required by the City without first obtaining a license or paying such tax shall be considered to be in violation of this City Code and upon conviction, be punished as provided by the City Code. (Ord. 1149, 9-12-94)

## 1206.08: SALE OR TRANSFER OF PERMITTEE'S SYSTEM:

The permittee shall not transfer or assign its interest in any permit issued in accordance herewith, other than a general assignment of the permittee's entire assets or a pledge of the assets as collateral on a loan, without the prior written authorization of the City. For purposes of this Section, a merger or consolidation of the permittee with another company shall not be deemed a transfer or assignment. The assignment of the right to a nonaffiliated company to place a line, cable or fiber optic cable within a permitted conduit or ductbank of a permittee is subject to the requirement of an additional telecommunication permit and the applicable fees. (Ord. 1149, 9-12-94)

## 1206.09: EXISTING SYSTEMS:

A. Lines or cables of private communication systems which had been constructed or placed within the City streets, public ways or public places prior to the date of enactment of this Chapter were permitted to be there only by virtue of a revocable license. Such lines and cables may remain within the City streets, public ways or public places provided the private communications systems owners comply with the provisions of this Chapter as they relate to the existing lines and cables. (Ord. 1149, 9-12-94)

B. Except as hereinafter provided, the provisions of this Chapter shall become effective as to preexisting private communications systems on January 1, 1996. The private communications systems companies or owners which have facilities within the City streets on the date of enactment of this Chapter shall have until January 1, 1996, to obtain permits for their existing system, to pay the applicable fee prorated as of January

1, 1996, and to fully comply with the provisions of this Chapter.

C. The applicable fee for lines, cables, and fiber optics which were existing within the City streets, public ways and public places on January 1, 1995, shall be prorated over a two (2) year transitional period. The fee for the first calendar year applicable to the existing lines and cables shall be fifty percent (50%) of what otherwise would be due in accordance with the terms of this Chapter. The fee for the second year shall be seventy five percent (75%) of the actual amount and one hundred percent (100%) beginning year three (3). (Ord. 1149, 9-12-94)

# CHAPTER 1207
# NON EXCLUSIVE TRANSIT STOP SHELTER FRANCHISE

SECTION:


1207.01: Statutory Authority
1207.02: Rights and Privileges of Franchisees
1207.03: Scope of Franchise
1207.04: Term-Renewal
1207.05: Commencement of Term
1207.06: Area
1207.07: Police Powers
1207.08: Other Franchises
1207.09: Notices
1207.10: Basic Service Installation Schedule & Design
1207.11: Maintenance
1207.12: Advertising
1207.13: Locations
1207.14: Alteration of Services
1207.15: Fee for Franchise-Minimum Fee
1207.16: Accounts and Records
1207.17: Insurance and Security
1207.18: Indemnification
1207.19: City Responsibilities
1207.20: Reserved
1207.21: Assignment or Transfer
1207.22: Performance Bond or Optional Letter of Credit
1207.23: Removal of Shelter
1207.24: Public Works to Regulate Installation
1207.25: Forfeiture
1207.26: Disposition of Shelters on Expiration of Franchise
1207.27: Nondiscrimination
1207.28: Severability
1207.29: Incorporation into Roseville City Code


## Purpose:

The City desires to implement a program (the "Transit Shelter Program") pursuant to which illuminated transit shelters will be installed and maintained in compliance with this Franchise Ordinance at certain transit stop sites to be identified from time to time by the City, Transit Authority, and franchisees. The City desires to engage the services of franchisees with respect to the Transit Shelter Program upon the terms, covenants and conditions hereinafter set forth.

## 1207.01: STATUTORY AUTHORITY:

Acting pursuant to the authority granted to the City of Roseville by the Minnesota State Legislature pursuant to Minnesota Statutes, Section 160.27, Subdivision 2, the Council of the City of Roseville does hereby adopt a nonexclusive transit stop shelter franchise procedure subject to all the terms and conditions set forth in this franchise ordinance.

## 1207.02: RIGHTS AND PRIVILEGES OF FRANCHISEES:

Any franchise granted by the City under this Ordinance shall grant to the franchisee the right to install, repair, and maintain transit shelters with affixed advertising, at active transit stop sites within the City of Roseville, on any street, and county road and state highway right-of-way with proper permits, at the franchisee's sole cost and expense for the convenience and comfort of persons waiting for transit. The transit shelters and advertising displayed thereon shall be subject to the limits and conditions set forth in this franchise ordinance as may be amended from time to time by the City.

## 1207.03: SCOPE OF FRANCHISE:

Upon adoption of an ordinance granting a franchise to a particular franchisee and execution of the acceptance thereof by the franchisee, the franchisee shall be bound by all the terms and conditions contained herein. The franchisee shall also provide all services set forth in its application and by its acceptance of the franchise. In the event of a conflict between the application made by the franchisee and the provisions of this ordinance, that provision which provides the greatest benefit to the City in the opinion of the City Council shall prevail.

## 1207.04: TERM-RENEWAL:

The franchise shall remain in full force and effect for an initial period as specified by the grant of the franchise. The initial period shall not exceed ten (10) years; provided, however, that the City may revoke the franchisee's right to use or occupy any portion of any street, alley, right-of-way or other City property. The franchisee may be granted by the City the option to extend the franchise on such terms and conditions as may be mutually acceptable to the City and the franchisee, for up to two (2) additional terms. Each additional term shall be one-half the length of the initial term. The franchisee may exercise each extension option by providing written notice of such exercise to the City within sixty (60) days prior to the end of the then current term of the franchise. Notwithstanding the foregoing, the franchisee shall not have the right to exercise an extension option while an uncured default by it exists with respect to this ordinance.

## 1207.05: COMMENCEMENT OF TERM:

The franchise term shall commence with the effective date of the ordinance granting a specific franchise; provided, that the franchisee has filed within thirty (30) days after publication of this ordinance a written acceptance hereof with the City Manager in such form as the City Attorney may approve; and provided, that a bond or letter of credit as specified in Section 22 hereof and the evidence of comprehensive liability insurance, which are required by this ordinance, shall have been approved and have been filed with the City Manager within ninety (90) days after the grant of the franchise.

## 1207.06: AREA:

A franchise is granted for the area of the City of Roseville, as it exists and as its borders may from time to time be changed, as is specified in the franchisee's proposal and the ordinance granting the specific franchise.

## 1207.07: POLICE POWERS:

In accepting a franchise, the franchisee acknowledges that its rights hereunder are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted by the City pursuant to such power.

## 1207.08: OTHER FRANCHISES:

Transit stop shelters with advertising displayed thereon shall only be allowed to occupy or use a right-of-way of any street or highway within the City of Roseville with and under the terms of a franchise as granted to a particular franchisee. This shall apply to shelters constructed by Metro Transit only if the Council specifically determined to make this ordinance applicable to Metro Transit. The City may grant franchises to multiple persons during the term of this franchise, subject to the provisions of this ordinance regarding number and placements of such shelters, and locations as identified in the ordinance granting the franchise. (Ord. 1318, 04-11-2005)

## 1207.09: NOTICES:

All notices from the franchisee to the City as required by this franchise ordinance shall be to the Director of the Department of Public Works unless otherwise stated herein. The franchisee shall maintain throughout the term of the franchise a local office and address for service of notices by mail. The franchisee shall also maintain with the City a local office and telephone number for the conduct of matters related to this franchise open during normal business hours. The franchisee will provide an emergency phone number for response after normal business hours. (Ord. 1318, 04-11-2005)

## 1207.10: BASIC SERVICE, INSTALLATION SCHEDULE & DESIGN:

Franchisees shall furnish, install, repair and maintain safe, clean and attractive illuminated transit shelters with revenue generating advertisements. In connection therewith, franchisees shall provide all materials, supplies, equipment, services and personnel at their sole cost and expense without any cost or expense to the City. All transit shelters shall: (i) be installed within one hundred eighty (180) days of the City's issuance of the applicable permits and licenses, (ii) contain inside lighting to illuminate the inner area of each shelter from dusk to dawn; and (iii) be equipped with a minimum of one bench and one trash receptacle to be emptied on a regular basis by the franchisee. The design of the transit shelters and site plan with improvements therein shall be submitted to and approved by the Public Works Director. The maximum size of a shelter shall be ten (10) feet in height, fourteen (14) feet in length, and five (5) feet in width erected upon a concrete pad of a size approved by the Public Works Director. The length of a shelter shall be determined by the Public Works Director and shall be dependent upon the number of buses or vehicles and users that frequent the bus stop. The franchisee shall meet all local, state and federal requirements applicable to bus shelters, their placement, and their use for public transit services. (Ord. 1318, 04-11-2005)

## 1207.11: MAINTENANCE:

Franchisees shall maintain all shelters to the reasonable satisfaction of the Director of Public Works as set out below. The transit shelters shall be maintained a minimum of once a week or more frequently and on an as needed basis based on specific site needs at the discretion of the Director of Public Works with such maintenance to include sweeping, cleaning,

emptying trash receptacles, picking-up litter/debris about the shelter, removing graffiti/stickers, removal of ice and snow from sidewalks constructed by the Franchisee leading to public sidewalks in a manner such that each shelter shall be fully accessible within 12 hours of a snow fall or other weather event. Franchisees shall power-wash the shelters and sidewalks at least once each month, weather permitting.

Franchisees shall inspect each shelter a minimum of once a week, or more frequently and on an as needed basis, based on specific site needs for any damaged or broken parts or burned-out lighting fixtures and franchisees shall repair or replace damaged or broken parts and burned-out lighting fixtures within forty-eight (48) hours after they become aware of the damage, breakage, or burn-out, or at the time of weekly maintenance, whichever is sooner. (Ord. 1318, 04-11-2005)

## 1207.12: ADVERTISING:

Each transit shelter installed by franchisees shall contain panels for advertising displays as specified in the franchisee's proposal and ordinance granting the particular franchise. Such displays shall be used solely for advertising materials and/or public service announcements. Franchisees shall use their best reasonable efforts to obtain revenue-generating advertisements for the advertising display panels, except where unsold advertising panels shall be available for City use on a space-available basis, and the City will provide the posters to the Franchisee for posting in the shelters.

Advertising size and placement shall be as follows: The shelter signage may be up to two (2) four (4) feet by six (6) feet advertising panels in a 2-sided display affixed to the end wall of the shelter (or parallel to the road on a narrow right of way application) and perpendicular to the roadway curb or edge viewable from one or both ends of the shelter. Signage on shelters shall require permits as required by Chapter 703.05 of this code. (Ord.1349, 5-21-2007)

Except with respect to the quarterly fee payable to the City pursuant to Section 15 hereof, franchisees shall have the right to retain all revenues generated from the advertising displays on all transit shelters. Under no circumstances shall any advertising display contain indecent or vulgar pictures, graphics or language or include advertising for any alcohol or tobacco products. Franchisees shall not display advertising relating to contraception, pornography, politics or religion. Franchisees shall remove within forty-eight (48) hours after their receipt of the City's written notification requesting such removal, any advertisements which the City in its reasonable discretion deems to be offensive to the Community, or in conflict with the City's health, safety and welfare concerns. In the event that a franchisee fails to remove such advertisements within such forty-eight (48) hour period, the City may remove the materials at the franchisee's sole cost and expense. (Ord. 1318, 04-11-2005)

## 1207.13: LOCATIONS:

Location of Transit Shelters: A franchisee shall erect transit shelters at those locations that are mutually agreed upon by the City and the franchisee, but only after a permit is approved by the Public Works Director. The Public Works Director shall determine the location of shelters based on need, and so as to assure that shelters do not unnecessarily impede pedestrian traffic, or line of sight and traffic safety. All transit shelters shall be erected on public rights-of-way, or private property with written authorization from the property owner(s), and shall be subject to all rules, regulations and ordinances governing the use of such rights-of-way. Prior to erecting any such shelters at any locations, the franchisee shall

secure any necessary approval and/or zoning variance that may be required from any governmental entity. The Public Works and Transportation Commission will review site applications of the franchisee and hold a hearing for public input regarding proposed locations.

## 1207.14: ALTERATION OF SERVICES:

In the event that the City desires at any time to alter or change the nature or character of the services to be provided by the franchisee and such alteration or change materially increases the costs and expenses to be incurred by the franchisee or materially reduces the advertising revenues that can be generated by the franchisee, such alterations or changes shall not be effective until the City and the franchisee have mutually agreed to and executed an amendment to this Franchise Ordinance, which amendment may include an adjustment to the City's fee under Section 15 hereof.

## 1207.15: FEE FOR FRANCHISE-MINIMUM FEE:

In consideration of the award of the franchise by the City, franchisees shall pay the City a fee based upon the annual gross revenue collected that the franchisee derives from advertising on shelters located within the City in accordance with the terms of the ordinance granting the franchise and as follows:

> Payments and a quarterly report on operations and revenue shall be made thirty (30) days after the close of each quarter of the year. The "gross revenue" as used in this ordinance shall mean all advertising revenue derived directly or indirectly by the franchisee, its affiliates, subsidiaries, a parent company or corporation or any person in which the franchisee has a financial interest, from or in connection with the operation of the franchise prior to any deduction; provided, however, that this shall not include any taxes on services furnished by the franchisee herein imposed directly upon any advertiser by the City, state or other governmental unit and collected by the franchisee on behalf of said governmental unit.

## 1207.16: ACCOUNTS & RECORDS:

A franchisee shall keep books of accounts and records of all transactions and costs incurred in connection with the purchase, manufacture and installation of the shelters and advertising on shelters, showing all financial transactions including receipts and disbursements and the particulars thereof in a form satisfactory to the City of Roseville Finance Director. Such books and records shall be available to the City for inspection any time during normal business hours upon forty-eight (48) hours prior written notice thereof to the franchisee. All such books and records shall be retained by the franchisee for a minimum of five (5) years.

Franchisees shall file annually with the City no later than one hundred twenty (120) days after the end of the franchisee's fiscal year, a copy of a financial report applicable to the Roseville Transit Shelter System, including an income statement relating to its operations during the fiscal year and a balance sheet, both of which shall be certified as correct by an independent certified public accountant, and a statement of its properties, equipment and facilities which are located upon the streets, highways and public places within the City giving its investment in such facilities on the basis of original cost, less applicable depreciation. These reports shall be certified as correct by an authorized officer of the franchisee and shall be submitted along with such other reasonable information as the City shall request with respect to the franchisee's facilities and expenses related to its transit stop shelter system operations within the City.

Franchisees shall also file with the City Manager copies of their articles of incorporation, bylaws, agreements with any other person relating to the ownership of the transit stop shelter system, and amendments of such documents as they become effective.

## 1207.17: INSURANCE AND SECURITY:

Franchisees shall procure and maintain at their own cost the following insurance coverage:

a) Workers compensation insurance in accordance with the Minnesota Workmen's Compensation Act.

b) Commercial general liability insurance with minimum limits of $150,000 per person and $1,000,000 per occurrence.

c) Comprehensive automobile liability insurance with minimum limits for bodily injury and property damage of $150,000 per person and $1,000,000 per occurrence.

The foregoing insurance coverage shall be procured and maintained with insurers that are reasonably acceptable to the City. The liability insurance policies shall be endorsed to include the City as an additional insured. If the above limits are less than those specified in Minn. Stat. Ch. 466 as the liability limits of a municipality, the higher limits shall apply.

The policy shall be of type in which coverage is restored immediately after the occurrence of any loss or accident from which liability may thereafter accrue. The policy shall contain an endorsement which shall provide that no cancellation shall become effective without thirty (30) days' prior written notice to the City of intent to cancel or not to renew. In the event such insurance is cancelled and the franchisee shall fail to immediately replace it with another equivalent policy, the City may terminate their franchise and declare it to be forfeited.

## 1207.18: INDEMNIFICATION:

Franchisees shall defend, indemnify and hold harmless the City, its officers, agents, representatives and employees from and against all liability, claims, demands and expenses (including court costs and reasonable attorneys fees), on account of any injury, loss or damage, arising out of or in connection with construction, operation, maintenance, location, or removal of any transit stop shelter owned by franchisee. (Ord. 1318, 04-11-2005)

## 1207.19: CITY RESPONSIBILITIES:

The City shall provide franchisees with all available information (including the location of road right-of-way and utilities) which is relevant to the Transit Shelter Program together with the necessary guidance and direction to achieve the Program's objectives. In consideration of the City's use of the transit shelters at no cost, the City hereby assures access to and use of the nearest electrical power and waives all permit and use fees for each transit shelter covered by this Ordinance. Provided that each transit shelter complies fully with the provisions of this Ordinance and all applicable provisions of the City's Municipal Code, all necessary permits for the installation and/or maintenance of the transit shelters shall be granted by the City. The process for obtaining such permits shall be expedited by all city departments to assure that shelters are installed within one hundred eighty (180) days.

## 1207.20: RESERVED:

## 1207.21: ASSIGNMENT OR TRANSFER:

A franchisee shall not assign or transfer its rights, duties and obligations under the franchise, in whole or in part, without first obtaining the written consent of the City, provided, however, that the City's consent shall not be required with respect to any assignment by the franchisee to any person or entity that controls, is controlled by, or under common control with the franchisee or which merges with or into the franchisee or acquires substantially all of the assets of the franchisee.

## 1207.22: PERFORMANCE BOND OR OPTIONAL LETTER OF CREDIT:

A franchisee shall post with the City a performance bond guaranteeing its performance of the obligations of the franchise, as created by this ordinance, and the ordinance granting the particular franchise. The amount of the bond shall be as specified in the Ordinance granting the particular franchise. The bond shall be issued by a company licensed to do business in Minnesota, and shall be in a form acceptable to the City Attorney. In lieu of the performance bond the franchisee may elect to give the City an irrevocable letter of credit in the bond amount issued by a bank in the metropolitan area. The letter of credit shall provide that it may be drawn upon under the same circumstance as a surety would be subject to a claim under its performance bond, except that the letter of credit shall be subject to a draw without any previous demand upon, or notice to the franchisee. The letter of credit shall also be subject to a draw if it is effective for a limited term and is not replaced by a replacement letter of credit at least thirty (30) days before expiration. The letter of credit shall also be in a form approved by the City attorney and shall be on file with the City Manager and remain so until three hundred sixty-five (365) days after the expiration or termination of the franchise. The City shall give the Franchisee seven (7) days' notice of its intent to draw on a letter of credit.

## 1207.23: REMOVAL OF SHELTER:

Franchisees shall within thirty (30) days after receipt of written notice from the City remove any transit shelters that are located at discontinued transit stop sites or which the City reasonably determines are in condition of substantial disrepair or deteriorated condition such as to pose a health or safety hazard or diminution of value to the abutting properties. Additionally, franchisees shall relocate any transit shelters within thirty (30) days after their receipt of a written request to do so by the City as a result of redevelopment, traffic hazards or changes in bus routes. Any such relocation of a transit shelter shall be to a location mutually agreeable to both parties, but only after issuance of all necessary permits by the Director of Public Works.

## 1207.24: PUBLIC WORKS TO REGULATE INSTALLATION:

The Director of Public Works shall regulate the installation of transit shelters and if, in the opinion of the Director of Public Works, a shelter installation is hazardous, the Director may order a franchisee to take necessary steps at its own cost to remove or relocate the shelter or make the necessary repairs to correct the hazard. The Director of Public Works shall have the right to conduct reasonable inspections of shelters for this purpose.

In regulating the installation of shelters, the Director of Public Works shall regulate the size of shelters installed, its orientation or placement on the site, and any preparatory or remedial site work. When the City has approved a location plan, a franchisee shall submit detailed amended plans showing any discrepancies between the site plan approved and the work

completed.

## 1207.25: FORFEITURE:

A. The City shall, in addition to any other rights it may have, have the right to declare that a franchisee has forfeited a franchise in the event of a substantial breach of its terms and conditions, including, but not limited to, the following circumstances:

(1) If the franchisee becomes insolvent or is declared bankrupt or makes any assignment for the benefit of its creditors; and

(2) If the franchisee assigns or transfers or attempts to assign or transfer the franchise, or sells or leases or attempts to sell or lease any of its shelters without the Council's permission; or

(3) If the franchisee fails to install shelters on schedule as required by this Franchise Ordinance or the grant of the particular franchise, or fails to conform to the specifications contained in its application or the invitation for applications, or fails to construct the shelters in a workmanlike manner to the satisfaction of the Director of Public Works and in conformity with City ordinances and codes, or if the franchisee refuses or neglects when so ordered to take down, rebuild or repair any defective or unsatisfactory work or to maintain the shelter as required herein; or

(4) If the franchisee fails to remove any shelter when ordered to do so in accordance with this ordinance; or

(5) If the franchisee refuses or neglects to comply with any reasonable order of the Director of Public Works; or

(6) If the franchisee persists in any course of conduct in violation of any of the provisions of this ordinance; or

(7) If the City receives notice of intention not to renew or the franchisee fails to keep in force its insurance, required herein.

B. The Director of Public Works may make a written demand by certified mail that a franchisee comply with any such provision, rule order or determination under or pursuant to this franchise. Such notice shall be entitled "Forfeiture and Termination Notice." If the violation by the franchisee continues for a period of thirty (30) days or more following such written demand, without having been corrected or remedied, the matter of forfeiture and termination of the franchise shall then be taken before the City Council. The City shall cause to be served upon the franchisee at least twenty (20) days prior to the date of such Council meeting a written notice of intent to terminate the franchise, including the time and place of the meeting. Public notice shall be given of the meeting and the issue which the Council is to consider. The City Council, or a committee thereof, shall hear and consider the issue and the Council shall, in its discretion, determine whether there has been a substantial breach. If the Council determines that there has been a substantial breach, the franchisee shall have such period of time as the Council may set, but not less than thirty (30) days in which to cure the substantial breach; provided, that no opportunity for cure need be given for fraud or misrepresentation or for circumstances which may immediately adversely affect the public health, safety or welfare. At the expiration of the period of time set for compliance, the Council may terminate the franchise forthwith upon finding that the franchisee has failed to cure the breach.

C. Unless otherwise approved by the City, upon termination of this franchise, the franchisee shall remove all transit shelters and support equipment and apparatus installed by it pursuant to this Franchise Ordinance, within sixty (60) days of termination. However, the Director of Public Works may grant permission to the Franchisee to leave all or any portion of the infrastructure on terms and conditions

established by the Director. If, after ninety 90 days of the termination date, the franchisee has not removed all equipment and facilities that may be located along, over or under any street or highway within the City, the franchisee shall forfeit said improvements to the City. The performance bond or letter of credit posted in accordance with Section 22 shall remain posted to insure that the streets, highways and public places from which such equipment is removed shall be placed in good condition. (Ord. 1318, 04-11-2005)

## 1207.26: DISPOSITION OF SHELTERS ON EXPIRATION OF FRANCHISE:

A. In the event that the franchise expires and is not renewed, the City may purchase the shelters and facilities then in place upon such terms and for such consideration as may be agreed to by the City and the franchisee prior to the expiration of the franchise. If prior to the expiration of the franchise or within ninety (90) days following such expiration the City elects to award a franchise to any other person or company, and the City elects to have the new franchisee operate and maintain the shelters which have been installed pursuant to this franchise, then the new franchisee shall purchase such shelters on such terms and for such consideration as may be agreed to by the new franchisee and the prior franchisee.

B. Notwithstanding the provisions of paragraph A of this section, in the event that the term of this franchise expires and the City and franchisee have not renewed the franchised for an additional term, the franchisee shall at its own expense remove all of the shelters and facilities which it has installed or caused to be installed upon or below the public streets and highways or public places of the City and shall restore the streets and highways of the City to their former condition in a manner satisfactory in the judgment of the Director of Public Works. If the franchisee fails to remove all such shelters and facilities within ninety (90) days after the expiration of the franchise, the City may have the shelters and facilities removed and require the franchisee to pay the cost of such removal. In the event that the shelters and facilities have not been sold pursuant to paragraph A of this section or removed by the franchisee, all right and title to the shelters shall be deemed to have passed to and vested in the City. The franchisee agrees that in such circumstances it will execute such documents as the City Attorney may require to transfer the title to such shelters and facilities.

## 1207.27: NONDISCRIMINATION:

The franchisee, its agents, employees, contractors and subcontractors shall at all times comply with the provision of the City of Roseville Code and applicable state and federal law regarding nondiscrimination and civil rights in connection with its services provided pursuant to this Franchise Ordinance. (Ord. 1324, 08-08-2005)

## 1207.28: SEVERABILITY:

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## 1207.29: INCORPORATION IN ROSEVILLE CITY CODE:

This Ordinance shall be deemed a part of the Roseville City Code and shall be incorporated therein as Appendix Chapter 1207.
(Ord. 1285, 07/28/03)

# SUPPLEMENTS

| **06/01/16** Supplement follows the Supplement and includes Ordinances | |
|---|---|
| **Print Page(s)** | List of Ordinances/Changes: |
| 322-356 | Ord. No. 1483 An Ordinance Amending Title 10 of the City Code, Amending Certain Zoning Text, Eliminating the Existing CMU District and Creating CMU-1, CMU-2, CMU-3 and CMU-4 Districts. Passed October 26, 2015 – Published November 10, 2015 |
| 96-114 | Ord. No. 1484 An Ordinance Amending Chapter 314.05 Fee Schedule Adopting the 2016 Fee Schedule. Passed November 9, 2015 – Published November 24, 2015. |
| 146-147 | Ord. No. 1485 An Ordinance Creating Title 4 Chapter 411 – An Ordinance Relating to the Management of Wildlife in the City. Passed November 9, 2015 – Published November 24, 2015 |
| 323-333 | Ord. No. 1487 An Ordinance Amending Certain Text of Title 10 (Zoning) and Title 11 (Subdivisions) of the City Code. Passed November 30, 2015 – Published December 8, 2015 |
| 267-271 | Ord. No. 1488 An Ordinance Amending Selected Text of the Roseville City Code, Sections 901.01, Adoption of Building Code, 901.06, Permits, Inspections and Fees, 901.08, State Surcharge, and 901.11, Construction Deposits. Passed November 30, 2015 – Published December 15, 2015 |
| 278-279 | Ord. No. 1489 An Ordinance Amending Selected Text of the Roseville City Code, Swimming Pools, Sections 905.01, Permit Required, 905.03, Conditions, and 905.05, Regulated Pools. Passed November 30, 2015 – Published December 15, 2015 |
| 297-316 | Ord. No. 1490 An Ordinance Amending Chapter 1001 Introduction, Section 1001.10 Definitions and Chapter 1011 Property Performance Standards, Section 1011.04 Tree Preservation and Restoration in all Districts, of the Roseville City Code. Passed December 7, 2015 – Published January 5, 2016 |
| 324-366 | Ord. No. 1494A An Ordinance Amending Selected Text of the Title 10 Zoning Ordinance of the Roseville City Code. Passed February 22, 2016 – Published April 26, 2016 |
| 281-286 | Ord. No. 1495 An Ordinance Amending the Roseville City Code, Chapter 907 Registration of Residential Rental Property of 1 to 4 Units. Passed February 22, 2016 – Published April 12, 2016 |
| 493-503 | Ord. No. 1497 An Ordinance Adding Text to title 10 Zoning Ordinance of the Roseville City Code Relating to Planned Unit Developments. Passed April 11, 2016 – Published April 26, 2016 |
| 30-41 | Ord. No. 1498 An Ordinance Amending Selected Text of the Roseville City Code, Chapter 201, Advisory Commissions; Chapter 205, Human Rights Commission, and Chapter 207, Ethics Commission. Passed April 11, 2016 – Published April 26, 2016 |

# SUPPLEMENTS

| **09/02/2015** Supplement follows the Supplement and includes Ordinances | |
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| **Print Page(s)** | List of Ordinances/Changes: |
| Pg. 29-46 | Ord. No. 1481 An Ordinance Amending Various Sections in Title 2: Commissions |
| 101-121 | Ord. No. 1480 An Ordinance Amending Chapter 314.05 Fee Schedule Revising the 2015 Fee Schedule |
| 101-121 | Ord. No. 1479 An Ordinance Amending Changes to City Code Chapter 314.05: Fee Schedule |
| Pg. 49-61 | Ord. No. 1478 An Ordinance Amending City Code Chapter 302 Liquor Control |
| Pg. 256 - 262 | Ord. No. 1477 An Ordinance Amending Title 8, Section 802.04, Section 802.06, Section 802.08, Section 802.11, Section 802.12, And Section 802.13 |
| Pg. 324-332 | Ord. No. 1476 An Ordinance Amending Title 9, Chapter 908 - to Regulate Rental Licensing for Multifamily Rental Dwelling Units |
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# SUPPLEMENTS

| **03/24/2015** Supplement follows the Supplement and includes Ordinances | |
|---|---|
| **Print Page(s)** | List of Ordinances/Changes: |
| pg. 364 | Ordinance No. 1470 Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code |
| Pg. 488 | Ordinance No. 1471 Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code |
| No Pg. Number | Ordinance No. 1472 An Ordinance Amending the Cable Television Franchise Ordinance |
| Pg. 414 | Ordinance No. 1473 Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code |
| Pg. 102 | Ordinance No. 1474 An Ordinance Amending Chapter 314.05, Fee Schedule |
| Pg. 55 | Ordinance No. 1475 An Ordinance Amending Title 3, Section 302, Liquor Control |
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# SUPPLEMENTS

| **06/09/2014** Supplement follows the Supplement and includes Ordinances | |
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| **Print Page(s)** | List of Ordinances/Changes: |
| 1 | Preface |
| 2-4 | Table of Contents |
| 64 | 306.05: Typo to Indoor Smoking Prohibited See Ordinance No. 1424 |
| 332-351 | Ordinance No. 1438 An Ordinance Amending Selected Text of Chapters 1001 (Introduction) and 1006 (Employment Districts) of Title 10 'Zoning Code' of the Roseville City Code Passed: 6/10/13 Published: 6/18/2013 |
| 401-412 | Ordinance No. 1439 An Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code Passed: 6/10/13 Published: 6/18/2013 |
| 126-129 | Ordinance No. 1440 An Ordinance Amending Title 4, Section 403.01, Recycling Collection Passed: 6/10/13 Published: 6/18/2013 |
| 24-25 | Ordinance No. 1441 An Ordinance Amending Title 1, Section 106.09, City Departments: Public Works Passed: 6/10/13 Published: 6/18/2013 |
| - | Ordinance No. 1442 An Ordinance Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real property at 600 County Road B From Low Density Residential-1 to Neighborhood Business District Passed: 6/17/13 Published: 6/25/2013 |
| 370-388 | Ordinance No. 1443 an Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code Passed: 6/17/13 Published: 6/25/2013 |
| 332-351, 370--393 | Ordinance No. 1444 An Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code Passed: 6/17/13 Published: 6/25/2013 |
| 332-351 | Ordinance No. 1445 An Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code Passed: 7/8/13 Published: 7/16/2013 |
| 370-393 | Ordinance No. 1446 Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code Passed: 7/8/13 Published: 7/16/2013 |
| 370-388 | Ordinance No. 1447 An Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code Passed: 7/8/13 Published: 7/16/2013 |
| 370-388 | Ordinance No. 1448 An Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville Zoning Code Passed: 7/8/13 Published: 7/16/2013 |
| 511-517 | Ordinance No. 1449 An Ordinance Amending Selected Text of Title 11 Subdivision Ordinance of the Roseville City Code Passed: 8/12/13 Published: 8/20/2013 |
| 359-369 | Ordinance No. 1450 An Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville Zoning Code Passed: 8/12/13 |

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| | Published: 8/20/2013 |
| 332-351 | Ordinance No. 1451 An Ordinance Amending Selected Text Pertaining to Outdoor Storage in Chapters 1001 (Introduction), 1005 (Commercial and Mixed-Use Districts), 1006 (Employment Districts), 1009 (Procedures), and 1011 (Property Performance Standards of Title 10 "Zoning Code" of the Roseville City Code Passed: 8/12/13 Published: 8/20/2013 |
| 359-369 | Ordinance No. 1452 An Ordinance Amending Improvement Area Regulations of Chapter 1004 (Residential Districts) of Title 10 "Zoning Code" of the Roseville City Code Passed: 9/9/13 Published: 9/17/2013 |
| 154-166 | Ordinance No. 1453 An Ordinance Amending Selected Text of Title Five, Chapter 501 Animal Control of the Roseville City Code Passed: 10/21/13 Published: 10/29/2013 |
| 66 | Ordinance No. 1454 An Ordinance Repealing City Code Chapter 305 – Sale of Christmas Trees Passed: 10/21/13 Published: 10/29/2013 |
| 67-68 | Ordinance No. 1455 An Ordinance Amending Title 3, Section 306.01; Relating to Tobacco Products Passed: 10/21/13 Published: 10/29/2013 |
| 322-330 | Ordinance No. 1456 An Ordinance Amending Title 9, Adding Chapter 908 to Regulate Rental Licensing for Multifamily Rental Dwelling Units Passed: 10/21/13 Published: 10/29/2013 |
| 401-412 | Ordinance No. 1457 An Ordinance Amending Selected Text Pertaining to Conflicting Fence Regulations and Requirement for Animal Board and Daycare Facilities in Chapters 1009 (Procedures) and 1011 (Property Performance Standards) of Title 10 "Zoning Code" of the Roseville City Code Passed: 10/21/13 Published: 10/29/2013 |
| 99-119 | Ordinance No. 1458 An Ordinance Adopting the 2014 Fee Schedule Passed: 11/18/13 Published: 11/26/2013 |
| 38 | Ordinance No. 1459 An Ordinance Amending Selected Text of Section 205.01 (Establishment and Membership) of Title 2 "Public Works, Environment and Transportation Commission" of the City Code Passed: 1/27/14 Published: 2/4/2014 |
| 22-23 | Ordinance No. 1460 An Ordinance Amending Title 1, Chapter 105, Section 105.01 of Indemnification Passed: 1/27/14 Published: 2/4/2014 |
| 40-41 | Ordinance No. 1461 An Ordinance Adding Chapter 207: Finance Commission Passed: 2/10/14 Published: 2/18/2014 |
| 42-43 | Ordinance No. 1462 An Ordinance Adding Chapter 208 Community Engagement Commission Passed: 2/10/14 Published: 2/18/2014 |
| 244-253 | Ordinance No. 1463 An Ordinance Amending City Code Chapter 801.16(B)(8) and Adding City Code Chapter 802.12(F) Passed: 3/10/14 Published: 3/25/2014 |
| 359-369 | Ordinance No. 1464 An Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code Passed: 3/24/14 Published: 4/1/2014 |
| - | Ordinance No. 1465 An Ordinance Amending Title 10 of the City Code Changing Certain Real Property Located at 657, 661, 667, 1nd 675 Cope Avenue and 2325 and 2335 Dale Street from Low Density Residential-1 District (LDR-1), High Density Residential-1 District (HDR-1), And Institutional District (INST) to Medium Density Residential District (MDR) Passed: 3/24/14 Published: 4/1/2014 |
| 137-145 | Ordinance No. 1466 An Ordinance Amending Section 407.02.M of Title 4 Health and Sanitation of the Roseville City Code Passed: |

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| | 4/21/14 Published: 4/29/2014 |
| 370-388 | Ordinance No. 1467 An Ordinance Amending Title 10 Zoning Ordinance of the Roseville City Code Passed 04-21-2014 |
| 59-61 | Ordinance. No. 1468 An Ordinance Amending City Code Chapter 303 Passed 06-09-2014 |
| 429-455 | Ordinance No. 1469 An Ordinance Amending Selected text of TITLE 10 Zoning Ordinance of the Roseville city code Passed 06-09-2014 |

| **6/30/2013** Supplement follows the 12/31/2012 Supplement and includes Ordinances 1433 - 1436 | |
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| **Print Page(s)** | List of Ordinances/Changes: |
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| 96-115 | Ordinance No. 1433 An Ordinance Adopting a Revised 2013 Fee Schedule<br>Passed: 01/28/13 Published: - 2/5/13 |
| 398-413 | Ordinance No. 1434 An Ordinance Amending Table 1010-2 and Section 1010.07 of Title 10, Zoning Ordinance of the Roseville City Code<br>Passed: 03/25/13 Published: - 4/2/13 |
| 356-374 | Ordinance No. 1435 An Ordinance Amending Selected Text of Title 10 Zoning Ordinance of the Roseville City Code<br>Passed: 3/25/13 Revised & Passed 4/8/13 Published – 4/2/13 |
| 414-439 | Ordinance No. 1436 An Ordinance Amending Selected Text of Chapters 1001 (Introduction) and 1011 (Property Performance Standards) of Title 10 "Zoning Code" of the Roseville City Code<br>Passed: 5/13/13 Published: 5/21/2013 |
| Zoning Map Amendment, Not Codified | Ordinance No. 1437 An Ordinance Amending Title 10 of the City Code Changing the Zoning Map Designation of Certain Real Property at 986 Millwood Avenue, 2961 Chatsworth Street, 2967 Chatsworth Street, 2983 Chatsworth Street, and 2991 Chatsworth Street from Park and Recreation (PR) to Low-Density residential–1 (LDR-1) and Changing the Zoning Map Designation of Certain Real Property at Lake Josephine County park from LDR-1 to PR<br>Passed: 5/20/13 Published: 5/28/13 |
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| **12/31/2012** Supplement follows the 07/31/2012 Supplement and includes Ordinances 1429 - 1432 | | |
| | **Print Page(s)** | List of Ordinances/Changes: |
| 1. | 1 | Preface |
| 2. | 2-4 | Table of Contents |
| 3. | 490 | Ordinance No. 1429 An Ordinance Repealing Ordinance 1417, the Establishment of A Zoning Overlay District for the Twin Lakes Redevelopment Area<br>Passed: 11/19/12 Published: 11/27/12 |
| 4. | 490 (same as above) | Ordinance No. 1430 An Ordinance Repealing Chapter 1022 of Title 10 Zoning Ordinance of the Roseville City Code<br>Passed: 11/19/12 Published 11/27/12 |
| 5. | 96-115 | Ordinance No. 1431 An Ordinance Amending Chapter 314.05, Fee Schedule Adopting the 2013 Fee Schedule<br>Passed: 11/19/12 Published: 12/4/12 |
| 6. | 96-115 (same as above) | Ordinance No. 1432 An Ordinance Amending Title 3 by Amending Chapter 314.053 of Roseville City Code Regarding the Fee Schedule<br>Passed: 12/10/12 Published 12/18/12 |
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| SUPPLEMENTS | | |
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| **07/31/2012** Supplement follows the 12/31/2011 Supplement and includes Ordinances 1423 -1428 | | |
| | Print Page(s) | List of Ordinances/Changes: |
| 1. | 1 | Preface |
| 2. | 2-4 | Table of Contents |
| 3. | 204 - 209 | Ordinance 1423 An Ordinance Amending Title Seven, Section 703.04 to Exempt Publicly Owned and Operated Public Safety Facilities From Driveway Width Maximum Regulations Passed: 01/23/12 Published: 01/31/12 |
| 4. | 65 - 66 | Ordinance 1424 An Ordinance Amending Title 3, Section 306.01; Redesignating Existing Sections 306.05, 306.06, 306.07 As Sections 306.06, 306.07, 306.08 Respectively; Adding A New Section 306.05; Relating to Tobacco Products Passed: 02/13/12 Published: 02/21/12 |
| 5. | 398 - 412 | Ordinance 1425 An Ordinance Amending Title 10 of the City Code, specifically Section 1010 Sign Regulations Passed: 06/18/12 Published: 06/26/12 |
| 6. | 313 - 317 | Ordinance 1426 An Ordinance Amending Title 9 By Amending Chapter 907 of Roseville City Code Regarding Registration of Residential Rental Property of 1 to 4 Units Passed: 06/18/12 Published: 06/26/12 |
| 7. | 1001, 319 – 338<br>1005, 356 – 374<br>1006-07, 375 – 383<br>1009, 387 – 397<br>1011, 413 - 438 | Ordinance 1427*:* An Ordinance Amending Selected Text of Sections 1001 (Introduction), 1005 (Commercial and Mixed-Use Districts), 1006 (Employment Districts), 1007 (Institutional District), 1009 (Procedures), and 1011 (Property Performance Standards) of Title 10 "Zoning Code" of the Roseville City Code Passed: 07/09/12 Published: 07/17/12 |
| 8. | 45 - 56 | Ordinance 1428: An Ordinance Amending Title 3, Section 302, Liquor Control Passed: July 16, 2012 Published: 07/24/12 |
| 9. | | |
| 10. | | |
| 11. | | |
| 12. | 96 - 115 | Correction to fee schedule Property Nuisance Calls moved from General Fees to Administrative Fines |
| 13. | | Correction to Date Passed of Ordinance 929 (correct date is August 8, 1983) |
| 14. | | Supplements |

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| **12/31/11** Supplement follows the 6/30/11 Supplement and includes Ordinances 1412-1422 |

| | Print Pages(s) | List of Ordinances/Changes: |
|---|---|---|
| 1. | 1 | Preface |
| 2. | 2-4 | Table of Contents |
| 3. | 60-63 | Ordinance 1412 An Ordinance Amending Title Three Chapter 304<br>304.01, 304.02A, 304.02B, 304.02D, 304.02E, 304.03H, 304.04A AND 304.04C are amended to allow Roseville-based organizations to conduct lawful-gambling activities at more than one location and to amend some sections of the code that were no longer accurate under current state laws or were otherwise outdated<br>Passed: 7/11/11 Published: 7/19/11 |
| 4. | 387-397 | Ordinance 1413 An Ordinance Amending Selected Text of Section 1009.04 (Variances) of Title 10 "Zoning Code"<br>Passed: 7/18/11 Published: 7/26/11 |
| 5. | 78-86 | Ordinance 1414 An Ordinance Amending Title Three, Section 311.03, to Limit the Number of Pawn Broker Licenses in the City<br>Passed: 9/12/11 Published: 9/20/11 |
| 6. | 356-374 | Ordinance 1415 An Ordinance Amending Selected Text of Section 1005.02 (Design Standards) and Section 1005.07 (Community Mixed-Use District) of Title 10 "Zoning Code" of the Roseville City Code;"<br>Passed: 9/12/11 Published: 9/20/11 |
| 7. | 257-271<br>461<br>443-460 | Ordinance 1416 An Ordinance Amending Title 8, Adding Section 803.04 Erosion and Sedimentation Control; Deleting Chapter 1018; and Amending Title 10, Sections 1017.18 and 1017.25<br>Passed: 9/26/11 Published: 10/04/11 |
| 8. | 489-494 | Ordinance 1417 Ordinance Establishing a Zoning Overlay District for the Twin Lakes Redevelopment Area<br>Passed: 9/26/11 Published: 10/04/11 |
| 9. | 346-355<br>(387-397-see Ord 1413)<br>412-437 | Ordinance 1418 Ordinance Amending Selected Text of Sections 1004 (Residential Districts), 1009 (Procedures), and 1011 (Property Performance Standards) of Title 10 "Zoning Code" of the Roseville City Code<br>Passed: 10/10/11 Published: 10/18/11 |
| 10. | 30 | Ordinance 1419 Ordinance Authorizing The City Of Roseville To Issue General Obligation Bonds In The Exercise Of The City's Port Authority Powers<br>Passed: 10/24/11 Published: 11/01/11 |
| 11. | 150-162 | Ordinance 1420 Ordinance Amending Chapter 501.16 C2 & G Relating to Appeals Process for Potentially Dangerous Dogs<br>Passed: 11/14/11 Published: 11/22/11) |
| 12. | 96-115 | Ordinance 1421 Ordinance Amending Chapter 314.05, Fee Schedule Adopting the 2012 Fee Schedule<br>Passed: 11/28/11 Published: 12/06/11 |
| 13. | 45-56 | Ordinance 1422 Ordinance Amending Chapter 302 pertaining to Non-Renewal of Liquor Licenses<br>Passed: 11/28/11 Published: 12/06/11 |

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| 14. | 533-554 | Supplements |

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| **6/30/11** Supplement follows the 4/29/11 Supplement and includes Ordinances 1407-1411 | | |
| | Print Pages(s) | List of Ordinances/Changes: |
| 1. | 1 | Preface |
| 2. | 2-4 | Table of Contents |
| 3. | Zoning Amendment Not Codified | Ordinance 1407: An Ordinance Amending Title 10 of Roseville City Code Changing the Zoning Map Designation of Certain Real Property at 2990, 2996 and Outlot A of Applewood Pointe of Langton Lake, from High Density Residential-1 HDR-1) to High Density Residential-2 (HDR-2)."<br>Passed: 5/09/11 Published: 5/24/11 |
| 4. | 41-50 | Ordinance 1408: An Ordinance Amending Title Three, Chapter 302.15 Civil Penalty Providing for Two Tier (Off Sale and On Sale and 3-2) Suspension Penalties for Liquor License Violation Passed: 5/16/11 Published: 5/24/11 |
| 5. | 130-131 | Ordinance 1409: Ordinance Adding Chapter 410 to Title Four of the Roseville City Code Regulating the Use of Coal Tar-Based Sealer Products within the City<br>Passed: 6/13/11 Published: 6/21/11 |
| 6. | 190-195<br>32-33 | Ordinance 1410: An Ordinance Amending Title 7, Chapter 706, Forestation Control (Now Urban Forest Management) and Title 2, Section 203.04, Duties and Functions of the Parks and Recreation Commission<br>Passed: 6/13/11 Published: 6/21/11 |
| 7. | 297-305<br>315-319 | Ordinance 1411: An ordinance amending selected text of title 10 "zoning code" including Amendments in section 1004.08b (ldr-1 district dimensional standards); section 1004.09b (ldr-2 district dimensional standards); section 1006.04c (o/bp district Dimensional standards); and section 1006.05c (i district dimensional standards); Of the city code<br>Passed: 6/13/11 Published: 6/21/11 |
| 8. | 148 | Added "Repealed" to Chapter 504 |
| 9. | 275-290 | Reformatted definitions in 1001.10 |
| 10. | 291-294 | Reformatted 1002.06 |
| 11. | 469-489 | Supplements |

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| **4/29/11** Supplement follows the 06/30/10 Supplement and includes Ordinances 1391 and 1395-1406<br>Ord 1397 passed 10-11-2010, not codified - superseded by Ord 1403 passed 12-13-10 |

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| | Print Pages(s) | List of Ordinances/Changes: |
| 1. | 1 | Preface |
| 2. | 2-4 | Table of Contents |
| 3. | 132-142 | Ordinance 1391: An Ordinance Amending Title Five, Section 501.16 Dangerous Animals; 501.16A Definitions; 501.16B Dangerous Animal Registration; 501.16D Regulation of Dangerous Animals; and Adding Sections 501.16F Notice of Dangerous Animal Determination; and 501.16G Appeal of Dangerous Animal Determination<br>Passed: 3/29/10 Published: 4/13/10 Effective 1/01/11 |
| 4. | 444-446 | Ordinance 1395: An Ordinance Amending Selected text of Title 11, Subdivisions, Chapter 1104 Administration and Enforcement and Section 1104.04 Platting Variations and Minor Subdivisions<br>Passed: 9/13/10 Published: 9/21/10 |
| 5. | 161-163 | Ordinance 1396: An ordinance Adding Chapter 511 Establishing a Repeat Nuisance Service Call Fee and Fee Adding a Repeat Nuisance Service Call Fee to Section 314.05<br>Passed: 9/20/10 Published: 9/28/10 |
| 6. | Not Codified<br><br>Superseded by Ord. 1403 | Ordinance 1397: An Ordinance Amending Roseville City Code, Section 1007.015 – Title 10, Zoning Regulations, to Include a List of Prohibited Uses within all Industrial Districts<br>Passed: 10/11/10 Published: 10/19/10<br>Ord 1397 passed 10-11-10, not codified - superseded by Ord. 1403 passed 12-13-10 |
| 7. | 41-50 | Ordinance 1398: An ordinance Amending Roseville City Code, Title 3, Section 302.02M to Modify the Areas at the Roseville Skating Center where Intoxicating Liquors May be Sold and the Requirement Pertaining to Such Liquor Sales<br>Passed: 10/18/10 Published: 10/26/10 |
| 8. | 85-104 | Ordinance 1399: An ordinance Amending Title Five, False Alarms – Security and Alarm Systems, Section 506.03 User Fees<br>Passed: 11/22/10 Published: 11/30/10 |
| 9. | See # 8 above | Ordinance 1400: An ordinance Establishing the 2011 Fee Schedule<br>Passed: 11/22/10 Published: 11/30/10 |
| 10. | 14-20 | Ordinance 1401: An ordinance An Ordinance Amending Title I, Chapter 104, Personnel Policy: 104.01 C Provisions Superseded in Certain Cases; 104.01D Definitions; 104.01J Employment of Relatives; 104.03J Bereavement Leave; 104.05J Smoking Policy; and 104.05L Alcohol and Drug Use (Attachment B)<br><br>Passed: 12/13/10 Published: 12/21/10 |
| 11. | Not Codified – Zoning Map | Ordinance 1402: An Ordinance Adopting a new Official Zoning Map" for the City of Roseville, MN ***as amended.*** |

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| | | Passed: 12/13/10 Published: 12/21/10 |
| 12. | 274-337<br>352-398<br>404-411 | Ordinance 1403: An ordinance An Ordinance Amending Title 10, Zoning Ordinance, of the City Code Eliminating and/or Replacing in their entirety Sections 1001 (General Provisions), 1002 (Rules and Definitions), 1003 (Zoning Districts and Maps), 1004 (Residence Districts), 1005 (Business Districts), 1006 (Shopping Center District), 1007 (Industrial Districts), 1008 (Planned Unit Developments), 1009 (Overlay Districts), 1011 (Design Standards), 1012 (Non-Conforming Uses), 1013 (General Regulations), 1014 (Conditional Use Permits; Variances), 1015 (Administration), 1016 (Amendments), and 1019 (Parking Requirements within the City of Roseville), of the City Code;" for the City of Roseville, MN<br>Passed: 12/13/10 Published: 12/21/10 |
| 13 | See #8 above | Ordinance 1404: An Ordinance Adopting a REVISED 2011 Fee Schedule (Attachment A);" effective upon publication. (Pawn Shop Fees)<br>Passed: 1/24/11 Published: 2/01/11 |
| 14. | See #12 above | Ordinance 1405: An Ordinance Amending Selected Text of Title 10 "Zoning Code' Including Amendments in Chapter 1001 (Introduction); Chapter 1004 (Residential Districts); Chapter 1005 (Commercial and Mixed Use Districts); Chapter 1008 (Park and Recreation Districts); Chapter 1009 (Procedures); Chapter 1017 (Shoreland, Wetland, and Storm Water Management); and Chapter 1019 (Parking Regulations) of the Roseville City Code<br>Passed: 2/28/11 Published: 3/08/11 |
| 15. | See #7 above | Ordinance 1406: An Ordinance Amending Title 3, Section 302.02B1; Re-designating Existing Sections 302.02K, L and M as Sections 302.02L, M and N Respectively; Adding a New Section 302.02K; and Amending Section 302.13A Relating to Liquor Control<br>Passed: 4/25/11 Published: (5/3/11) |
| 16. | 194-208 | 707.27A Corrected typo in Title |

**6/30/10** Supplement follows the 12/31/09 Supplement and includes Ordinances 1388-1394

***Note:***

**Ord 1391** passed 3/29/10, not codified - effective 1/01/11 and will be codified 6/30/11

**Ord 1392** passed 4/12/10, not codified - superseded by Ord 1393 passed 5/10/10


| | Print Pages(s) | List of Ordinances/Changes: |
|---|---|---|
| 1. | 1 | Preface |
| 2. | 2-4 | Table of Contents |
| 3. | 160-162<br>250-259<br>274-276 | Ordinance 1388: An ordinance amending Title 8, adding Chapter 803 Storm Water Illicit Discharge and Connections; Title 5, deleting 502.03c, Discharge of Cesspools; and, Amending Title 9, 905.03e, Conditions<br>Passed: 2/22/10 Published: 3/02/10 |
| 4. | 13-15<br>(103.01B only)<br>*(See Ord #1393 for 1010.03 10)* | Ordinance 1389: An Ordinance Amending Title 103.01, Section B and Title 1010.03, Section 10, City Primary Election Date and Posting Political Signage;" in accordance with State Statute.<br>Passed: 3/22/10 Published: 4/13/10 |
| 5. | 44-54 | Ordinance 1390: An Ordinance Amending Title Three, Section 302: [302.07B]; 302.08 C Manager and Server Training; and 302.15 B Minimum Penalty<br>Passed: 3/29/10 Published: 4/13/10 |
| 6. | Not Codified<br>Effective<br>01/01/11 | Ordinance 1391: An Ordinance Amending Title Five, Section 501.16 Dangerous Animals; 501.16A Definitions; 501.16B Dangerous Animal Registration; 501.16D Regulation of Dangerous Animals; and Adding Sections 501.16F Notice of Dangerous Animal Determination; and 501.16G Appeal of Dangerous Animal Determination<br>Passed: 3/29/10 Published: 4/13/10 |
| 7. | Not Codified<br>Superseded by<br>Ord. 1393 | Ordinance 1392: An Ordinance Amending Title 1010.03, Section 10 – Posting Political Signage This Ordinance superseded by Ord 1393<br>Passed: 4/12/10 Published: Not published, Not Codified – Ord superseded by Ord 1393 |
| 8. | 374-389 | Ordinance 1393: An Ordinance Amending Title 1010.03, Section 10 – Posting Political Signage (supersedes Ord 1392)<br>Passed: 5/10/10 Published: 5/18/10 |
| 9. | 458-474 | Ordinance 1394: An Ordinance Adding Title 10 Section, Chapter 1021 – An Ordinance Establishing Floodplain Regulations in Accordance with the Federal Emergency Management Agency<br>Passed: 5/17/10 Published: 5/25/10 |
| 10. | 513 | Supplements |

| **12/31/09** Supplement follows the 6/30/09 Supplement and includes Ordinances 1384-1387 | | |
|---|---|---|
| | Print Pages(s) | List of Ordinances/Changes: |
| 1. | 1 | Preface |
| 2. | 2-3 | Table of Contents |
| 3. | 120-127<br>131-132 | Ordinance 1384:<br>Amending Title 4 Chapter 407 Health and Sanitation and Adding Chapter 409 Residential Composting<br>Passed: 7/13/09 Published: 7/21/09 |
| 4. | Not Codified | Ordinance 1385: Ordinance Amending Title 10 of the City Code Changing the Official Zoning Map Designation of Certain Real Property at 1126 Sandhurst Drive and 2167 Lexington Avenue to Planned Unit Development from Single Family Residence District and General Business District, Respectively<br>Passed: 7/13/09 Published: 7/21/09 |
| 5. | Not Codified | Ordinance 1386: Ordinance Amending Title 10 of the City Code Changing the Official Zoning Map Designation of Certain Real Property at 2587 Rice Street from Single Family Residential (R-1) to General Business District (B-3)<br>Passed: 10/26/09 Published: 11/03/09 |
| | 88-103 | Ordinance 1387: Ordinance Adopting the 2010 Fee Schedule, Amending Chapter 314<br>Passed: 11/16/09 Published: 11/24/09 |
| 6. | 454-469 | Supplements |

| **6/30/09** Supplement follows the 12/31/08 Supplement and includes Ordinances 1381-1383 | | |
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| | Print Pages(s) | List of Ordinances/Changes: |
| 1. | 1 | Preface |
| 2. | 2-3 | Table of Contents |
| 3. | 34-35 | Ordinance 1381: An Ordinance Amending Title 2, Section 204<br>Human Rights Commission Expanding Focus Of Human Rights Commission (204.03; 204.05)<br>Passed: 4/27/09 Published: 5/5/09 |
| 4. | Not Codified | Ordinance 1382: Ordinance Amending Title 10 of the City Code Changing the Official Zoning Map Designation of Certain Real Property at 2225 to 2265 Snelling Avenue from Limited Business District (B01) to Planned Unit Development District<br>Passed: 6/08/09 Published: 6/16/09 |
| 5. | 213-231 | Ordinance 1383: An Ordinance Amending Roseville City Code: Title 8, Section 801.16D – Water Rates and Collection of Charges; Title 8, Section 802.12E – Sewer Rates and Collection of Charges; and Title 8, Section 803.01-I – Stormwater Rates and Collection of Charges. (801.16 D; 802.12 E; 803.01 I) |

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| | | Passed: 6/08/09 Published: 6/16/09 |
| 6. | 377-397 | Section 1017.02: Replace Black/White Map with Color Map |

| **12/31/08** Supplement follows the 06/30/08 Supplement and includes Ordinances 1370-1380 | | |
|---|---|---|
| | Print Pages(s) | List of Ordinances/Changes: |
| 1. | 1-469 | Preface |
| 2. | | Table of Contents |
| 3. | | Ordinance 1370: An Ordinance Amending Title 10 of the City Code, Specifically Sections 1002.02, 1005.07, 1012.02, 1012.03, 1012.04, and 1012.05 and pertaining to Non-Conforming Structures and Uses<br>Passed: 7-14-08 Published: 7-22-08 |
| 4. | | Ordinance 1371: An Ordinance Amending Title 10 of the Roseville City Code, Specifically Sections 1010.03 Pertaining to Temporary Signs – Permits Required; Temporary Signs – Permits Not Required; and Master Sign Plans;"<br>Passed: 7-28-08 Published: 8-05-08 |
| 5. | | Ordinance 1372: An Ordinance Amending Selected Text of: Title 10, Chapter 1013, Conditional Use Permits; Variances and Title 10, Chapter 1014, Administration;"<br>Passed: 7/28/08 |
| 6. | | Ordinance 1373:<br>An Ordinance Amending Title 1, Section 103.06, Filling A Council Vacancy. As amended<br>Passed: 7-28-08 |
| 7. | Zoning<br>Not codified | Ordinance 1374:<br>Ordinance Amending Title 10 of Roseville City Code, Changing the Official Zoning Map Designation of Certain Real Property at 2180, 2218, 2234, 2236, and 2240 Hamline Avenue from Single-Family Residence District (R-1) and Planned Unit Development District (PUD) to Planned Unit Development District with an Underlying Zoning of Limited Business District (B-1<br>Passed: 8/25/08 |
| 8. | Zoning<br>Not codified | Ordinance 1375:<br>An Ordinance Amending Title 10 of the Roseville City Code, Changing the Zoning Map Designation of Certain Real Property within the Twin Lakes Redevelopment Area from Single-Family Residence District (R-1) to Planned Unit Development (PUD) with an Underlying Zoning of General Residence District (R-3)<br>Passed: 9-15-08 |

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| 9. | Zoning<br>Not codified | Ordinance 1376:<br>An Ordinance Amending Title 10 of the Roseville City Code, Changing the Zoning Map Designation of Certain Real Property at 2845 Hamline Avenue from Shopping Center (SC) District to Planned Unit Development (PUD) with an Underlying Zoning of Limited Business (B-1) District;" based on the comments and findings of Section 5 of the project report dated September 15, 2008<br>Passed: 9-15-08 Published: 9-30-08 |
| 10. | HRI<br>Not codified | Ordinance 1377:<br>An Ordinance Establishing A Housing Improvement Area For The Westwood Village I Townhouses Pursuant To The Minnesota Statutes Chapter 428a<br>Passed: 9-22-08 Published: 10-07-08 |
| 11. | Zoning<br>Not codified | Ordinance 1378 : An Ordinance Amending Title 10 of Roseville City Code, Changing the Official Zoning Map Designation of the Certain Real Property at 2990 and 2996 Cleveland Avenue from Single-Family Residence District (R-1) to Planned Unit Development (PUD) District, with an Underlying Zoning of Mixed Use Business Park District (B-6);" with publication of said ordinance to occur upon Final Development PUD action<br>Passed: 10-13-08 |
| 12. | Zoning<br>Not codified | Ordinance 1379: An Ordinance No. 1379 (Attachment F in the packet) entitled, "An Ordinance Amending Title 10 of Roseville City Code, Changing the Official Zoning Map Designation of the Certain Real Property at 2750 Cleveland Avenue from General Industrial District (I-2) to Planned Unit Development (PUD) District with an Underlying Zoning of Mixed Use Business Park District (B-6);"with publication of said ordinance to occur upon Final Development PUD action.<br>Passed: 10-13-08 |
| | | Ordinance 1378A: An Ordinance Amending Title V, by Adding Section ~~509~~ 510 to the City of Roseville City Code, Regarding Background Checks<br>Passed: 10-27-08 Published: 11-04-08 |
| | | Ordinance 1379A: An Ordinance Adopting the 2009 Fee Schedule," as detailed in Ordinance Attachment A entitled, "2009 Fee Schedule effective January 1, 2009."<br>Passed: 11-17-08 Published: 11-25-08 |
| | | Ordinance1380: An Ordinance Amending Title V, |

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| | | Section 508.01, Disposal of Unclaimed Property to Include Electronic Online Auction<br>Passed: 12-15-08 Published: 12-23-08 |

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| **6/30/08** Supplement follows the 12/31/07 Supplement and includes Ordinances 1356-1369 | | |
| | Print Pages(s)<br><br>**1-449** | List of Ordinances/Changes:<br>It is recommended that the entire City Code be re-printed for those maintaining a hard copy due to the extensive amount of change in this Supplement. |
| 1. | | Preface |
| 2. | | Table of Contents |
| 3 | | Ordinance 1356: An Ordinance Amending Title 10, Chapter 1002 and 1005 Pertaining to Pet Boarding and Pet Day Care<br>Passed:1/14/08 Published: 1/29/08 |
| 4. | | Ordinance 1357: An Ordinance Amending Titles 1, 10 and 11 of the City Code, Changing the Public Hearing Notification Distance from a Minimum of 350 Feet to a Minimum 500 Feet<br>Passed: 1/28/08 Published: 3/11/08 |
| 5. | | Ordinance 1358: An Ordinance Amending Selected Text of: Title 10, Chapter 1018, Parking Requirements and Title 11, Chapter 1102, Plat Procedures and Title 11, Chapter 1103, Design Standards<br>Passed: 1/28/08 Published: 2/19/08 |
| 6. | | Ordinance 1359: An Ordinance Amending Title 10 and Title 11, Zoning and Subdivision Codes<br>Passed: 1/28/08 Published: 2/19/08 |
| 7. | | Ordinance 1360: An Ordinance Adding Chapter 509: Social Hosting to Title 5." As amended<br>Passed: 3/03/08 Published: 3/11/08 |
| 8. | | Ordinance 1361: An Ordinance Amending Title 9 by Adding Section 907 to the City of Roseville City Code Regarding Registration of Residential Rental Property of 1 to 4 Units<br>Passed: 3/17/08 Published: 4/01/08 |
| 9. | | Ordinance 1362: An Ordinance Amending Selected Text of: Title 2, Chapter 201, Planning Commission AND Title 10, Chapter 1008, Planned Unit Developments AND Title 10, Chapter 1013, General Requirements AND Title 10, Chapter 1016, Amendments, Passed: 3/24/08 Published:4/01/08 |
| 10. | | Ordinance 1363: An Ordinance Amending Selected Text of Title 11, Chapter 1102, Plat Procedures, Roseville City Code;" specifically Section 1011.01 F, G |

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| | | and H pertaining to Subdivisions.<br>Passed: 3/24/08 Published: 4/01/08 |
| 11. | Not Codified Zoning Map | Ordinance 1364: An Ordinance Amending Title 10 of Roseville City Code, Changing the Zoning Map Designation of Certain Real Property at 1201 – 1211 and 1215 Larpenteur Avenue from Shopping Center District (SC) to Planned Unit Development (PUD), with an underlying zoning of Shopping Center District (SC)<br>Passed: 3/24/08 Published:4/01/08 |
| 12. | | Ordinance 1365: An Ordinance Correcting Ordinance No. 1356 Pertaining to PET Boarding and Pet Day Care<br>Passed: 4/14/08, Published: 5/06/08 |
| 13. | | Ordinance 1366: An Ordinance Amending Title 1 (Administration), Section 102 (General Penalty) of Roseville City Code;" to require mandatory payment of Administrative Offense tickets and establish increased administrative penalty amounts for subsequent offenses within an eighteen (18) month period.<br>Passed: 4/21/08 Published: 5/13/08 |
| 14. | | Ordinance 1367: An Ordinance Amending Roseville City Code, Section 1009.03(B), Sign Permits/Not Required<br>Passed: 5/19/08 Published 6/10/08 |
| 15. | Not Codified Zoning Map | Ordinance 1368: An Ordinance Amending Title 10 of Roseville City Code, Changing the Zoning Map Designation of Certain Real Property within the Twin Lakes Redevelopment Area from General Industrial (I-2) to Planned Unit Development (PUD), with an Underlying Zoning of Mixed Use Business District (B-6) Cent Ventures/AmWest |
| 16. | Not Codified Zoning Map | Ordinance 1369: An Ordinance Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real Property at 619 – 637 Larpenteur Avenue from Retail Business District (B-2) to General Business District (B-3) |
| 17. | | Chapter 103 - Corrected enactment of Ordinance date |

| **12/31/07** Supplement follows the 06/30/07 Supplement and includes Ordinances 1350-1355 | | |
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| | **Print Pages(s)** | **List of Ordinances/Changes:** |
| **1.** | **1** | **Preface** |
| **2.** | **2-3** | **Table of Contents** |
| **3.** | **Zoning (not codified)** | **Ordinance 1350:** An Ordinance Amending Title 10 of the Roseville City Code, Changing the Zoning Map Designation of Certain Real Property at 2750 Snelling Avenue from Limited Retail District (B-1-B) to Retail Business District (B-2) Passed: 8-06-2007 Published: 8-21-2007 |
| **4.** | **148-151** | **Ordinance 1351:** An Ordinance Amending Section 602.10, Rules on Private and Public Parking Lots Passed: 8/27/07 Published: 9/04/07 |
| **5.** | **101-102** | **Ordinance 1352:** An Ordinance Amending Section 404.02, Open Burning Passed: 8/27/07; Published: 9/04/07 |
| **6.** | **134-135** | **Ordinance 1353:** An Ordinance….;" adding Section 10 to, Chapter 503 of Roseville City Code, Use of Bow and Arrow. Passed: 10/15/07 Published: 10/23/07 |
| **7.** | **108-115** | **Ordinance 1354:** An Ordinance Amending Title 4, Section 407.05, City Council May Enforce; and Section 407.06, Powers of Officers."<br>Passed: 10/22/07 Published: 12/11/07 |
| **8.** | **120-130**<br>**40-42** | **Ordinance 1355:** An Ordinance Amending Title Five, Sections 501.01 – 501.14; 501.19 – 501.20; and 501.24 – 501.25, Police Regulations, Animal Control; and Title Three, Section 301.03, Business Regulations, License and Permit Fees Passed: 11/19/07 Summary Published: 12/11/07 |
| **9.** | **54-56** | Chapter 303 – Corrected formatting. |
| **10.** | **98-100** | Chapter 403 – Corrected formatting. |
| **11.** | **152** | Chapter 603 – Corrected formatting. |
| **12.** | **146-147** | Chapter 601 – Corrected formatting. |
| **13.** | **429-439** | **Supplements** |

| **06/30/07 Supplement** follows the 12/31/06 Supplement and includes Ordinances 1343-1349 | | |
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| **3.** | **Moratorium – Not codified** | **Ordinance 1343:** An Interim Ordinance Adopting a Moratorium on Residential Subdivisions for Properties located within the City of Roseville Published 1/30/07 |
| **4.** | **Zoning – Not codified** | **Ordinance 1344:** An Ordinance Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real Property at 2216 County Road D (Tower Glen) from Retail Office Service District (B-4) to General Business District (B-3) Published 2/13/07 |
| **5.** | **Zoning – Not codified** | **Ordinance 1345:** Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real Property referred to as Greenhouse Village, from General Business District (B-3) and Town Home District (R-6) to Planned Unit Development (PUD) with an Underlying Zoning of General Residence District (R-3) and Townhouse District (R-6)<br>Published 4/03/07 |
| **6.** | **Pg 141** | **Ordinance 1346:** Adding Chapter 508.02 Donation of Unclaimed Bicycles 4/09/07, published 4/17/07 |
| **7.** | **Pgs 341-342** | **Ordinance 1347:** Amending Chapter 1014.04 (C) (2) and adding Chapter 1014.04 (C) (3) relating to Variance Board Appeals Process<br>4/23/07, published 7/17/07 |
| **8.** | **Pgs 115-117** | **Ordinance 1348:** An Ordinance Amending Chapter 408, Lawn Fertilizer / Pesticide Application 5/21/07, published 5/29/07 |
| **9.** | **Pgs 310-323**<br>**Pgs 251-259**<br>**Pgs 263-279**<br>**Pgs 416-424** | **Ordinance 1349:** An Ordinance Amending Title 10, Section 1009, Sign Regulations,<br>Deleted Advertising Sign and Gross Surface Area from 1002.02<br>Changed Reference in 1004.01G2g from 1009.04A1 to 1009.05 (Chart)<br>Changed Reference in 1207.12 from Chapter 1009 to 703.05<br>5/21/07, published 6/12/07 |
| **10.** | **425-434** | **Supplements** |

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| **12/31/06 Supplement** follows the 07/11/06 Supplement and includes Ordinance 1342 | | |
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| **3.** | **303-308 (1008)**<br>**316-321 (1010)**<br>**323-327 (1012)**<br>**336-355 (1016)**<br>**356-360 (1017)**<br>**374-375 (1019)** | **Ordinance 1342: AMENDING TITLE 10, OF THE CITY CODE, MOVING CHAPTER 1017: SEXUALLY ORIENTED USES TO CHAPTER 1019, ADDING CHAPTER 1017: EROSION AND SEDIMENTATION CONTROL ORDINANCE, AND AMENDING SECTIONS 1008.10D2d10, 1010.15A, 1012.06E, 1016.17F, 1016.17H1, 1016.24G4a, 1016.25B, 1016.25C1, 1016.25C2, 1016.25D, AND 1016.25E2a.** |
| **4.** | **411-419** | **Supplements** |

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| **07/11/06 Supplement** follows the 12/31/05 Supplement and includes Ordinances 1331-1341 | | |
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| **3.** | **Zoning Map Change Not Codified** | **Ordinance 1331:** Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real Property at 1800 Trunk Highway 36 from Limited Business District (B-1) to Retail Business District (B-2). |
| **4.** | **225-247** | **Ordinance 1332:** Adding Chapter 906 Adopting the International Property Maintenance Code (IPMC).<br><br>IPMC prohibits Chapter 906 being a part of our code on our website except in a special read-only form. In the future, two documents will be on our website: The code without Chapter 906 and another document that includes just 906. Other copies of the City Code that are used internally and by our city attorneys, etc…. will be just one document as in the past and will include Chapter 906. |
| **5.** | **172-188** | **Ordinance 1333:** Amendments to the City's Right-of-Way Ordinance relating to new Utility Locate Requirements, and Adding Language relating to Right-of-Way Permit Video Services. Amending Chapter Seven; Sections 707.02, 707.10, 707.15, 707.17, 707.19, 707.22 and 707.29 of the Roseville City Code. |
| **6.** | **118-126** | **Ordinance 1334:** Amending Title Five, Section 501.16, Vicious Animals. |
| **7.** | **142-143** | **Ordinance 1335:** Adding Section 601.05, Traffic Control Devices. |
| **8.** | **43-53** | **Ordinance1336:** Amending Liquor Control Civil Penalty Chapter 302 Section 302.15. |
| **9.** | **107-114** | **Ordinance 1337:** Amending Title Four, Section 407.02, Nuisances Affecting Health, Safety, Comfort of Repose; Section 407.06, Powers of Officers; and Section 407.08, Accelerated Abatement Process for |

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| | | Certain Nuisances |
| **10.** | **38** | **<u>Ordinance 1338:</u>** Adding Chapter 206; Ethics Commission |
| **11.** | **14-21** | **<u>Ordinance 1339:</u>** Title One: 104.01D; 104.03 A, C-N, R & T; 104.04 E and 104.05 K. Employee Paid Time Off Program in Lieu of Vacation and Sick Pay; and further amended to prohibit any harassment of City Employees. |
| **12.** | **Zoning Map Change Not Codified** | **<u>Ordinance 1340:</u>** Amending Title Ten Changing the Zoning Map Designation of 2420 Cleveland Avenue from I-1 to B-2 |
| **13.** | **155-156** | **<u>Ordinance 1341:</u>** Amending Chapter 702 Pertaining to Use and Regulation of Public Waters and the Speed Limit on McCarrons Lake |
| **14.** | **107-114** | **<u>Chapter 407:</u>** Correcting format of title of 407.08. |
| **15.** | **See Ord 1334** | **<u>Chapter 501:</u>** Amending 501.01 Definitions to include: "Except where the term is expressly defined by other provisions or sections within this Chapter," |
| **16.** | **279-290** | **<u>1005.015:</u>** Correcting permitted uses for Restaurant Classes III, IV in B-4, Retail, Office Service District (6/20/06) |
| **17.** | **406-413** | **Supplements** |

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| **12/31/05** Supplement follows the 06/30/05 Supplement and includes Ordinances 1324-1330 | | |
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| **3.** | **36-37**<br>**371-378** | **Ordinance 1324:** Amending Title 2, Section 204.03, and Title 12, Section 1207.27. Updating the City Code to Include all Protected Classes for Equal Protection by the City. |
| **4.** | **Zoning Map Change**<br>**Not Codified** | **Ordinance 1325:** Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real Property at 185 McCarrons Boulevard from R-1 Single-Family Residence District to Planned Unit Development with Underlying Zoning of R-6, Townhouse District and R-3, General Residence District (PF 3575). |
| **5.** | **Zoning Map Change**<br>**Not Codified** | **Ordinance 1326:** Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real Property at 2001 Fulham Street from R-1 Single-Family Residence District to Planned Unit Development with Underlying Zoning of R-1, Single-Family Residence District. |
| **6.** | **56-59** | **Ordinance 1327:** Amending Title 3, Section 304.03E, 304.04A, and 304.06A & B, Lawful Gambling. |
| **7.** | **Zoning Map Change**<br>**Not Codified** | **Ordinance 1328:** Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real Property at 2500 Cleveland Avenue from Light Industrial District (I-1) to General Business District (B-3) |
| **8.** | **68-71** | **Ordinance 1329:** Amendment to City Code, Chapter 309, Relating to Licensing of Massage Therapists and Therapy Establishments to Allow Chair Massages under Certain Circumstances. |
| **9.** | **Zoning Map Change**<br>**Not Codified** | **Ordinance 1330:** Amending Title 10 of the City Code, Changing the Zoning Map Designation of Certain Real Property at 2770 – 2812 Fairview Avenue from General Industrial District (I-2) to Planned Unit Development |

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| | | (PUD) with an Underlying Zoning of Mixed Use Business Park (B-6). (PF 3683). |
| **10.** | **106-113** | **<u>Chapter 407:</u>** Measurement Clarifications |
| **11.** | **252-263** | **<u>Chapter 1005:</u>** Measurement Clarifications, and<br><br>**<u>Council Authorized Correction</u>** Correction to Section 1005.015, Business Use Chart, identifying a Minor Automobile Repair as a Permitted Use in a B-3 Zone and a Major Automobile Repair as a Conditional Use in a B-3 Zone. |
| **12.** | **379-385** | **Supplements** |

| **06/30/05 Supplement** follows the 03/31/05 Supplement and includes Ordinances 1317-1323 plus corrections to 1003.01, 1003.02 & 1004.02D | | |
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| **3.** | **Not Codified** | **Ordinance 1317: Granting to Transtop Minnesota Inc. A Non-Exclusive Right to Locate and maintain Transit Stop Shelters in the City of Roseville. (Passed 04/11/05, Published 04/19/05)** |
| **4.** | **370-377** | **Ordinance 1318: Chapter 12**<br>**Amending Title 1207, Sections 1207.08, 1207.09, 1207.10, 1207.11, 1207.12, 1207.18 & 1207.25. (Passed 04/11/05, Published 04/19/05)** |
| **5.** | **72-80** | **Ordinance 1319: Chapter 311**<br>**Amending Title Three, Section 311.12 Pawnbrokers and Precious Metal Dealers**<br>**(Passed 04/25/05, Published 05/03/05)** |
| **6.** | **304-305** | **Ordinance 1320: Chapter 1014**<br>**Amending title 10 of the city code, section 1014.04b4 by revising the requirements for notice of final decision by the variance board to allow for one mailed notice of the proposal and information on how to appeal a decision of the variance board at least 10 days prior to the hearing. (Passed 04/25/05, Published 05/03/05)** |
| | **Zoning Map Change,**<br>**Not codified** | **Ordinance 1321: Zoning Map Amendment at 1445 Co Rd B**<br>**(Passed 06/13/05, Published 06/28/05)** |
| | **Official Mapping,**<br>**Not Codified** | **Ordinance 1322: Repealing the Officially Mapped Twin Lakes Parkway Right-of-Way in Accordance with Minnesota Statutes 462.359.**<br>**(Passed 06/20/05)** |
| | **Zoning Map Change,**<br>**Not codified** | **Ordinance 1323: Zoning Map Amendment of Certain Real Property within Twin Lakes Phase I.**<br>**(Passed 06/20/05)** |
| **7.** | **231-233** | **Correction Chapter 1003.01 & 1003.02**<br>**1003.01, A. Added POS, Park and Open Space District (Ord. 1287, 8-4-2003)**<br>**1003.02, R. Added Park and Open Space District (Ord. 1287, 8-4-2003)** |
| **8.** | **234-250** | **Correction to Text Chapter 1004.02D** |

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| **9.** | **378-383** | **Supplements** |

| **03/31/05 Supplement** follows the 12/31/05 Supplement and includes codification of Ordinances 1314-1316 | | |
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| | **Not codified** | **<u>Ordinance 1314:</u>**<br>**Zoning map amendment at 1017 & 1021 Larpenteur Avenue.** |
| **3.** | **100-102** | **<u>Ordinance 1315:</u> Chapter 405**<br>**Amending Title Four, Section 405.02, adding 405.02 H., Amplified Sound from Automobiles. (Passed 02/14/05, Published 2/22/05)** |
| **4.** | **30-32** | **<u>Ordinance 1316</u> Chapter 201**<br>**Amending Chapter 201, Section 201.04, Election and Term of Chairperson of Planning Commission (Passed 3/28/05, Published 4/19/05)** |
| **5.** | **378-382** | **Supplements** |

| **12/31/04 Supplement** follows the 03/31/04 Supplement and includes Corrections and/or Additions to Chapters 1005 and 1016, plus codification of Ordinances 1301 and 1306-1313 | | |
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| **3.** | **251-262** | **<u>Corrections:</u> Chapter 1005**<br>**Correction to 1005.015 Chart of Business Uses and Zoning Districts** |
| **4.** | **308-327** | **<u>Additions/Changes:</u> Chapter 1016**<br>**Addition of a Water Management Overlay Districts map in 1016.02, Jurisdiction; and, addition of an illustration related to Toe of Bluff / Top of Bluff in 1016.05, Definitions. Also, format changes to a table related to Shoreland Classification in 1016.13, Shoreland Classifications; and, format changes to a table related to Shoreland Overlay District Lot Standards in 1016.14, Water Management Overlay District Lot Standards; and format changes to a table related to Structure Setbacks from Water Body in 1016.16, Structure Design** |

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| | | **Standards; and finally, format changes to #1, Water oriented accessory structure dimensional requirements, in Item C. of 1016.17, General Design Criteria for Structures.** |
| **5.** | **300-305** | **<u>Ordinance 1301:</u> Chapter 1013 & 1014**<br>**Amending Title 10, Section 1014, Subsection 1014.04, Section 1013, Subsection 1013.02B and 1013.03 Pertaining to the Board of Adjustment and Appeals**<br>**(passed 2-9-2004, effective 4-1-2004)** |
| | **Not codified** | **<u>Ordinance 1306:</u>**<br>**Zoning map amendment at 474 County Road C** |
| | **Not codified** | **<u>Ordinance 1307:</u>**<br>**Ordinance No. 1307 is Void** |
| | **Not codified** | **<u>Ordinance 1308:</u>**<br>**Zoning map amendment at 2597 Cleveland** |
| | **Not codified** | **<u>Ordinance 1309:</u>**<br>**Interim ordinance, Development Moratorium Twin Lakes Master Plan Area** |
| | **Not codified** | **<u>Ordinance 1310:</u>**<br>**Zoning map amendment at 1515 Co Rd B & 2194 State Farm Rd** |
| | **Not codified** | **<u>Ordinance 1311:</u>**<br>**Zoning map amendment at 2001 Fulham** |
| **6.** | **12-14** | **<u>Ordinance 1312:</u> Chapter 103**<br>**Adding Title I, Section 103.015, Campaign Contribution Reporting** |
| **7.** | **30-32 &**<br>**36-38** | **<u>Ordinance 1313:</u> Chapter 201, 204, and 205**<br>**Amending Title II, Sections 201.03, 204.04 205.01 and 205.04 Relating to the size of the Human Rights Commission, the length of terms on the Planning Commission and the name and mission of the Public Works and Transportation Commission.** |
| **8.** | **378-381** | **<u>Supplements</u>** |

| **03/31/04 Supplement** Ordinances 1300 - 1305, (except 1301, not in effect until 4/1/04) plus Edit/Corrections to Chapters 103, 1004, 1005 & 1007 | | |
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| | **233-249** | **Corrections: Chapter 1004**<br>**Edit/Corrections of data in a chart** |
| | **Not codified** | **Ordinance 1300:**<br>**Zoning Map amendment** |
| | **Not codified**<br>**Effective 4/1/04** | **Ordinance 1301: Chapter 1013 & 1014**<br>**Amending Title 10, Section 1014, Subsection 1014.04, Section 1013, Subsection 1013.02B and 1013.03, Pertaining to the Board of Adjustment and Appeals – Effective 4/1/04, not codified** |
| | **294** | **Ordinance 1302: Chapter 1011**<br>**Amending Title 10, Section 1011, Subsection 1011.01 through 1011.05, Pertaining to Non-Conforming Uses and Structures and Definitions (Section 1002.02)** |
| | **268-274** | **Ordinance 1303: Chapter 1007**<br>**Amending Title 10, Section 1007.01 through 1007.04, pertaining to Industrial Zoning Districts. Edit/Correct data in a chart and repeat an item in another section** |
| | **263-267** | **Ordinance 1304: Chapter 1006**<br>**Amending Title 10, Section 1006.01 through 1006.05, pertaining to Shopping Center Zoning Districts** |
| | **250-262** | **Ordinance 1305: Chapter 1005**<br>**Amending Title 10, Sections 1005.01 through 1005.09, pertaining to Business Zoning Districts and Edit/Corrections of data in chart** |
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| **Chapter 1102** | **Ordinance 1296, Amends Title 11, Section 1102.1 E through G Pertaining to Required Public Hearings on Final Plats** |
| | **Ordinance 1297, Zoning, not codified** |
| | **Ordinance 1298, Zoning, not codified** |

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| **Chapter 103** | **Ordinance 1299, Amends Title One, adding Section 103.06, Filling Council 103 Vacancy** |
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| **Chapter 1004** | **Ordinance 1287, Residential Zoning, Title Ten, Amending 1004.01-1004.09 & Adding 1004.11** |
| **Chapter 1018**<br>**Chapter 1005**<br>**Chapter 407** | **Ordinance 1288, Parking Requirements, Title Ten, Adding Chapter 1018 & Deleting 1005.01D, and Chapter 407 amending 407.02M3 and 407.02O4** |
| | **Ordinance 1289 effective 1/01/04 not codified**<br>**Ordinance 1289, Adopting MN State Bldg Code, Amending Title Nine, 901-905,effective 1/1/04, will be codified after the effective date** |
| **Chapter 302** | **Ordinance 1290, Hours of Liquor Sales, Title Three, Amending 302.09 & 302.10** |
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## 06/30/2003 Supplement, Ordinance 1282*-1283,

***Ordinance 1282 did not affect City Code**

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