

## CHAPTER 1

### GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION

**SEC. 1.01. APPLICATION.** The provisions of this Chapter shall be applicable to all the chapters, sections, subdivisions, paragraphs, and provisions in the City Code, and the City Code shall apply to all persons and property within the City of Pipestone, Minnesota, and within such adjacent area as may be stated in specific provisions.

**SEC. 1.02. DEFINITIONS.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purpose of every chapter, section, subdivision, paragraph, and provision of this City Code, shall have the following meanings and inclusions:

**Subd. 1.** The term “City” means the City of Pipestone, Minnesota, acting by or through its duly authorized representative.

**Subd. 2.** The terms “Council” and “City Council” means the City Council of the City of Pipestone, Minnesota.

**Subd. 3.** The term “City Administrator” means the person duly appointed by the City Council and acting in such capacity. All references in the City Code to “City Clerk-Administrator” shall be references to the City Administrator or, in the absence from the City or disability of the City Administrator, such reference shall be to the Deputy Clerk.

**Subd. 4.** The term “Deputy Clerk” means the person duly appointed and acting in that capacity and assigned to perform various duties under the City Code, Chapter 2.

**Subd. 5.** The term “person” includes all firms, partnerships, associations, corporations, and natural persons.

**Subd. 6.** The words “written” and “in writing” mean any mode of representing words and letters in the English language.

**Subd. 7.** The term “street” means the entire area dedicated to public use, or contained in an easement or other conveyance or grant to the City, and shall include, but not be limited to, roadways, boulevards, sidewalks, alleys, and other public property between lateral property lines in which a roadway lies.

**Subd. 8.** The term “intersection” means the area embraced within the prolongation or connection of the lateral curb line or, if no curb, then the lateral boundary lines

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of the roadways or streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

**Subd. 9.** The term “roadway” means that portion of a street improved, designed, or ordinarily used for vehicular travel. In the event a street includes two (2) or more separate roadways, the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

**Subd. 10.** The terms “police officer” and “peace officer” mean every officer, including special police, authorized to direct or regulate traffic, keep the peace, and appointed or employed for the purpose of law enforcement.

**Subd. 11.** The term “misdemeanor” means the crime for which a sentence of not more than ninety (90) days or a fine of not more than \$1,000.00, or both, may be imposed.

**Subd. 12.** The term “petty misdemeanor” means an offense, which does not constitute a crime, and for which a sentence of a fine of not more than \$300.00 may be imposed.

**Subd. 13.** The term “conviction” means either of the following accepted and recorded by the Court:

- A. A plea of guilty; or,
- B. A verdict of guilty by a jury or a finding of guilty by the Court.

**Subd. 14.** The term “crime” means conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

**Subd. 15.** The term “ordinance” means an ordinance duly adopted by the City Council of the City of Pipestone, Minnesota.

**Subd. 16.** The term “ex-officio member” means a person who is not counted for the purpose of determining a quorum, and has no right to vote, but shall have the right and obligation (within his/her discretion) to speak to any question coming before the Board, Commission, or other deliberative body of which he/she is such member.

**Subd. 17.** The term “may” is permissive.

**Subd. 18.** The term “shall” is mandatory.

**Subd. 19.** The term “violate” includes failure to comply.

**Subd. 20.** The term “premises” means any lot, piece, or parcel of land within a continuous boundary whether publicly or privately owned, occupied, or possessed.

**Subd. 21.** The terms “public property” and “public place” mean any place, property or premises dedicated to public use, owned by the City, occupied by the City as a lessee, or occupied by the City as a street by reason of an easement, including, but not limited to, streets, parks or parking lots so owned or occupied.

**Subd. 22.** The term “private property” means all property not included within the definition of public property or public place.

### **SEC. 1.03. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provisions of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

**SEC. 1.04. OTHERWISE UNLAWFUL.** The City Code does not authorize an act or omission otherwise prohibited by law.

**SEC. 1.05. SEVERABILITY.** Every chapter, section, subdivision, paragraph, or provision of the City Code shall be, and is hereby declared, severable from every other such chapter, section, subdivision, paragraph, or provision and if any part or portion of any of them shall be held invalid, it shall not affect or invalidate any other chapter, section, subdivision, paragraph, or provision.

**SEC. 1.06. PAYMENT INTO CITY TREASURY OF FINES AND PENALTIES.**

All fines, forfeitures, and penalties recovered for the violation of any ordinance, charter, rule, or regulation of the City shall be paid into the City Treasury by the Court or officer thereof receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided by law.

**SEC. 1.07. MEANINGS.** As used in this City Code, words of the male gender shall include the female and neuter, and the singular shall include the plural and the plural shall include the singular.

**SEC. 1.08. CITATION.** This codification of the ordinances of the City of Pipestone shall henceforth be known as the City Code and cited thus: "CITY CODE, Section \_\_\_\_\_".

**SEC. 1.09. PENALTIES FOR EACH OFFENSE.** When a penalty or forfeiture is provided for the violation of a chapter, section, subdivision, paragraph, or provision of this City Code, such penalty or forfeiture shall be construed to be for each such violation.

**SEC. 1.10. TITLES.** A title or caption to or in any chapter, section, subdivision, subparagraph, or other provision of the City Code is for convenience only and shall not limit, expand, or otherwise alter or control the content, wording or interpretation thereof.

**SEC. 1.11. REFERENCE TO A PUBLIC OFFICIAL.** Wherever an appointed public official is referred to in the City Code, the reference shall include such public official or his/her designee.

**SEC. 1.12. ADMINISTRATIVE SEARCH WARRANTS.**

**Subd. 1.** The City Administrator and any city official or employee designated by this Code or by Council resolution who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

**Subd. 2.** If the licensee, owner, resident, or other person in control of any premises objects to the inspection of or entrance to the property, the City Administrator, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code, may, upon a showing of probable cause exists for the insurance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be to only determine whether the provisions of this Code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges

shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

**Subd. 3.** Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the Building and Zoning Administrator or any other authorized city officer or employee only to determine whether the provisions of this Code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property stating the grounds for the termination and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the City Administrator to object to the termination before it occurs, subject to appeal of the Administrator's decision to the City Council at a regularly scheduled or special meeting.

**Subd. 4.** Nothing in this section shall be construed to limit the authority of the City to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

**SEC. 1.13. AMENDMENTS.** Any amendments to a rule or statute adopted by reference in the city code shall be included by reference in the code as if the amended statute or rule had been in existence at the time the code was adopted.

Source:	City Code
Effective Date:	09-15-2005

(Sections 1.14 through 1.99, inclusive, reserved for future expansion).

## CHAPTER 2

### ADMINISTRATION AND GENERAL GOVERNMENT

**SEC. 2.01. AUTHORITY AND PURPOSE.** Pursuant to authority granted by, and the mandate contained in, the City Charter, this Chapter of the City Code is enacted so as to set down for enforcement the organization of the government and good order of the City.

#### **SEC. 2.02. COUNCIL MEETINGS.**

**Subd. 1. Regular Meetings.** Regular meetings of the Council shall be held in the Council Chambers at least twice a month in the evening as provided in the Resolution Adopting Rules of Order and Procedures for the City Council.

**Subd. 2. Special Meetings.** Special meetings of the Council may be called by the Mayor or by any two other members of the Council by writing filed with the City Administrator stating the time, place, and purpose of the meeting. Notice of a special meeting shall be given by the City Administrator to each member of the Council by mailing a copy of such filing to all members who did not sign or issue the call at least three (3) days prior to the time stated therein, or by personal service at least seventy-two (72) hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Administrator prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time-to-time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute.

**SEC. 2.03. COUNCIL PROCEDURE AT REGULAR MEETINGS.** The Council shall, at its first regular meeting in January, following the regular City election, adopt a resolution providing for Council procedure at regular and special meetings.

#### **SEC. 2.04. CITY ADMINISTRATOR.**

**Subd. 1. Position Established.** The position of City Administrator is hereby established.

**Subd. 2. Appointment and Terms of Employment.** The City Administrator shall be appointed by the Council for an indefinite term and serve at the will and pleasure of the Council, provided that this provision shall not prohibit the Council from entering into an at will employment agreement with the City Administrator allowing for severance pay and benefits not exceeding the limits of the law.

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**Subd. 3. Qualifications.** The City Administrator shall be selected solely on the basis of his/her executive and administrative qualifications with special reference both to his/her experience, formal education, as well as his/her knowledge of accepted practices pertaining to the duties of his/her office.

**Subd. 4. Duties.** The City Administrator shall be the chief administrative officer of the City and he/she shall be responsible to the Council for the proper administration of all affairs of the City and to that end shall have the power and shall be required to:

**A.** Supervise the administration of all departments, offices, and divisions of the City except as otherwise provided by law. Issue any necessary administrative rules, regulations and procedures to ensure the proper functioning of the City and its departments, offices and divisions, provided the same are consistent with law, City Code and policies of the Council.

**B.** Serve as Chief Personnel Officer with authority to hire, fire, promote, demote, discipline and transfer all employees through any affected department head, provided that any final action in the hiring or termination of a department head shall require Council concurrence.

**C.** Serve as Chief Financial Officer of the City with responsibilities to prepare and submit the annual budget and five year Capital Improvement Plan consistent with long term financial plans, goals and policies of the Council, and upon adoption by the Council, implement and enforce the same.

**D.** Serve as liaison between the City Council and the community, City Boards and Commissions, and staff with the right to attend and participate in discussions of the Council and any Board, Commission or other entity under the general authority or appointment of the Council. Represent the City at official or informal functions as necessary to advance the general policies and goals of the Council, provided that official functions shall be coordinated and not in conflict with the prerogatives of the Mayor.

**E.** Serve as director of economic development and chief of staff for the Economic Development Authority.

**F.** Serve as Chief Purchasing Agent with authority to make or let all budgeted purchases and contracts when the amount thereof does not require competitive bidding under state law and in such event, he/she may adopt specifications and solicit comprehensive bids as provided by state law and then present such bids to the Council for consideration.

**G.** Keep the Mayor and Council fully apprised of pertinent matters affecting the City, and any action taken thereon or recommendations for action when such matters require Council approval.

**H.** Perform such other duties and responsibilities as are delegated to him/her by law, the Charter, City Code any job description, or requested by the Council and which are not inconsistent with state law, the Charter and City Code.

**Subd. 5. Bond Required.** The City Administrator shall be bonded by an individual or blanket bond in such amount and form as required by the Council, but in any event, the premium for such bond will be paid for by the City.

**Subd. 6. Compensation.** The City Administrator shall receive such compensation as the Council shall fix from time-to-time by resolution or motion.

#### **SEC. 2.05. CITY CLERK.**

**Subd. 1. Position Established.** The position of City Clerk is hereby established.

**Subd. 2. Duties.** The city Clerk shall have duties as delegated from time-to-time by the City Administrator. These duties may include, but are not limited to, the following:

**A.** Represent the City Administrator as delegated, in dealing with department heads and other employees.

**B.** Assist in coordination of multi-department activities, including activities during emergencies.

**C.** Attend all Council meetings and other meetings as required, as an agent of the City.

**D.** Prepare and distribute agendas with recordings of Council meetings.

**E.** Supervise the conduct of all elections in the City.

#### **SEC. 2.06. CITY TREASURER.**

**Subd. 1. Position Established.** The position of City Treasurer is hereby established.

**Subd. 2. Duties.** The City Treasurer shall have duties as delegated from time-to-time by the City Administrator. These duties may include, but are not limited, the following:

**A.** The recording of receipts and preparation and recording of disbursements of all City funds and proper entry thereof in required financial documents and preparation of reports from time-to-time, as required, showing the status of such funds.

**B.** Attend all Council meetings as required.

**C.** Process all cemetery sales and record keeping.

**SEC. 2.07. EXECUTION OF DOCUMENTS AND CITY SEAL.** All contracts with the City, ordinances, and resolutions of the Council and other documents, shall be executed in the name of the City and signed by the Mayor and City Administrator. All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of the City Administrator and affixed by him/her. The official City Seal shall be a circular disc having engraved thereupon "CITY OF PIPESTONE" and such other words, figures, or emblems as the Council may, by resolution, designate.

**SEC. 2.08. RIGHT TO ADMINISTRATIVE APPEAL.** If any person shall be aggrieved by any administrative decision of the City Administrator, any administrative officer, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefore upon the Mayor and City Administrator at least five (5) days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he/she deems pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his/her own motion or the motion of the appellant, the City Administrator, or a member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

**SEC. 2.09. RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.** The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

**SEC. 2.10. ACCOUNTS, CLAIMS, OR DEMANDS.**

**Subd. 1. Generally.** Except as to an annual salary, fees of jurors, or witnesses fixed by law, or wages or salaries of employees which have been fixed on an hourly, daily,

weekly, or monthly basis by the Council and which by law are authorized to be paid on a payroll basis, any account, claim, or demand against the City which can be itemized in the ordinary course of business, the Council shall not audit or allow the claim until the person claiming payment, or his/her agent, reduces it to writing, in items, and signs a declaration to the effect that such account, claim, or demand is just and correct and that no part of it has been paid.

**Subd. 2. Discretionary Exception.** The Council may, in its discretion, allow a claim prepared by the City Administrator prior to such declaration by the claimant if the declaration is made on the check by which the claim is paid.

**Subd. 3. Form of Declaration.** The declaration provided for in Subdivision 1 hereof is sufficient in the following form: "I declare under the penalties of law that this account, claim, or demand is just and correct and that no part of it has been paid. Signature of Claimant."

**Subd. 4. Form and Effect of Declaration on Check.** The declaration provided for in Subdivision 2 hereof shall be printed on the reverse side of the check, above the space for endorsement hereof by the payee, as follows: "The undersigned payee, in endorsing this check declares that the same is received in payment of a just and correct claim against the City, and that no part of it has heretofore been paid." When endorsed by the payee named in the check, such statement shall operate and shall be deemed sufficient as the required declaration of claim.

**Subd. 5. Signing Checks.** All checks shall be signed by the Mayor and the City Administrator.

**SEC. 2.11. FACSIMILE SIGNATURES.** The Mayor and City Administrator are hereby authorized to request a depository of City funds to honor an order for payment when such instrument bears a facsimile of his/her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his/her manually written signature. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

**SEC. 2.12. INTERIM EMERGENCY SUCCESSION.**

**Subd. 1. Purpose.** Due to the existing possibility of a nuclear attack or a natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to ensure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

**Subd. 2. Succession to Local Offices.** In the event of a nuclear attack upon the United States or a natural disaster affecting the vicinity of the City, the Mayor, Aldermen, City Administrator shall be forthwith notified by any one of said persons and by any means available

to gather at the City Hall. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

**A.** By majority vote of those persons present, regardless of number, they shall elect a Chairman and Secretary to preside and keep minutes, respectively. The City Administrator shall act as Secretary if he/she is present.

**B.** They shall review and record the specific facts relating to the nuclear attack or natural disaster and injurious to persons or damage to property already done, or the imminence thereof.

**C.** They may, based on such facts, declare a state of emergency.

**D.** By majority vote of those persons present, regardless of number, they shall fill all positions on the Council, (including the office of the Mayor) of those persons upon whom notice could not be served or who are unable to be present.

**E.** Such interim successor shall serve until such time as the duly elected official is again available and returns to his/her position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

**Subd. 3. Duties of the Interim Emergency Council.** The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency.

**SEC. 2.13. COMPENSATION TO THE MAYOR AND COUNCILMEMBERS.** Compensation of the Mayor and Councilmembers, effective November 14, 2014, are hereby fixed as follows, which amounts deemed reasonable. As provided by M.S. §415.11, as it may be amended from time to time, no future change in salary shall take effect until after the next succeeding municipal election.

**Subd. 1.** The Compensation of the Mayor shall be \$450.00 per month plus \$25.00 for each special Council meeting attended and an amount for per diem as established by Ordinance for business at approved meetings.

**Subd. 2.** The Compensation for each Councilmembers shall be \$333.33 per month plus \$20.00 for each special Council meeting attended and an amount for per diem as established by Ordinance for business at approved meetings.

**SEC. 2.14. OFFICIAL BONDS.** A blanket-type bond shall cover all officers and employees of the City.

**SEC. 2.15. PERSONNEL RULES AND REGULATIONS.** Personnel rules, regulations, and policies shall be set down in writing and adopted by resolution of the Council. Thereafter any amendments shall be by resolution of the Council. After adoption, the original policies and any amendments shall be distributed to all City employees.

**SEC. 2.16. WORKER'S COMPENSATION.** All officers of the City elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall not be included in the coverage of Minnesota Workers' Compensation Act, pursuant to Minnesota Statute 167.011, Subd. 9, Clause 6.

**SEC. 2.17. ISSUANCE OF CITATIONS.**

**Subd. 1.** Except as otherwise provided by Statute, only a Peace Officer and part-time Peace Officer may:

**A.** Ask a person receiving a citation to give a written promise to appear in court; or

**B.** Take a person into custody as permitted by M. S. § 629.34, as may be amended from time to time.

**Subd. 2.** The following City individuals may issue citations in lieu of arrest or continued detention for violation of the City Code. Areas of jurisdiction will be contained in City policy as set forth in Resolution form by the Council.

1. Peace Officers and Part-time Peace Officers
2. Building and Zoning Administrator or his/her designated agent.
3. Recreation Director
4. Public Works Director
5. Fire Inspector

Source: City Code  
Effective Date: 09-15-2005

(Sections 2.18 through 2.29, inclusive, reserved for future expansion.)

(Pages 8 through 16 reserved)

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**SEC. 2.30. DEPARTMENTS GENERALLY.**

**Subd. 1. Control and Assignments.** All Departments of the City are under the immediate supervision and control of the Council or such authority as may be designated by it. The Council may assign the duties of one (1) or more Departments to staff members as it deems appropriate.

**Subd. 2. Appointments.** All Department Heads shall be appointed by the Council. All appointments shall be for an indefinite term.

**Subd. 3. Budgetary Information.** The Heads of all Departments shall, prior to August 1 in each year, file with the City Administrator the projected financial needs of his/her Department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be requested by the City Administrator.

**SEC. 2.31. FIRE DEPARTMENT.** A Fire Department is hereby established. The size and composition (including, but not limited to, a determination as to permanent and volunteer members) shall be established by resolution of the Council, which may be changed from time-to-time by a subsequent resolution. The Council shall also establish, and from time-to-time revise and amend, written rules and regulations of the Department including, but not limited to, its internal structure organization and compensation, a copy of which shall be distributed to each of its members whenever established, revised or amended. The Chief of the Fire Department shall have general supervision of the Fire Department and the custody of all property used and maintained for the purposes of said Department. He/She shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State and ordinances of the city relative to a Fire Department and to prevention and extinguishment of fires are duly observed. He/She shall supervise the preservation of all property endangered by fire and shall control and direct all persons engaged in preserving such property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all powers, perform all duties and be subject to all the responsibilities of the Chief. It is the duty of the Chief of the Fire Department on or before the second regular business day in each month, to file with the City Administrator a report as to all fires occurring during the previous month stating the probable cause thereof and estimated damages; such reports shall also state the other activities of the Department. The Chief of the Fire Department shall also make and file such other reports as may be requested by the Council or the City Administrator.

**Subd. 2. False Alarms by Alarm System.** For the purpose of this subdivision, the following words and phrases shall have the meanings respectively ascribed to them by this subdivision:

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A. “Alarm system” means any assembly of equipment or devices, either mechanically or electronically operated, which signals either audibly or in any other manner so as to be seen, heard, or otherwise detected outside the protected area for the purpose of summoning a response by public safety personnel.

B. “Alarm users” means a person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, residence, structure, vehicle, or facility where an alarm system is maintained.

C. “False alarm” means an alarm signal eliciting a response by public safety personnel when a situation requiring a response does not, in fact, exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, or the inadvertence of the alarm user, or employees or agents of the alarm user. A false alarm does not include an alarm caused by climatic condition or utility line mishaps or other conditions determined to be beyond the control of the alarm manufacturer, installer, or user.

D. “Fire Department response” means whenever the fire department arrives at a location of the false alarm in response to it.

**Subd. 3. Service Fee for False Alarms.** Any alarm under whose alarm system reports more than three false alarms, as defined in the ordinance, in a calendar year which result in fire department response, shall pay a service fee, as determined by the Council, for the fourth and each subsequent false alarm. Notice of false alarm charges shall be sent to the user of the alarm system and the owner of the property where the system is installed, if different from the user. Payment of such charges shall be made to the City within thirty (30) days of the date of notice. Unpaid charges shall be annually certified to the County Auditor and shall be collected in the same manner as special assessments against the property. No licenses, permits, or other City approval shall be granted to any person, firm, or company which unpaid false alarm charges.

**SEC. 2.32. LEGAL DEPARTMENT.** A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be Head of the Legal Department, together with such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of him/her by law or referred to him/her by the Council. It shall be the official duty of the City Attorney to act as “Reviser of Ordinances”. It shall also be the official duty of the City Attorney to approve all bonds in favor of the City.

**SEC. 2.33. BUILDING AND ZONING DEPARTMENT.** A Building and Zoning Department is hereby established. The services of a Building Official Inspector (referred to in the State Building Code as the “Administrative Authority”) and administration of the land use regulations and subdivision regulations may be contracted for.

**SEC. 2.34. PUBLIC WORKS DEPARTMENT.** A Public Works Department is hereby established. The Head of this Department shall be the Public Works Director. The City water and sewerage systems, streets and cemetery maintenance, and refuse collection shall be under his/her direct supervision.

**SEC. 2.35. ASSESSMENT DEPARTMENT.** An Assessment Department is hereby established. The Head of this Department shall be the City Assessor. The duties of the City Assessor may, at the option of the Council, be combined with those of the Building and Zoning Administrator, or both. The duties of the City Assessor may be contracted for.

**SEC. 2.36. AIRPORT DEPARTMENT.** An Airport Department is hereby established. The Head of this Department shall be responsible for the airport and the duties of the Department Head may be contracted for.

**SEC. 2.37. PARK AND RECREATION DEPARTMENT.** A Park and Recreation Department is hereby established. The Head of this Department shall be responsible for the park and recreation activities of the City and the duties of the Department Head may be contracted for.

Source: City Code  
Effective Date: 09-15-2005

(Sections 2.38 through 2.49, inclusive, reserved for future expansion.)

(Pages 20 through 24 reserved)

**SEC. 2.50. BOARDS AND COMMISSIONS GENERALLY.** All Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor subject to confirmation by the Council at a regular meeting in January of each year. The term of each appointee shall be established and stated at the time of his/her appointment, and terms of present Board and Commission members may be re-established and changed so as to give effect to this Section. New appointees shall assume office immediately. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. No appointed Board or Commission member shall be an employee of the City. The City Administrator shall be an ex-officio member of all Boards and Commissions, but he/she shall not have a vote. All Board and Commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in performance of their duties when such expenses have been authorized by the Council before they were incurred. The Chairman and Secretary of each Board and Commission shall be elected from and by the membership at its first regular meeting, to serve for the ensuing year, provided that no Chairman shall be elected who has not completed at least one (1) year as a member of the Board or Commission. Unexcused absence from three (3) consecutive Board or Commission meetings (whether regular or special) held at least twenty (20) days apart shall cause a vacancy in the position held by a member, and the Council shall forthwith appoint a replacement to fill such vacancy. Excuses can only be granted by the Council for serious illness of the member, or a member of his/her family, or some equally valid reason. Any Board or Commission member may be removed by the Council for misfeasance, malfeasance, or non-feasance in office and his/her position shall be filled as any other vacancy. Each Board and Commission shall hold its regular meeting at a time established by it and approved by the Council. Boards and Commissions created by resolution shall terminate when the purpose for which they were created has been accomplished or upon the expiration of the term stated in the resolution. All appointees to Boards and Commissions shall hold office until their successors are appointed and qualified. Except as otherwise provided by another Section of the City Code, the provisions of this Section shall apply to all Boards and Commissions. For the purpose of notification to the public, the City Administrator shall be notified of all meetings at least two (2) days in advance. The provisions of the Government Data Practices Act, M.S. Ch. 13, the Open Meeting Law, M.S. Ch 13D and the laws relating to Gifts to Local Officials, M.S. § 471.895, as these laws may be amended from time to time, apply to the boards and commissions and all of their members.

**SEC. 2.51. PLANNING COMMISSION.**

**Subd. 1. Establishment and Composition.** A Planning Commission is hereby established. The Commission shall be composed of five (5) members appointed for one (1) year terms.

**Subd. 2. Powers and Duties.** The Planning Commission shall have all of the powers and duties defined or granted in the Statutes and the City Code relating to planning, zoning and subdivision, shall act in an advisory capacity to the Council in all of such areas, and shall, at least annually, review the zoning provisions of the City Code and hold at least one (1) public hearing on proposed amendments or changes.

**SEC. 2.52. AIRPORT COMMISSION.**

**Subd. 1. Establishment and Composition.** An Airport Commission is hereby established. The Commission shall be composed of six (6) members appointed for one (1) year terms.

**Subd. 2. Powers and Duties.** The Airport Commission shall act in an advisory capacity to the Council in all matters concerning the Airport.

**SEC. 2.53. BOARD OF ZONING ADJUSTMENTS AND APPEALS.**

**Subd. 1. Establishment and Composition.** A Board of Zoning Adjustments and Appeals is hereby established. The Board shall be composed of three (3) members consisting of one (1) member of the Planning Commission, one (1) member at large and one (1) member of the City Council. The Building and Zoning Administrator shall be an ex officio member and shall act as secretary of such Board but shall have no vote on any matter before the Board. The Board of Zoning Appeals and Adjustments shall be appointed by the Council and shall hold such office at the pleasure of the Council.

**Subd. 2. Powers and Duties.** The powers and duties of the Board shall be such as are prescribed by Statute and the City Code.

**SEC. 2.54. LAW ENFORCEMENT LIAISON COMMITTEE.**

**Subd. 1. Establishment and Composition.** The establishment of a Law Enforcement Liaison Committee, composed of three (3) members, is hereby ratified. Its members shall serve three-year staggered terms. Appointments to the Committee shall be made by the Council at its first meeting in January of each calendar year.

**Subd. 2. Statute Adopted.** The adoption by reference of M. S. § 419.01 to 419.181 as may be amended from time to time.

**Subd. 3. Duties and Responsibilities.** The Commission shall continue to have authority to administer its activities with all of the powers and duties set forth in the statutory sections cited herein.

**SEC. 2.55. HERITAGE PRESERVATION REGULATIONS.**

**ARTICLE I. GENERAL PROVISIONS.**

**Subd. 1. Title.** Chapter 2, Sec. 2.57 of the Pipestone City Code shall be known and may be cited as the Heritage Preservation Regulations of the City of Pipestone.

**Subd. 2. Authority.** This section is enacted pursuant to the authority granted to the municipality by M. S. § 138.71 through 138.75, as may be amended from time to time, Minnesota Historic District Act of 1971, and M. S. § 471.193, Municipal Heritage Preservation, as may be amended from time to time.

**Subd. 3. Purpose.** This section is adopted to promote the recognition, preservation, protection and reuse of landmarks, historic districts and historic resources; to promote the economic growth and general welfare of the city through increased tourism; to further educational and cultural enhancement; to implement the policies of the comprehensive plan, and to provide for the administration of this title including the powers and duties of officials and bodies charged with such administration, the standards for required approvals and the procedures for its enforcement.

**Subd. 4. Scope of Regulations.**

**A. In General.** All landmarks and historic districts, all nominated properties under interim protection and all historic resources shall be subject to all applicable requirements of this section.

**B. Emergency Exception.** Nothing in this section shall prevent the emergency alteration or other modification necessary to correct the unsafe or dangerous condition of any structure or other feature. The Building and Zoning Administrator shall report to the Commission not less than once per month all emergency alterations or other modifications certified to the Building and Zoning Administrator in the preceding month, the reasons for such emergency, and the nature and extent of the alteration or modification performed.

**Subd. 5. Existing Landmarks and Historic Districts.** All landmarks, historic districts, and design guidelines existing on the effective date of this section shall remain in effect upon adoption of the section.

**Subd. 6. Period of Decision.** No approval granted pursuant to this section, except designations, shall be valid for a period longer than one (1) year from the date of such decision unless the required permit is obtained within such period and the action approved is

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substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The Building and Zoning Administrator, upon written request, may for good cause shown grant up to a one (1) year extension to this time limit.

**Subd. 7. Plan Consistency.** The city shall withhold any building permit, demolition permit, or other approval required for a use if the proposal is inconsistent with the final approval granted pursuant to this section.

**Subd. 8. Compliance with Conditions of Approval.**

**A. In General.** All approvals made pursuant to this section remain in effect as long as all of the conditions and guarantees of such approval are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this section and may result in termination of the approval.

**B. Compliance with Other Regulations.** All approvals made pursuant to this section shall be subject to all other applicable city, local, regional, state and federal regulations.

**Subd. 9. Severability.**

**A. Severability of Text.** If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the section.

**B. Severability of Application.** If the application of any provision of this section to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

**Subd. 10. Definitions.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purpose of this chapter, have the meanings indicated. All words and phrases not defined shall have their common meaning.

**A. Alteration.** Any construction, addition, demolition, relocation or material change affecting the exterior of a landmark, property in an historic district or nominated property under interim protection, or the designated or nominated interior of any building, that the Building and Zoning Administrator has determined is not a minor alteration. Examples may include, but are not limited to, the following:

1. Destruction of any structure, in whole or in part.
2. Addition to a structure or moving the location of a structure.
3. Addition of a structure.
4. Changes to or replacement of architectural details or visual characteristics such as doors, door frames and openings, windows, window frames and openings, siding, shutters, railings, walls, steps, porches, balconies, or other ornamentation.
5. Changes to surface materials, color and texture, including painting an unpainted masonry surface such as brick, concrete, stone or stucco, or sandblasting or other abrasive cleaning of a masonry surface.
6. Changes to or replacement of roofing materials.
7. Addition or removal of signs and awnings, or changes to or replacement of existing signs and awnings.
8. Changes to or replacement of landscaping or natural features that are inconsistent with the historic qualities of the property.
9. Disturbance of archaeological sites or areas.

**B. Building and Zoning Administrator.** This administrator of the City of Pipestone building and zoning department.

**C. City Council.** The Council of the City of Pipestone.

**D. Commission.** The Heritage Preservation Commission of the City of Pipestone.

**E. Designation Study.** A study and report prepared to document the historical, cultural, architectural, archaeological or engineering significance of a property.

**F. Design Guidelines.** Specific design criteria adopted by the City Council from the Secretary of Interior Standards for Rehabilitation for landmarks and historic districts, to be used in reviewing applications.

**G. Historic District.** All property within a defined area designated as an historic district by the City Council because of the historical, cultural, architectural, archaeological or engineering significance of the district, or designated as an historic district by state law.

**H. Historic Resource.** A property that is believed to have historical, cultural, architectural, archaeological or engineering significance and to meet at least one of the criteria for designation as a landmark or historic district as provided in this section.

**I. Historic Variance.** Departure from the literal requirements of the zoning regulations governing a landmark or property in an historic district where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site.

**J. Integrity.** The authenticity of a landmark, historic district, nominated property under interim protection or historic resource evidenced by its location, design, setting, materials, workmanship, feeling or association.

**K. Interim Protection.** Protection from destruction or alteration given to a nominated property following the Commission's decision to commence a designation study.

**L. Landmark.** Any property, or any interior of a building, designated as a landmark by the City Council because of its historical, cultural, architectural, archaeological or engineering significance.

**M. Minor Alteration.** An alteration that the Building and Zoning Administrator has determined does not affect the integrity of a landmark, historic district or nominated property under interim protection. Examples may include, but are not limited to, changes that the Building and Zoning Administrator has determined are not significant, and changes that reproduce the existing design and that are executed with the same type of materials and methods as existing if available, or with visually similar materials if the original materials are not available.

**N. Nominated Property.** A property that has been nominated for designation as a landmark or historic district, pursuant to the requirements of this section.

**O. Property.** Any land, building, structure or object, surface or subsurface area, natural or landscape feature.

**P. Receiving Site.** The zoning lot on which transferred floor area is to be developed, pursuant to the requirements of this section.

**Q. Sending Site.** The zoning lot containing a landmark or located within an historic district, and from which undeveloped floor area is to be transferred, pursuant to the requirements of this section.

**R. Structure.** Anything constructed or erected with a more or less fixed location on or in the ground or in or over a body of water. A structure shall include, but not limited to, buildings, fences, walls, signs, canopies, decks, patios, antennae, piers, bridges, docks and any objects or things permanently attached to the structure.

**S.** The Secretary of the Interior's Standards for Rehabilitation. The most recent standards for rehabilitating historic buildings established by the National Park Service, United States Department of the Interior.

**T.** Transfer of Development Rights. The conveyance of undeveloped floor area from one zoning lot to another zoning lot, pursuant to the requirements of this section.

## **ARTICLE II. DUTIES OF DECISION MAKING BODIES AND OFFICIALS.**

### **Subd. 1. Heritage Preservation Commission.**

**A.** Establishment. The Heritage Preservation Commission is established pursuant to the authority granted by M. S. § 138.71 through 138.75, as may be amended from time to time, Minnesota Historic District Act of 1971, and M. S. § 471.193, Municipal Heritage Preservation, as may be amended from time to time. The Commission shall perform its duties and exercise its powers as provided therein.

**B.** Jurisdiction and Authority. The Commission shall have the following powers and duties in connection with the administration of this section.

1. To interpret and administer the provisions of this section.
2. To adopt and administer rules and regulations relating to the administration of this section.
3. To direct the commencement of designation studies, as authorized by this section.
4. To hear and make recommendations to the City Council on the proposed designation of landmarks and historic districts.
5. To hear and decide applications for demolition of historic resources.
6. To hear and decide appeals from decisions of the Building and Zoning Administrator or other official, as authorized by this section.
7. To hear and make recommendations to the City Council on proposed historic variances.
8. To hear and make recommendations to the City Council on proposed transfers of development rights.
9. To adopt design guidelines for landmarks and historic districts, and to revise design guidelines as necessary.
10. To review and make recommendations to the City Council on proposed amendments to the zoning code.
11. To make recommendations to the City Code on proposed amendments to this section.

12. To inform and educate the citizens of Pipestone concerning the historical, cultural, architectural, archaeological or engineering heritage of the city.
13. To seek and identify incentives to encourage both public and private investments in preserving the city's landmarks, historic districts and historic resources.
14. To make recommendations to the City Council that designated properties or historic resources be acquired by purchase, gift, or by eminent domain.
15. To take such other actions as are reasonable and necessary for the administration and enforcement of this section.

**C. Establishment and Composition.** A Heritage Preservation Commission is hereby established. The Commission shall be composed of five (5) members appointed by the City Council for one (1) year terms. At least one (1) of the members shall concurrently be a representative of the Pipestone County Historical Society, and the remaining members shall be drawn from persons with demonstrated interest and/or expertise in historic preservation. By nature of his/her position, the Chairman of the Planning Commission and an Councilman designated by the Mayor, shall be ex-officio non-voting members of the Commission, but their membership shall not be counted in the number of members stated.

**Subd. 2. Building and Zoning Administrator.** The Building and Zoning Administrator shall assist the Commission in discharging its duties and shall have the following powers and duties in connection with the administration of this section:

**A.** To receive, review and process all complete applications for approvals, as provided in this section.

**Subd. 3. City Council.** The City Council shall have the following powers and duties in connection with administration of this section:

**A.** To initiate and adopt amendments to this section.

**B.** To hear and decide appeals from decisions of the Heritage Preservation Commission, as authorized by this section.

**C.** To designate landmarks and historic districts, as authorized by this section.

**D.** To approve historic variances, as authorized by this section.

**E.** To approve the transfer of development rights, as authorized by this section.

F. To appoint Heritage Preservation Commission members.

G. To adopt the Secretary of Interior Standards for Rehabilitation for landmarks and historic districts.

H. To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this section.

### **ARTICLE III. GENEAL APPLICATION PROCEDURES.**

#### **Subd. 1. Application Procedures.**

A. In General. All applications for the Historic District and all other designated historic sites shall be presented to the Building and Zoning Administrator. He/she will then determine if the application needs to be presented to the Heritage Preservation Commission. Applications requesting painting the same color, window repair and other minor repair that does not alter the façade does not need to come before the Heritage Preservation Commission. All applications requesting any change to the façade of the structure, paint color change, all new signage, and any changes to signs must come before the Heritage Preservation Commission. It is requested that a representative of the building owner submitting the application be present at the Commission meeting.

B. Determination of Completeness of Application. The Building and Zoning Administrator shall review all applications and determine whether such applications are to be approved by the Building and Zoning Administrator or recommended to the Heritage Preservation Commission. An application shall not be accepted as complete until the applicant has complied with all of the requirements set forth in the application form, including the submission of all required supporting information.

#### **C. Public Hearings.**

1. Notice. For all applications requiring a public hearing as set forth in this Chapter, except appeals of decisions of the Heritage Preservation Commission, notice of the public hearing shall be given in the following manner. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this Section has been made.

- a. Newspaper of General Circulation. The Building and Zoning Administrator shall publish notice of the time, place and purpose of the public hearing at least once, not less than ten (10) calendar days before the hearing, in a newspaper of general circulation.

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- b. Affected Property Owners. The Building and Zoning Administrator shall mail notice to all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property not less than ten (10) calendar days before the hearing.

2. Procedures. All hearings shall be open to the public. Any person may appear and testify at a hearing either in person or by duly appointed agent or attorney. The chair or acting chair may administer oaths. The concurring vote of the majority of the members of the Commission at the meeting shall constitute final action of the Commission on any matter before it. Upon the conclusion of the testimony in each hearing, the Commission shall announce its decision or recommendation, or shall lay the matter over to a subsequent meeting. The Commission shall keep minutes of its public hearings, and shall also keep records of its official actions. Decisions of the Commission shall be filed in the office of the Building and Zoning Administrator.

#### **ARTICLE IV. APPEALS.**

**Subd. 1. Appeals and Decisions of the Building and Zoning Administrator.** All findings and decisions of the Building and Zoning Administrator shall be final, subject to appeal to the Heritage Preservation Commission, except that appeal of a decision of the Building and Zoning Administrator involving a violation of Pipestone City Code, Building Code or Housing, shall be as provided in the written order. Appeals may be initiated by any affected person by filing the appeal with the Building and Zoning Administrator on a form approved by the Building and Zoning Administrator and shall be accompanied by all required supporting information, as specified in this section. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the Building and Zoning Administrator certifies to the Commission, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The Commission shall hold a public hearing on each complete application for an appeal as provided in this section. All findings and decisions of the Commission concerning appeals shall be final, subject to appeal to the City Council as specified in this section.

**Subd. 2. Appeals of Decisions of the Heritage Preservation Commission.** All decisions of the Heritage Preservation Commission, except decisions to commence designation studies, designations, historic variances and transfers of developmental rights, shall be final subject to appeal to the City Council and the right of subsequent judicial review.

**ARTICLE V. HISTORIC DESIGNATION.**

**Subd. 1. Purpose.** This article is established to promote the preservation of historic resources by providing the Commission with authority to recommend the designation of landmarks and historic districts and to adopt design guidelines for designated properties.

**Subd. 2. Designation Criteria.** The following criteria shall be considered in determining whether a property is worthy of designation as a landmark or historic district because of its historical, cultural architectural, archaeological or engineering significance:

**A.** The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history.

**B.** The property is associated with the lives of significant persons or groups.

**C.** The property contains or is associated with distinctive elements of city identity.

**D.** The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction.

**E.** The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail.

**F.** The property exemplifies works of master builders, engineers, designers, artists, craftsmen, or architects.

**G.** The property has yielded, or may be likely to yield, information important in prehistory or history.

**Subd. 3. Nomination of Property.** Nomination of a property to be considered for designation as a landmark or historic district shall be submitted to the Heritage Preservation Commission on a nomination application form approved by the Building and Zoning Administrator and shall be accompanied by all required supporting information. A nomination may be made by any of the following:

**A.** A member of the Heritage Preservation Commission.

**B.** A member of the City Council.

**C.** The Mayor.

- D. The Building and Zoning Administrator.
- E. Any person with an interest in the subject property.

**Subd. 4. Commission Decision on Nomination.** The Commission shall review all complete nomination applications. If the Commission determines that a nominated property appears to meet at least one of the criteria for designation contained in this section, the Commission may commence a designation study of the property.

**Subd. 5. Interim Protection.**

A. Purpose. Interim Protection is established to protect a nominated property from destruction or inappropriate alteration during the designation process.

B. Effective Date. Interim protection shall be in effect from the date of the Commission's decision to commence a designation study of a nominated property until the City Council makes a decision regarding the designation of the property, or for twelve (12) months, whichever comes first. Interim protection may be extended for such additional periods as the Commission may deem appropriate and necessary to protect the designation process, not exceeding a total additional period of eighteen (18) months. The Commission shall hold a public hearing on a proposed extension of interim protection as provided in this section.

C. Scope of Restrictions. During the interim protection period, no alteration or minor alteration of a nominated property shall be allowed except where authorized by a Certificate of Appropriateness or a Certificate of No Change, as provide in this section.

**Subd. 6. State Historic Preservation Office Review.** The Heritage Preservation Commission shall submit all proposed designations to the State Historic Preservation Office for review and comment within sixty (60) days.

**Subd. 7. City Planning Commission Review.** The Building and Zoning Administrator shall submit all proposed designations to the City Planning Commission for review and comment on the proposal within thirty (30) days. In its review, the City Planning Commission shall consider, but not be limited to, the following factors:

- A. The relationship of the proposed designation to the City's Comprehensive Plan.
- B. The effect of the proposed designation on the surrounding area.
- C. The consistency of the proposed designation with applicable development plans or development objectives adopted by the City Council.

**Subd. 8. Designation Hearing.** Following completion of the designation study, the Commission shall hold a public hearing to consider the proposed designation, as provided in this section. Any person having a legal or equitable interest in a nominated property shall be allowed reasonable opportunity to give testimony or present evidence concerning the proposed designation.

**Subd. 9. Commission Recommendation.** Following the public hearing, the Commission shall make findings with respect to the proposed designation and shall submit the same together with its recommendation to the Planning Commission of the City Council. In making its findings and recommendation, the Commission shall consider the designation criteria in this section, the information contained in the designation study, the State Historic Preservation Office's comments, the City Planning Commission's comments, the Building and Zoning Administrator's report, and all testimony and evidence received at the public hearing relating to the designation.

**Subd. 10. City Council Decision.** The City Council shall make the final decision on all designations.

**Subd. 11. Design Guidelines.** The Commission shall adopt Secretary of Interior Standards for Rehabilitation for landmarks and historic districts.

## **ARTICLE VI. HISTORIC RESOURCES.**

**Subd. 1. Purpose.** To protect historic resources from destruction by providing the Heritage Preservation Commission with authority to identify historic resources. Properties must meet at least one of the criteria set forth under Article 5 Local Historic Designation.

**Subd. 2. Demolition.** The Building and Zoning Administrator shall refer all requests for demolition of historic properties to the Heritage Preservation Commission.

**Subd. 3. Approval of Demolition.** Any proposed demolition of historic properties must first have the approval of the Commission by written and signed permits and then a permit must also be secured from the Building and Zoning Administrator.

**Subd. 4. Findings for Demolition.** Before approving the demolition of a property determined to be a historic resource, the Commission shall make findings that the demolition is necessary to correct an unsafe or dangerous condition on the property or that there are reasonable alternatives to the demolition. A decision may be delayed for a time to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.

**Subd. 5. Mitigation Plan.** As part of a condition of approval of a demolition permit, the Commission may require a mitigation plan of the property which may include pictures, measured drawings, or historical research or other means appropriate to the building. The plan may also include salvage and preservation of specified building materials, architectural details, ornaments, fixtures, and similar items for use in restoration elsewhere.

## **ARTICLE VII. HISTORIC VARIANCE.**

**Subd. 1. Purpose.** This article is established to encourage the preservation and reuse of landmarks and properties in historic districts by providing the Commission with authority to recommend departure from the literal requirements of any of the applicable zoning regulations.

**Subd. 2. Application for Historic Variance.** An application for historic variance shall be filed on a form approved by the Building and Zoning Administrator and shall be accompanied by all required supporting information as specified in Article III.

**Subd. 3. Hearing on Application for Historic Variance.** The Commission shall hold a public hearing on each complete application for historic variance according to the 60-day rule established by Minnesota Statute 15.99. Following the public hearing, the Commission shall make findings with respect to the proposed historic variance and shall submit the same together with its recommendation to the Planning Commission of the City Council.

**Subd. 4. Required Findings for Historic Variance.** Before recommending approval of a historic variance, the Commission shall make findings that the variance is compatible with the preservation of the property and with other properties in the area, and that the variance is necessary to alleviate undue hardship due to special conditions or circumstances unique to the property and not created by the applicant.

**Subd. 5. Historic Variance Conditions and Guarantees.** The Commission may impose such conditions on any historic variance and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this section.

**Subd. 6. City Council Decision.** The City Council shall make the final decision on all historic variances.

## **ARTICLE VIII. TRANSFER OF DEVELOPMENT RIGHTS.**

**Subd. 1. Purpose.** This article is established to encourage the preservation and rehabilitation of landmarks and properties in historic districts by providing the Commission with authority to recommend the transfer of undeveloped floor area from sites containing landmarks or located within an historic district to other sites.

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**Subd. 2. Eligible Areas.** The transfer of development rights shall be limited to transfers from sending sites located in zoning districts other than the downtown districts, to receiving sites located in the same historic district as the sending site or within one-fourth (1/4) mile of the sending site, whichever is greater. However, nothing in this article shall be construed to provide a property owner with any property right or other legal right to compel the city to approve an application for transfer of development rights.

**Subd. 3. Application for Transfer of Development Rights.** An application for transfer of development rights shall be filed on a form approved by the Building and Zoning Administrator and shall be accompanied by all required supporting information as specified in this section.

**Subd. 4. Hearing on Application for Transfer of Development Rights.** The Commission shall hold a public hearing on each complete application for transfer of development rights as provided in this section. Following the public hearing, the Commission shall make findings with respect to the proposed transfer of development rights and shall submit the same together with its recommendation to the Planning Commission of the City Council.

**Subd. 5. Required Findings for Transfer of Development Rights.** Before recommending approval of a transfer of development rights, the Commission shall make findings that the transfer is compatible with other properties in the area, and that the transfer is necessary to alleviate financial hardship due to restrictions placed on the use of the sending site by the Commission.

**Subd. 6. Transfer of Development Rights Conditions and Guarantees.**

A. In General. Any approval of an application for transfer of development rights shall be subject to the following conditions:

1. The maximum amount of undeveloped floor area that may be transferred from the sending site shall be the difference between the gross floor area of development on the sending site and the maximum gross floor area permitted by the zoning district regulations.

2. The development potential of the sending site shall be reduced by the amount of undeveloped floor area transferred for the life of the principal structure on the receiving site whose construction is made possible by the transfer.

3. The transfer of development rights shall not result in the destruction of a landmark or historic resource on the receiving site.

4. The approval of the transfer of development rights shall be filed by the applicant with the Office of the Pipestone County Recorder in the form of a conservation easement or similar restriction acceptable to the city which shall specify the amount of undeveloped floor area transferred to the receiving site and the reduction in the development rights of the sending site.

5. No building permit or other approval for the construction or establishment of transferred development rights on the receiving site shall be granted by the city until the structure on the sending site has been rehabilitated consistent with the applicable design guidelines adopted by the Commission, or if design guidelines have not been adopted, consistent with the recommendations contained in the Secretary of the Interior's Standards for Rehabilitation, if necessary, or until a plan for such rehabilitation has been submitted to and approved by the Commission.

**B. Additional Conditions and Guarantees.** The Commission may impose such conditions on any transfer of development rights and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this section.

**Subd. 7. City Council Decision.** The City Council shall make the final decision on all transfers of development rights.

**Subd. 8. Changes in Approved Transfer of Development Rights.** Changes to an approved transfer of development rights shall require a new application. The requirements for application and approval of a change to a transfer of development rights shall be the same as the requirements for original approval.

## **ARTICLE IX. MAINTENANCE.**

**Subd. 1. Purpose.** This article is established to ensure that landmarks, historic districts and nominated properties under interim protection are properly maintained and protected against deterioration.

**Subd. 2. Duty to Maintain.** All landmarks, properties in historic districts, nominated properties under interim protection and historic resources shall be kept in a state of maintenance and repair as required by City of Pipestone Code Book, Building Code, and with all other applicable regulations.

**Subd. 3. Prevention of Deterioration.** No person with a legal or equitable interest in a landmark, property in an historic district or nominated property under interim

protection, whether occupied or not, shall permit the property to fall into a serious state of disrepair or to remain in a serious state of disrepair so as to materially impair the integrity of the property or historic district.

**ARTICLE X. ENFORCEMENT.**

**Subd. 1. Purpose.** This article is established to ensure that the requirements of this section are enforced in accordance with the procedures set forth herein.

**Subd. 2. Complaints Regarding Violations.** The Building and Zoning Administrator shall have the authority to investigate any complaint alleging a violation of this section or the conditions of any approval granted pursuant to this section, and to take such action as is warranted in accordance with the procedures set forth herein and with all other applicable regulations.

**Subd. 3. Procedures Upon Discovery of Violations.**

**A. In General.** The Building and Zoning Administrator shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. Where the violation involves work being done contrary to the provisions of this section, the Building and Zoning Administrator may order the work stopped. No further work shall be undertaken while a stop-work order is in effect.

**B. Appeals to Commission.** Where the violation involves a condition of approval granted pursuant to this section, or an unauthorized alteration or minor alteration of a landmark, property in an historic district, nominated property under interim protection or historic resource, or other provision of this section except a violation of the City of Pipestone Code Book or Building Code, the written notice shall advise the Building and Zoning Administrator's order may be appealed to the Commission in accordance with the provisions of this section.

**Subd. 4. Penalties and Remedies for Violations.**

**A. Violation, A Misdemeanor.** Every person who violates an article, subdivision, paragraph, or provision of this Section when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof, and shall be fined as required by law and additional costs levied for the cost of prosecution. Each day said violation continues shall constitute a separate offense.

**SEC. 2.56. COMMUNITY EDUCATION/ACTIVE LIVING COMMISSION.**

**Subd. 1.** A Community Education/Active Living Commission, which shall serve in an advisory capacity to the Council, shall be established. The Commission shall be composed of five (5) members. The Mayor, with the approval of the Council, shall appoint two (2) members. The School Board shall appoint two (2) members. The fifth (5<sup>th</sup>) member shall be appointed by the Mayor with the approval of the Council and the School Board. Commission members shall be residents of the City or School District. Members shall serve one (1) year terms.

**Subd. 2. Officers, Meetings, and Remuneration.**

**A.** The Commission shall annually elect a Chairperson, a Vice-Chairperson and a Secretary.

**B.** The Commission shall conduct monthly meetings with a regular meeting date to be established by the Commission members. Additional special meetings may be called by the Chairperson at the request of any two (2) members of the Commission.

**C.** All Commission members shall serve without remuneration.

**Subd. 3. Power and Duties.**

**A.** The Commission will determine and recommend to the Council the general policies and procedures to be followed by the Community Education/Active Living Coordinator.

**B.** The Commission shall have the authority to solicit gifts and contributions to be made to the City and to assist in the preparation of applications and grant funds to be made to the City for the purpose of promoting active and healthy living activities in the community.

**C.** The Commission shall receive recommendations and complaints from the public on operation of programs and recommend changes as needed.

**SEC. 2.57. PARK AND RECREATION COMMISSION.**

**Subd. 1. Establishment and Composition.** A Park and Recreation Commission, which shall serve in an advisory capacity to the Council, is hereby established. The Commission shall be composed of five (5) members appointed for one (1) year terms.

**Subd. 2. Officers, Meetings, and Remuneration.**

**A.** The Commission shall annually elect a Chairman, a Vice-Chairman, and a Secretary.

**B.** The Commission shall conduct monthly meetings the first Wednesday of each month. Additional special meetings may be called by the Chairman at the request of any two (2) members of the Commission.

**C.** All Commission members shall serve without remuneration.

**Subd. 3. Powers and Duties.**

**A.** The Commission will determine and recommend to the Council the general policies and procedures to be followed by the Park and Recreation Department. These policies will apply to the parks, the Ewert Community Recreation Center, Family Aquatic Facility and all recreation programs run by the Department.

**B.** The Commission shall review and recommend to the Council a budget for the Park and Recreation Department.

**C.** The Commission shall establish and maintain a five (5) year capital improvement program for the parks and recreation facilities.

**D.** The Commission shall have the authority to solicit gifts and contributions to be made to the City and to assist in the preparation of applications and grant funds to be made to the City for the purpose of recreation facility development.

**E.** The Commission shall review quarterly financial reports and program sheets to be prepared by the Department Head.

**F.** The Commission shall receive recommendations and complaints from the public on operation of programs and facilities and recommend changes as needed.

**G.** The Commission shall make a request to the United Fund on an annual basis.

**SEC. 2.58. PAGEANT GROUNDS PARK COMMISSION.**

**Subd. 1. Establishment and Composition.** A Pageant Grounds Park Commission, which shall serve in an advisory capacity to the Council, is hereby established. The Commission shall be composed of seven (7) members appointed for one (1) year terms. The initial Commission shall include three current or past members of the Hiawatha Club.

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**Subd. 2. Officer, Meetings and Remuneration.**

A. The Commission shall annually elect a Chairman, Vice-Chairman, and a Secretary.

B. The Commission shall conduct quarterly meetings the first Wednesday of each month. Additional special meetings may be called by the Chairman at the request of any two (2) members of the Commission.

C. All Commission members shall serve without remuneration.

**Subd. 3. Powers and Duties.**

A. The Commission will determine and recommend to the Council the general policies and procedures to be followed regarding the Pageant Grounds.

B. The Commission shall review and recommend to the Council possible improvements to and uses of the Pageant Grounds Park.

C. The Commission shall have the authority to solicit gifts and contributions to be made to the City to be used for the benefit of the Pageant Grounds Park.

D. The Commission shall receive recommendations and complaints from the public on operation of the Pageant Grounds Park. The Commission shall communicate those comments to the Council.

**SEC. 2.59. WOODLAWN TREE BOARD COMMISSION.**

**Subd. 1. Establishment and Composition.** A Woodlawn Tree Board Commission is hereby established. The Commission shall be composed of at least five (5) members appointed for a one (1) year term.

**Subd. 2. Officers, Meetings, Remuneration.**

A. The Commission shall annually elect a Chairman, a Vice-Chairman, and a Secretary.

B. The Commission shall conduct monthly meetings with a regular meeting date to be established by the Commission members. Additional special meetings may be called by the Chairman at the request of any two (2) members of the Commission.

C. All Commission members shall serve without remuneration.

**Subd. 3. Powers and Duties.**

**A.** The Woodlawn Tree Board Commission shall act in an advisory capacity to the Council in all matters concerning the cemetery.

**B.** The Commission shall review and recommend to the Council a budget for the operation and maintenance of the cemetery.

**C.** The Commission shall establish and maintain a five (5) year capital improvement program for the operation and maintenance of the cemetery.

**D.** The Commission shall have the authority to solicit gifts and contributions to be made to the City for the Woodlawn Cemetery Perpetual Care Fund.

**E.** The Commission shall receive recommendations and complaints from the public on the operation of the cemetery.

**F.** It shall also be the responsibility of the Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs, in parks, along streets and in other public areas. The plan shall be presented to the Council and following review and approval by the Council shall constitute the official comprehensive City Tree Plan for the City of Pipestone. The Board, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

**G.** Quorum. A majority of the members shall constitute a quorum for the transaction of any business. Nothing in this section shall be deemed to conflict with M. S. § 412.501 – 412.531, Municipal Park Board, as may be amended from time to time.

**SEC. 2.60. PUBLIC ACCESS ADVISORY COMMITTEE.**

**Subd. 1. Establishment and Composition.** A Cable Access Advisory Committee is hereby established. The Committee shall be composed of five (5) members, appointed for one (1) year terms.

**Subd. 2. Officers, Meetings, and Remuneration.**

**A.** The Committee shall annually elect a Chairman, a Vice-Chairman, and a Secretary.

**B.** The Committee shall meet on an as needed basis. Additional special meetings may be called by the Chairman at the request of any two (2) members of the Committee. Minutes shall be taken at every meeting.

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C. All Committee members shall serve without remuneration.

**Subd. 3. Powers and Duties.**

A. The Committee will determine and recommend to the Council the general policies and procedures to be followed by the Cable Access Coordinator, Committee members and volunteers.

B. The Committee shall determine and recommend to the Council the equipment necessary for the production of public access programming.

C. The Committee shall have the authority to solicit gifts, contributions, and membership fees to be made to the City for the purpose of providing funding for public access programming.

D. The Committee shall receive recommendations and complaints from the public on the operation of the public access channel and recommend changes to the Council as needed.

E. The Committee shall be responsible for promoting the public access channel as an asset to the community and its organizations and to develop participation in the Public Access System by as many people and organizations as possible.

**SEC. 2.61. JOINT CITY/SCHOOL PUBLIC LIBRARY.**

**Subd. 1.** The City hereby establishes a public library pursuant to M. S. § 134.07 and 134.08, as may be amended from time to time.

**Subd. 2.** The City of Pipestone and Independent School District 583 shall jointly finance and operate a public library for the use and benefit of the public and the School District pursuant to M. S. §. 134.195, Subd. 1 and Subd. 8, as may be amended from time to time.

**SEC. 2.62. JOINT LIBRARY BOARD.**

**Subd. 1. Establishment and Composition.** The Public Library Board shall be composed of five (5) members. The Mayor with the approval of the Council shall appoint one (1) City resident and one (1) member of the Council. The School Board shall appoint one (1) school district resident and one (1) member of the School Board. The fifth (5<sup>th</sup>) member shall be appointed by the Mayor with the approval of the Council and the School Board. Board members shall be residents of the City or the School District.

**Subd. 2. Officers, Terms, Meetings, and Remuneration.**

**A.** The Public Library Board shall annually elect a President, Vice-President, and a Secretary.

**B.** The Public Library Board shall adopt By-Laws and regulations for the government of the library pursuant to M. S. § 134.11, Subd. 2, as may be amended from time to time. The Public Library Board shall conduct monthly meetings with a regular meeting time to be established by the Board Members. Additional special meetings may be called by the President at the request of any two (2) members of the Board.

**C.** All Board members shall serve without remuneration.

**D. Terms of Office.** Appointed members to the Public Library Board shall serve a term of three (3) years. Initially, two (2) shall hold office for one (1) year, two (2) for two (2) years, and one (1) for three (3) years; a library board member shall not be eligible to serve more than three (3) consecutive three (3) year terms.

**Subd. 3. Powers and Duties.**

**A.** The Public Library shall have all the powers and duties specified by the terms of M. S. § 134.11, Subd. 2, as may be amended from time to time.

**B.** The Public Library Board shall prepare and recommend to the Council and the School Board the amount of funding for the public library.

**C.** The Public Library Board shall review and give its approval of the expenditures for the operation of the Public Library.

**D.** The Public Library Board shall receive recommendations and complaints from the public on the operation of the library.

**E.** The Public Library Board shall be governed by the terms of Minnesota Statutes Chapter 134.

**F.** The Public Library Board may contract with the School District, the regional library board or the City to provide personnel, fiscal or administrative services pursuant to M. S. § 134.195, Subd. 9, as may be amended from time to time. The contract shall be in writing and the terms must be agreed upon by the Library Board and the contracting party.

**SEC. 2.63. HOUSING ADVISORY AND APPEALS BOARD.**

**Subd. 1. Establishment and Composition.** A Housing Advisory and Appeals Board is hereby established. The Planning Commission shall serve as the Housing Advisory and Appeals Board. The Building Official shall be an ex-officio member and shall act as Secretary of the Board.

**Subd. 2. Powers and Duties.** The Board shall have all of the powers and duties as set forth in the Uniform Housing Code.

**SEC. 2.64. MUNICIPAL CEMETERY.** The Council may, by ordinance, establish all future rates, rules and regulations for municipal cemeteries which shall be kept on file in the office of the City Administrator and uniformly enforced.

**SEC. 2.65. DISPOSAL OF EXCESS PROPERTY.**

**Subd. 1. Declaration of Surplus and Authorizing Sale of Property.** The City Administrator may, from time to time, recommend to the Council that certain personal property (chattels) owned by the City is no longer needed for a municipal purpose and should be sold. By action of the Council, said property shall be declared surplus, the value estimated and the City Administrator authorized to dispose of said property in the manner stated herein.

**Subd. 2. Surplus Property With a Total Estimated Value of Less Than \$1,000.00.** The City Administrator may sell surplus property with a total value of less than \$1,000.00 through negotiated sale.

**Subd. 3. Surplus Property With a Total Estimated Value Over \$1,000.00.** The City Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$1,000.00. Notice of such public sale shall be given stating time and place of sale and generally describing the property to be sold at least ten (10) days prior to the date of sale either by publication once in the official newspaper, and by posting in a conspicuous place in the City Hall.

**Subd. 4. Receipts From Sales of Surplus Property.** All receipts from sales of surplus property under this section shall be placed in the fund of original purchase. If fund ownership cannot be established, the receipts shall be placed in the General Fund.

**Subd. 5. Persons Who May Not Purchase – Exception.**

**A.** No employee of the City who is a member of the administrative staff, department head, a member of the Council or an advisor serving the City in a professional capacity, may be a purchaser of property under this Section. Other City employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one (1) week's published or posted notice of sale is given.

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**B.** It is unlawful for any person to be a purchaser of property under this Section if such purchase is prohibited by the terms of this Section.

Source Code:           City Code  
Effective Date:        08-18-2014

(Sections 2.66 through 2.89, inclusive, reserved for future expansion.)

(Pages 50 through 58 reserved)

**SEC. 2.90. THE BUDGET AND CAPITAL IMPROVEMENTS PROGRAM.** It is the responsibility of the City Administrator to prepare the Budget and Capital Improvements Program and follow them through amendments to final adoption by the Council in accordance with provisions of the Charter, the City Code, and the State Law.

Source: City Code  
Effective Date: 09-15-2005

(Sections 2.91 through 2.98, inclusive, reserved for future expansion.)

**SEC. 2.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code  
Effective Date: 09-15-2005

**MUNICIPAL AND PUBLIC UTILITIES – RULES AND  
REGULATIONS, FRANCHISES AND RATES**

**SECTION 3.01. DEFINITIONS.** The following terms, as used in this Chapter, shall have the meaning stated:

**Subd. 1.** The term “utility” shall refer to all utility services, whether the same be public City-owned facilities or furnished by public utility companies.

**Subd. 2.** The term “municipal utilities” shall refer to any City-owned utility system, including, but not by way of limitation, water, sewerage and refuse service.

**Subd. 3.** The terms “company”, “grantee”, and “franchisee” shall refer to any public utility system to which a franchise has been granted by the City.

**Subd. 4.** The terms “consumer” and “customer” shall refer to any user of a utility.

**Subd. 5.** The term “service” shall refer to providing a particular utility to a customer or consumer.

**Subd. 6.** The term “account” shall mean a record of utility services used by each property and the periodic costs for those utility services.

**Subd. 7.** The term “City” shall mean the City of Pipestone, Pipestone County, State of Minnesota.

**Subd. 8.** The term “City utility system” shall mean facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer and water service.

**Subd. 9.** The term “utility rate schedule” shall be a schedule of all utility rates and charges set by ordinance of the City.

**Subd. 10.** The term “waterworks system” shall mean the water and sewer transmission pipes, lines, fixtures, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing water and sewer services for public or private use.

**SEC. 3.02. ACCOUNTS.** All accounts shall be carried in the name of the owner who personally, or by his or her authorized agent, applied for such service. The owner shall be liable

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for water and sewer services supplied to the property, whether he or she is occupying the property or not, and any unpaid charges shall be a lien upon the property.

**SEC. 3.03. UTILITY RATE SCHEDULE.**

**Subd. 1.** The utility rate schedule shall be adopted annually by ordinance of the City Council.

**Subd. 2.** The City Council ordinance setting out the utility rate schedule shall also establish at least one certification cycle timed each year to coincide with Pipestone County requirements for certification to the following year's taxes. Each year, the Council shall establish one or more certification cut-off dates. All city utility accounts, unless exempt for other legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cut-off date shall have the balance on the account included in a preliminary certification list.

**Subd. 3.** Deposit for Utility Service. The City may require that a deposit be paid prior to providing utility services. Deposits, with interest pursuant to state law, shall be returned to the customer or paid as a credit on the customer's utility bill upon timely payment by the customer for twelve (12) consecutive months. The City Council ordinance setting out the utility rate schedule shall establish the deposit amount. In lieu of paying a deposit, customers may provide an excellent credit rating from their previous utility company.

**SEC. 3.04. CONTRACTUAL CONTENTS.** Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same. All contracts between franchisees and consumers of utility services other than municipal shall be in strict accord with the provisions of this Chapter.

**SEC. 3.05. RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.**

**Subd. 1. Billing.** All municipal charges shall be billed on one bill as applicable to each account. At the end of each month, consumers shall be responsible for self-reading their meters. Consumers shall report such reading the City in the manner it may prescribe on a monthly basis. Failure to report shall result in City reading for an additional charge as set by the Council. All charges for water and sewer shall be due upon receipt and considered delinquent after the tenth (10<sup>th</sup>) day of the following month; provided, that if the tenth (10<sup>th</sup>) shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding business day on which business is normally transacted. A late penalty of 10% shall be assessed on all accounts with a past due balance. All bills shall contain the title, address and phone telephone number of the official in charge of billing; the title, address and phone number

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shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the eighteenth (18<sup>th</sup>) of the month and specify the water consumed and the sewer charges in accordance with the current fee schedule set by ordinance of the City Council. If service is disconnected due to non-payment, it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

**Subd. 2. Application, Connection and Sale of Service.** Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

All new construction shall be metered before any connections can be turned on. Approval to turn on any connections shall be the sole responsibility of the City of Pipestone's authorized water utility designate. All water meters shall be purchased from the City of Pipestone.

**Subd. 3. Discontinuance of Service.** All municipal utilities may be shut off or discontinued whenever it is found that:

**A.** The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or

**B.** Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after due notice thereof, or

**C.** There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

**Subd. 4. Ownership of Municipal Utilities.** Ownership of all municipal utilities, plants, lines, mains, extensions, and appurtenances thereto, shall be and remain in the City and no person shall own any part or portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

**Subd. 5. Right of Entry.** With the express permission of the property owner, renter, or other person in control of the property, the City has the right to enter in and upon private property, including buildings and dwelling houses, in or upon which is installed a

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municipal utility, or connection therewith, at all times reasonable under the circumstances, for the purpose of reading utility meters, for the purpose of inspection and repair of meters or a utility system, or any part thereof, and for the purpose of connecting and disconnecting service. If the owner, renter or other person in control of the property does not agree to the entrance of the city onto the property, then the City may obtain an administrative search warrant to enter the property as provided for in Chapter 1 of this code.

**Subd. 6. Meter Test.** Whenever a consumer shall request the City to test any utility meter in use by him, payment for this service shall be billed to the consumer at the rate established yearly by the City Council. If such meter is found to be accurate, it shall be reinstalled. If such meter is found to be inaccurate, the same shall be replaced with an accurate meter with the appropriate charge for the new meter billed to the consumer. When the City requires a utility meter to be tested for accuracy, the cost for this service shall be paid by the City. If such meter is found to be accurate, it shall be reinstalled. If such meter is found to be inaccurate, the same shall be replaced with an accurate meter with appropriate charge for the new meter billed to the consumer.

**Subd. 7. Unlawful Acts.**

**A.** It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

**B.** It is unlawful for any person, whether on private or public property, to make any connection with, opening into, repair, use, or alter in any way any municipal utility system or any private appurtenances connected thereto without first having received written permission. If excavation is required in order to complete the work proposed an excavation permit must first be obtained prior to City inspection and approval, except in the case of emergencies as determined by the Public Works Director or his/her authorized designate. In any case, written permission from the City must be obtained prior to completing any of the abovementioned modifications.

**C.** It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.

**D.** It is unlawful for any person to “jumper” or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume unmetered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

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**Subd. 8. Municipal Utility Service and Charges a Lien.**

**A.** Payment for all municipal utility service and charges provided for in the City Code shall be the primary responsibility of the owner of the premises served and shall be billed to him/her unless otherwise authorized. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

**B.** Each such charge is hereby made a lien upon the premises served. All such service and charges which are delinquent shall be certified by the City Administrator to the County Auditor, and the City Administrator in so certifying such charges to the County Auditor shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

**Subd. 9. Damage to Municipal Utility Equipment.** It is unlawful for any person to intentionally cause any damage to any municipal utility equipment or appurtenance, including, but not limited to, meters, street lights, water hydrants and curb cocks. Anyone intentionally causing such damage shall pay the reasonable value thereof to the City, including labor for renewal and installation of any equipment and shall be, in effect, an insurer of any equipment in his/her possession or with which he/she comes in contact.

**Subd. 10. Municipal Utility Service Outside the City.** Structures or facilities located outside the City shall not be connected to or served by any municipal utility, except such premises as are publicly owned or presently served. Persons needing municipal utility service whose property is located outside the corporate limits must initiate and complete annexation proceedings in advance prior to being provided with such service or services.

**Subd. 11. Council Prohibition Against Permanent Utility Fund Balance Transfers to Other Funds.** The Council may use the funds and assets of a municipal utility for purposes which provide a direct benefit or improvements to said municipal utility. The Council may not, unless authorized by a majority four-fifths (4/5) vote, transfer, expend or in any other manner use municipal utility funds for purposes other than authorized in this Subdivision. Notwithstanding the provisions contained in this Subdivision the Council may make permanent fund transfers from municipal utility funds to other funds which provide goods or services to said utility provided that the amounts of such transfers or payments are reasonable; or, make temporary transfers to allow other funds to borrow in one (1) fiscal year that will be completely repaid in the next fiscal year.

**SEC. 3.06. CONNECTION OR TAPPING PROHIBITED – DELINQUENT ASSESSMENTS OR CHARGES.** No permit shall be granted to tap or connect with sewer or water mains when assessment or connection charge for such sewer or water main against the

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property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

**SEC. 3.07. SHUT-OFF FOR NONPAYMENT.**

**Subd. 1.** Water shall not be shut-off until notice and an opportunity for a hearing before the City Council have been provided to the occupant and owner of the premises involved.

**Subd. 2.** If any bill is not paid by the due date listed on the bill, a shut-off notice will be mailed by first class mail and shall state that if payment is not made or a request for Council hearing is not received within ten days of the mailing of the shut-off notice, water service to the premises will be shut off for nonpayment.

**Subd. 3.** The shut-off notice shall contain the title, address and telephone number of the official in charge of billing; the title, address and phone number shall be clearly visible and easily readable.

**Subd. 4.** The notice shall also state that the occupant or owner has the right to a hearing before the water service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the City Council.

**Subd. 5.** If an occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete.

**Subd. 6.** If a customer fails to pay and fails to request a hearing under this part, service shall be shut off at the time specified in the notice but not until the charges have been due and unpaid for at least 30 days.

**Subd. 7.** Failure to submit a meter reading for three (3) consecutive billing cycles shall result in disconnection of service. Prior to disconnection of service for failure to submit a reading, the City shall notify the property owner that he/she must submit a water meter reading to the City within twenty-four (24) hours or water service will be disconnected. Notice shall be in the form of a red tag citing this section and affixed prominently to the affected dwelling. Before water can be reconnected, a water meter reading and a disconnection/reconnection fee must be received.

**SEC. 3.08. CERTIFICATION FOR COLLECTION WITH TAXES.**

**Subd. 1.** Unpaid charges on sewer and water accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of

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the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire unpaid amount plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

**Subd. 2.** The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payment will still be accepted but will include unpaid penalties.

**Subd. 3.** A hearing shall be held on the proposed certification by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

**Subd. 4.** For each certification sustained, the property owner shall have the following options after the hearing:

**A.** To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date.

**B.** To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the eleventh day following the hearing date through the date of payment.

**C.** To pay the certified charges as billed to them by Pipestone County on their property tax statement with a collection term of one year.

**Subd. 5.** Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Pipestone County.

Source: City Code  
Effective Date: 09-15-2005

(Sections 3.09 through 3.19, inclusive, reserved for future expansion.)

(Pages 8 through 11 reserved)

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**SEC. 3.20. RULES AND REGULATIONS RELATING TO SEWERAGE SERVICE.**

**Subd. 1. Definitions.**

**A.** Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall have the meanings hereinafter designated.

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

**2. ADMINISTRATION.** Those costs attributable to administration of the wastewater treatment system including billing and customer service costs.

**3. CUSTOMER CHARGE.** The amount billed to the user in addition to the minimum charge, which has been determined by formulas to adequately recover the cost of service.

**4. BOD<sub>5</sub> OR BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade in terms of milligrams per liter (mg/l).

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

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

**7. CITY.** The area within the corporate boundaries of the City of Pipestone, as presently established or as amended by ordinance or other legal actions at a future time. When used herein the term City may also refer to the City Council or its authorized representatives.

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

**9. COMMERCIAL USER.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.

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

**11. CONTROL MANHOLE.** A structure specifically constructed for the purpose of measuring flow and sampling of wastes.

**12. DEBT SERVICE.** Debt service revenue to be used solely for retirement of outstanding debts of the City's wastewater collection and treatment system.

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

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

**15. EXTRA STRENGTH WASTE.** Wastewater having BOD and/or total suspended solids greater than normal domestic strength waste and not otherwise classified as an incompatible waste.

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

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

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

**19. GOVERNMENTAL USER.** Users which are units, agencies, or instrumentalities of federal, state, or local government discharging normal domestic strength wastewater.

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

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

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

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

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

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

**26. INDUSTRIAL USER.** A facility which discharges to the City's wastewater treatment system liquid waste resulting from the processes employed in industrial, manufacturing, trade, or business establishments, or from the development of any natural resource.

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

**28. MPCA.** Minnesota Pollution Control Agency.

**29. MAY.** Is permissive.

**30. BASIC DEBT CHARGE.** There will be a minimum charge to each user of the system for recovery of local capital costs. The minimum charge will be determined utilizing the formulas in Section 3.21.

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

**32. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.** Any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended, for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

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

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

**35. NORMAL DOMESTIC STRENGTH WASTE.** Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 260 mg/l and a total suspended solids (TSS) concentration not greater than 280 mg/l.

**36. OPERATION AND MAINTENANCE.** Those variable expenditures and costs which are directly attributable to activities required to provide for the dependable and economical functioning of the treatment works, throughout the design or useful life, whichever is longer of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and Maintenance includes replacement.

**37. PERSON.** The State or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission, or any interstate body, including any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity.

**38. Ph.** The logarithm base 10 of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

**39. PRETREATMENT.** The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to introducing such pollutants into the City's wastewater system.

The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this Section.

**40. PROPERLY SHREDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch (1.27 cm) in any dimension.

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

**42. REPLACEMENT.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the treatment works to maintain the capacity and performance of the treatment facility for which it was designed and constructed.

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

**44. SEWER FUND.** A fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditures of the Sewer Service Fund will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditures for wastewater treatment.

**45. SEWER SERVICE CHARGE SYSTEM.** The system of charges by which revenue is generated to offset the cost of operation and maintenance, plus replacement, administration, and debt service.

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

**A. COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewater from individual point source discharges and connections.

**B. COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.

**C. FORCE MAIN.** A pipe in which wastewater is carried under pressure.

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

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

**F. PUBLIC SEWER.** A sewer owned, maintained, and controlled by a public authority.

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

**H. STORM SEWER OR STORM DRAIN.** A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage, and unpolluted water from any source.

**47. SHALL.** Is mandatory.

**48. SIGNIFICANT INDUSTRIAL USER.** Any industrial user of the City's wastewater treatment system which 1) has a discharge flow of fifty thousand (50,000) gallons or more per average work day, or 2) has in its wastes toxic pollutants at significant levels as defined pursuant to Section 307(a) of the Act, or Minnesota Statutes and Rules, or 3) has a significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or emission generated by the system.

**49. SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely effect the collection system and/or performance of the wastewater treatment works.

**50. STATE DISPOSAL SYSTEM (SDS) PERMIT.** Any permit (including any terms, conditions, and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statues 115.01, Subd. 8.

**51. STORM WATER.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

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

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

**55. USER.** Any person who discharges or causes or permits the discharge of wastewater into the City’s wastewater system, including replacement.

**56. USER CHARGE.** A charge levied on users of the treatment system for the operation and maintenance of such system, including replacement.

**57. USER CLASSES:**

**A. RESIDENTIAL.** A principal family residence or habitation classified as a single-family, multi-family or apartment dwelling, that discharges domestic sanitary wastewater having characteristics of 260 mg/1 BOD and 280 mg/1 SS, into the public wastewater treatment system, works, and facility.

**B. COMMERCIAL.** Retail or wholesale business establishments that discharge wastewater into the public wastewater treatment system, works, and facility.

**C. INSTITUTIONAL GOVERNMENTAL.** Hospitals, nursing homes, schools, City, County, State or federal buildings or facilities that discharge wastewater into the public wastewater treatment system, works, and facility.

**D. INDUSTRIAL.** An industry, as defined in Section 3.30, which discharges wastewater into the public wastewater treatment system, works, and facility.

**58. USER RATE SCHEDULE.** A published schedule pursuant to a resolution of the Council which fixes the fees, rates, and terms of utility service

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

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

**Subd. 2. Metered Water Not Discharged.** If a portion of the water furnished to any premises is not directly or indirectly discharged into the sewerage system, the quantity of such water shall be deducted in computing the sewerage service charge or rental, provided a separate meter shall be installed and operated to register the quantity so not discharged into the sewerage system. Provided also, that where it is not practicable to meter the portion of the water not discharged into the sewerage system, such adjustment may be made by the Council as shall be fair and equitable in order to determine the amount of such service charge or rental; but until such adjustment shall be effected that water consumption basis hereinbefore prescribed shall remain in full force and effect.

**Subd. 3. Classification of Industrial Wastes.** The City shall have power to classify the industrial wastes from any lot, parcel of land, building or premises discharged therefrom into the sewerage system of the City, taking into consideration the quantity of sewage produced and its concentration, strength of river pollution qualities in general and of any other factors entering into the cost of its disposal, for the purpose of fixing and prescribing a distinct rate of rental or use charge, should it be found that as to such sewer uses the water basis consumption does not provide a practicable method in the premises, but until so determined and such distinct rate fixed, the water consumption basis hereinbefore prescribed shall remain in full force and effect as to such commercial or industrial users.

**Subd. 4. Deleterious Substances.** No sewage including industrial wastes, shall contain any substance which is deemed deleterious by the City to the operation of the sewerage system or to any plant or facilities used in the treatment or disposal of such sewage. If a user of the sewerage system discharges excessive loads or any deleterious substances therein which are likely to retard or injuriously affect sewerage operations, he/she shall discontinue such practice and such practice is hereby declared to be a violation of this Section. Each day of such violation

continuing after having been notified in writing by the City to discontinue such practice shall be deemed a separate violation.

**Subd. 5. Control by the Public Works Director.** The Public Works Director or his/her designee shall have control and general supervision of all public sewers and service connections in the City and shall be responsible for administering the provisions of this Section.

**Subd. 6. Unlawful Discharge.**

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

**B.** It is unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section and the City's NPDES/SDS Permit.

**C.** It is unlawful to discharge any roof and surface water, ground water, sump pump and other precipitation, into the sewerage system.

**1. Purpose.** In adopting this portion of the Code, the Council finds that the discharge of water from any roof, surface, ground, sump pump or other natural precipitation into the City sewerage system will, and has on numerous occasions in the past, flooded and overloaded the sewerage system to such an extent as to cause significant and grave damage to the property of large numbers of City residents. Such damage is caused by the backup of sewage into the living quarters of residents and in addition to other damage creates a hazard to health. The Council therefore, finds it essential to the maintenance of health and to minimize damage to property that the provisions of this Section be strictly enforced to avoid emergencies in the future.

**2. Definition and Method.** No water from any roof, surface, ground, sump pump or other natural precipitation shall be discharged into the sanitary sewerage system. Dwellings and other buildings and structures which require, because of the infiltration of water into basement, crawl spaces and the like, a sump pump system to discharge excess water, shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewerage system, except as provided herein. A permanent installation shall be one which provides for year-around discharge capability to either the outside of the dwelling, building, or structure or the storm sewer system. Unless directly connected to the storm sewer system by an underground tile or line system, or some other verifiable means, it shall consist of a discharge line which may be of any material capable of transporting water through it without permeating type leakage and shall protrude to the outside through a

permanently drilled hole or opening. The line leading from the sump pump shall have a connection on the outside of the dwelling, building, or structure which shall prevent it from being pulled back in through the hole. It may have a connector or adaptor at the immediate outside to attach an extender hose or line. It may have a valve inside to allow for drainage when not in use. In the event of potential freezing to the line because of inclement weather discharge, a special permit may be granted to a property owner or tenant by the City Administrator for discharge into the sanitary sewerage line. This shall allow an additional connection to be installed at the pump for connection of a secondary line to discharge in the sanitary sewerage system. The Public Works Director or his/her designate shall determine annually, the dates that permit holders may begin and cease discharge into the sanitary sewerage lines. Such dates shall be published or mailed notice given to each permit holder. In emergency situations telephone notice may be given in the alternative. Permit holders must comply with exterior discharge when so notified. The Public Works Director, or his/her designate, shall assist in advising residents of compliance requirements and he/she or his/her designate shall determine if the installation is in compliance with the intent of this Section. Inspections shall be conducted from time to time at the discretion of the Public Works Director, or his/her designate. A person violates this Subdivision when he/she performs an act hereby prohibited, or fails to act when such failure is prohibited. As an alternative to Section 3.99, the City Administrator is hereby granted the power to seek non-criminal injunctive relief to accomplish compliance with this specific Subparagraph.

**3. Sump Pump Discharge.** It is a misdemeanor for any person to discharge water from a sump pump onto a public street or alley between November 1 and April 1 of each year.

**4. Penalty.** Any person or individual served by City utilities by virtue of accepting such City utility service shall be deemed to have given his/her implied consent to an inspection by the City of such premises for compliance with this Section. A violation of this Section shall constitute a petty misdemeanor offense. Each day in violation shall constitute a separate offense.

**Subd. 7. Use of Public Sewers Required.**

**A.** Except as provided hereinafter, it is unlawful to construct or maintain any privy, private vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

**B.** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley or right-of-way in which there is now located, or may in the future be located a public sanitary sewer of the City, shall be required at the owner's expense to install a suitable service connection to the public sewer in

accordance with the provisions of this Section, within ninety (90) days of the date said public sewer is operational, provided said public sewer is within two hundred (200) feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this Section, an official thirty (30) day notice shall be served instructing the affected property owner to make said connection.

**C.** In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Subdivision 3 B of this Section, the City may undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment when levied, shall bear interest at the rate determined by the Council and shall be certified to the Pipestone County Auditor and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Section.

**Subd. 8. Private Wastewater Disposal.**

**A.** Where a public sewer is not available under the provisions of Subd. 3B, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Subdivision.

**B.** Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City.

**C.** A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City or its authorized representative. The City or its representative shall be allowed to inspect the work at any stage in construction and, in any event, the applicant for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of the notice.

**D.** The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of Minn. Rules Ch. 7080, entitled, "Individual Sewage Treatment System Standards". No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**E.** At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Section and within one hundred eighty

(180) days, any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottoms shall be broken to permit drainage and the tank or pit filled with suitable material.

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

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

**Subd. 9. Building Sewers and Connections.**

**A.** It is unlawful for any unauthorized person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

**B.** Applications for permits shall be made by the master plumber employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

**C.** There shall be two (2) classes of building sewer permits; 1) for residential and commercial service, and 2) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

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

**E.** A separate and independent building sewer shall be provided for every building.

**F.** Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the Public Works Director or his/her representative, to meet all requirements of this Section.

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

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

**I.** The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

**J.** The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Public Works Director or his/her representative.

**K.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the City.

**L.** It is unlawful for any person to make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

**M.** Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BODs, and suspended solids, as determined by the Public Works Director.

**N.** It is unlawful for any person to make a service connection with any public sewer unless that person is a licensed master plumber in accordance with the State of Minnesota Plumbing Code or a plumber under the direct supervision of a master plumber.

**Subd. 10. Use of Public Services.**

**A.** It is unlawful for any person to discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

**B.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.

**C.** It is unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

**1.** Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

**2.** Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic asphalt residue, residue from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

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

**4.** Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant identified pursuant to Section 307(a) of the Act.

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

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

**2.** Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees F and one hundred fifty (150) degrees F (0 degrees C and 65.6 degrees C); and any wastewater containing oil and grease concentrations of mineral origin of greater than one hundred (100) mg/1, whether emulsified or not.

**3.** Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

**4.** Any garbage not properly shredded, as defined herein. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.

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

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

7. Non-contact cooling water or unpolluted storm, drainage, or ground water.

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

9. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations.

10. Any waters or wastes containing the following substances to such degree that any such materials received in the composite wastewater at the wastewater treatment works in excess of the established limits for such materials:

- arsenic
- cadmium
- copper
- cyanide
- lead
- mercury
- nickel
- silver
- total chromium
- zinc
- phenolic compounds which cannot be removed by the City's wastewater treatment system.

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

12. Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Subparagraph P of this Subdivision.

**E.** If any waters or wastes are discharged or are proposed to be discharged to the public sewer which contain substances or possess the characteristic enumerated in Subparagraph D above, and/or which in the judgment of the Public Works Director, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving

waters and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the City may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof,
3. Require control over the quantities and rates of discharge, and/or,
4. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges. If the City permits the pretreatment of equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.

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

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

**H.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subparagraph D, 2, any flammable wastes as specified in Subparagraph C, 1, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Public Works Director. Any removal and handling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

**I.** Where required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate

observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his/her expense and shall be maintained by the owner to be safe and accessible at all times.

**J.** The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City be required to provide laboratory measurements, tests, or analyses of waters and wastes to illustrate compliance with this Section and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.

**K.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Public Works Director.

**L.** Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this Section. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Public Works Director for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this Section. Users shall notify the Public Works Director immediately upon having a slug or accidental discharge of substances or wastewater in violation of this Section to enable countermeasures to be taken by the Public Works Director to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the City on account thereof under any State and Federal law. Employers shall ensure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.

**M.** It is unlawful for any person, having charge of any building or other premises which drains into the public sewer, to permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within thirty (30) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one (1) already exists, shall clean out, repair or alter the same, and perform such other work as the Public Works Director may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of thirty (30) days the Public Works Director may cause such work to be completed at the expense of the owner or representative thereof.

**N.** Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Public Works Director may direct. Each day after ten (10) days that a person neglects or fails to so act shall constitute a separate violation of this Section, and the Public Works Director may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.

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

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

**Q.** No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated.

**Subd. 11. User Rate Schedule for Charges.**

**A.** Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in Section 3.21.

**Subd. 12. Powers and Authority of Inspectors.**

**A.** With the express permission of the property owner, renter, or other person in control of the property, the Public Works Director or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this Section. If the owner, renter, or other person in control of the property does not agree to entrance of the city onto the property, then the City may obtain an administrative search warrant to enter the property as provided for in Chapter 1 of this Code.

**B.** The Public Works Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

**C.** The Public Works Director or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**Subd. 13. Penalties.**

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

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

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

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

**SEC. 3.21. RULES AND REGULATIONS RELATING TO A SEWER SERVICE CHARGE.**

**Subd. 1.** The City hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the wastewater treatment facilities will be used to offset all expenditures incurred for operations and maintenance, equipment replacement, administrative and for debt service on capital expenditures incurred in constructing the wastewater treatment facility and related sewage systems.

**Subd. 2.** Each user shall pay its proportionate share of costs associated with the administration, operation, maintenance and replacement of the public wastewater collection system based on the users proportionate contribution to the total wastewater loading from all users.

**Subd. 3.** Each user shall pay debt service charges to retire local capital costs as determined by the Council.

**Subd. 4.** All revenues collected from users will be deposited and accounted for in the Sewer Fund for the purpose of offsetting all expenditures for administration, operation, maintenance, replacement and debt service of the public wastewater collection system.

**Subd. 5.** Sewer service rates and charges to users of the wastewater treatment facility shall be determined and fixed in a “Sewer Service Charge System” developed according to the provisions of this Section. The Sewer Service Charge System developed with the assistance of the City Engineer shall be adopted by resolution upon enactment of this Section. Subsequent changes in sewer service rates and charges shall be adopted by Council resolution.

**Subd. 6.** There will be four (4) classes of users:

- A. Residential.**
- B. Commercial.**
- C. Institutional/Governmental.**
- D. Industrial.**

**Subd. 7. Unmetered Water Supply.** If any premises discharge normal Sewage or industrial waste in the sanitary sewerage system, either directly or indirectly, obtain part or all of the water used thereon from sources other than the City, and the water so obtained is not measured by a meter of equivalent specifications to the meters used by the City, then in

such case the City shall permit the discharge of normal sewage or industrial waste into its sanitary sewerage system only when the owner of such premises or some other interested party shall at his/her own expense install and maintain for the purpose of metering such water supply a water meter of equivalent specifications to those installed by the City in connection with the City water system. Each water meter shall be installed to measure all water received on such premises and the above charges and rates shall be applied to the quantity of water received as measured by such meter. If, because of the nature of the source of water supply, the City deems it impracticable to thus meter the water on any premises, the Council may by resolution establish a flat charge per month in accordance with the estimated use of water on such premises.

**Subd. 8. Metered Water Not Discharged.** If a lot, parcel of land, or premises discharges sewage into the sanitary sewer system either directly or indirectly, and, the Public Works Director is satisfied that a portion of the water measured by the meter or meters does not and cannot enter the sanitary sewer system, the Public Works Director or his/her designee is authorized to determine, in such manner and by such method as he/she may deem practicable, the percentage of the water measured by the meter which enters the sanitary sewer system. In such case, the charges and rates shall be based upon the percentage of the metered water as determined by the Public Works Director. In the alternative in any such case, the Public Works Director is authorized to require or to permit the installation of other or additional meters in such manner that the quantity of water which actually enters the sanitary sewer system may be determined. In such case, the charges or rates shall be based on the volume of water so shown to actually enter the sanitary sewer system.

**Subd. 9. Charges for Discharging Normal Domestic Strength Wastewater.** The charges assessed residential users and those users of other classes discharging Normal Domestic Strength Wastewater shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:

**A. Residential Users.** Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume shall be equal to monthly metered water usage with a maximum monthly sewer charge established during the Winter Quarter (average monthly usage during December, January, and February).

**B. Non-residential Users.** The billable wastewater volume of non-residential users may be determined in the same manner as for residential users. Except that if the City determines there are significant seasonal variations in the metered water usage of non-residential users resulting in a proportionate increase in wastewater volume; then billable wastewater volume shall be:

**1.** Calculated on the basis of monthly metered water usage as recorded throughout the year and calculated on the basis of wastewater flow meters, or;

2. Calculated on a separate meter through which all water ultimately entering the sanitary sewer system is metered.

**Subd. 10.** The Sewer Service Charges established in this Section shall not prevent the assessment of additional charges to users who discharge wastes with concentrations greater than Normal Domestic Strength or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

**A.** The user pays Operation Maintenance and Replacement costs in proportion to the user’s proportionate contribution of wastewater flows and loadings to the treatment facility, and no user is charged at a rate less than that of “Normal Domestic Strength Wastewater”.

**B.** The measurement of such wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the City as provided in Section 3.20 Rules and Regulations Relating to Sewerage Service. A study of unit costs of collection and treatment process attributable to Flow, BOD, TSS and other significant loadings shall be developed for determining the proportionate allocation of costs to flow and loadings for users discharging wastes of greater than Normal Domestic Strength or wastes of unusual character.

**Subd. 11. Determination of User Charges.** User charges for Normal Domestic Strength users shall be determined as follows:

**A.** Calculation of unit cost for treatment of normal domestic strength water:

$$Uomr = \frac{Comr}{Tbvw}$$

Where:  $Uomr =$  Unit cost for operation, maintenance and replacement in \$/100 gal.

$$Comr = \text{Total annual OM and R costs}$$

$$Tbvw = \frac{\text{Total annual billable wastewater}}{\text{Volume in 100/gal.}}$$

**B.** Calculation of unit cost for debt service:

$$Uds = \frac{Cds}{Tbvw}$$

Where: Uds = Unit cost for debt service in \$/100 gal.  
 Cds = Cost of annual debt service (less cost used in calculation of basic debt charge)  
 Tbwv = Total annual billable wastewater volume in 100/gal.

C. The sewer service charge for a particular connection shall be determined as follows:

Where:  $SSC = [(Uomr + Uds) \times Bwv] + BDC$   
 SSC = Sewer service charge  
 Uomr = Unit cost for operation, maintenance and replacement in \$/100 gal.  
 Uds = Unit cost for debt service in \$/100 gal.  
 Bwv = Billable wastewater volume of a particular user in 100 gal.  
 BDC = Basic debt charge per unit per month

**Subd. 12. Administration.**

A. The Sewer Service Charge System and Sewer Service Fund shall be administrated according to the following provisions:

1. The City Administrator shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the Council with a report of such costs annually in the year end financial report. The Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Subdivision 9 of this Section and Section 204(b) (2) (A) of the Federal Water Pollution Control Act, as amended. The City shall at least annually

review the Sewer Service Charge System then in use to ensure the proportionality of the user charges and to ensure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

2. In accordance with Federal and State requirements each user will be notified annually by mail the rates for OM&R, debt service and debt service charges.

3. In accordance with Federal and State requirements, the City Administrator shall be responsible for maintaining all records necessary to document compliance with the Sewer Service Charge System adopted.

4. Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the discharger(s) of said wastes, at no expense to the City.

**Subd. 13. Sewer Service Fund.**

A. The City hereby established a “Sewer Service Fund” as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement, and construction of the wastewater treatment works, including taxes, special charges, fees, and assessment intended to retire construction debt. The City also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

1. **Operation and Maintenance and Equipment Replacement Account.**
2. **Debt Retirement Account.**

B. All revenue generated by the Sewer Service Charge System, and all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be accounted for in a fund separate and apart from all other funds of the City. Funds received by the Sewer Service Fund shall be transferred to the “Operation and Maintenance Account,” the “Equipment Replacement Account”, and the “Debt Retirement Account” in accordance with State and Federal regulations and the provisions of this Section.

C. Revenue generated by the Sewer Service Charge System sufficient to ensure adequate replacement throughout the design of useful life, whichever is longer, of the wastewater facility shall be held separate and apart in the “Equipment Replacement Account” and dedicated to affecting replacement costs. Interest income generated by the “Equipment Replacement Account” shall remain in the “Equipment Replacement Account”.

**D.** Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate and apart in the “Operation and Maintenance Account”.

**Subd. 14. Penalties.**

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

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

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

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

Source: City Code  
Effective Date: 09-15-2005

(Sections 3.22 through 3.29, inclusive, reserved for future expansion.)

(Pages 38 through 42 reserved)

**SEC. 3.30. RULES AND REGULATIONS RELATING TO WATER SERVICE.**

**Subd. 1. Deficiency of Water and Shutting Off Water.** The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to ensure a supply for fire-fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

**Subd. 2. Repair of Leaks.** It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. In the case of failure upon the part of any consumer or owner to repair any leaks occurring in his/her service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. If the owner or occupant cannot be located within twenty-four (24) hours after a reasonable effort has been made to contact the owner or occupant, notice shall be deemed to be complete by posting same in some conspicuous place on the premises served. In any event, when, in sole opinion of the City, the waste of water is great or when damage is likely to result from the leak, the water may be turned off immediately and without notice. If the leak is such that it cannot be stopped by closing the curb stop or if the curb stop will not properly function, the City may proceed with making such repairs as are necessary to stop the leak or make the curb stop functional. In all cases, the costs incurred by the City shall be billed to the owner and shall become additional charges due and owing for said utility service. For the purpose of this Section, the owner is deemed to have appointed the occupant his/her agent with respect to receipt of any required notice.

**Subd. 3. Abandoned Service Penalties.** All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the curb stop unless the City requires otherwise. The owner of the premises, served by this service, shall pay the cost of the excavation. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the old water service, a new permit shall be taken out and the regular tapping charge, if any, shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

**Subd. 4. Service Pipes.** Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight (8) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the main and the building shall be the responsibility of the owner.

Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared and kept to a minimum. Except in cases of repair, after initial installation, not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be three-quarter (3/4) inch in diameter. It is unlawful to cover any water service installation or repair until it has been inspected by the City.

**Subd. 5. Private Water Supplies.** No water pipe of the City water system shall be connected with any pump, well, pipe, tank, or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to “City Water” the private water supply may be used only for such purposes as the City may allow.

**Subd. 6. Restricted Hours for Sprinkling.** Whenever the City shall determine that a shortage of water threatens the City, it may limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.

**Subd. 7. Private Fire Hose Connections.** Owners of structure with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense, and at such rates as the Council may adopt by resolution as herein provided.

**Subd. 8. Opening Hydrants.** It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for those purposes strictly pertaining to their lawful use.

**Subd. 9. Unmetered Service.** Unmetered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, unmetered service may be provided and the unmetered rate applied; provided, however,

that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of unmetered service.

**Subd. 10. Code Requirement.** All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer.

**Subd. 11. Connection Fees.** Service shall be furnished only after proper application has been made and connection fees paid in full.

**Subd. 12. Supply From One (1) Service.** No more than one (1) house or structure shall be supplied from one (1) service connection except by special permission of the Council. In the event of new construction each new structure must be supplied from one (1) service connection to the watermain.

**A.** Whenever the City learns that a single shut-off valve separates two (2) or more individual structures, the City shall require that sufficient water shut-off valves be installed forthwith so that there will be a single shut-off valve for each individual structure.

**B.** Whenever two (2) or more parties are supplied from one (1) pipe connecting with a service main, each structure shall have a separate stop box and a separate meter.

**C.** The cost of each such additional shut-off valve, including its installation, shall be paid in its entirety by the property owners affected.

Source:	City Code
Effective Date:	09-15-2005

(Sections 3.31 through 3.39, inclusive, reserved for future expansion).

(Pages 46 through 50 reserved)

**SEC. 3.40. RULES AND REGULATIONS RELATING TO REFUSE COLLECTION.**

**Subd. 1. Definitions.**

**A. “Refuse”** means and includes all drained organic material resulting from the preparation of food and spoiled or decayed food from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, but not including construction material or debris.

**B. “Recyclable Materials”** means that refuse generated and collected at residences, more particularly described as newsprint, unbroken glass containers, aluminum containers and aluminum scrap, certain plastic containers, tin containers, and corrugated cardboard.

**C. “Yard Waste”** means that refuse generated and collected at residences, more particularly described as tree and hedge branches and clippings, leaves, lawn clippings, and garden waste.

**Subd. 2. Storage and Transporting Refuse.**

**A.** It is unlawful for any person to store refuse except as herein provided.

**B.** It is unlawful for any person to transport refuse on any street unless it is carried in a vehicle equipped with a container to prevent loss of contents.

**Subd. 3. Containers.**

**A.** All refuse not classified as Recyclable Material shall be placed in an appropriate garbage bag designated by the City and displaying “City of Pipestone” on the side. The bags are available in small sized and large sized bags and are limited to certain weight restrictions which restrictions will be set by local regulation and said restrictions disseminated to garbage customers. Excepting that a designated City bag of appropriate size with respect to the container used may be placed with refuse in a clean, rust-resistant, water tight, non-absorbent and washable container properly equipped with handles designed and manufactured for the purpose of refuse disposal.

**C.** Yard Wastes shall be either transported by the resident/occupant of the property to the City’s compost or brush pile, or may be transported at said resident/occupant’s expense, by the City to the City’s compost or brush pile.

**Subd. 4. Collection and Disposal of Refuse.**

**A.** The City shall provide for collection and disposal of all refuse in a sanitary manner to ensure the health, safety, and general welfare of its residents, under such terms and conditions as the City may, from time to time, deem appropriate. Containers shall be placed at the designated collection point on days and in the manner specified by the City. Collection points will be the curb line in front of the property from which refuse is collected.

**Subd. 5. Scavenging of Recyclable Materials Prohibited.** It is unlawful for a person to collect, remove or dispose of recyclable materials after the materials have been placed or deposited for collection.

Source:	City Code
Effective Date:	09-15-2005

(Sections 3.41 through 3.49, inclusive, reserved for future expansion.)

**SEC. 3.50. STORM SEWER CHARGES.**

**Subd. 1. Storm Sewer Hookup Fee.** A one-time “hookup fee” shall be paid to the City for each storm sewer hookup. A fee of \$150.00 shall be paid for each storm sewer hookup involving a pipe that is two (2) inches in diameter or less. Pipes that are larger than two (2) inches shall pay the base charge of \$150.00 and an additional \$50.00 per one (1) inch in excess of two (2) inches. All storm sewer hookups must be inspected and approved by City of Pipestone staff.

**Subd. 2. Creation of Storm Sewer Monthly Charge.** Subject to the rules set forth below, a monthly charge shall be made with the normal utility charges which shall be entitled “Storm Sewer Charge”. The amount of this monthly charge shall be established by ordinance of the Council and may be amended from time to time by further ordinance of the Council.

**Subd. 3. Basic Charge.** All single family residential properties with lots less than 25,000 square feet will be charged the basic rate.

**Subd. 4. Properties Charged Greater Than the Basic Rate.** Residential properties with lots greater than 25,000 square feet, duplexes and triplexes. Commercial/industrial and all other uses less than 100,000 square feet, fourplexes and above. Commercial/industrial and all other uses greater than 100,000 square feet.

**Subd. 5. Exceptions to Charges.** No City-owned property will be charged a monthly fee. Undeveloped property having no hard surfaces will not be charged a monthly fee. No privately-owned property shall be exempt from charges on the basis it is vacant or unoccupied.

**Subd. 6. Use of Funds.** Funds collected by the storm sewer utility charges will be used to fund infrastructure replacement, operation and maintenance, and wetland mitigation. All new development or first time improvements will be assessed their appropriate share of the costs.

Source: City Code  
Effective Date: 09-15-2005

(Sections 3.51 through 3.98, inclusive, reserved for future expansion)

**SEC. 3.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source:	City Code
Effective Date:	09-15-2005

## CHAPTER 4

### CONSTRUCTION AND HOUSING LICENSING, PERMITS AND REGULATION

**SECTION 4.01. BUILDING CODE ADOPTED.** The Minnesota State Building Code (SBC) is hereby adopted by reference, including the following:

1. **Chapter 1300** - Minnesota Building Code
2. **Chapter 1301** - Building Official Certification
3. **Chapter 1302** - State Building Construction Approvals
4. **Chapter 1305** - Adoption of the Uniform Building Code including Appendix Chapters; a) 3, Division I, Detention and Correctional Facilities b) 12, Division II, Sound Transmission Control c) 15 Reroofing d) 16, Division I, Snowload Design e) 29, Minimum Plumbing Fixtures f) 31, Division II, Membrane Structures.
5. **Chapter 1307** - Elevators and Related Devices
6. **Chapter 1315** - Adoption of the 1996 National Electrical Code
7. **Chapter 1325** - Solar Energy Systems
8. **Chapter 1330** - Fallout Shelters
9. **Chapter 1335** - Floodproofing Regulations
10. **Chapter 1340** - Facilities for the Handicapped
11. **Chapter 1346** - Adoption of the 1997 Uniform Mechanical Code
12. **Chapter 1350** - Manufactured Homes
13. **Chapter 1360** - Prefabricated Buildings
14. **Chapter 1361** - Industrialized/Modular Buildings
15. **Chapter 1370** - Storm Shelters
16. **Chapter 4715** - Minnesota Plumbing Code
17. **Chapters 7670, 7672, 7674, 7676, and 7678** – Minnesota Energy Code

#### SEC. 4.02. BUILDING PERMITS

**Subd. 1.** It is unlawful for any person to erect, construct, enlarge, alter, move, improve, remove, convert, or demolish any building or structure, or any part of portion thereof, without first obtaining a building permit from the City Building Official.

**Subd. 2. Application.** The applicant shall first file an application for a building permit in writing on a form furnished by the City for that purpose. The information on the application shall be pertinent to the proposed work which is to be done. The Building Official may at his/her discretion require any additional information he/she feels necessary before issuing a permit.

**Subd. 3. Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the

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work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**SEC. 4.03. PERMIT FEES**

**Subd. 1.** Permit fees for construction shall be established and adopted by resolution of the City Council.

**Subd. 2. Surcharge.** In addition to the permit fee required by Subdivision 1, the applicant shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by M. S. § 16B.70, as may be amended from time to time.

**SEC. 4.04. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.**

**Subd. 1. Application.** The application for a moving permit shall state the dimensions, weight, and approximate loaded height of the structure or building proposed to be moved, the places from which and to which it is to be moved, the route to be followed, the dates and times of moving and parking, the name and address of the mover, and the municipal utility and public property repairs or alterations that will be required by reason of such movement. All applications shall be referred to the Public Works and the Police Departments. No such permits shall be issued until route approval has been obtained from such departments.

**Subd. 2. Permits and Fee.** The moving permit shall state the date or dates of moving, hours, routing, movement or parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota, except that a permit may be issued to a person moving a building which does not exceed 16 feet in width, 20 feet in length, and 14 feet in loaded height. All permit fees shall be paid in advance of issuance. It is unlawful for any person to move a building on any street without a moving permit from the City.

**Subd. 3. Denial of a Permit.** Any permit under this Section shall be denied upon a finding of any one of the following:

1. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it would constitute a danger to persons or property in the City.
2. The building is structurally unsafe or unfit for the purpose for which moved, if the location to which the building is to be moved is in the City.

3. If the location to which the building is to be moved is in the City, the building is in substantial variance with either the established or the expected pattern of building development within the neighborhood to which the building is to be moved. Comparative age, bulk, architectural style and quality of construction of both the building to be moved and the buildings existing in the neighborhood shall be considered in determining whether a building is in substantial variance.

**SEC. 4.05. SPECIAL REQUIREMENTS FOR INSTALLATION AND REMOVAL OF MANUFACTURED HOMES.**

**Subd. 1.** Any person, making the installation of a manufactured home shall, prior to installing a manufactured home for occupancy by any person or persons, obtain a permit with the provisions of this Chapter and Chapter 11 (Land Use Regulation, Zoning). Any person removing a manufactured home must obtain a permit in accordance with the provisions of this Chapter.

**Subd. 2. Anchoring.** All manufactured homes must be anchored down in accordance with the standards set forth in the Minnesota Building Code, Chapter 1350.

**Subd. 3. Skirting.** All manufactured homes located in manufactured home parks must be skirted within thirty (30) days from the time of installation. Skirting shall be made of weather resistant material and not more combustible than three-eighths (3/8) inch exterior grade plywood. Untreated wood shall not be nearer than six (6) inches to any earth, unless separated by three (3) inches of metal or concrete; provided however, when metal skirting is used, supporting members of untreated lumber shall be separated from the ground by not less than two (2) inches. A minimum of eighteen (18) inches by twenty-four (24) inches access must be provided. Ventilation openings shall be provided for each twenty-five (25) linear feet of skirting. Each ventilation opening shall have a minimum net area of thirty-six (36) square inches and shall be located within two (2) feet of the external corners of the home and shall have a corrosion resistant louver or mesh cover. Manufactured in any area other than a manufactured home park shall follow the guidelines in Chapter 11, Section 11.43.

**Subd. 4. Utilities.** All water and sewer connections shall be inspected to ensure proper installation. Sewer and water connections must be inspected to ensure they are properly capped at the time a manufactured home is removed.

**Subd. 5. Fees and Charges.** Inspection fees may be established by resolution of the Council.

**Subd. 6. Unlawful Act.** It is unlawful for any person to remove or install a manufactured home without a permit as required by the terms of this Section and/or Section 11.43, Chapter 11.

Source: City Code  
Effective Date: 09-15-2005

(Sections 4.06 through 4.29, inclusive, reserved for future expansion)

(Pages 5 through 15 reserved)

**SEC. 4.30. SPECIAL REQUIREMENTS IN NEW CONSTRUCTION.**

**Subd. 1. Private Sewage Disposal Systems.** All building for which permits are issued after adoption of this Section shall be connected to the City sewerage disposal system unless to do so would require the installation of a lift station. Provided, however, that where, in the opinion of the Council, after published notice and hearing, such installation would be unduly burdensome, the installation of a private sewerage disposal system may be permitted if it complies in all respects with suggested standards published by the State of Minnesota.

**Subd. 2. Roof and Surface Water, Sump Pumps and Other Natural Precipitation.** No water from the roof, surface, sump pump, or other natural precipitation shall be discharged into the sanitary sewerage system from a building which a permit is issued after adoption of this Section.

Source: City Code  
Effective Date: 09-15-2005

(Sections 4.31 through 4.39, inclusive, reserved for future expansion)

(Pages 17 through 21 reserved)

**SEC. 4.40. CONSTRUCTION IN OR UPON HERITAGE PRESERVATION SITES.**

**Subd. 1. Definition.** The term “Heritage Preservation Site”, as used in this Section, means any area, place, building, object, district, or structure which has been duly designated as such pursuant to the provisions of the City Code.

**Subd. 2. Permits.** Unless specifically permitted by this Section, and notwithstanding any other provision of this Chapter, no construction in a Heritage Preservation Site shall be commenced by the City or any other person without a special permit after consideration by the Heritage Preservation Commission. “Construction” for the purpose of this Section, shall include building, moving a building or structure, moving soil or changing the natural terrain, demolition of a building or structure, remodeling or repairing, including painting, a building or structure that will change the exterior appearance. Provided, that the Building Official may approve the repair and issue the permit where there exists immediate danger of injury to persons or property, in which case he/she shall forthwith notify the Heritage Preservation Commission of the fact and circumstances constituting the danger and issuance of the permit.

**Subd. 3. Application and Plans.** The application shall be accompanied by detailed plans of the proposed work. The application shall be reviewed for its conformity with the overall preservation plan (if any) for the district, site or structure as well as, conformity to the Secretary of the Interiors Standards for Rehabilitation described as follows:

1. Every reasonable effort shall be made to provide a compatible use for a property which required minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
9. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations to structures shall be done in the future, the essential form and integrity of the structure would be unimpaired.
10. If the Commission finds that to issue a permit would adversely affect the site, structure or district, it shall hold a public hearing upon ten (10) days published notice and similar mailed notice to the applicant within ten (10) days after the hearing the Commission shall issue its written findings and inform the Building Official as to whether or not the permit shall be issued.

**Subd. 4. Time Limitation.** Within thirty (30) days after filing an application, plans, and meeting all the requirements of this Section, the Heritage Preservation Commission shall have 1) approved the issuance of the permit, or 2) disapproved issuance and given notice of hearing thereon. If the Commission has failed to take such action, the Building Official shall forthwith issue such permit if, in all other respects, the application is in compliance with applicable law.

Source: City Code  
Effective Date: 09-15-2005

(Sections 4.41 through 4.49, inclusive, reserved for future expansion)

(Pages 24 through 29 reserved)

**SEC. 4.50. STATE PLUMBER'S LICENSE REQUIRED.**

It is unlawful for any person to engage in or work at the business of a master plumber or journeyman plumber, upon premises not owned by he/she, unless such person holds a valid and current license from the Minnesota State Board of Health.

Source: City Code  
Effective Date: 09-15-2005

(Sections 4.51 through 4.98, inclusive, reserved for future expansion)

**SEC. 4.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source:	City Code
Effective Date:	09-15-2005

## CHAPTER 5

### ALCOHOLIC BEVERAGES LICENSING AND REGULATION

**SEC. 5.01. DEFINITIONS.** As used in this Chapter, unless otherwise stated in specific sections, the following words and terms shall have the meanings stated:

1. **“Alcoholic Beverage”** means any beverage containing more than one-half of one percent alcohol by volume, including, but not limited to, beer, wine and liquor as defined in this Section.

2. **“Applicant”** means any person making an application for a license under this Chapter.

3. **“Application”** means a form with blanks or spaces to be filled in and completed by the applicant requesting a license.

4. **“Bed and Breakfast Facility”** means a place of lodging that: 1) provides not more than eight rooms for rent to no more than 20 guests at a time; 2) is located on the same property as the owner’s personal residence; 3) provides no meals, other than breakfast served to persons who rent rooms; and 4) was originally built and occupied as, or was converted to a single-family residence prior to being used as a place of lodging.

5. **“Beer”** means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight. (This definition includes so-called “malt coolers” with the alcoholic content limits stated herein.)

6. **“Brewer”** means a person who manufactures beer for sale.

7. **“Club”** means an incorporated organization organized under the laws of the State for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which: 1) has more than fifty members; 2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; 3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body. Such club or congressionally chartered veterans’ organization must have been in existence for at least three years.

8. **“Commissioner”** means the Minnesota Commissioner of Public Safety.

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9. **“Exclusive Liquor Store”** means an establishment used exclusively for the sale of liquor except for the incidental sale of ice, tobacco, beer, beverages for mixing with liquor, soft drinks, cork extraction devices, and books and videos on the use of alcoholic beverages in the preparation of food, and the establishment may offer recorded or live entertainment.

10. **“Hotel”** means an establishment where food and lodging are regularly furnished to transients and which has: 1) a dining room serving the general public at tables and having facilities for seating at least 30 guests at one time; and 2) at least 25 guest rooms.

11. **“License”** means a document issued by the City to an applicant permitting him/her to carry on and transact the business stated.

12. **“Licensee”** means an applicant who holds a valid, current, unexpired license from the City for carrying on the business stated.

13. **“License Fee”** means the fee paid to the City as required by the application and prior to issuance of a license.

14. **“Licensed Premises”** means the space or structure described in the issued license. In the case of a restaurant or a club licensed for on-sales of alcoholic beverages and located on a golf course, “licensed premises” means the entire golf course except for areas where motor vehicles are regularly parked or operated.

15. **“Liquor”** means ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent alcohol by weight. (This definition includes so-called “wine coolers” and “malt coolers” with the alcoholic content limits stated herein.)

16. **“Malt Liquor”** means any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

17. **“Manufacturer”** means every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces alcoholic beverages for sale.

18. **“Minor”** means any person who has not attained the age of 21 years.

19. **“Off-Sale”** means the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

20. **“On-Sale”** means the sale of alcoholic beverages for consumption on the licensed premises only.

**21. “Package” and “Original Package”** mean any container or receptacle holding alcoholic beverages, which container or receptacle is corked, capped, or sealed by a manufacturer or wholesaler.

**22. “Restaurant”** means an eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public with a minimum seating capacity of 30. To be a restaurant as defined by this section, an establishment shall have a license from the State as required by M.S. § 157.16 and meet the definition of either a “small establishment”, “medium establishment” or “large establishment” as defined in M.S. § 157.16, subd. 3d. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this ordinance unless it meets the definitions of a small, medium or large establishment and possesses a food license.

**23. “Wholesaler”** means any person engaged in the business of selling alcoholic beverages to a licensee from a stock maintained in a warehouse.

**24. “Wine”** means the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake. (This definition includes “wine coolers” with the alcoholic content limits stated herein.) For purposes of on-sale wine licenses, “wine” may contain up to 14 percent alcohol by volume for consumption with the sale of food. For all other purposes, “wine” is a product containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use.

## **SEC. 5.02. APPLICATIONS AND LICENSES – PROCEDURE AND ADMINISTRATION.**

**Subd. 1. Application.** All applications shall be made at the office of the City Administrator upon forms printed by the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division together with additional information as the Council requires. All questions asked or information required by the application forms shall be answered fully and completely by the applicant.

**Subd. 2. False Statements.** It is unlawful for any applicant to intentionally make a false statement or omission on any application form. Any false statement on an application form or any willful omission to state any information called for on an application form will warrant an automatic refusal of license or if already issued render the license void.

**Subd. 3. Application Fees.** The Council may establish in the Ordinance Establishing Fees and Charges the fee for liquor licenses. All license fees shall be paid in full at the time the application is filed with the City. If the application is denied the license fee shall be returned to the applicant.

**Subd. 4. Investigation Fee.** On an initial application for a license, on an application for transfer of a license, or at the discretion of the Council that it is in the public interest to do so on an application for renewal of a license, the City shall conduct a preliminary background and financial investigation. The applicant shall pay with the application fee a non-refundable investigation fee. No such fee is required if for a temporary license.

**Subd. 5. Granting.** The Council may approve any application for the remainder of the current license year or for the entire ensuing license year. All applications including proposed license periods must be consistent with this Chapter. Prior to consideration of any application for a license, the applicant must pay the license fee and if applicable pay the investigation fee. Upon rejection of any application for a license or upon withdrawal of an application before it is approved by the Council, the license fee will be refunded to the applicant. Failure to pay any portion of a fee when due will be cause for revocation.

**Subd. 6. Issuing.** If an application is approved the City Administrator will issue a license in the form prescribed by the City or the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division. All licenses, with the exception of consumption and display licenses, will be on a calendar year basis. Consumption and display licenses will be from April 1st to March 31st. For licenses which are to become effective other than the first day of the licensed year the application fee will be a pro rata share of the annual license fee. When a license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period will be the date the building is ready for occupancy. Licenses will be valid only at one location and on the premises there described.

**Subd. 7. Transfer.** No license will be transferable between persons or a different location without prior consent of the Council and the filing of a new application.

**Subd. 8. Grant or Deny.** The Council at its discretion may either grant or deny the application for any license or for the transfer or renewal of any license.

**Subd. 9. Revocation or Suspension.** For any license granted under the provisions of this Chapter, the Council may revoke, suspend for a period not to exceed 60 days, impose a civil fine not to exceed \$2,000, or any combination of these actions, for each violation found that the licensee failed to comply with a State statute or a regulation or provision of the City Code relating to alcoholic beverages. The Council shall revoke the license upon conviction of any licensee or agent or employee of a licensee for violating any law relating to the sale or possession of beer, wine or liquor upon premises of the licensee, or if such revocation is

mandatory by State statute. If it appears at a hearing that the violation was not willful, the Council may order suspension, however revocation will be ordered upon the third violation or offense. No suspension or revocation will take effect until the licensee has been afforded an opportunity for a hearing under Sections 14.57 to 14.69 of the Administrative Procedures Act. The hearing will be called by the Council upon written notice to the licensee who was served in person or by certified mail not less than 15 nor more than 30 days prior to the hearing date, stating the time, place and purpose thereof. As additional restrictions or regulations on licensees the following will also be grounds for such action: 1) that the licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer, wine or liquor; 2) that the licensee had knowledge of such illegal acts upon licensed premises, but failed to report the same to the police; or 3) that the licensee failed or refused to cooperate fully with police in investigating the alleged illegal acts upon licensed premises.

**Subd. 10. Posting.** All licensees shall visibly post their licenses in their places of business.

**Subd. 11. Persons Disqualified.**

**A.** No license under this chapter may be issued or renewed to: 1) a person who within five years of the license application has been convicted of any felony or a gross misdemeanor or a willful violation of a Federal or State law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of alcoholic beverages; 2) a person who has had an alcoholic beverage license revoked within five years of the license application; 3) any person who at the time of an alcohol violation owns any interest, whether as a holder, partner or otherwise, of more than five percent of the capital stock of a corporate license in the premises or in the business conducted; 4) a corporation, partnership, association, enterprise, business or firm in which any person is in any manner involved has an alcohol violation; 5) a person under the age of 21 years; or 6) a person not of good moral character and repute.

**B.** No person holding a license from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division as a manufacturer, brewer or wholesaler may have a direct or indirect interest in a business holding an alcoholic beverage license from the City.

**SEC. 5.03. LIMITATION ON OWNERSHIP.** No person shall be granted beer or liquor licenses at more than one location. Any person or member of his/her immediate family owning an interest of five percent or more of the entity to which the license is issued will be considered a licensee.

**SEC. 5.04. CONDITIONAL LICENSES.** The Council may place conditions and restrictions upon a license as it deems reasonable and justified.

**SEC. 5.05. PREMISES LICENSED.** A license issued under the provisions of this Chapter shall be valid only for the premises described in the license. All transactions relating to a sale under the license must take place within the space and structure. The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk.

**SEC. 5.06. RENEWAL OF LICENSES.** Application for renewal of an existing liquor license shall be made at least 60 days prior to the date of expiration and shall contain information as required by the City. Renewal of an on-sale license will require the applicant to file an affidavit of sales showing the total gross sale and the total food sales of the restaurant for the past 12 months. A foreign corporation shall file a current Certificate of Authority.

**SEC. 5.07. UNLAWFUL ACTS.**

**Subd. 1. Consumption.** It is unlawful for any person to consume or any licensee to permit consumption of beer, wine or liquor on licensed premises more than 20 minutes after the hour when a sale can legally be made.

**Subd. 2. Removal of Containers.** It is unlawful for any on-sale licensee to permit any glass, bottle or other container, containing beer, wine or liquor in any quantity to remain on any table, bar, stool or other place where customers are served for more than 20 minutes after the hour when a sale can legally be made.

**Subd. 3. Closing.** It is unlawful for any person, other than an on-sale licensee or his/her employees actually engaged in the performance of their duties to be on the licensed premises more than 30 minutes after the legal time for making liquor sales. This Subdivision shall not apply to licensee, employees of the licensee or patrons of the licensed premises which is a restaurant or hotel for the sole purpose of preparing, serving or consuming food or beverages other than beer, wine or liquor.

**SEC. 5.08. MANAGER.** Before a license is issued to an applicant or to a corporation, partnership or association, the applicant or applicants shall appoint in writing a person who is by normal definition and duties described as the manager. Such manager shall give written consent to: 1) take full responsibility and be in charge of the day to day operations of the licensed premises; 2) take full responsibility of the conduct of the premises relative to the activities and operation authorized by the license; and 3) serve as agent for receipt of notices and other processes relating to the license. The manager must be a person who, by reason of age, character, reputation and other attributes, could qualify individually as a licensee. If such manager ceases to act in such capacity for the licensee without appointment of a successor, the license issued shall be subject to revocation or suspension.

**SEC. 5.09. CONDUCT ON LICENSED PREMISES.** Every licensee shall be responsible for the conduct of his/her place of business and shall maintain conditions of sobriety and order.

**SEC. 5.10. LICENSE CONDITION AND UNLAWFUL ACT.** All premises licensed shall at all times be open to inspection by any police officers to determine whether or not this Chapter and all other laws are being observed. All persons must consent to inspections by police officers without a warrant for searches or seizures as a condition to being issued a license. It is unlawful for any licensee, agent or employee of a licensee to hinder or prevent a police officer from making such inspection.

**SEC. 5.11. DELINQUENT TAXES AND CHARGES.** No license will be granted or renewed for operation on any premises upon which taxes, assessments, utility charges, service charges or other financial claims of the City are delinquent and unpaid.

**SEC. 5.12. CONSUMPTION IN PUBLIC PLACES.**

**Subd. 1. Consumption.** It is unlawful for any person to consume or possess in an unsealed container any alcoholic beverage on any City park, street, sidewalk, parking lot, alley or any public place except on such premises when and where permission has been specifically granted or licensed by the Council.

**Subd. 2. Hiawatha Pageant Park.** Consumption of alcoholic beverages may be allowed at the Hiawatha Pageant Park upon issuance of a permit issued by the City, upon approval of the City Clerk/Administrator/Council?, and the fulfillment of all application requirements designated by the City. The issuance of the permit shall be subject to all conditions, rules and regulations adopted by the City Council. It is unlawful for any person to:

- Consume alcoholic beverages after the Park or Lodge? is closed;
- Sell any alcoholic beverages at the Park or Lodge?;
- No kegs will be allowed;
- No glass bottles will be allowed?

**Subd. 3. Performing Arts Center.** The City may issue an on-sale wine license or on-sale malt liquor license to a Performing Arts Theater within the City. A license issued pursuant to this provision authorizes sales on all days of the week to persons attending events at the Performing Arts Center.

**SEC. 5.13. WORKER'S COMPENSATION.** No license to operate a business will be issued until the applicant presents his employer's tax identification number and evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota statutes by providing the name of the insurance company, policy number and dates of coverage.

**SEC. 5.14. CONFECTIONS CONTAINING ALCOHOL.** It is unlawful for any person to sell a confection containing alcohol to any person under the age of 21 years. For purposes of this Section, “confection containing alcohol” means a confection containing or bearing not more than five percent alcohol by volume where the alcohol is in a non-liquid form by reason of being mixed with other substances in the manufacture of the confection. It does not include “liqueur-filled candy” as herein defined and may be sold only by an exclusive liquor store or a business establishment that derives more than 50 percent of its gross sales from the sale of confections.

**SEC. 5.15. LIQUEUR-FILLED CANDY.** It is unlawful for any person to sell liqueur-filled candy to any person under the age of 21 years. For purposes of this Section, “liqueur-filled candy” means any confectionery containing more than one-half of one percent alcohol by volume in liquor form that is intended for or capable of beverage use and may be sold only by an eligible licensee or municipal dispensary.

**SEC. 5.16. SALE BY EMPLOYEE.** Every licensee is responsible for the conduct in the licensed establishment and any sale of alcoholic beverages by an employee authorized to sell alcoholic beverages is the act of the licensee for the purpose of these provisions.

**SEC. 5.17. ALCOHOLIC BEVERAGES IN CERTAIN BUILDINGS AND GROUNDS.** It is unlawful for any person to introduce upon or have in his possession any alcoholic beverage on public elementary or secondary school grounds or school buildings except for experiments in laboratories and for those organizations that have been issued temporary licenses to sell alcoholic beverages.

**SEC. 5.18. LICENSE FEES.**

**Subd. 1. Fixing Fees.** Except as otherwise stated all fees for licenses provided for in this Chapter, including license fees, investigation and administration fees, shall be fixed and determined by the Council, adopted by ordinance and uniformly enforced. Fees may be amended by the Council by ordinance, provided however, that before any liquor license fee is increased, a 30-day notice must be mailed to all affected licensees and a hearing held. A copy of the ordinance will be kept on file in the office of the City Administrator and open to inspection during regular business hours.

**Subd. 2. Refund.** A pro-rata share of an annual liquor, beer or wine license will be refunded to the licensee or to his estate if: 1) the business ceases to operate because of destruction or damage; 2) the licensee dies; 3) the business ceases to be lawful for a reason other than a license revocation or suspension; or 4) the licensee ceases to carry on the licensed business under the license. In the event of the death of the licensee, his/her personal representative is hereby authorized to continue operation of said business for not more than 90 days after the death of the licensee.

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**SEC. 5.19. FINANCIAL RESPONSIBILITY OF LICENSEES.**

**Subd. 1. Proof.** No alcoholic beverage license shall be issued or renewed until the applicant has provided proof of financial responsibility by filing with the City:

**A.** A certificate that there is in effect an insurance policy or pool providing minimum coverages of \$50,000 because of bodily injury to any one person in any one occurrence, \$100,000 because of bodily injury to two or more persons in any one occurrence, \$10,000 because of injury to or destruction of property of others in any one occurrence, \$50,000 for loss of means of support of any one person in any one occurrence and \$100,000 for loss of means of support of two or more persons in any one occurrence, \$50,000 for other pecuniary loss of any one person in any one occurrence, and \$100,000 for other pecuniary loss of two or more persons in any one occurrence; and annual aggregate of \$300,000 may be included in the insurance coverage; or

**B.** A bond of a surety company with minimum coverages as provided in Subparagraph A of this Subdivision; or,

**C.** A certificate of the Commissioner of Management and Budget that the licensee has deposited with him \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.

**Subd. 2. Exception.** This Section does not apply to licensees who by affidavit establish they have: 1) on-sale 3.2 percent malt liquor licenses with sales of less than \$25,000 of 3.2 percent malt liquor for the preceding year; 2) off-sale 3.2 percent malt liquor licenses with sales of less than \$50,000 of 3.2 percent malt liquor for the preceding year; 3) holders of on-sale wine licenses with sales of less than \$25,000 for wine for the preceding year; or 4) they are holders of temporary wine licenses issued under law.

**SEC. 5.20. INSURANCE CERTIFICATE REQUIREMENTS.** Whenever an insurance certificate is required by this Chapter the applicant shall file with the City Administrator a certificate of insurance showing: 1) that the limits are at least as high as required; 2) that coverage is effective for at least the license term approved; and 3) that such insurance will not be cancelled or terminated without 30 days written notice served upon the City Administrator. Cancellation or termination of such coverage shall be grounds for license revocation. The term "certificate of insurance" means the contract between carrier and insured embodying all terms of their agreement as distinguished from a writing which simply outlines the coverage.

**SEC. 5.21. MINORS ON PREMISES.**

**Subd. 1. Employment.** No person under the age of 18 years shall be employed in any rooms constituting the place in which intoxicating liquors or 3.2 percent malt

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liquor are sold at retail on-sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person, host or dishwashing services in places defined as a restaurant, hotel, or other multi-purpose building serving food in rooms in which intoxicating liquors or 3.2 percent malt liquor are sold at retail on-sale.

**Subd. 2. Entering Licensed Premises.** No person under the age of 21 years may enter a licensed establishment except to work or consume meals on premises that qualify as a restaurant or attend social functions that are held in a portion of the premises where liquor is not sold.

Source: City Code  
Effective Date: 09-15-2005

(Sections 5.22 through 5.29, inclusive, reserved for future expansion.)

(Pages 13 through 16 reserved)

**SEC. 5.30. BEER LICENSE REQUIRED.** It is unlawful for any person, to sell, barter, keep for sale, or otherwise dispose of beer as part of a commercial transaction without a license from the City. This Section does not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding beer licenses from the City. Annual on-sale beer licenses may be issued only to drug stores, restaurants, hotels, bowling centers, clubs and establishments used exclusively for the sale of beer with the incidental sale of tobacco and soft drinks. Any person licensed to sell liquor on-sale is not required to obtain an on-sale beer license and may sell beer on-sale without an additional license.

**SEC. 5.31. HOURS AND DAYS OF SALE.** No sale of on-sale beer shall be made between the hours of 1:00 a.m. (or 2:00 a.m. if an optional 2:00 a.m. Closing License has been obtained from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division) and 8:00 a.m. on any weekday, Monday through Saturday inclusive. Neither shall any sale of on-sale beer be made on any Sunday between the hours of 1:00 a.m. (or 2:00 a.m. if an optional 2:00 a.m. Closing License has been obtained from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division) and 10:00 a.m.

**SEC. 5.32. TEMPORARY BEER LICENSE.**

**Subd. 1. Applicant.** A club or charitable, religious, or non-profit organization shall qualify for a temporary on-sale beer license. Such organization shall be duly incorporated as a non-profit or religious corporation under the laws of the State of Minnesota and having its registered office and principal place of activity within the City. Such license may authorize the sale of beer in any school or school buildings.

**Subd. 2. Conditions.**

**A.** An application for a temporary license must state the exact dates and place of proposed temporary sale.

**B.** Not more than three temporary licenses shall be issued to any one organization or for any one location in a 12 month period, nor shall the licenses for any organization total more than seven days in any calendar year.

**C.** The Council may grant a temporary beer license on premises owned or controlled by the City. The license may be conditioned, qualified or restricted as the Council sees fit.

**Subd. 3. Insurance Required.** No license shall be issued until the City is furnished with a certificate of insurance that the licensee has dram shop coverage, in the amount provided for in Section 5.19. Subd. 1. of this Chapter, naming the City as an insured during the license period and that such coverage is in force on the premises where beer is to be served.

Source: City Code  
Effective Date: 09-15-2005

(Sections 5.33 through 5.39, inclusive, reserved for future expansion.)

(Pages 19 through 23 reserved)

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**SEC. 5.40. LIQUOR LICENSE REQUIRED.** It is unlawful for any person to sell, barter, keep for sale or otherwise dispose of liquor as part of a commercial transaction without a license from the City. This Section does not apply to: 1) such potable liquors as are intended for therapeutic purposes and not as a beverage; 2) industrial alcohol and its compounds not prepared or used for beverage purposes; 3) wine in the possession of a person duly licensed under this Chapter as an on-sale wine licensee; 4) sales by manufacturers to wholesalers duly licensed as such by the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division; 5) sales by wholesalers to persons holding liquor licenses from the City; or 6) the municipal liquor store. The City may issue on-sale liquor licenses to hotels, restaurants, bowling centers and clubs (a club must have existed for at least three years and sales must only be to members and bona fide guests). Any person licensed to sell liquor on-sale will not be required to obtain an on-sale beer license and may sell beer on-sale without an additional license.

**SEC. 5.41. LIQUOR LICENSE RESTRICTIONS AND REGULATIONS.**

**Subd. 1. Number of Licenses.** The Council shall issue not more than seven on-sale licenses.

**Subd. 2. Minimum Investment.** No on-sale liquor license shall be granted to any person who does not own or occupy licensed premises of the fair market value of \$75,000 including buildings, fixtures, equipment and land.

**Subd. 3. Off-Sale Licenses Prohibited.** No off-sale intoxicating liquor license shall be issued by the City.

**SEC. 5.42. HOURS AND DAYS OF LIQUOR SALES.** No on-sale liquor can be made between the hours of 1:00 a.m. (or 2:00 a.m. if an optional 2:00 a.m. Closing License has been obtained from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division) and 8:00 a.m. on any weekday, Monday through Saturday inclusive. Neither can any sale of on-sale liquor be made on any Sunday between the hours of 1:00 a.m. (or 2:00 a.m. if an optional 2:00 a.m. Closing License has been obtained from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division) and 10:00 a.m. No off-sale shall be made before 8:00 a.m. or after 10:00 p.m. on any weekday Monday through Saturday inclusive. No off-sale shall be made on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day, except that no off-sale shall be made on December 24 after 8:00 p.m.

**SEC. 5.43. SUNDAY SALES.** A Sunday liquor license may be issued for on-sale to hotels, motels, restaurants, bowling centers or clubs, as herein defined, and which have facilities for serving not less than 30 guests at one time, may serve liquor between the hours of 10:00 a.m. and 1:00 a.m. (or 2:00 a.m. if an optional 2:00 a.m. Closing License has been obtained from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division) on Monday in conjunction with the serving of food.

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**SEC. 5.44. TEMPORARY LIQUOR LICENSE.**

**Subd. 1. License Authorized.** The Council may issue a license for the temporary on-sale of liquor in connection with a social event sponsored by the licensee. The license may provide that the licensee may contract with the holder of a full-year on-sale license for liquor catering services.

**Subd. 2. Applicant.** The applicant for a license under this Section must be a club or charitable, religious, or other non-profit organization in existence for at least three years or a political committee registered under Section 10A.14 of Minnesota Statutes.

**Subd. 3. Terms and Conditions of License.**

**A.** No license is valid until approved by the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division.

**B.** No license will be issued for more than three consecutive days.

**C.** All licenses and licensees are subject to all provisions of statutes and the City Code relating to liquor sales and licensing. The licensee must provide proof of financial responsibility coverage and in the case of catering by a full-year on-sale licensee, the caterer must provide proof of the extension of coverage to the licensed premises.

**D.** Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee.

**E.** No more than three temporary licenses for the sale of alcoholic beverages may be issued to any one organization or for any one location in a 12 months period.

**F.** The Council may grant a temporary liquor license on premises owned or controlled by the City. The license may be conditioned, qualified or restricted as the Council sees fit.

**Subd. 4. Insurance Required.** No license shall be issued until the City is furnished with a certificate of insurance that the licensee has dram shop coverage, in the amount provided for in Section 5.19. Subd. 1. of this Chapter, naming the City as an insured during the license period and that such coverage is in force on the premises where liquor is to be served.

**SEC. 5.45. TEMPORARY LIQUOR LICENSE FOR HOLDER OF CATERER'S PERMIT.**

**Subd. 1. License Authorized.** The Council may issue a license for the holder of a caterer's permit to sell on-sale intoxicating liquor incidental to their food service

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within the City limits. The permit holder must complete an application obtained from the office of the City Administrator which states the location of the premises to be used, the date or dates they will be operating at that location and the business hours they will be open. The permit holder must also notify the County Sheriff in writing of the same.

**Subd. 2. Terms and Conditions of License.**

**A.** No more than three (3) licenses for the sale of alcoholic beverages may be issued to any one holder of a caterer's permit, or for any one location in a 12 month period.

**B.** No license shall be issued for more than three (3) consecutive days.

**C.** The premises at which the catered event is held shall have a fair market value of at least \$75,000 including buildings, fixtures, equipment and land plus seating for a minimum of 30 guests.

**D.** The permit holder must have a restaurant/food license from the Minnesota State Department of Health.

**E.** No sales or consumption of alcoholic beverages shall be permitted beyond the building or in the case of a multipurpose building, beyond that portion of the building available to the catered event.

**F.** If required by the County Sheriff the permit holder shall provide, at their expense, policing of the premises by security personnel approved by the Police Chief.

**G.** No sales of alcoholic beverages may be made in any temporary structure including but not limited to a tent.

**H.** If the primary license ceases to be valid for any reason the caterer's permit cease to be valid.

**Subd. 3. License Fee.** The license fee is \$100.00.

**Subd. 4. Hours and Days of Liquor Sales.** Hours of sale and consumption shall comply with those provisions contained in Section 5.42 and Section 5.43 of this Chapter.

**Subd. 5. Insurance Required.** No license shall be issued until the City is furnished with a certificate of insurance that the licensee has dram shop coverage, in the amount provided for in Section 5.19. Subd. 1. of this Chapter, naming the City as an insured during the license period and that such coverage is in force on the premises where liquor is to be served.

Source: City Code  
Effective: 09-15-2005

(Sections 5.46 through 5.59, inclusive, reserved for future expansion.)

(Pages 27 through 30 reserved)

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**SEC. 5.60. ON-SALE WINE LICENSE REQUIRED.** It is unlawful for any person to sell, barter, keep for sale, or otherwise dispose of wine on-sale as part of a commercial transaction without a license from the City. This Section shall not apply to: 1) sales by manufacturers to wholesalers duly licensed by the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division; 2) sales by wholesalers to persons holding on-sale or off-sale liquor license from the City; 3) sales by wholesalers to persons holding on-sale wine licenses from the City; or 4) sales by on-sale liquor licenses on days and during hours when on-sale liquor sales are permitted.

**Subd 1. Restaurant.** On-sale wine license may be issued to restaurants that have facilities for seating at least 25 guests at one time and whose gross receipts are at least 60 percent attributable to the sale of food. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with a content over 3.2 percent (strong beer) without an additional license.

**Subd. 2. Bed and Breakfast.** An on-sale wine license is not required for a bed and breakfast facility, as defined in Section 5.01, to provide, at no additional charge to a person renting a room at the facility, not more than two glasses per day, each containing not more than four fluid ounces of wine and is consumed only on the premises of the facility. The facility may only furnish wine if registered with the Department of Public Safety, Alcohol and Gambling Enforcement Division.

**Subd. 3. Insurance Required.** No license shall be issued until the City is furnished with a certificate of insurance that the licensee has dram shop coverage, in the amount provided for in Section 5.19. Subd. 1. of this Chapter, naming the City as an insured during the license period and that such coverage is in force on the premises where wine is to be served.

**SEC. 5.61. HOURS AND DAYS OF SALES BY ON-SALE WINE LICENSEES.** No on-sale of wine shall be made between the hours of 1:00 a.m. (or 2:00 a.m. if an optional 2:00 a.m. Closing License has been obtained from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division) and 8:00 a.m. on any weekday, Monday through Saturday inclusive. Neither shall any sale of on-sale wine be made on any Sunday between the hours of 1:00 a.m. (or 2:00 a.m. if an optional 2:00 a.m. Closing License has been obtained from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division) and 10:00 a.m.

**SEC. 5.62. WINE TASTINGS.**

**Subd. 1. Definition.** A “wine tasting” is an event of not more than a four hour duration at which persons pay a fee or donation to participate and are allowed to consume wine by the glass without paying a separate charge for each glass.

**Subd. 2. Wine Tastings Conducted by Charitable, Religious or Non-Profit Organization.**

**A.** A charitable, religious or other non-profit organization may conduct a wine tasting on premises the organization owns or leases or has use donated to it if the organization holds a valid temporary on-sale intoxicating liquor license.

**B.** An organization that conducts a wine tasting may use the net proceeds from the wine tasting only for the organization's primary non-profit purpose or donation to another non-profit organization assisting in the wine tasting for their primary non-profit purpose.

**C.** No wine at a wine tasting may be sold or orders taken for off-premises consumption.

**Subd. 3. Wine Tastings Conducted by Exclusive Liquor Store.**

**A.** An exclusive liquor store may conduct a wine tasting on the premises of a holder of an on-sale intoxicating liquor license that is not a temporary license or on the premises of a holder a wine license.

**B.** No wine may be sold for off-premises consumption. A participant in the tasting may fill out a form indicating preferences for wine. The form may be held on the premises of the exclusive liquor store to assist the participant in making an off-sale purchase at a later date.

**C.** An exclusive liquor store that conducts a wine tasting may only use fees collected to defray the cost of conducting the tasting.

Source: City Code  
Effective Date: 09-15-2005

(Sections 5.63 through 5.64, inclusive, reserved for future expansion.)

(Pages 33 through 36 reserved)

**SEC. 5.65. BEER, LIQUOR AND ON-SALE WINE LICENSE RESTRICTIONS, REGULATIONS AND UNLAWFUL ACTS.**

**Subd. 1. Licenses in Connection With Premises of Another.** A license may not be issued to a person in connection with the premises of another to whom a license could not be issued under the provisions of this Chapter. This Subdivision does not prevent the granting of a license to a proper lessee because the person has leased the premises of a minor, a non-citizen who is not a resident alien, or a person who has been convicted of a crime other than a violation of this Chapter.

**Subd. 2. Employment of Minors.** No person under 18 years of age may sell or serve intoxicating liquor on licensed premises.

**Subd. 3. Removal of Wine From Restaurant.** An establishment licensed to sell liquor or wine at on-sale under this Chapter may permit a person purchasing a full bottle of wine in conjunction with the purchase of a meal to remove the bottle on leaving the licensed premises provided that the bottle has been opened and the contents partially consumed. A removal of a bottle under the conditions described in this provision is not an off-sale of liquor and may be permitted without additional license.

Source: City Code  
Effective Date: 09-15-2005

(Sections 5.66 through 5.69, inclusive, reserved for future expansion.)

(Pages 38 through 41 reserved)

**SEC. 5.70. CONSUMPTION AND DISPLAY OF LIQUOR.**

**Subd. 1. License Required.** It is unlawful for any private club or public place to allow the consumption or display of liquor or the serving of any liquid for the purpose of mixing liquor without a permit from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division.

**Subd. 2. Consumption and Display Restrictions and Regulations.**

**A.** It is unlawful to consume or allow consumption or display of liquor in any private club or public place during days and hours other than those permitted for on-sale by any other on-sale liquor license.

**B.** Any private club or public place allowing the consumption or display of liquor must be open for inspection at all times by authorized peace officers and it is unlawful to refuse to permit peace officers to inspect the premises.

**C.** Liquor sold, served, or displayed in violation of this Section shall be subject to seizure for purpose of evidence.

**D.** In order to coordinate the expiration of a consumption and display license with a State permit, all licenses shall expire on March 31 of each year.

**SEC. 5.71. CONSUMPTION AND DISPLAY – ONE DAY PERMIT.**

**Subd. 1. Permit Required.** Any non-profit organization desiring to serve liquids for the purpose of mixing with liquor and permitting the consumption and display of liquor in conjunction with a social activity sponsored by it, must first obtain a permit from the City. It is unlawful for any organization to fail to obtain such permit.

**Subd. 2. Term.** The term of the permit will be one day only.

**Subd. 3. Limitation on Number.** The City shall issue no more than 10 permits in any calendar year.

**Subd. 4. License Fee.** The fee for a one-day permit is \$25.00.

**Subd. 5. Approval.** In addition to Council approval, the permit must be approved by the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division.

Source: City Code  
Effective Date: 09-15-2005

(Sections 5.72 through 5.79, inclusive, reserved for future expansion.)

(Pages 44 through 49 reserved)

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**SEC. 5.80. CLUBS.**

**Subd. 1. Club License Required.** It is unlawful for any club to sell or keep or offer for sale any liquor without a license from the City.

**Subd. 2. Club License Restrictions and Regulations.**

**A.** No club shall sell liquor to persons other than its members and their bona fide guests.

**B.** All liquor license restrictions, liquor sale regulations and hours and days of liquor sales, as stated in this Chapter and relating to the on-sale of liquor, shall be binding upon all club licensees.

Source: City Code  
Effective Date: 09-15-2005

(Sections 5.81 through 5.89, inclusive, reserved for future expansion.)

(Pages 51 through 54 reserved)

**SEC. 5.90. MUNICIPAL DISPENSARY.**

**Subd. 1. Establishment.** A Municipal Dispensary is hereby established to be operated within the City for the sale of liquor potable as a beverage and containing more than 3.2 percent of alcohol by weight. The Dispensary will be at a place or places as the Council may determine and may be either leased or owned by the City. A person known as the manager will be in charge and he/she will hire store clerks as necessary.

**Subd. 2. Dispensary Fund.** A Liquor Dispensary Fund is hereby created into which all revenues received from the operation of the Dispensary will be paid and from which all operating expenses will be paid. Any surplus accumulating in this Fund may be transferred to the General Fund by resolution of the Council and expended for any municipal purpose.

Source: City Code  
Effective Date: 09-15-2005

(Sections 5.91 through 5.98, inclusive, reserved for future expansion.)

**SEC. 5.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code  
Effective Date: 09-15-2005

## CHAPTER 6

### OTHER BUSINESS REGULATION AND LICENSING

**SECTION 6.01. DEFINITIONS.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purpose of this Chapter shall have the following meanings:

**Subd. 1.** The term “applicant” means any person making an application for a license under this Chapter.

**Subd. 2.** The term “application” means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his/her request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.

**Subd. 3.** The term “bond” means a corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.

**Subd. 4.** The term “business” means any activity, occupation, sale of goods or services, or transaction that is either licensed or regulated, or both licensed and regulated, by the terms and conditions of this Chapter.

**Subd. 5.** The term “license” means a document issued by the City to an applicant permitting him/her to carry on and transact a business.

**Subd. 6.** The term “licensee” means an applicant who, pursuant to his/her application, holds a valid, current, unexpired and unrevoked license from the City for carrying on a business.

**Subd. 7.** The term “license fee” means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on a business.

**Subd. 8.** The terms “sale”, “sell”, and “sold” means all forms of barter and all manner or means of furnishing merchandise to persons.

**SEC. 6.02. APPLICATIONS.** All applications shall be made as follows:

**Subd. 1.** All applications shall be made at the office of the City Administrator upon forms that have been formulated by the City for such purposes.

**Subd. 2.** All such applications must be subscribed, sworn to, and include, but not limited to, the following:

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- A. Applicant's name and citizenship.
- B. Applicant's present address and length of time he/she has lived at that address.
- C. Applicant's occupation and length of time so engaged.
- D. Applicant's addresses and occupations for the three (3) years last preceding the date of application.
- E. Names and addresses of applicant's employers, if any, for the three (3) years last preceding the date of application.
- F. Whether or not applicant has ever been convicted of a felony, gross misdemeanor, or misdemeanor, including violation of a municipal ordinance but excluding traffic violations, and if so, the date and place of conviction and the nature of the offense.
- G. Type of license and location of premises for which application is made.
- H. At least four (4) character references if applicant has not resided in the City for two (2) years last preceding the date of application.
- I. Such other information as the Council shall deem necessary considering the nature of the business for which license application is made.

**Subd. 3.** It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form, shall, upon discovery of such falsehood work an automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part hereof.

**Subd. 4.** The City Administrator shall, upon receipt of each application completed in accordance herewith, forthwith investigate the truth of statements made therein and the moral character and business reputation of each applicant for license to such extent as he/she deems necessary. For such investigation the City Administrator may enlist the aid of the Sheriff. The Council shall not consider an application before such investigation has been completed.

**Subd. 5.** Applications for renewal licenses may be made in abbreviated form.

**SEC. 6.03. ACTION ON APPLICATION FOR LICENSE.**

**Subd. 1. Granting.** The City Administrator may grant any application for the period of the remainder of the then current calendar year or for the entire ensuing license year. All applications, including proposed license periods, must be consistent with this Chapter.

**Subd. 2. Issuing.** If an application is approved, the City Administrator shall forthwith issue a license pursuant thereto in the form prescribed by the Council upon proof of ownership or lease, payment of the appropriate license fee, and approval of the bond or insurance as to form and surety or carrier, if required. All licenses shall be on a calendar year basis unless otherwise specified herein as to particular businesses. Unless otherwise herein specified, license fees shall be pro-rated on the basis of one-twelfth (1/12) for each calendar month or part thereof remaining in the then current license year. Licenses shall be valid only at one (1) location and on the premises therein described.

**Subd. 3. Transfer.** A license shall not be transferable between persons.

**Subd. 4. Termination.** Licenses shall terminate only by expiration or revocation.

**Subd. 5. Refusal and Revocation.** The City Administrator may, for any reasonable cause, refuse to grant any license or permit or revoke any license or permit. Before revocation of any license, the City Administrator shall give notice to the licensee and grant such licensee opportunity to be heard before the Council. Notice to be given and the exact time of hearing shall be stated in the resolution calling for such hearing.

**Subd. 6. Duplicate License.** Duplicates of all original licenses may be issued by the City Administrator, without action by the Council, upon licensee's affidavit that the original has been lost or destroyed, and upon payment of a fee of \$20.00 or the annual fee, whichever is less, for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

**SEC. 6.04. CARRYING OR POSTING.** All solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their place of business near the licensed activity. Provided, however, that in the case of machine or other device licensing, the City may provide a sticker for the current license year which shall be affixed to each machine or device requiring such sticker. All licensees shall display their licenses upon demand by any officer or citizen.

**SEC. 6.05. PENALTY FOR PROPERTY OWNERS.** It is unlawful for any person to knowingly permit any real property owned or controlled by him/her to be used, without a license, for any business for which a license is required by this Chapter.

**SEC. 6.06. RESPONSIBILITY OF LICENSEE.** The conduct of agents and employees of a person to whom a license or permit is issued shall be deemed the conduct of the licensee himself.

**SEC. 6.07. CONVICTION OF CRIME – DENIAL OF LICENSE.** A license may be denied to an applicant by the City Administrator solely or in part due to a prior conviction of a crime by an applicant but the City Administrator may consider evidence of rehabilitation and such other evidence as may be presented, all in accordance with Minnesota Statutes. Provided, however, that an applicant must show his/her present fitness to perform the occupation for which the license is sought.

**SEC. 6.08. CONDITIONAL LICENSES.** Notwithstanding any provision of law to the contrary, the City Administrator or Council may, upon finding of the necessity therefore, place such conditions and restrictions upon a license as they, in their discretion, may deem reasonable and justified.

**SEC. 6.09. FIXING LICENSE FEES.** Except as otherwise herein provided, all fees for licenses (late fee penalties and investigation of applicants) under this Chapter shall be fixed and determined by the Council, adopted by ordinance, and uniformly enforced. Such license fees may, from time-to-time, be amended by the Council by ordinance. A copy of the ordinance setting forth currently effective license fees shall be kept on file in the office of the City Administrator, and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may subdivide and categorize licenses under a specific license requirement, provided, that any such subdivision or categorization shall be included in the ordinance authorized by this Section.

Source: City Code  
Effective Date: 09-15-2005

(Sections 6.10 through 6.19, inclusive, reserved for future expansion.)

(Pages 5 through 10 reserved)

(09-15-2005)

**SEC. 6.20. DANCES.**

**Subd. 1. Definitions.** As used in this Section, the following words and terms shall have the meanings stated:

**A.** The term “public dance” means any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing.

**B.** The term “public dancing place” means any room, place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of any admission fee or price for dancing.

**Subd. 2. License Required.** It is unlawful for any person to operate a public dancing place, or hold a public dance, without first having obtained a license therefore from the City. Provided that this Section shall not be applicable to any dance sponsored by a local school, charitable institution, or youth center and held on its property; and no license shall be required for any such sponsored dance.

**Subd. 3. License Regulation.** Licenses for public dances are available on an individual basis. In the event an annual license is granted, it shall be the responsibility of the licensee to notify the City Administrator at least 48 hours prior to each public dance to be held. In addition thereto, payment in an amount set by resolution of the Council shall be made to cover police compensation.

**Subd. 4. Dance Regulations.**

**A. Sale of Liquor Prohibited.** It is unlawful for any person to sell or give away, directly or indirectly, any intoxicating liquor or permit or suffer the same to be sold or given away in any public dancing place, unless the premises are properly licensed therefore.

**B. Illumination.** Every public dancing place shall be illuminated while in public use.

**C. Certain Persons Prohibited.** No licensee shall permit any unmarried person under the age of fourteen (14) years, unless said unmarried person is accompanied by his/her parent or guardian, to remain in a public dancing place. Nor shall any licensee permit any intoxicated person, or other person who persists in violating the law, to be or remain in a public dancing place.

**D. Police Officer.** At least one (1) City police officer designated by the Sheriff, shall be present at every public dance during all of the time said dance is being held.

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**E. Hours of Dancing.** Public dances shall not be held or conducted between the hours of 1:00 a.m. and 6:00 a.m. of any day.

**SEC. 6.21. PEDDLERS, CANVASSERS, AND TRANSIENT MERCHANTS LICENSES AND REGULATIONS.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

**A.** The term “peddler” means any person, whether a resident of the City or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares, merchandise, or services or offering or exposing the same for sale, or making sales and delivering articles to purchasers. It shall not include vendors of milk, bakery products, groceries, or ice who distribute their products to regular customers on established routes. But the term shall specifically include transient photographers.

**B.** The term “canvasser” means any person, whether a resident of the City or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares, merchandise or services, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he/she is collecting advance payments on such orders. Such definition shall include any person who, for himself or herself, or for another person, firm or corporation, hires, leases, uses or occupies any buildings, motor vehicle, trailer, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or other place within the City for the primary purposes of exhibiting samples and taking orders for future delivery.

**C.** The term “transient merchant” means any person, firm or corporation, whether as owner, agent, consignee, or employees whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares, merchandise or services within the City, and how, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad box car or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the City, for the exhibition and sale of such goods, wares, merchandise and services, either privately or at public auction provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this Section merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

**Subd. 2. License Required.** It is unlawful for any peddler, canvasser, or transient merchant as defined herein, to engage in any such activity within the City without first obtaining a license therefore and complying with all the provisions of this Section.

**Subd. 3. Exemptions.** The terms of this Section shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor shall the terms of this Section be held to include or apply to any farmer or truck gardener who shall vend, sell, or dispose of, or offer to sell, vend, or dispose of the products of the farm or garden occupied and cultivated by him/her. Nothing contained in this Section shall be held to prohibit any sale required by statute or by order of any Court, or to prevent any person conducting a bona fide auction sale pursuant to law.

**Subd. 4. Application.** Applicants for a license under this Section shall provide, together with general information, the following information:

- A. Name and physical description of applicant;
- B. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- C. A brief description of the nature of this business and the goods to be sold;
- D. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- E. The length of time for which the right to do business is desired;
- F. The source of supply of the goods and property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- G. A statement as to whether or not the applicant has been convicted of a felony;
- H. The last cities or villages, not exceed three, where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities.

**Subd. 5. Religious, Charitable, and School Organizations Exemption.** Any duly established school, organization, society, association, or corporation desiring to solicit

or have solicited in its name, money, donations, or money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, religious, patriotic, or philanthropic purpose shall be exempt from the provisions of this Section; provided there is filed a sworn application, in writing, on a form to be furnished by the City Administrator which shall give the following information: (a) Name and purpose of the cause for which permit is sought; (b) Names and addresses of the officers and directors of the organization; (c) Period during which solicitation is to be carried on; (d) Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof. Upon being satisfied that such duly established school, organization, association, or corporation is a religious, charitable, patriotic or philanthropic organization, the City Administrator may issue a permit without charge to such duly established school, organization, association, or corporation to solicit in the City. Such duly established school, organization, association, or corporation shall furnish all of its members, agents, or representatives conducting solicitations, credentials in writing, stating the name of the organization, name of agent, and purpose of solicitation. No permit or registration shall be required to engage in door-to-door advocacy, religious proselytizing, political speech, and the distribution of handbills.

**Subd. 6. Bond.** Every applicant shall show to the City Administrator proof that the applicant has in effect a surety bond in an amount established by ordinance of the Council. This bond is intended to provide any citizen of the City that all money paid down as a down payment will be accounted for and applied according to the representations of the licensee and further guaranteeing to any citizen of the City doing business with said solicitor that the property purchased will be delivered on such bond may be brought by the person or persons aggrieved and for whose benefit, among others, the bond is given, but the surety shall be relieved without further liability if such surety pays, pursuant to Court Order, the face amount of the bond to the Clerk of the Courts in which suit commenced.

**Subd. 7. Fees.** The application fees, daily and annual fees shall be established by ordinance of the Council.

**Subd. 8. Issuance of License.** In the event the character, business responsibility and the surety bond of the applicant are found to be satisfactory, the City Clerk, upon receipt of the license fee, shall deliver to the applicant his/her license. Such license shall contain the signature of the issuing officer and shall show the name and address of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of the fee paid, the date of issuance and the length the same shall be operative, as well as the license number and other identifying description. Each peddler, canvasser, or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued. The City Clerk shall keep a permanent record of all licenses issued.

**A. Procedure.** Upon receipt of the completed application and payment of the license fee, the City Clerk, within two regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided. If the City Clerk determines that the application is incomplete, the City Clerk must inform the applicant of the required necessary information is missing. If the application is complete, the City Clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten regular business days of receiving a complete application, the City Clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten regular business days of receiving a complete application, the City Clerk must issue the license unless there exists grounds for denying the license under §113.04, in which case the Clerk must deny the license. If the City Clerk denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within 20 days of the date of the request. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a Writ of Certiorari.

**Subd. 9. Loud Noises and Speaking Devices.** No licensee, nor any person in his/her behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

**Subd. 10. Use of Streets.** No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

**Subd. 11. Exhibition of License.** Licensees are required to exhibit their certificate of license at the request of any citizen.

**Subd. 12. Records.** The Sheriff shall report to the City Clerk all convictions for violation of this Section and the City Clerk shall maintain a record of each license issued and record the reports of violations therein.

**Subd. 13. Revocation of License.**

**A.** Licenses issued under the provisions of this Section may be revoked by the Council for any general cause after notice of hearing, or for one of the following causes:

- 1.** Fraud, misrepresentation, or incorrect statement contained in the application for licenses;
- 2.** Fraud, misrepresentation, or incorrect statement made in the course of carrying on his/her business as solicitor, canvasser, peddler, transient merchant, itinerant merchants or itinerant vendor;
- 3.** Any violation of this Section;
- 4.** Conviction of any crime or misdemeanor;
- 5.** Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

**B.** Notice of the hearing for revocation of a license shall be given by the City Clerk, in writing, setting forth specifically the ground of complaint and the time and place of hearing. Such notice shall be mailed postage prepaid, to the licensee at his/her last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a deputy sheriff in the same manner as a summons at least three (3) days prior to the date set for the hearing.

**1.** Generally. Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

- a.** Fraud, misrepresentation or incorrect statements on the application form.
- b.** Fraud, misrepresentation or false statements on the application form.
- c.** Conviction of any offense for which granting a license could have been denied.
- d.** Violation of any provisions of this chapter.

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**2. Multiple Persons Under One License.** The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

**3. Notice.** Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

**4. Public Hearing.** Upon receiving the notice provided in division (3) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the City Clerk within ten regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request. Within three regular business days of the hearing, the City Council shall notify the licensee of its decision.

**5. Emergency.** If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (3) of this section.

**6. Appeals.** Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

**Subd. 14. Reapplication.** No licensee whose license has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last previous revocation.

**Subd. 15. Expiration of License.** All annual licenses issued under the provisions of this section shall expire at midnight the 31<sup>st</sup> day of December in the year when issued. Other than annual licenses shall expire at midnight on the date specified in the license.

**SEC. 6.22 SALVAGE YARD.**

**Subd. 1. Definition.** The term “salvage yard” as used in this section, means any place, not within an enclosed building, used for the dismantling or disassembling of motor vehicles, trailers, or farm implements, or the stage, sale or dumping of dismantled, obsolete or wrecked motor vehicles or farm implements, or components or parts thereof.

**Subd. 2. License Required.** It is unlawful for any person to operate a salvage yard without first having obtained a license therefore from the city.

**Subd. 3. License Restrictions.**

**A.** All salvage yard licenses shall comply with zoning and all other provisions of the City Code.

**B.** All salvage yards shall be screened from public view. The term “screened” for the purpose of this section, means enclosure on the perimeter of the enter area of the salvage yard from the perimeter ground level to a height of eight (8) feet therefrom with natural or landscape growth, such as trees or shrubs, or a fence, or a combination thereof. Notwithstanding any other provision of the City Code, such growth or fence shall be solid and entirely block any view from outside the area between such height dimensions. If a fence is used, it shall be maintained in good condition and painted or stained with landscape colors. If natural or landscape growth is used, it shall be maintained in a live and healthy condition.

**C.** The requirements of this Subdivision shall not be enforced as to salvage yards existing in the City until one (1) year shall have elapsed after the effective date hereof.

**Subd. 4. Civil Relief.** The penalty provided for violation of this section shall not preclude the city from seeking injunctive relief.

**SEC. 6.23 LICENSING AND REGULATION OF PAWNBROKERS.**

**Subd. 1. Pawnbroker, Defined.** A pawnbroker is one who makes a business of lending money upon the security of personal property pledged or deposited in his/her keeping, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged.

**Subd. 2. License Required.** No persons shall engage in or carry on the business of pawnbroker without first obtaining a license to carry on such business in compliance with the provisions of this Code.

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**Subd. 3. Application.** Any person, corporation, association or other entity, either as principal or agent, desiring to engage in or carry on the business or occupation of a pawnbroker within the corporate limits of the city shall file an application for a license for that purpose with the City Administrator which application shall be made in writing at least twenty (20) days before issuance thereof, wherein the applicant shall state his/her name, his/her proposed place of business, the length of time for which he/she desires to do business, and shall make payment of the required license fee.

**Subd. 4. Records.**

**A.** Every person or persons engaged in the occupation of a pawnbroker shall make a record which shall be legibly written in ink or typewritten, in the English language, providing the following information about each article or other thing pawned or pledged: the time of the receipt of the same, the name, residence and description (race, sex, height, weight, color of eyes, color of hair, date of birth, and driver's license number or state ID number) of the person pawning, pledging or selling the same, the amount of money loaned or paid therefore, the home or business phone of the person pawning the article, a complete description of the article being pawned or sold and any other information required by the Sheriff's Department. The records and the article pawned or pledged shall at all reasonable business hours be subject to the inspection of any member of the Sheriff's Department.

**B.** Every such pawnbroker, purchasing or receiving on deposit for a loan any article or personal property, shall give to the person selling or depositing such article of personal property, a plain written or printed ticket or receipt for the article of personal property so sold or deposited, showing the terms of such sale or loan and showing a complete description of the article sold or deposited.

**Subd. 5. Bond.** Before the license shall be issued to any person or persons as provided in this section, the licensee shall cause to be filed with the City Administrator a surety bond, to be approved by the City Attorney, as to form, in the sum of \$5,000 conditioned that said licensee will comply with all the provisions of this section, and that he/she will account for and deliver to any person legally entitled thereto any and all goods, wares, and merchandise, article or thing which may come into his/her possession while engaged in said business or occupation of a pawnbroker.

**Subd. 6. Minors.** It is unlawful and it is a violation of this section for any pawnbroker to purchase or receive on deposit or pledge anything of value as security for a loan of money from any person, male or female, under lawful age, or from persons of unsound mind, or intoxicated persons.

**Subd. 7. Redemption Period.** Any person pledging an article shall have ninety (90) days to redeem the same before the pledge becomes forfeitable.

**Subd. 8. Sheriff's Order to Hold Property.** When the Sheriff or any other member of the Sheriff's Department designated by the Sheriff, shall notify any such dealer or dealers not to sell any property so received on deposit or purchased by them, or permit the same to be redeemed, such property shall not be sold or permitted to be redeemed until such time as may be determined by the Sheriff or member of the Sheriff's Department designated by the Sheriff so requiring them to be held.

**Subd. 9. Hours.** From 9:00 p.m. Saturday to 7:00 a.m. Monday, no property shall be received as pledge or purchase by any pawnbroker; nor on any other day before 7:00 a.m., nor on any day after 9:00 p.m. Further, no pawnbroker shall receive property as pledge or purchase on the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

#### **SEC. 6.24. REQUIREMENTS FOR TRANSIT OPERATORS.**

**Subd. 1.** All persons and/or businesses having a contractual relationship with the City for the provision of transit services shall provide to the City evidence of liability insurance in coverage amounts of not less than \$300,000 per claim for injury, death or property damage by wrongful act or omission, and \$1,000,000 for any number of claims arising out of a single occurrence. The contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city's employees and agents, for any claims, damages, losses, and expenses related to work under the contract. The city shall be named as an additional insured under that insurance for the services provided under the contract. The contractor's insurance shall be the primary insurance for the city and the contractor shall provide a certificate of insurance on the city's approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city.

**Subd. 2.** The liability insurance coverage must be maintained during the full term of the contract and must provide for thirty (30) days prior to notice to the city in the event of cancellation.

#### **SEC. 6.25. LODGING TAX.**

**Subd. 1. Definitions.** The following terms, as used in this section, shall have the meanings stated:

**A. "Lodging"** means the furnishings for a consideration of lodging by a hotel, motel, or rooming house except where such lodging shall be for a continuous period of thirty (30) days or more to the same lodger(s). The furnishing of rooms owned or provided by religious, educational, or non-profit organizations shall not constitute "lodging" for purposes of this section.

**B. “Operator”** means a person who provides lodging to others or any officer, agent or employee of such person.

**C. “Person”** means any individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate, or any other combination or individuals. Whenever the term “person” is used in any provision of this section 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.

**D. “Rent”** means 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.

**E. “Lodger”** means the person obtaining lodging from an operator.

**Subd. 2.. Imposition of Tax.** There is hereby imposed a tax of three percent (3%) on the rent charged by an operator for providing lodging to any persons after July 13, 1989. 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. It 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 section to collect from the lodger.

**Subd. 3. Collections.** Each operator shall collect the tax imposed by this section at the time rent is paid. The tax collection shall be deemed to be held in trust by the operator for the city. The amount of tax shall be separately stated from the receipt charged for the lodging and those persons paying the tax shall receive a receipt of payment from the operator.

**Subd. 4. Exceptions and Exemptions.**

**A.** No tax shall be imposed on rent paid by a lodger at any hotel, motel or rooming house where fifty percent (50%) or more of the rent received from all lodgers is for lodging furnished for a continuous period of thirty (30) days or more to the same lodger(s).

**B. Exceptions.** No tax shall be imposed on rent for lodging paid by any officer or employee of a foreign government who is exempt by reasons for express provisions of federal law or international treaty.

**C. 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 and under penalty or 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 section.

**Subd. 5. Advertising No Tax.** It is 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 part 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 (1) cent shall be considered an additional cent.

**Subd. 6. Payment and Returns.**

**A.** The tax imposed by this section shall be paid by the operator to the city monthly, not later than twenty-five (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 director may require. The return shall contain the following minimum information:

1. The total amount of rent collected for lodging during the period covered by the return.
2. The amount of tax required to be collected and due for the period.
3. The signature of the person filing the return or that of an agent duly authorized in writing.
4. The period covered by the return.
5. The amount of uncollectible rental charged subject to the lodging tax.

**B.** The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by the ordinance 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 becomes collectible.

**Subd. 7. Examination of Return, Adjustments, Notices, and Demands.** The Administrator shall, after return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return deemed necessary for determining its correctness. 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 (10) 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 (10) days after determination of such refund.

**Subd. 8. Refunds.** Any person may apply to the Administrator 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 (1) year after such tax was paid, or within one (1) year from the filing of the return, whichever period is the longer. The Administrator 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 Administrator shall credit the amount of the allowance against any taxes due under this section from the claimant and the balance of said allowance, if any, shall be paid by the Administrator to the claimant.

**Subd. 9. Failure to File a Return.**

**A.** If any operator required by this section 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 on demand, file such return or corrected return within five (5) days of receipt of such written notice and shall at the same time, pay any tax due on the basis thereof. If such persons shall fail to file such return or corrected return, the Administrator shall make a return or corrected return, for such person from such knowledge and information as the Administrator 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 upon within five (5) days of the receipt of written notice and demand for such payment. Any such return or assessment made by the Administrator 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 section, including penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City Attorney may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursement of any action.

**C.** Upon showing of good cause, the Administrator may grant an operator one (1) thirty (30) day extension of time within which to file a return and make payment of taxes as required by this section provided that interest during such period of extension shall be added to the taxes due at the rate of ten percent (10%) per annum.

**Subd. 10. Penalties.**

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

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

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

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

**Subd. 11. Administration of Tax.** The Administrator shall administer and enforce the assessment and collection of the taxes imposed by this section. The Administrator shall cause to be prepared blank forms for the returns and other documents required by this section and shall distribute the same throughout the city and furnish them an application, but failure to receive or secure them shall not relieve any person from any obligation required of him/her under this section.

**Subd. 12. Examine Records.** The Administrator and those persons acting on behalf of the Administrator authorized in writing by the Administrator may verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this section. Every such operator is directed and required to give to the said Administrator or to his/her duly authorized agent or employee the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

**Subd. 13. Violations.** Any person who shall willfully fail to make a return required by this section; 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 section after written demand for such payment or who shall refuse to permit the Administrator or any duly authorized agents or employees 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.

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**Subd. 14. Use of Proceeds.** The one hundred percent (100%) proceeds obtained from the collection of taxes pursuant to this section shall be used in accordance with M.S. § 477A.018, as 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 tourist or convention center.

**Subd. 15. Appeals.**

**A.** Any operator aggrieved by any notice, order or determination made by the Administrator under this section may file a petition for review of such 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 Administrator within ten (10) days after the notice, order or determination for which review is sought has been mailed or served upon the person requiring review.

**C.** Upon receipt of the petition, the City Administrator, or his/her designee shall set a date for a hearing and give the petitioner at least five (5) 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, 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.

**E.** The hearing shall be conducted by the City Administrator or his/her 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 conclusions based upon the applicable sections of this ordinance and the evidence presented. The person conducting the hearing may affirm, reverse or modify the notice, order or determination made by the Administrator.

**G.** Any decision rendered by the City Administrator pursuant to this Subdivision may be appealed to the Council. A petitioner seeking to appeal a decision must file a written notice of appeal with the City Administrator within ten (10) 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 were correct. Upon a determination by the Council that findings and conclusions were incorrect, the Council may modify, reverse, or affirm the decision of the City Administrator or his/her designee upon the same standards as set forth in Subparagraph F, above.

**Subd. 16. Effective Date: Expiration.** This section is effective July 15, 1989, and the tax imposed should apply to rents collected for lodging furnished on that date and thereafter.

**SEC. 6.26. ABORIST.**

**Subd. 1. License Required.** It is unlawful for any person to engage in the business of pruning, treating, or removing trees for others without a license therefore from the City.

**Subd. 2. License Fee.** The license fee shall be set by ordinance of the Council.

**Subd. 3. Insurance Required.** No license shall be issued until the applicant has filed with the City Administrator a policy or certificate of public liability insurance coverage concurrent with the license term in the minimum amounts of \$300,000 for bodily injury and \$300,000 for property damage, indemnifying the City of any person injured, or damage resulting from the pursuit of such endeavors as herein described.

**Subd. 4. Exception.** No license shall be required of any recognized public service company or City employee doing such work in the pursuit of their public service endeavors.

**SEC. 6.27. ADULT BUSINESS AND USES.**

**Subd. 1. Purpose.** In order to protect the City's community image, property values, public health, safety, welfare, and business environment, the City has found it necessary, in light of the harmful and unwanted secondary effects that certain businesses generate, to restrict businesses with secondary effects on neighboring properties and the City are intended to be regulated. This section is not intended to restrict or regulate art.

**Subd. 2. Definitions.**

**A.** "Adult Business" shall mean and include, but not be limited to, any and every type of business, premises, enterprise, establishment, operation, entity or place which allows, provides for, or is engaged in "adult uses" as defined in this section.

**B.** "Adult Uses" shall mean and include, but not be limited to, every type and variety of adult bookstore, adult motion picture theater, adult motion picture sales/rental operation, adult mini-motion picture theater, massage parlor, steam room/bathhouse/sauna facility, companionship establishment, rap/conversation parlor, adult health/sport club, cabaret, adult gift or novelty business, motion picture arcade, adult modeling studio, adult hotel/motel,

body painting studio, and any other premises, enterprise, establishment, business, operation, or place that is open to some or all members of the public, at, in, on, or from which materials, entertainment, or services are presented, displayed, depicted, described, distributed, sold or rented that constitute or contain an emphasis on Specified Anatomical Areas or Specified Sexual Activities, and shall include each and every Specified Adult Business. Any activity or material that is classified as obscene under M.S. §617.241, as may be amended from time to time, does not constitute an adult use and are specifically prohibited.

**1.** Adult Use – Principal. An Adult Use, in, on, or from which the sole or a dominant activity involves the presentation, display, depiction, description, distribution, sale, or rental of goods, services entertainment, or materials that constitute or contain an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**2.** Adult Use – Accessory. An Adult Use for which the presentation, display, depiction, description, distribution, sale or rental of goods, services, entertainment, or materials that constitute or contain an emphasis on Specified Anatomical Areas or Specified Sexual Activities is not a dominant activity. An “Adult Use-Accessory” typically does not involve or include any activity except the sale or rental of merchandise.

**3.** Adult Use – Exempt. An Adult Use wherein the presentation, display, depiction, description, distribution, sale or rental of goods, services, entertainment, or materials that constitute or contain an emphasis on Specified Anatomical Areas or Specified Sexual Activities is conducted only on a diminutive scale, such that it is extremely incidental to any dominant activity and, individually or in combination, occupies or comprises less than five (5) square feet of the total floor, wall, and shelf area of the Adult Use. “Adult Uses-Exempt” shall not include or involve any activity except the sale or rental of merchandise, and no external or internal advertising of any adult or sexually-oriented merchandise shall be permitted.

**4.** For purposes of this section, the term “dominant activity” shall mean any activity or activities that, individually or in combination, provide at least twenty percent (20%) of the gross receipts of the Adult Use’s entire business operation at that site, or occupy or comprise up to ten percent (10%) or more of the total floor, wall, and shelf area within the site or 150 square feet or more of floor, wall, and shelf area within the site.

**C.** “Protected Use” shall mean and include, but not be limited to, the following: Licensed day care center or facilities; public or private educational facilities classified as preschools, elementary, junior high, or senior high schools; public libraries; public parks; on-sale liquor establishments; churches and church related facilities; community centers; and residential zoning or uses.

**D.** “Specified Anatomical Area” shall mean and include the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast(s) below a point immediately above the top of the areola; and

2. Human male genitals in a discern by turgid state, even if completely and opaquely covered.

**E.** “Specified Sexual Activity” shall mean and include, but not be limited to the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or turnescence; or

3. Use of human or animal ejaculation, sodomy, oral copulations, coitus or masturbation; or

4. Fondling or touching nude human genitals, pubic region, buttocks or female breast; or

5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually-revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint of any such persons; or

6. Erotic or lewd touching, fondling or other sexually-oriented conduct with an animal by a human being; or

7. Human excretion, urination, menstruation, vaginal or anal irrigation.

**F.** “Specified Adult Business” shall mean and include, but not be limited to, the following:

1. Adult Bookstore. A business or commercial enterprise that provides for barter, rental, or sale items consisting of printed matter pictures, slides, records,

audio tape, videotape, motion picture film, or other visual or aural media, from which minors are excluded by reason of age or where a substantial or significant portion of such items are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**2.** Adult Gift or Novelty Business. A business or commercial enterprise that has a principal activity, the sale of devices, implements, equipment, or novelties that are designed, marketed, used, or sold for the primary purpose of stimulating human genitals otherwise providing sexual stimulation.

**3.** Adult Health Club or Adult Sports Club. A business or commercial enterprise that is named, signed, advertised, or promoted as a facility or club providing health- or sports-related goods, services, or equipment, from which minors are excluded by reason of age or that is distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**4.** Adult Hotel or Motel. A business or commercial enterprise that provides rooms, facilities, or lodging on a short-term basis and wherein material or entertainment is presented, displayed, provided, or otherwise made available that is distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**5.** Adult Mini-Motion Picture Theater. A business or commercial enterprise operating in, on, or from a building or portion thereof that has a legal capacity of less than 50 persons, from which minors are excluded by reason of age or that is used for presenting visual medial or materials that are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**6.** Adult Modeling Studio. A business or commercial enterprise the primary or dominant activity of which is to provide for its customers to observe, paint, paint upon, sketch, draw, sculpt, photograph, videograph, or otherwise depict or portray, with the intent of providing sexual stimulation or sexual gratification to such customers, Specific Anatomical Areas of one more models or subjects, or one or more models or subjects who are engaging in Specified Sexual Activities.

**7.** Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin-, slug-, electronically-, or mechanically-controlled or operated still or motion picture machines, projectors, or other image-producing devices are provided or maintained to show images to no more than one person per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities, whether the individual viewing areas are or are not screened, including but not limited to doors and curtains, in any way to obstruct the viewing areas from monitoring.

**8. Adult Motion Picture Theater.** A business or commercial enterprise operating in, on, or from a building or portion thereof that has a legal capacity of 50 or more persons, from which minors are excluded by reason of age or that is used for presenting visual media or materials that are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**9. Body Painting Studio.** A business or commercial enterprise that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on any Specified Anatomical Area of any person.

**10. Cabaret.** A business or commercial enterprise that provides dancing or other live entertainment, from which minors are excluded by reason of age or where such entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of Specified Anatomical Areas or Specified Sexual Activities.

**11. Companion Establishment.** A business or commercial enterprise that provides the service of engaging in or listening to conversation, talk, or discussion or engaging in activities between an owner, employee, or agent of the enterprise and a customer, if such service is distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**12. Conversation/Rap Parlors.** A business or commercial enterprise that provides the service of engaging in or listening to conversation, talk, or discussion, from which minors are excluded by reason of age or where such service is distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**13. Massage Parlor.** A massage parlor or health club which restricts minors by reason of age, and which provides the services of massages, if such service is distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**14. Sauna, Steam Room or Bathhouse Facility.** A business or commercial enterprise that provides one or more steam or heat bathing rooms or sauna or steam room facilities where the services provided are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities, or from which minors are excluded by reason of age.

**15. Adult Use Other.** Any place to which the public is permitted, a business or commercial enterprise that is distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

**Subd. 3. Regulations.**

**A. Adult Uses – Principal.**

**1.** All “Adult Uses-Principal” shall require a Conditional Use Permit.

**2.** All “Adult Uses-Principal” shall be located within the Industrial District.

**3.** All “Adult Uses-Principal” shall be located at least the following specified distances, measured radially in a straight line from the closest point of the building or actual leased space of the “Adult Use-Principal” to the property line of a Protected Use or other Adult Use, whether the Protected Use is located in Pipestone or an adjoining community.

- a. A distance of at least 1,000 feet from the following:
  - (1) Licensed day care centers.
  - (2) Public or private educational facilities classified as preschools, elementary, junior high, or senior high schools.
  - (3) Public libraries.
  - (4) Public parks.
  - (5) On-sale liquor establishments.
  - (6) Churches or church-related facilities.
  - (7) Community centers.

- a. A distance at least 1,000 feet from the following:
  - (1) Other Adult Uses.
  - (2) Residential properties.

**4.** No “Adult Use-Principal” shall locate in any building which is also utilized for any Personal Use.

**5.** At the time of application for a Conditional Use Permit, any property that is proposed to be occupied by an “Adult Use-Principal” must comply with all current zoning, health, fire, and building regulations that apply to the site and building.

**6.** No “Adult Use-Principal” may occupy a lot with a lot width of less than 200 feet. In addition, each “Adult Use-Principal” shall provide one parking space for each employee on duty, plus parking for customers according to the following schedule:

- a. Motion Picture Theater: one space per six seats actually provided or the maximum seating capacity of the theater.
- b. Motion Picture Arcade: one space per machine.
- b. All other “Adult Use-Principal”: one space per fifteen (15) square feet of floor area that is open to or used by the public or customers of the “Adult Use-Principal”.

**7.** Sign Requirements. All “Adult Use-Principal” shall comply with the following sign requirements:

- a. All signs shall be flat wall signs.
- b. The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on a street.
- c. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.
- d. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square foot sign shall be placed on the door to state hours of operation and admittance is restricted to adults only.

**8.** Hours of Operation. “Adult Use-Principal” businesses shall not be open between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 12:00 noon on Sunday.

**B. Adult Use-Accessory.**

**1.** All “Adult Use-Accessory” shall require a Conditional Use Permit.

**2.** All “Adult Use-Accessory” shall be located only within the B-2 District, “Auto-Oriented Business District”.

**3.** All “Adult Use-Accessory” shall be located at least the following specified distances, measured radially in a straight line from the closest point of the building or actual leased space of the “Adult Use-Accessory” to the property line of a Protected Use or other Adult Use, whether the Protected Use is located in Pipestone or an adjoining community:

- a. A distance of at least 1,000 feet from the following:
  - (1) Residential properties.
  - (2) Licensed day care centers.
  - (3) Public or private educational facilities classified as preschools, elementary, junior high, or senior high schools.
  - (4) Public libraries.
  - (5) Public parks.
  - (6) On-sale liquor establishments.
  - (7) Churches and church-related facilities.
  - (8) Community centers.
- b. A distance of at least 1,000 feet from the following:
  - (1) Other Adult Uses.

**4.** No “Adult Use-Accessory” shall locate in any building which is also utilized for any Protected Use.

**5.** “Adult Uses-Accessory” shall restrict and prohibit access to minors by the physical separation from areas of general access of items that are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

- a. **Movie Rentals.** Display areas for movies that are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities shall be restricted from general view and shall be located within a separate room, the access or entrance to which is in clear view and under control of the persons responsible for the operation or controlled in some other effective manner which meets with the approval of the Zoning Administrator.
- b. **Magazines.** Magazines that are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities

shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any materials other than the publication title.

- c. Other Adult Materials or Services. “Adult Uses-Accessory” offering or providing items that are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities and that are not specifically cited above shall comply with the intent of this section, subject to the final approval of the City Council.

6. “Adult Uses –Accessory” shall be prohibited from external advertising and signing of items that are distinguished or characterized by an emphasis on Specified Anatomical Areas or Specified Sexual Activities.

7. At the time of application for the Conditional Use Permit, any property that is to be occupied by an “Adult Use-Accessory” must comply with all the current zoning, health, fire, and building regulations that apply to the site and building.

**Subd. 4. Licensed Required.** No person shall own or operate an adult-oriented business, whether “principal” or “accessory” use, within the City unless such person is currently licensed under this Section.

**A. Persons and Locations Ineligible for a License.** The Issuing Authority (City Council) shall issue a license under this Section to an applicant unless one (1) or more of the following conditions exist:

1. The applicant is not eighteen (18) years of age or older on the date the application is submitted to the Issuing Authority.

2. The applicant failed to supply all of the information requested on the license application.

3. The applicant gave false, fraudulent, or untruthful information on the license application.

4. The applicant has had a sexually-oriented (adult business/use) license revoked from the City or any other jurisdiction within a one (1) year period immediately preceding the date the application was submitted.

**5.** The applicant has had a conviction of a felony or gross misdemeanor or misdemeanor relating to sex offenses, obscenity offenses, or adult uses in the past five (5) years.

**6.** The adult business/use does not meet the zoning requirements prescribed in this Section.

**7.** The premises to be licensed as an adult business/use are currently licensed by the City or operating as a tanning facility, tattoo establishment, pawn shop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages.

**8.** The applicant has not paid the license and investigation fees required in this section.

**B.** License Application. The application for a license under this Section shall be made on a form supplied by the City of Pipestone and shall require the following information:

**1.** What type of entity is attempting to secure a license, whether it is a natural person, corporation, partnership, or other form of organization, and include the name(s) and address(es) of such entity.

**2.** The name(s) and address(es) of applicant(s).

**3.** The name and street address of the business.

**4.** The legal description of the premises to be licensed along with a floor plan of the premises. The floor plan of the premises shall detail all internal operations and activities, including a statement of the total floor space occupied by the business.

**5.** Other documentation to be included if the entity is a:

a. Partnership. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.01, a certified copy of such certificate shall be attached to the application.

b. Corporation. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement and bylaws shall be attached to the application. If the applicant is a

foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Section 303.06, shall be attached.

**6.** State whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a petty misdemeanor. If so, the applicant shall furnish information as to the time, place and offense for which convictions were obtained.

**7.** The application shall be signed and sworn to by the natural person; in the case of a corporation, by an officer thereof; in the case of a partnership, by one of the general partners; in the case of an unincorporated association, by the manager or managing officer thereof.

**C. License Application Verification.** Applications of licenses under this Ordinance shall be submitted to the City Council (hereinafter referred to as the “Issuing Authority”). Within thirty (30) calendar days of receipt of a complete application and payment of all license application fees, agents and/or employees of the Issuing Authority shall verify any and all of the information requested of the applicant in the application, including ordering of criminal background checks, and conduct any necessary investigation to assure compliance with this Ordinance.

**D. License Application Consideration.** No later than thirty (30) calendar days after the completion of the license application verification and investigation by the Issuing Authority or its agents and employees, as prescribed in the paragraph above, the Issuing Authority shall accept or deny the license application in accordance with this Section. If the application is denied, the Issuing Authority shall notify the applicant of the determination in writing. The notice shall be mailed by certified mail to the applicant at the address provided on the application form. The notice shall inform the applicant of the applicant’s right, within thirty (30) calendar days of receipt of the notice by the applicant, to request an appeal of the determination for reconsideration by the City Council or to immediately challenge the determination in a court of law. If an appeal to the City Council is timely received, the hearing before the City Council shall take place within thirty (30) calendar days of the receipt of the appeal. If an application is granted for the location where the building is under construction or not ready for occupancy, the license shall not be delivered to the licensee until a certificate of occupancy has been issued for the licensed premises by the Building and Zoning Administrator for the licensed premises.

**E. License Fees.**

**1. Application Fee.**

a. The license application fee shall be Ten Thousand (\$10,000.00). This shall be an annual fee.

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- b. The license application fee shall be paid in full before the application for a license is considered. All fees shall be paid to the Issuing Authority for deposit into the general fund of the City. Upon rejection of any application for a license or upon withdrawal of application before approval of the Issuing Authority, the license fee shall be refunded to the applicant.
- c. When the license is for premises where the building is not ready for occupancy, the license period shall commence ninety (90) days after the approval of the license by the Issuing Authority or upon the date a certificate of occupancy is issued for the building, provided the issuance of said certificate is within the 90-day period. However, if the building is not ready for occupancy within the 90 days after the approval of the license, the license shall be null and void; and the applicant shall be required to file another license application.

**2. Investigation Fee.**

- a. An applicant for any license under this Section shall deposit with the Issuing Authority, at the time an original application is submitted, One Thousand Dollars (\$1,000.00) to cover the cost involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this Section. The investigation fee shall be non-refundable.

**3. Renewal Application.** All licenses issued under this Section shall be effective for a period of one (1) year commencing with the date of approval by the Issuing Authority. An application for the renewal of an existing license shall be submitted to the Issuing Authority at least thirty (30) calendar days prior to the expiration date of the license. The Issuing Authority shall verify any and all of the information requested of the applicant on the renewal application, including the order of criminal background checks, and shall conduct any necessary investigation to assure compliance with this Ordinance.

**F. License Non-Transferable.** The license granted under this Section is for the person and premises named on the approved license application. No transfer of a

license shall be permitted from place to place or from person to person without complying with the requirements of an original application.

**G. License Restrictions.**

**1. Posting of License.** A license issued under this Section must be posted in a conspicuous place in the premises for which it was issued.

**2. Effect of License.** A license issued under this Section is only effective for the compact and contiguous space specified in the approved license application.

**3. Minors.** No license of an “Adult Use-Principal” business shall allow minors to enter the licensed premises. The licensee shall request proof of age of all persons the licensee believes to be under the age of eighteen (18) years. Proof of age may be established only by: a valid driver’s license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; a valid military identification card issued by the United States Department of Defense; or in the case of a foreign national from a nation other than Canada, a valid passport. The provisions of this restriction shall also be enforced by licensees of an “Adult Use-Accessory” business as it relates to the areas of the premises licensed for the adult business/use.

**4. Maintenance of Order.** A licensee under this Section shall be responsible for the conduct of the business/use being operated and shall not allow any illegal activity to take place on or near the licensed premises, including but not limited to prostitution, public indecency, indecent exposure, disorderly conduct, or the sale or use of illegal drugs. Every act or omission by an employee or independent contractor of the licensee, constituting a violation of this Section, shall be deemed the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee or as a result of the licensee’s negligent failure to supervise the employee’s or independent contractor’s conduct.

**5. Distance Requirements for Live Adult Entertainment.** All performers, dancers, and persons providing live entertainment, distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, in the licensed facility or in areas adjoining the licensed facility where such entertainment can be seen by patrons of the licensed facility shall remain at all times a minimum distance of ten (10) feet from all patrons, customers, or spectators and shall dance or provide such entertainment on a platform intended for that purpose, which shall be raised at least two (2) feet from the level of the floor on which patrons or spectators are located.

**6. Interaction with Patrons.** No dancer, performer, or person providing live entertainment, distinguished or characterized by an emphasis on matters depicting,

describing, or relating to specified sexual activities or specified anatomical areas, in the licensed facility or in areas adjoining the licensed facility where the entertainment can be seen by patrons of the licensed facility shall fondle or caress any spectator or patron.

**7. Gratuity Prohibition.** No customers, spectator, or patron of a licensed facility shall directly pay or give any gratuity to any dancer or performer and no dancer or performer shall solicit any pay or gratuity from any patron or spectator.

**8. Adult Car Wash Requirements.** Adult businesses/uses that are adult car washes shall meet all of the requirements of this Section.

**Subd. 5. Sanctions for License/Section Violations.**

**A. Suspension.** The City Council may suspend a license issued pursuant to this Section for a violation of:

**1.** Fraud, misrepresentation, or false statement(s) contained in a license application or a renewal application.

**2.** Fraud, misrepresentation, or false statement(s) made in the course of carrying on the licensed business or use.

**3.** Any violation of this Section or related state law.

**4.** A licensee's criminal conviction that is directly related to the use or business licensed.

**5.** Conducting the licensed use or business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the community.

**B. Revocation.** The City Council may revoke a license if the City Council determines that:

**1.** The licensee's license was suspended in the preceding fourteen (14) months and an additional cause of suspension as detailed in Subdivision 5A above is found by the City Council to have occurred within the fourteen (14) month period.

**2.** The licensee gave false or misleading information in the material submitted to the City during the application process.

**3.** The licensee or an employee or independent contractor of the licensee knowingly allowed possession, use, or sale of controlled substances on the premises.

**4.** A licensee or an employee or independent contractor has knowingly allowed prostitution on the premises.

**5.** A licensee violated any of the provisions of M. S. § 617.241 through 617.299, relating to the illegal distribution, possession or sale of obscene materials.

**6.** A licensee or an employee or independent contractor knowingly operated the adult business during a period of time when the licensee's license was suspended.

**7.** A licensee has been convicted of a felony or gross misdemeanor or misdemeanor, including but not limited to, convictions relating to sex offenses, obscenity offenses, adult uses, or violation of this Section, for which the time period required has not elapsed.

**8.** On two or more occasions within a 12-month period, a person or persons has/have committed an offense, including but not limited to, offenses relating to sex offenses, obscenity offenses, or adult uses, or in violation of any provision of this Section, in or on the licensed premises, for which a conviction has been obtained, and the person or persons were employees or independent contractors of the license at the time the offenses were committed.

**9.** A licensee or an employee or independent contractor of the licensee has knowingly allowed specified sexual activities to occur in or on the licensed premises.

**10.** A licensee is delinquent in payment to the City, County, State or Federal governments for hotel occupancy taxes, ad valorem taxes, state taxes or other financial obligations.

**C.** Notice of Hearing. A revocation or suspension shall be preceded by written notice to the licensee and a public hearing. The notice shall provide at least ten (10) day notice of the time and place of the public hearing and shall state the nature of the charges against the licensee. The notice shall be mailed to the licensee by regular and certified mail at the address listed on the most recent application.

**Subd. 6.** Penalty.

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

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

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

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

**Subd. 7.** Severability. If any subsection, sentence, clause or phrase of this Section is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have adopted this Section and each subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases of the Section be declared invalid.

Source: City Code  
Effective Date: 09-15-2005

(Sections 6.28 through 6.98, inclusive, reserved for future expansion.)

(09-15-2005)

**SEC. 6.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source:	City Code
Effective Date:	09-15-2005

## CHAPTER 7

### STREETS AND SIDEWALKS GENERALLY

(THIS CHAPTER CONTAINS PROVISIONS AS TO  
SCOPE AND APPLICATION RELATING TO  
CHAPTERS 8 AND 9 AS WELL AS THIS CHAPTER)

#### SECTION 7.01. APPLICATION.

**Subd. 1.** The provisions of Chapter 7, 8 and 9 applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles including, but not limited to, those owned or operated by the United States, this State, or any county, city, town, district, or any other political subdivision of the State, subject to such specific exemptions as may be set forth in Chapters 7, 8 and 9.

**Subd. 2.** Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of Chapters 7, 8 and 9 applicable to the driver of a vehicle, except those provisions which by their nature can have no application. Provisions specifically referring to bicycles shall be in addition to other provisions of these Chapters applying to vehicles.

#### SEC. 7.02. SCOPE AND ORDERS OF POLICE OFFICER.

**Subd. 1. Scope.** The provisions of Chapters 7, 8 and 9 relate exclusively to the streets, alleys and private roads in the City, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets, alleys and private roads.

**Subd. 2. Orders of a Police Officer.** It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or discretion of any police officer invested by law with authority to direct, control or regulate traffic.

#### SEC. 7.03. TRAFFIC AND PARKING CONTROL.

**Subd. 1. Council Action.** No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

**Subd. 2. Temporarily Restricting or Directing Traffic and Parking;  
Curb Painting.**

**A.** When clearly marked, barricaded, or sign-posted, traffic and parking may be temporarily restricted for any public or private use. All such restrictions shall be in accordance with the uniform policy promulgated by the Council.

(09-15-2005)

**B.** Restricted or prohibited use of parking and traffic lanes may be designated by painting the same upon streets and curbs. Such work shall be done under the direction of the Public Works Director and in compliance with the provisions of Chapters 7, 8 and 9.

**C.** It is unlawful to use traffic or parking lanes contrary to sign-posting or marking authorized and described in this Section.

**D.** Experimental restrictions and directions may be placed on traffic and parking by the City Administrator, and it shall be his/her duty to do so when an extra-hazardous condition is observed or arises. It is unlawful to violate any restriction or direction when the same has been duly marked, barricaded, or sign-posted.

#### **SEC. 7.04. ICE AND SNOW ON PUBLIC SIDEWALKS.**

**Subd. 1. Ice and Snow a Nuisance.** All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and the owner or tenant of such property shall cause said nuisance to be abated within the time specified on a Notice of Snow Removal which shall be in the form of a red tag citing this section and affixed prominently to the premises. The owner or tenant of such property must remove all snow and ice the full width of the sidewalk. If the abutting property is without the Central Business District, as defined in Chapter 11, such snow and ice shall be removed within twenty-four (24) hours after it has ceased to be deposited.

**Subd. 2. City to Remove Snow and Ice.** The City may cause to be removed from all public sidewalks, all snow or ice the full width of the sidewalks which may be discovered thereon after it should have been removed therefrom in accordance with Subdivision 1, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

**Subd. 3. Cost of Removal to be Assessed.** The City Clerk shall bill the property owner, and if payment is not received within forty-five (45) days, upon direction of the Council, extend the cost of such removal of snow and ice as a special assessment against the lots or parcels of ground abutting the walks which were cleared, and such special assessments shall be at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

**Subd. 4. Placing Snow and Ice in Public Street or on Other City Property.** It is a misdemeanor for any person, not acting under a specific contract with the City, to remove snow from private property or alleys and place the same on a public street in such quantity, or in such manner, as to obstruct vision or cause a hazard to travel, without adequate arrangements for the immediate removal thereof; and it is also a misdemeanor for any person not acting under a contract with the City to dump snow on other City property.

(09-15-2005)

**SEC. 7.05. REGULATION OF TREES, GRASS, AND WEEDS IN STREETS.**

**Subd. 1. City to Control Tree Planting.** The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all streets and other public property. The City may establish and enforce uniform standards relating to the species and types of trees to be planted, placement and the maintenance and removal thereof.

**Subd. 2. Definitions.** As used in this Section, the following words and terms shall have the meanings stated:

**A. “Public Tree”** – A tree, shrub, bush or other woody vegetation growing on any public property owned and/or managed by the City.

**B. “Private Tree”** – A tree, shrub, bush or other woody vegetation growing on private property within the City.

**C. “Street Tree”** – A tree, shrub, bush or other woody vegetation growing on land lying between property lines on either side of all streets, avenues and boulevards within the City.

**D. “Park Tree”** – A tree, shrub, bush or other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

**E. “Small Tree”** – Any plant material that will grow to a height of no more than 30 feet.

**F. “Medium Tree”** – Any plant material that will grow to a height of no more than 50 feet.

**G. “Large Tree”** – Any plant material that will grow to a height of over 50 feet.

**H. “Public Utility”** – Any public private or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, waste or stormwater, which directly or indirectly serves the public or any part thereof within the corporate limits of the City.

**Subd. 3. Tree Planting Requirements; Species; Location.**

**A. Landscaping Plan Review.** In conjunction with issuing a building permit for a new dwelling, or when the development of a new subdivision or

commercial property occurs, the Tree Inspector will review landscaping plans and may require trees to be planted in any of the streets, parking lots, parks and other public places abutting the lands developed and/or subdivided, in accordance with guidelines established by the Tree Board.

**B. Tree Species.** The Tree Board shall develop and maintain a list of desirable trees for planting along streets in three size classes: small, medium and large. Tree Species list includes: Sugar Maple, Green & Black Maple, Hackberry, Thornless Hawthorne Elite, American Sentry Linden, Red Oak, Flowering Crab and Green Ash. A list of trees not suitable for planting will also be created and enforced by the Tree Board.

**C. Spacing Between Trees.** The spacing of street trees will be in accordance with the three species and size classes listed in this Section, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special planting designed or approved by the Tree Inspector.

**D. Planting Near Utilities.** No street trees other than those species listed herein as small trees may be planted under or within 10 lateral feet of any overhead utility wire.

**E. Planting Near Curbs and Sidewalks.** The distance street or private trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in this Section, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

**F. Distance From Corners, Fire Hydrants and Driveways.** No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street or private trees shall be planted closer than 15 feet to any fire hydrant, nor 5 feet from any driveway.

**G. Special Planting Arrangements.** The Board may grant a permit for special planting arrangements that deviate from the requirements of this Subdivision, when special circumstances exist.

**Subd. 4. Public Trees; Planting, Care and Removal.**

**A. Care of Public Trees.** The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of public grounds. No other planting may be done without consent of the Tree Inspector.

**B. Protection of Public Trees Near Construction Activities.** Any tree located on City property in the immediate vicinity of any excavation, demolition or construction site of any building, structure, street or utilities work which has potential for injury, shall be protected from such injury.

**C. Tree Topping Prohibited.** It is unlawful for any person to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section, as determined by the Tree Board.

**D. Permits Relating to Public Trees.** It is unlawful for any person to plant, remove, cut above ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the Tree Inspector. The person receiving the permit shall abide by the standards set forth in this Section.

**E. Adjacent Landowner Responsibility.** Owners of property adjacent to street trees shall maintain the trees by periodic watering and fertilization of street trees as necessary to maintain good health and vigor and protect the trees against damage caused by lawnmowers, weed trimmers, snowblowers and similar equipment.

**1. Public Trees – Private Property Owner Requests – Financial Responsibility.** In cases where an owner of private real property abutting City property requests City actions on street trees or public trees, the requesting owner shall be financially responsible for the following:

(a) Removal of trees, limbs, or roots preventing house moving or other construction activities;

(b) Removal of trees, limbs, or roots for the alteration of tree or abutting property appearance where not hazard or nuisance exists;

(c) Spraying, fertilizing, or treatment other than may be regularly conducted on a City-wide basis by the City.

**2. Financial Responsibility.** Financial responsibility does not eliminate the requirement of obtaining necessary permits required by this Section.

**SEC. 7.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, CURB AND GUTTER.**

**Subd. 1. Methods of Procedure.**

**(09-15-2005)**

**A.** Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing or curb and gutter in accordance with this Section if advance payment is made therefore or arrangements for payment considered adequate by the City are completed in advance.

**B.** With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with Section 429.011, as the same may from time-to-time be amended.

**Subd. 2. Permit Required.** It is a misdemeanor to construct or reconstruct a curb and gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing from the City. Application for such permit shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning work and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All applications may be referred to the City Engineer and no permit shall be issued until approval has been received. All such applications shall contain an agreement by the applicant to be bound by this Chapter and plans and specifications consistent with the provisions of this Chapter and good engineering practices shall also accompany the application. A permit from the City shall not relieve the holder from damages to the person or property of another caused by such work.

**Subd. 3. Specifications and Standards.** All construction and reconstruction of roadway surfacing and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file in the office of the City Administrator and open to inspection and copying there. Such specifications and standards may be amended from time-to-time by the Council, but shall be uniformly enforced.

**Subd. 4. Inspection.** The Building Official, Public Work Director or the City Engineer shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the Building Inspector of the City Engineer if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

**SEC. 7.07. EXCAVATIONS IN ANY STREET, ALLEY OR EASEMENT.** No person, firm or corporation shall make an excavation within any street, alley or easement on the City of Pipestone for the purpose of installing steam or gas pipes, electric or telephone conduits, or for any other purpose without first obtaining a permit for such excavation from the City. A permit shall not be required for any work undertaken in behalf of the City. All permittees shall meet the requirements as specified by the City Engineer. A permit shall be required for individual home hook-ups, only where excavation in the street or alley is necessary.

(09-15-2005)

**Subd. 1. Application.** Application for permits shall be made in writing to the City. Said application shall contain pertinent information applicable to the proposed project and may be reviewed by the City Engineer.

Permits shall be issued in writing and shall be kept on the site of the work while it is in progress and in the custody of the individual in charge. It shall be exhibited upon the request by any City Official.

Before any permit is issued, the applicant requesting the permit, except those holding utility franchises, shall pay a fee as fixed and determined by the Council, and adopted by ordinance, and uniformly enforced, for each location covered by the permit. Each transverse excavation and each 300 feet or portion thereof on longitudinal excavation shall be deemed a location.

**Subd. 2. Work Progress.** Work shall progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to traffic. In the event that the work shall not be performed in accordance with requirements of this Ordinance, shall cease, or shall be abandoned without due cause, the City may, after six hour notice in writing to the holder of said permit, cause said work to be completed. In any such event the entire cost of the City of said work shall be a liability of, and shall be paid, by the person, firm or corporation to whom the permit is issued.

**Subd. 3. City Held Harmless.** All permit holders shall indemnify and save harmless the City from all damage caused in the execution of such work or costs in connection with the repair of the streets, alleys or easements excavated, and that the holder will pay any and all damages that will be suffered by the City by reason of the failure of the person securing the permit to observe the terms of this Ordinance or by reason of negligence in the execution of the work.

**Subd. 4.** The provisions of this Ordinance are not in lieu of but in addition to all utility connection permits that may be required by ordinance, or by the rules and regulation of the City Engineer.

**Subd. 5. Notification.** Any person or firm to whom a street excavation permit or work contract has been issued shall notify all utility companies of the intent to excavate. This notification shall be given not less than 48 hours in advance of the commencement of the work and shall indicate the time, place and purpose of the street excavation. Any person or firm to whom a street excavation permit or work contract has been issued shall have the duty of determining the location and depth of all underground utility installations. If a utility line is broken or damaged in any way the permittee, or contractor, shall immediately notify the utility owner.

**Subd. 6. Method of Refilling Excavation.** Every street excavation shall be refilled as soon as possible after the work is completed and paving, sidewalks, and appurtenances shall be replaced in at least as good condition as before the excavation to the satisfaction of the city. All dirt and debris shall be removed immediately. Any person who fails to comply with these requirements within 24 hours after notice from the City shall be liable to the City for the full cost incurred by the City in remedying the defect and restoring the street, sidewalk, alley or public ground to its proper condition.

**Subd. 7. Supervision.** Refilling an excavation may not begin without four hour notice by the permittee to the City. Upon completion of the refilling and restoration of the street surface to the satisfaction of the City staff the permit shall be returned to the City with a certification of completion signed by the permittee.

**Subd. 8. Map of Subsurface Installations.** The City shall maintain a map showing the location of all utility and other installations made beneath the surface of any public street, grounds, or right-of-way. The information on the map shall be sufficiently complete and accurate to permit anyone making an excavation in a public place having any underground installation to avoid damage to any existing underground installation and to properly locate any new underground facilities shall be recorded on the map as soon as practicable upon the issuance of an excavation permit or the completion of a contract for the installation of city underground installations.

**Subd. 9. Penalty.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$700.00 or by imprisonment of not more than ninety (90) days, or both, plus the costs of prosecution in either case.

Source: City Code  
Effective Date: 09-15-2005

(Sections 7.08 through 7.29, inclusive, reserved for future expansion.)

(Pages 9 through 13 reserved)

**SEC. 7.30. REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.**

**Subd. 1. Requirement of Sewer and Water Laterals.** No petition for the improvement of a street shall be considered by the Council if such petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along such street will be served by such utilities installed in the street.

**Subd. 2. Sewer System Service and Water Main Service Laterals.** No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

**Subd. 3. Waiver.** The Council may waive the requirements of this Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

**SEC. 7.31. LOAD LIMITS.** The Public Works Director may from time-to-time impose upon vehicular traffic on any part or all of the streets such load limits as may be necessary or desirable. Such limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign-posted thereon. It is a misdemeanor for any person to operate a vehicle on any street in violation of the limitation so posted.

**SEC. 7.32. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING.** It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, as such coloring may be approved by the City Administrator.

**SEC. 7.33. SIDEWALK MAINTENANCE AND REPAIR.**

**Subd. 1. Primary Responsibility.** It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to keep and maintain such sidewalk in safe and serviceable condition.

**Subd. 2. Construction, Reconstruction and Repair Specifications.** All construction, reconstruction or repair of sidewalks shall be done in strict accordance with specifications on file in the office of the City Administrator.

**Subd. 3. Notice – No Emergency.** Where, in the opinion of the City Administrator, no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ninety (90) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

**Subd. 4. Notice- Emergency.** Where, in the opinion of the City Administrator, an emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ten (10) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

**Subd. 5. Failure of Owner to Reconstruct or Make Repairs.** If the owner of the abutting property fails to make repairs or accomplish reconstruction as herein required, the City Administrator shall report such failure to the Council and the Council may order such work to be done under its direction and the cost thereof assessed to the abutting property owner as any other special assessment.

**Subd. 6. Duty to Inspect.** In order to accomplish the purpose of this Section, it shall be the duty of the Public Works Director to inspect sidewalks within the City, or cause the same to be inspected under his/her direction.

**Subd. 7. Agreement to Share Expense of Reconstruction or Repair.** Where, in the opinion of the City Administrator, a section of sidewalk requires reconstruction or repair, the City, at its opinion, may enter into an agreement with the owner of the abutting property for the reconstruction or repair of the sidewalk. Under such an agreement, the City may perform the work and assess the abutting owner an agreed upon amount as his/her cost to reconstruct the sidewalk. In the event that the abutting owner should fail to pay the agreed upon amount, that amount shall be certified for collection as other special assessments are certified and collected.

If the owner of the abutting property does not wish to enter into such an agreement, he/she may hire a private contractor to reconstruct the sidewalk. In such cases, the City shall contribute \$2.00 per square foot toward the cost of reconstruction provided it is determined, in advance, by the City that reconstruction is required. In the event that a private contractor performs the work, the work must be performed according to specifications established by the City. In addition, the work must be approved by the City Building and Zoning Administrator before the City's contribution shall be made.

Source: City Code  
Effective Date: 09-15-2005

(Sections 7.34 through 7.98, inclusive, reserved for future expansion.)

(09-15-2005)

**SEC. 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code  
Effective Date: 09-15-2005

## CHAPTER 8

### TRAFFIC REGULATIONS

(SEE CHAPTER 7 FOR SCOPE AND APPLICATION  
RELATING TO THIS CHAPTER)

#### SECTION 8.01. CERTAIN STATUTES ADOPTED BY REFERENCE.

**Subd. 1.** Except as otherwise provided in this Chapter, or in Chapters 7 and 9 of this Code, the regulatory and procedural provisions of Minnesota Statutes, Chapter 169, commonly referred to as the Highway Traffic Regulation Act, as amended, is hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

**Subd. 2.** Except as otherwise provided in this Chapter, or Chapters 7 and 9 of this Code, Minnesota Statutes, Sections 171.01, 171.02, 171.08, 171.22, 171.23 and 171.24, as amended, are hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

**Subd. 3.** The penalty for violation of the provisions of these state statutes adopted by reference in this section shall be identical with the penalty provided for in the statutes for the same offense.

Source: City Code  
Effective Date: 09-15-2005

(Sections 8.02 through 8.09, inclusive, reserved for future expansion.)

(Pages 2 through 7 reserved)

(09-15-2005)

**SEC. 8.10. TRUCK ROUTE.** It is unlawful for any person to drive a tractor, agricultural implement, truck (other than a pickup truck of three-quarter [3/4] ton capacity or less), truck-trailer, tractor-trailer or truck-tractor, automobile trailer, or automobile to which a trailer is attached, in through traffic, upon any street except those which have been designated and sign-posted as truck routes. For the purpose of this Chapter, “through traffic” means originating without the City and with a destination without the City, as distinguished from “local traffic” which means traffic either originating or having a destination within the City.

**SEC. 8.11. ONE-WAY STREETS.**

**Subd. 1.** The Council may, by resolution, designate streets as one (1) way streets.

**Subd. 2.** It is a misdemeanor for any person to travel upon any one (1) way street in a direction opposite that designated when the same has been duly sign-posted.

**SEC. 8.12. DRIVING THROUGH PROPERTY TO AVOID TRAFFIC SIGNAL.** It is unlawful for any person to avoid obedience to any traffic control device by driving upon or through any property.

**SEC. 8.13. EXHIBITION DRIVING.**

**Subd. 1. Prima Facie Evidence.** It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two (2) wheeled or three (3) wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

**Subd. 2. Unlawful Act.** It is a petty misdemeanor for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property; provided that this Section shall not apply to driving on a racetrack. For purposes of this Section, a “racetrack” means any track or premises whereon motorized vehicles, horses, dogs, or other animals or fowl legally compete in a race or timed contest for an audience, the members of which have directly or indirectly paid a consideration or admission.

**SEC. 8.14. TRAFFIC VISIBILITY.** It is unlawful to erect or maintain any fence, structure or planting within any yard areas on a corner lot, except in the Central Business District, which shall interfere with the traffic visibility across the corner within fifteen (15) feet of the intersecting street right-of-way line.

Source: City Code  
Effective Date: 09-15-2005

(Sections 8.15 through 8.29, inclusive, reserved for future expansion.)

(Pages 10 through 15 reserved)

**(09-15-2005)**

**SEC. 8.30. BICYCLES.**

**Subd. 1. Traffic Laws Apply.** Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Charter, except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.

**Subd. 2. Manner and Number Riding.**

**A.** It is unlawful for any person propelling a bicycle to ride other than upon or astride a permanent and regular seat attached thereto.

**B.** No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except on a baby seat attached to the bicycle, provided that such seat is equipped with a harness to hold the child securely in the seat and that protection is provided against the child's feet hitting the spokes of the wheel or in a seat attached to the bicycle operator.

**Subd. 3. Hitching Rides.** It is unlawful for any person riding upon any bicycle, coaster, roller skates, sled or toy vehicle to attach the same or himself to any vehicle upon a roadway.

**Subd. 4. Where to Ride.**

**A.** Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

**B.** Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

**Subd. 5. Right of Way – Sidewalks.** Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right of way to an pedestrian and shall give audible signal before overtaking and passing such pedestrian. Provided, that it is unlawful for any person to ride a bicycle on a sidewalk in the Central Business District.

**Subd. 6. Carrying Articles.** It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevents the driver from keeping at least one (1) hand upon the handlebars, or that interferes with the safe operation of the bicycle.

**Subd. 7. Lighting and Brake Equipment.**

**A.** Every bicycle when in use at nighttime shall be equipped with, or its operator shall carry, a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Department of Public Safety which is visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector. No person may at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead, operate a bicycle unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from six hundred (600) feet when viewed in front of lawful lower beams of headlamps on a motor vehicle. The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of twenty (20) square inches on each side of the bicycle or its operator, of white reflective material. All reflective materials used in compliance with this Subdivision shall meet the requirements as prescribed by the Commissioner of Public Safety.

**B.** Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

**Subd. 8. Sale With Reflectors.** It is unlawful for any person to sell or offer for sale any new bicycle unless it is equipped with such reflectors as are prescribed in Subdivision 7.

**SEC. 8.31. MOTORIZED GOLF CARTS.**

**Subd. 1.** Authorization. Motorized golf carts may be operated on streets within the City only pursuant to a permit issued under this ordinance. This ordinance does not authorize operation of motorized golf carts on State trunk highways within the City.

**Subd. 2.** Motorized Golf Cart. A self-propelled vehicle of the type and style designated for and commonly used by patrons of golf courses, but excluding vehicles commonly known as all-terrain vehicles or ATV's.

**Subd. 3.** Permit. A permit issued under this ordinance by the City of Pipestone and allowing the operation of a motorized golf cart on designated streets in the City.

**Subd. 4.** Permit Required. Motorized golf carts shall not be operated on streets in the City except by an authorized operator pursuant to a valid permit.

A. Only those persons identified on a permit as an authorized operator may operate a motorized golf cart pursuant to that permit.

**Subd. 5.** Permit Application Forms. Application forms for permits shall be obtained from the City Office.

**Subd. 6.** Applications. All applications shall include at least the following information and documentation:

- A. Date of application;
- B. Full name and address of applicant;
- C. Full name and address of the owner of the motorized golf cart, if other than the applicant;
- D. Make, model and identification or serial number of the motorized golf cart to be operated under the permit;
- E. A satisfactory certificate of insurance complying with Minnesota Statutes 65B.48, Subd. 5, and with any other insurance required by Minnesota Statutes 169.045;
- F. Home and work telephone numbers;
- G. Minnesota driver's license number;
- H. Date of birth;
- I. Such additional and further information as the City may deem necessary or appropriate to process the application.

**Subd. 7.** Granting or Denying Permits.

A. The City Council shall grant a permit to applicants satisfactorily providing all information required by this ordinance. The City Council may deny an application in whole or in part for any of the following reasons:

- a. The application or documentation submitted in support of the application is incomplete or contains false, fraudulent or deceptive statements.
- b. An authorized operator for the applicant does not have a valid Minnesota driver's license.
- c. Required information or documentation by any other applicable law has not been filed with the City Administrator.
- d. The applicant does not qualify for a permit.

B. The City Council may issue a permit subject to special conditions if the Council determines that the applicant does not otherwise qualify for a permit, or that such conditions are necessary to ensure public safety.

C. For public safety considerations, a permit issued under this ordinance also may:

- a. Limit operation of the motorized golf cart to use only on specific streets within the group of designated streets.
- b. Prohibit operation on certain designated streets during specified times, dates or occasions.

**Subd. 8.** Possession of a Permit. A person operating a motorized golf cart by permit must have the permit in possession when operating the motorized golf cart and shall produce it upon demand of a peace officer.

**Subd. 9.** Operations Regulations. Motorized golf carts operated pursuant to permit must follow these regulations:

- a. The operator must have and possess a current, valid, Minnesota driver's license.
- b. The motorized golf cart may be operated only between sunrise and sunset.
- c. Motorized carts shall be permitted on City streets between April 1 and October 31 of each year.
- d. The motorized golf cart shall not be operated during inclement weather; nor when visibility is impaired by weather, smoke, fog, or other conditions; nor at any time when there is insufficient light to clearly see persons in vehicles on the roadway at a distance of 500 feet.
- e. The motorized golf cart must display the slow moving vehicle emblem provided by Minnesota Traffic Regulations.
- f. All rights and duties applicable to the driver of any other vehicle shall apply to the motorized golf cart, except those provisions that cannot reasonably be applied to the motorized golf cart.
- g. The motorized golf cart shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.
- h. Motorized golf carts shall not be operated on public sidewalks.

**Subd. 10.** Revocation, Suspension or Modification of Permits.

A. Permits may be revoked or temporarily suspended by the City if there is evidence that:

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- a. The application for permit contained false or misleading information or documentation;
- b. A violation has occurred as provided in Subd. 10B below, regardless of whether the violation resulted in a conviction;
- c. The insurance required by law for a permit is no longer in effect.

**B.** The City may administratively revoke, modify or temporarily suspend a permit if there is evidence satisfactory to the City that a permit holder or authorized operator has committed, permitted or otherwise allowed:

- a. A violation of any provision of this ordinance;
- b. Conduct constituting a misdemeanor, gross misdemeanor or felony offense involving the operation of a vehicle;
- c. A violation of any special conditions of the permit.

**C.** A revocation, modification or suspension shall be effective when notice of the same is personally delivered to the permit holder, or mailed by first class mail to the permit holder at the address stated in the permit application.

**Subd. 11.** Appeal. Any authorized operator or institution may appeal a revocation, modification or suspension to the City Council by written notice of appeal submitted to the City Administrator within fifteen (15) days of the effective date of the revocation, modification or suspension.

**Subd. 12.** Permit Term. Permits shall be issued for a period not to exceed one (1) year and may be annually reviewed. The Administrator may use a short form application for renewal of existing permits.

**Subd. 13.** Separability. Should any provision of this ordinance be declared by a court to be invalid, such decision shall not affect the validity of any part of the ordinance.

**Subd. 14.** Violations. Violations of this ordinance are a petty misdemeanor, except that violations committed under circumstances that endanger, or that are likely to endanger, persons or property are misdemeanors. A violation of this ordinance within twelve (12) months of a conviction for a prior violation of this ordinance is a misdemeanor.

Source: City Code  
Effective Date: 09-15-2005

(Sections 8.32 through 8.39, inclusive, reserved for future expansion.)

(Pages 21 through 23 reserved)

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**SEC. 8.40. SNOWMOBILE AND ALL-TERRAIN VEHICLE TRAFFIC CONTROL AND REGULATIONS.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meaning stated:

**A.** The term “snowmobile” means a self-propelled vehicle designed for travel on snow or ice steered by skids or runners.

**B.** The terms “all-terrain vehicle” or “ATV” refers to trail bikes, mini bikes, amphibious vehicles and similar devices other than snowmobiles used at least partially for travel on natural terrain but not “special mobile equipment” defined in M.S. 168.011, Subdivision 22, which is hereby incorporated herein by reference.

**C.** The term “owner” means a person, other than a lien holder having the property in or title to snowmobile or ATV entitled to the use or possession thereof.

**D.** The term “operate” means to ride in or on and control the operation of a snowmobile or ATV.

**E.** The term “operator” means every person who operates or is in actual physical control of a snowmobile or ATV.

**F.** The term “deadman throttle” or “safety throttle” means a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

**G.** The term “natural terrain” means areas other than roadways or driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

**Subd. 2. Scope of Application.** Notwithstanding provisions of this Chapter to the contrary, this Section shall apply to control of traffic and regulation of that certain class of vehicles falling within the definition of snowmobiles as to matters set forth herein. All provisions of this Chapter, not relating to matters herein stated, apply as equally to snowmobiles as other vehicles.

**Subd. 3. Operation.** Except as otherwise herein permitted, it is unlawful for any person to operate a snowmobile or ATV not licensed as a motor vehicles as follows:

**A.** On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel, except upon the most right hand lane of a street

or alley and may in passing or making a left hand turn, operate on other lanes which are used for vehicle traffic in the same direction. A snowmobile or ATV may also be operated upon the ditch bottom or the outside bank of trunk, County State-Aid and County highways where such highways are so configured within the corporate limits.

- B.** On a public sidewalk provided for pedestrian travel.
- C.** On boulevards within any public right-of-way.
- D.** On private property of another without specific permission of the owner or person in control of said property.
- E.** At a rate of speed greater than reasonable or proper under all surrounding circumstances.
- F.** At any place in a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
- G.** During the hours from 11:00 p.m. to 7:00 a.m. of any day, closer than one hundred (100) feet to any dwelling which is usually occupied by one (1) or more persons; provided, however, that snowmobile operation shall be permitted during such hours when traveling directly to or from the residence of the operator and the nearest City limits line at a rate of speed not in excess of fifteen (15) miles per hour.
- H.** So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile or ATV.
- I.** At any place while under the influence of alcohol or drugs as defined in M.S.A. 169.121, which is hereby incorporated herein by reference.
- J.** Within one hundred (100) feet of any pedestrian, fisherman, skating rink or sliding area where the operation would conflict with the use or endanger other persons or property.

**Subd. 4. Special Orders.** In addition to the regulations provided in Subdivision 3, it is unlawful to operate a snowmobile or ATV on any public place where prohibited by order of the City Administrator. The City Administrator shall have the power, by written order, to prohibit such operation whenever in his/her discretion the same would be likely to produce damage to property or endanger the safety or repose of other persons. Such areas shall be appropriately sign-posted before such order shall become effective.

**Subd. 5. Direct Crossings.** A snowmobile may make a direct crossing of a street or highway, except at interstate highway or freeway, provided:

**A.** The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

**B.** The snowmobile is brought to a complete stop before crossing the shoulder on main traveled way.

**C.** The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard.

**D.** In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

**E.** If the crossing is made after sunset and before sunrise or in conditions of reduced visibility, only if both front and rear lights are on. ATVs are not licensed as a motor vehicle and are forbidden to cross highways or streets except when they are pushed across by human power. ATVs when pushed across highways or streets shall be subject to all the regulations of this Section.

**Subd. 6. Yielding the Right-of-Way.** It is unlawful for any person operating a snowmobile to enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

**Subd. 7. Youthful Operators.**

**A.** It is unlawful for any persons under 14 years of age to make a direct crossing of a Trunk, County State-Aid, or County highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within the City. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a Trunk, County State-Aid, or County highway only if the person has in immediate possession a valid motor vehicle operator's license issued by the Commissioner of Public Safety or the driver's license authority of another State. It is also unlawful for any person under the age of 14 years to operate a snowmobile on any public land, public easements, or water or grant-in-aid trail unless accompanied by one of the following listed persons on the same or any accompanying snowmobile, or on a device towed by the same or any accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands, public easements, and waters or a grant-

in-aid trail if the person has in immediate possession a valid snowmobile safety certificate issued by the Commissioner as provided by M. S. § 84.872.

**B.** It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this Section.

**Subd. 8. Equipment.** It is unlawful for any person to operate a snowmobile or ATV any place within the City unless it is equipped with the following:

**A.** Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a snowmobile or ATV motor.

**B.** Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV under any condition of operation.

**C.** A safety or so-called “deadman” throttle in operating condition.

**D.** When operated after sunset and before sunrise or at a time of reduced visibility, at least one (1) clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of any oncoming traffic. It shall also be equipped with at least one (1) red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear during the hours of darkness under normal atmospheric conditions.

**E.** Reflective material at least sixteen (16) square inches on each side, forward of the handlebars, or steering device of a snowmobile or ATV and at the highest practical point on any towed object, as to reflect light at a ninety (90) degree angle.

**Subd. 9. Locking Vehicles.** It is unlawful for any person to leave a snowmobile or ATV on a public place unless he/she shall lock the ignition, remove the key and take the same with him/her.

**Subd. 10. Emergencies.** Notwithstanding the prohibition of operating a snowmobile upon a roadway to the contrary, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, at locations where, snow upon the roadway renders travel by automobile impractical.

**Subd. 11. Vegetation.** It is unlawful for any person to drive or operate a snowmobile or ATV in a manner which damages or destroys growing trees, shrubs, flowers, or landscaping on public or private property.

**Subd. 12. Animals.** It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile or ATV.

**Subd. 13. Signal From Officer to Stop.** It is unlawful for a snowmobile operator, after having received a visual or audible signal from any law enforcement officer to come to a stop, to 1) operate a snowmobile in willful or wanton disregard of such signal, or 2) interfere with or endanger the law enforcement officer or any other person or vehicle, or 3) increase his/her speed or attempt to flee or elude the officer.

Source: City Code  
Effective Date: 09-15-2005

(Sections 8.41 through 8.98, inclusive, reserved for future expansion.)

**SEC. 8.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code  
Effective Date: 09-15-2005

## CHAPTER 9

### PARKING REGULATIONS

#### (SEE CHAPTER 7 FOR SCOPE AND APPLICATION RELATING TO THIS CHAPTER)

**SECTION 9.01. PRESUMPTION.** As to any vehicle parking in violation of Chapters 7, 8 and 9 when the driver thereof is not present, it shall be presumed that the owner parked the same, or that the driver was acting as the agent of the owner.

**SEC. 9.02. GENERAL PARKING PROHIBITIONS.** It is unlawful for any person to stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places: 1) on a sidewalk; 2) in front of a public or private driveway; 3) within an intersection; 4) within twenty (20) feet of a crosswalk at any intersection; 7) in a sign-posted fire land; 8) within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; 9) within fifty (50) feet of the nearest rail of a railroad crossing; 10) within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign-posted; 11) alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic; 12) on a roadway side of any vehicle stopped or parked at the edge or curb of a street; 13) upon any bridge or other elevated structure upon a street; 14) at any place where official signs prohibit or restrict stopping, parking or both; 15) in any alley, except for loading and unloading and then only so long as reasonably necessary for such loading and unloading to or from adjacent premises; or, 16) on any boulevard within fifteen (15) feet of any intersecting street right-of-way.

**SEC. 9.03. UNAUTHORIZED REMOVAL.** It is unlawful for any person to move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

**SEC. 9.04. DIRECTION TO PROCEED.** It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control, or regulate traffic.

**SEC. 9.05. PARALLEL PARKING.** Except where angle parking is specifically allowed and indicated by curb marking or sign-posting, or both, each vehicle stopped or parked upon a two (2) way road where there is an adjacent curb shall be stopped or parked with the right hand wheels of the vehicle parallel with, and within twelve (12) inches of, the right hand curb, and, where painted markings appear on the curb or the street, such vehicle shall be within such markings, front and rear, provided that upon a one (1) way roadway all vehicles shall be so parked, except that the left hand wheels of the vehicle may be parallel with and within twelve

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(12) inches from the left hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon such one (1) way street; and it is unlawful to park in violation of this Section.

**SEC. 9.06. ANGLE PARKING.** Where angle parking has been established by Council resolution, and is allowed, as shown by curb marking or sign-posting, or both, each vehicle stopped or parked shall be at an angle of approximately forty-five (45) to sixty (60) degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of one (1) way traffic; and it is unlawful to park in violation of this Section.

**SEC. 9.07. STREETS WITHOUT CURB.** Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

**SEC. 9.08. PARKING HOURS.** Parking on streets shall be limited as follows:

**Subd. 1.** Parking is prohibited in the Central Business District, as sign-posted, between the hours of 12:00 o'clock midnight and 6:00 o'clock a.m., November 1 through April 1.

**Subd. 2.** It is unlawful for any person to stop, park or leave standing any vehicle upon any street for a continuous period in excess of seventy-two (72) hours.

**Subd. 3.** The Sheriff shall, when authorized by resolution of the Council, designate certain streets, blocks or portions of streets or blocks as five (5) minute, ten (10) minute, fifteen (15) minute, thirty (30) minute, one (1) hour, two (2) hour, four (4) hour, six (6) hour, eight (8) hour limited parking zones and the City Services Director shall make by appropriate signs any zones so established. Such zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle in any space in violation of such limits when sign-posted.

**SEC. 9.09. RECREATIONAL CAMPING VEHICLE PARKING.**

**Subd. 1. Definitions.** The following "recreational camping vehicle" means any of the following:

**A. "Travel Trailer"** – A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.

**B. “Pick-up Coach”** – A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

**C. “Motor Home”** – A portable, temporary building to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

**D. “Camping Trailer”** – A folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

**Subd. 2. Unlawful Act.** It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way for a continuous period in excess of 48 hours, except where signs are erected designating the place as a campsite or in a mobile home park. Provided, however, that during such 48-hour period, such vehicle shall not be occupied as living quarters.

Source: City Code  
Effective Date: 09-15-2005

(Sections 9.10 through 9.19, inclusive, reserved for future expansion.)

(Pages 4 through 9 reserved)

**SEC. 9.20. SNOW EMERGENCY.** In order to facilitate movement of traffic and promote public convenience in and safety, the Public Works Department, the Mayor or his/her designated official, may declare a snow emergency.

**Subd. 1. “Snow Emergency” Defined.** A snow emergency means a condition created on City streets because of the presence of snow, freezing rain, sleet, ice or snow drifts thereon which create or are likely to create hazardous road conditions or impede or are likely to impede the free movement of fire, health, police, emergency, or other vehicular traffic when the same have been duly declared by the Public Works Department, the Mayor or his/her designated official.

**Subd. 2. Declaration of a Snow Emergency.** Whenever, in the discretion of the Public Works Department, the Mayor or his/her designated official, a snow emergency exists, the Public Works Department, the Mayor or his/her designated official may declare the same and shall cause an announcement thereof to be made over the local news media.

**Subd. 3. Unlawful Act.** During any such snow emergency declared by the Mayor or his/her designated official, no person shall park any motor vehicle or permit any such motor vehicle to remain on any street after a snow emergency has been declared; provided, that parking shall be permitted during a snow emergency on those streets that have been plowed to their full width.

**Subd. 4. Penalties.** A violation of this ordinance shall constitute a petty misdemeanor.

Source: City Code  
Effective Date: 11-18-2013

(Sections 9.21 through 9.29, inclusive, reserved for future expansion.)

(Pages 11 through 15 reserved)

**SEC. 9.30. TRUCK PARKING.**

**Subd. 1.** It is unlawful to park a semi-trailer, whether or not attached to a truck-tractor, upon any street, City-owned parking lot or other public property except designated parking lots.

**Subd. 2.** It is unlawful to park a semi-trailer, whether or not attached to a truck-tractor, within an area zoned as a residential district, except for the purpose of loading or unloading the same.

**Subd. 3.** It is unlawful to park a commercial vehicle of more than three-fourths (3/4) ton capacity upon any street in the business district which has been duly sign-posted prohibiting the same, but parking of such vehicle for a period not more than twenty (20) minutes shall be permitted in such space for the purpose of necessary access to abutting property for loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.

**Subd. 4.** It is unlawful to park any vehicle of greater length than twenty (20) feet diagonally along any street except for a time sufficient to load or unload, and in such case, only parallel parking shall be permitted. Provided, however, that a truck may stand backed up to the curb if the weight or bulk of the load makes parallel parking impracticable, but then only for a period of time sufficient to load or unload.

**Subd. 5.** Parking of commercial vehicles is permitted in duly designated and sign-posted loading zones, and in alleys, for a reasonable and necessary period, provided that such alley parking does not prevent the flow of traffic therein, all of which shall be for the purpose of access to abutting or adjacent property for loading or unloading.

**SEC. 9.31. IMPOUNDING AND REMOVING VEHICLES.** When any police officer finds a vehicle standing upon a street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such vehicle to remove the same to a position in compliance with this Chapter. When any police officer finds a vehicle unattended upon any street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to impound such unlawfully parked vehicle and to provide for the removal thereof and to remove the same to a convenient garage or other facility or place of safety; provided, that if any charge shall be placed against such vehicle for cost of removal or storage, or both, by anyone called upon to assist therewith the same shall be paid prior to removal from such place of storage or safekeeping.

Source: City Code  
Effective Date: 09-15-2005

(Sections 9.32 through 9.49, inclusive, reserved for future expansion.)

(Pages 17 through 21 reserved)

**(09-15-2005)**

**SEC. 9.50. VEHICLE REPAIR ON STREET.** It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon a street, except to provide emergency service thereon.

**SEC. 9.51. PARKING FOR THE PURPOSE OF ADVERTISING OR SELLING MERCHANDISE.** It is unlawful for any person to park a vehicle on any public right-of-way for the purpose of selling merchandise thereon or therein, or advertising any merchandise for sale for a forthcoming event, for a period longer than fifteen (15) minutes.

**SEC. 9.52. PHYSICALLY HANDICAPPED PARKING.**

**Subd. 1.** Statutory parking privileges for physically handicapped shall be strictly observed and enforced.

**Subd. 2.** It is unlawful for any person, whether or not physically handicapped, to stop, park, or leave standing, a motor vehicle 1) in a sign-posted fire land at any time, or 2) in lanes where, and during such hours as, parking is prohibited to accommodate heavy traffic during morning and afternoon rush hours.

Source: Ordinance No. 33, 2<sup>nd</sup> Series  
Effective Date: 07-03-81

(Sections 9.53 through 9.98, inclusive, reserved for future expansion.)

**SEC. 9.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code  
Effective Date: 09-15-2005

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## CHAPTER 10

### PUBLIC PROTECTION, CRIMES AND OFFENSES

#### SEC. 10.01. DANGEROUS WEAPONS AND ARTICLES.

**Subd. 1. Acts Prohibited.** It is unlawful for any person to:

**A.** Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or

**B.** Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or

**C.** Manufacture or sell for any unlawful purpose any weapon known as a sling-shot or sand club; or

**D.** Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or

**E.** Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or

**F.** Sell or have in his/her possession any device designed to silence or muffle the discharge of a firearm; or

**G.** Permit, as a parent or guardian, any child under fourteen (14) years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or

**H.** Furnish a minor under eighteen (18) years of age with a firearm, air gun, ammunition, or explosive without the written consent of his/her parent or guardian or of the Police Department; or

**I.** Possess, sell, transfer, or have in possession for sale or transfer, any weapon commonly known as a throwing star, nun chuck, sharp stud or splat gun. For the purposes of this Subparagraph, (1) a "throwing star" means a circular metallic device with any number of points projecting from the edge, (2) a "nun chuck" means a pair of wood sticks or metallic rods separated by chain links attached to one end of each such stick or rod, (3) a "sharp stud" means a circular piece of metal attached to a wrist band, glove, belt or other material which protrudes one-fourth inch, or more, from the material to which it is attached, and with the protruding portion pyramidal in shape, sharp or pointed, and (4) a "splat gun" means a weapon which, by means of compressed air or gas, emits a projectile containing paint or other substance.

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**Subd. 2. Exception.** Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

**Subd. 3. Discharge of Firearms and Explosives.** It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a B-B gun. This section shall not apply to the discharge of legal fireworks as defined in Subd. 5B.

**Subd. 4. Exception.** Nothing in Subdivision 3 of this Section shall apply to the following:

A. A display of fireworks by an organization or group of organizations authorized in writing by the Council.

B. Firing or discharging firearms when it is an integral part of an entertainment or cultural event and is authorized in writing by the Council. Such authorization shall be granted only on a case by case basis and shall state the conditions under which a permit for the firing or discharging of firearms is to be issued.

C. To a peace officer in the discharge of his/her duty.

D. To a person in the lawful defense of his/her person or family.

This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

**Subd. 5. Possession and Sale of Fireworks.**

A. Sale of Fireworks. It is unlawful to sell fireworks in the City of Pipestone in violation of M. S. § 624.20 through 624.25, inclusive, which are adopted by reference. "Legal fireworks" as defined in this Section may, however, be sold upon issuance of a license issued by the City.

B. Definition. For the purpose of this Section "legal fireworks" is defined to mean:

Wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200-grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

C. Application. The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location where fireworks will be sold; the type of legal fireworks to be sold; the estimated quantity of legal fireworks that will be stored on the licensed premises.

D. Processing Application. The application must be filed with the City Clerk together with the permit fee. Following an inspection of the premises proposed to be licensed, the City shall issue the permit if the conditions for license approval are satisfied and the location is property zoned. If the City denies the permit application, the permit applicant may, within ten (10) days, appeal the decision to the City Council.

E. Conditions of License. The license shall be issued subject to the following conditions:

1. The license is non-transferable, either to a different person or location.
2. The licensed premises must contain an automatic sprinkler system.
3. The license must be publicly displayed on the licensed premises.
4. Premises must be posted "NO SMOKING".
5. The premises are subject to inspection by City employees including police officers, Fire Chief and Fire Marshal during normal business hours.
6. The sale of legal fireworks must be in an allowed area of the premises.
7. The premises must be in compliance with the State Building Code and State Fire Code.

F. License Period and License Fee. Licenses shall be issued for a calendar year at an established fee of \$100.00 per year. License fees shall not be prorated.

G. Revocation of License. Following written notice and an opportunity for a hearing, the City may revoke a license for violation of this Section or state law concerning the sale, use or possession of fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for twelve (12) months.

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**Subd. 6. Exposure of Unused Container.** It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

**Subd. 7. Use of Bow and Arrow.** It is unlawful for any person to shoot a bow and arrow or other similar device within the City limits except in a Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

#### **SEC. 10.02. CURFEW FOR MINORS.**

**Subd. 1. Purpose.** The curfew for minors established by this section is maintained for four primary reasons:

- A. To protect the public from illegal acts of minors committed during the curfew hours;
- B. To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- C. To protect minors from criminal activity that occurs during the curfew hours; and
- D. To help parents control their minor children.

**Subd. 2. Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. **Emergency Errand.** A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

B. **Official City Time.** The time of day as determined by reference to the master clock used by the Sheriff's Department.

C. **Places of Amusement, Entertainment, or Refreshment.** Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

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D. **Primary Care or Primary Custody.** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

E. **School Activity.** An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

**Subd. 3. Hours.**

A. **Minors Under the Age of 16 Years.** No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 10:30 p.m. and 5:00 a.m. the following day, official city time.

B. **Minors Ages 16 Years to 18 Years.** No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds, or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 12 midnight and 5:00 a.m. the following day, official city time.

**Subd. 4. Effect on Control by Adult Responsible for Minor.** Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

**Subd. 5. Exceptions.** The provisions of this section shall not apply in the following situations:

A. To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

B. To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;

C. To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work.

D. To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor.

E. To a minor who is passing through the city in the course of interstate travel during the hours of curfew.

F. To a minor who is attending or traveling directly to or from an activity involving the exercise to First Amendment rights of speech, freedom of assembly, or freedom of religion.

G. To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence.

H. To a minor who is married or has been married, or is otherwise legally emancipated.

**Subd. 6. Duties of Person Legally Responsible for Minor.** No parent, guardian, or other adult having the primary care or custody of any minor shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section apply.

**Subd. 7. Defense.** It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

**Subd. 8. Penalty.**

A. **Generally.** Whoever violated any provision of this chapter for which no other penalty has been established shall be punished as provided in §10.99.

B. **Curfew Penalties.**

1. **Minors.** Any minor found to be in violation of § 130.05 adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. § 260.185, as it may be amended from time to time.

2. **Adults.** Any adult person found to be in violation of § 130.05 shall be guilty of a misdemeanor.

**SEC. 10.03. TOILET INSTALLATION REQUIRED.** It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated thereon, to install a toilet in such dwelling or business building and make connection thereof to City water main if located within 500 feet of such main and with City sewer main if located within 200 feet of such main as provided in the sewerage service regulations of the City Code.

Source: City Code  
Effective Date: 09-15-2005

(Sections 10.04 through 10.19, inclusive, reserved for future expansion.)

(Pages 8 through 15 reserved)

**SEC. 10.20. DANGEROUS TRESPASSES AND OTHER ACTS.** It is unlawful for any person to: 1) smoke in the presence of explosives, or inflammable materials, or in a building, or area, in which “No Smoking” notices have been prominently posted; or, 2) interfere with or obstruct the prevention or extinguishing of any fire, or destroy the lawful orders of a law enforcement officer or fireman present at the fire; or, 3) show a false light or signal or interfere with any light, signal or sign controlling or guiding traffic upon a highway, railway track, or navigable water; or, 4) place an obstruction upon a railroad track; or, 5) expose another or his/her property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest or coerce; or, 6) trespass or permit animals under his/her control to trespass upon a railroad track; or, 7) permit domestic animals or fowl under his/her control to go upon the lands of another within the City; or, 8) interfere unlawfully with any monument, sign or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or a tract of land; or, 9) trespass upon the premises of another, and without claim of right refuses to depart therefrom on demand of the lawful possessor; or, 10) occupies or enters the dwelling of another, without claim of right, or consent of the owner, or the consent of one who has the right to give consent, except in an emergency situation; or, 11) enter the premises of another with intent to take or injure any fruit, fruit trees or vegetables growing thereon without the permission of the owner or occupant; or, 12) without the permission of the owner tamper with or get into or upon a motor vehicle, or ride in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner.

**SEC. 10.21. UNLAWFUL ASSEMBLY; PRESENCE AT UNLAWFUL ASSEMBLY.**

**Subd. 1. Unlawful Assembly.** It is unlawful for three (3) or more persons to assemble, and each participant shall be guilty of unlawful assembly, if the assembly is: 1) with intent to commit any unlawful act by force; or, 2) with intent to carry out any purpose in such manner as will disturb or threaten the public peace; or, 3) without lawful purpose but the participants conduct themselves in a disorderly manner as to disturb or threaten the public peace.

**Subd. 2. Presence at Unlawful Assembly.** It is unlawful for any person to be present at the place of an unlawful assembly and refuse to leave when so directed by a law enforcement officer.

**SEC. 10.22. DISORDERLY CONDUCT.** It is unlawful for any person, in public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do or permit upon premises owned or controlled by him, the following: 1) engage in brawling or fighting; or, 2) disturb an assembly or meeting, not unlawful in its character; or, 3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or, 4) willfully and lewdly exposes his/her person or the private parts thereof, or procures another to so expose himself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, 5) voluntarily enters the water of any

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lake, river or City public swimming pool between the hours of 10:00 p.m. and 8:00 a.m. except with specific permission; or, 6) enters such water without being garbed in a bathing suit sufficient to cover his/her person and equal to the standards generally adopted and accepted by the public; or, 7) races the motor of any motor vehicle; or, 8) causes the spinning or skidding of wheels or tires causing tire squeals or similar noise; or, 9) causes the making or production of an unnecessary noise by shouting or by any other means of mechanism including the blowing of any automobile or other vehicle horn; or, 10) use a flash or spotlight in a manner so as to annoy or endanger others; or, 11) drinks or displays any intoxicating liquor or non-intoxicating malt liquor in or about any premises where such drinking or display is prohibited by law; or, 12) causes defacement, destruction or otherwise damage to any premises or any property located thereon; or, 13) strews, scatters, litters, throws, disposes of or deposits any refuse, garbage or rubbish unto any premises except into receptacles provided for such purpose; or, 14) enters any motor vehicle of another without the consent of the owner or operator; or, 15) fails or refuses to vacate or leave the premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises may be present thereon at that time as part of his/her official duty, nor shall it include the wife, children, employee or tenant of such owner or occupier.

**SEC. 10.23. CONCEALING IDENTITY.** It is unlawful for any person to conceal his/her identity in a public place by means of a robe, mask or other disguise, unless incidental to amusement or entertainment.

**SEC. 10.24. WINDOW PEEPING.** It is unlawful for any person to go upon the private premises of another, and in a surreptitious manner look, gaze, stare or peep into any window, door or other opening in any building located thereon which is occupied by a person or persons as a place of abode with intent to intrude upon the privacy of a member of the household thereof.

Source: City Code  
Effective Date: 09-15-2005

(Sections 10.25 through 10.39, inclusive, reserved for future expansion.)

(Pages 18 through 22 reserved)

**SEC. 10.40. MINNESOTA UNIFORM FIRE CODE.**

**Subd. 1. Adoption.** The Minnesota Uniform Fire Code, as adopted pursuant to M.S. §299F.011, is hereby adopted as the fire code for the city for the purpose of prescribing regulations governing conditions hazardous to life or property from fire, hazardous materials, or explosion. The provisions of the Minnesota Uniform Fire Code except as modified or amended by this ordinance, are hereby adopted by reference and made a part of this ordinance as set forth herein.

**Subd. 2. Enforcement.**

**A.** The chief of the fire department service Pipestone or the chief's representatives are authorized to administer and enforce the provisions of this ordinance.

**B.** The chief of the fire department may detail such members of the fire department as may be necessary to administer and enforce the provisions of this ordinance.

**Subd. 3. Definitions.**

**A.** Wherever the word "jurisdiction" is used in the Minnesota Uniform Fire Code, it shall mean the City of Pipestone.

**B.** Whenever the term "this code" is used in the Minnesota Uniform Fire Code or this ordinance, it shall mean the code adopted pursuant to this ordinance.

**Subd. 4. Establishment of Limits of Districts in Which Certain Fire Hazards are to be Restricted.**

**A.** Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is Prohibited. The limits referred to in §79.501 and 79.1001 of the Minnesota Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is restricted, are hereby established as follows:

**1.** May continue in the Agriculture District. Provided, however, that such installation shall not be expanded nor shall new installations for such purpose be permitted without a special permit from the City Council. Prior to issuance of any such permit, an application therefore shall be investigated by the Sheriff and the Chief of the fire department, and a hearing held thereon before the City Council.

**B.** Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in §77.106 of the Minnesota Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

**1.** May continue in the Agriculture District. Provided, however, that such installation shall not be expanded nor shall new installations for such purpose be permitted without a special permit from the City Council. Prior to issuance of any such permit, an application therefore shall be investigated by the Sheriff and the Chief of the fire department, and a hearing held thereon before the City Council.

**Subd. 5. Penalties.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

**SEC. 10.41. RULES AND REGULATIONS GOVERNING PUBLIC PARKS.**

**Subd. 1. Adoption.** The Council may by ordinance adopt, and from time to time amend, rules and regulations governing public parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.

**Subd. 2. Unlawful Act.** In addition to the foregoing, it is unlawful for any person to consume or possess in an unsealed container, beer or liquor, as those terms are defined in Chapter 5 of the City Code, in Harmon Park.

**SEC. 10.42. OPEN BURNING AND AIR POLLUTION CONTROL.**

**Subd. 1. Minnesota Statutes Adopted.** The provisions of M. S. Ch. 116.01 et. Seq. are hereby adopted by reference as though set forth verbatim herein. It is unlawful to violate a provision of this Section or of M. S. Ch. 116.01 et. Seq., hereby adopted by reference.

**Subd. 2. Fire Marshal.** The Fire Chief shall designate a Fire Marshal with approval of the City Council.

**Subd. 3. Violation.** It is unlawful for any person to burn or permit the burning of any grass, weeds, leaves, rubbish or other substance upon premises owned or occupied by the person, except as otherwise provided by the City Code.

**Subd. 4. Exceptions.** The following open burning shall be excepted from the regulations of this Section.

**A.** Fires in barbecue grills or other authorized containers used solely for the preparation of food. In any structure containing three or more dwelling units, it is unlawful for any person to kindle, maintain or cause to be kindled or maintained any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of said structure, or to store or use any fuel, barbecue, torch or other similar heating or lighting chemicals or devices in the locations designated above. These prohibitions do not apply to electric or gas-fired barbecue grills which are permanently mounted, wired or plumbed to the building's gas or electrical system and maintain a minimum clearance of 18 inches on all sides (unless listed for lesser clearances by the manufacturer) when approved by the Fire Warden.

**B.** Fires set for the instruction and training of public and industrial firefighting personnel when weather conditions are such that resultant smoke will be carried away from the neighboring residences or other affected property owners or public roadways, and that such burning will not constitute a fire, health or traffic hazard, and a special permit has been issued by the Fire Warden.

**C.** Fires set for the elimination of hazards which cannot be abated by any other practical means and have been issued a special permit by the Fire Warden.

**D.** Recreational Fires defined as the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace or barbecue pit and with a total fuel area of 3 feet or less in diameter and 2 feet in height. Recreational fires are permitted under the following conditions: a 50 foot clearance from any structure or combustible material is maintained, buckets, shovels or garden hoses are readily available, and a special permit is issued by the Fire Marshal or duly authorized agent. It is unlawful to allow campfires except in pits conforming to the specifics above located in designated camp grounds.

**Subd. 5. Special Permits.** Special permits shall be issued by the Sheriff's Department based upon the following:

- A.** Written application
- B.** Evidence of need;

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- C. Evidence of adequate precaution for public protection and safety;
- D. Specification of location;
- E. Specification of materials to be consumed;
- F. Limitation to day(s) with wind levels below 10 mph;
- G. Written permission of the owner, lessee, or agent of the owner or lessee of the land;
- H. Agreement that the permittee shall keep the permit on his/her person at all times and shall produce the permit for inspection when requested to do so by a forest officer, Fire Marshal/Fire Chief, conservation officer, or other peace officer;
- I. The permittee shall remain with the fire at all times and before leaving the site completely extinguish the fire.

**Subd. 6. Revocation of Special Permits.** The Sheriff's Department shall revoke permits issued under this Section upon finding that:

- A. The permit is being used by any person other than the person to whom it was issued; or
- B. The conditions or limitations set forth in said permit have been violated; or
- C. Violations set forth in any written notice served upon a permittee by the Fire Marshal/Fire Chief have not been corrected within the time required by the notice; or
- D. The permit is being used for any premises or location other than that for which it was issued.

**Subd. 7. Reporting of Fires.** It is unlawful for the occupant of any property upon which any unauthorized fire is burning, whether the fire was started by the occupant or otherwise, to fail to promptly report the fire to the nearest forestry office, fire department, or other proper authority. The occupant of the premises shall be deemed prima facie guilty of negligence if the unreported fire spreads from the property or causes damage, loss, or injury to another person, that person's property, or the State.

Source: City Code  
Effective Date: 09-15-2005

(Sections 10.43 through 10.59, inclusive, reserved for future expansion.)

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**SEC. 10.60. OPEN PITS, BASEMENTS AND OTHER EXCAVATIONS.** It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool or other excavation on said premises open and without protection for the public.

**SEC. 10.61. RADIO AND TELEVISION INTERFERENCE.** It is unlawful for any person to maintain, use or operate any apparatus or device whether electrical, mechanical or of any other type, so as to cause interference with radio, television reception, or other radio receiving devices. This Section shall not apply to electro-medical devices provided that they are equipped so far as reasonably possible with apparatus tending to reduce such interference.

**SEC. 10.62. STORAGE OF AGRICULTURAL CHEMICALS.**

**Subd. 1. Definition.** The term “agricultural chemicals”, as used in this Section, shall mean all fertilizers, pesticides and any other chemicals or chemical compounds used in the agricultural or any agriculturally related industry or business.

**Subd. 2. Storage Areas.** The location of all storage areas for agricultural chemicals shall be reported in writing to the Sheriff’s Department and the Fire Department, such writings to contain the location and layout of the storage area, types of materials stored, hazards involved and the names, telephone numbers and addresses of the persons responsible for the storage.

**Subd. 3. Unlawful Acts.** It is unlawful for any person to fail to:

- A.** Lock all storage areas for agricultural chemicals when not in use.
- B.** Store all containers containing pesticides a sufficient distance away from windows and other openings, and out of the sun, so that they will not be subject to heat and ignition.
- C.** Store all combustible agricultural chemicals a sufficient distance away from steam lines and heat so as not to be subject to heat and ignition.
- D.** Store all highly toxic pesticides in one (1) common area.

**Subd. 4. Violation.** Each day any violation of this Section is continued after written notice of such violation by the Sheriff or the Fire Chief, or their authorized agent, shall be deemed a separate and additional violation.

**SEC. 10.63. FAIR HOUSING.**

**Subd. 1. Declaration of Policy.** Racial, marital status, status with regard to public assistance, disability, sex and religious discrimination in housing, public accommodations and public services adversely affects the health, welfare, peace and safety of the

the community. Persons subject to such discrimination suffer depressed living conditions, poverty and lack of hope, injuring the public welfare, placing a burden upon the public treasury to ameliorate the conditions thus produced, and creating conditions which endanger the public peace and order. The public policy of the City is declared to be to foster equal opportunity for all to obtain housing, public accommodations, and public services without regard to their race, creed, color, national origin, marital status with regard to public assistance, disability, sex or ancestry and strictly in accord with their individual merits as human beings.

**Subd. 2. Definitions.** For the purposes of this Section, the following terms, phrases, words and their derivations, shall have the meaning given herein unless the context otherwise indicates:

**A. “Discriminate” or “Discriminating”** includes segregate or separate.

**B. ”Person”** includes individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, receivers, political subdivisions, boards, commissions, and their officers and agents.

**C. “Public Accommodations”** includes every business, accommodation, refreshment, entertainment, recreation or transportation facility, whether licensed or not, whose goals, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public.

**D. “Disability”** means a mental or physical condition which constitutes a handicap. Nothing in this Section shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habilitate, rehabilitate, or accommodate that person.

**E. “Status With Regard to Public Assistance”** means the condition of being a recipient of Federal, State or local assistance, including medical assistance, or of being a tenant receiving Federal, State or local subsidies, including rental assistance or rent supplements.

**F. “Marital Status”** means the standing, state or condition of one as a single or married person.

**Subd. 3. Real Property.** It is unlawful discriminatory practice:

**A.** For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

**1.** To refuse to sell, rent or lease or to offer for sale, rental or lease any real property to any person or group of persons or to negotiate for the sale, rental or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability, or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, national origin, sex, religion, marital status, status with regard to public assistance or disability; or,

**2.** To discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith; or,

**3.** In any transaction involving real property, to print, circulate or post or cause to be printed, circulated or posted any advertisement or sign, or use any form of application for inquiry in connection with the prospective purchase, rental or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability or any intent to make any such limitation, specification or discrimination.

**B.** For a person, bank, banking organization, mortgage company, insurance company or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property, or any agent or employee thereof:

**1.** To discriminate against any person or group of persons because of race, color, creed, national origin, sex, marital status, religion, status with regard to public assistance or disability of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith; or,

**2.** To use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, religion, creed, national origin, sex, marital status, status with regard to public assistance or disability or any intent to make any such limitation, specification or discrimination; or,

**3.** To discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in

a specific urban or rural area or any part thereof solely because of the social, economic or environmental conditions of the area in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance, or in the extension of services in connection therewith.

**C.** For any real estate broker or real estate salesman, for the purpose of inducing a real property transaction from which such person, his/her firm, or any of its members may benefit financially to represent that a change has occurred or will or may occur in the composition with respect to race, religion, creed, color, sex, marital status, status with regard to public assistance or disability of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

**D.** The provisions of this Subdivision shall not apply to:

**1.** The rental of a portion of a dwelling containing accommodations for two (2) families, one (1) of which is occupied by the owner; or,

**2.** The rental, by an owner or occupier of a one (1) family accommodation in which he/she resides, of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this Subdivision shall be construed to require any person or group of persons selling, renting, or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this Subdivision be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase of sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of such lease.

**Subd. 4. Public Accommodations.** It is an unlawful discriminatory practice to deny any person the full and equal enjoyment of goods, services, facilities, privileges, advantages and accommodations because of race, religion, color, creed, national origin, sex, or status with regard to public assistance or disability. Nothing in this Subdivision shall be construed to require any person owning or operating public accommodations to modify property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this Subdivision be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of such lease, agreement or contract.

**Subd. 5. Public Services.** It is an unlawful discriminatory practice to discriminate against any person in the access to, admission, to, full utilization of or benefit from any public service because of race, color, creed, religion, national origin, sex or status with regard to public assistance or disability.

Source: City Code  
Effective Date: 09-15-2005

(Sections 10.64 through 10.98, inclusive, reserved for future expansion.)

**SEC. 10.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code  
Effective Date: 09-15-2005

## CHAPTER 11

### LAND USE REGULATION (ZONING)

#### SECTION 11.01. PURPOSE AND INTENT

**Subd. 1. Title.** The official title of this ordinance is the Zoning Ordinance of the City of Pipestone, Minnesota.

**Subd. 2. Purpose.** This ordinance is intended to promote the general health, safety, morals, convenience, and welfare of the people of the City of Pipestone. These regulations are necessary to provide adequate open spaces, avoid undue concentration of population, secure safety from fire and other disasters and danger, maximize the use of public facilities and resources, control and abate unsightly use of buildings or land, facilitate other public needs (such as schools, parks, and emergency services), encourage the most appropriate use of land, and conserve and stabilize the value of property.

**Subd. 3. Effective Date.** This ordinance shall take affect following adoption by the Pipestone City Council and publication in the official newspaper.

**Subd. 4. Compliance.** No structure shall be located, erected, constructed, moved, converted, or enlarged; nor shall any structure or land be used, or be designed to be used, except in full compliance with all the provisions of this ordinance and after the lawful issuance of all permits and certificates required by this ordinance.

**Subd. 5. Severability.** If any provision of this ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the ordinance or application of such provision to other circumstances shall not be affected.

**Subd. 6. Repeal.** All ordinances or parts of ordinances in conflict with this Zoning ordinance, or inconsistent with the provision of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

#### SEC. 11.02. APPLICATION OF DISTRICT REGULATIONS.

**Subd. 1. Zoning Upon Annexation.** All land hereafter annexed to the City shall be zoned R-1, Single-Family Residential, until the zoning designation is changed by Council action.

**Subd. 2. All-Encompassing.** No building, structure, or land be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed or reconstructed, moved or altered except in conformity with all district regulations herein specified.

(09-15-2005)

**Subd. 3. Non-Reduction.** No yard or lot existing at the time of passage of this ordinance shall be reduced in area or dimension below the minimum requirements of this ordinance.

**Subd. 4. Rules for Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries to districts as shown on the Official Zoning Map, the following rules shall apply:

1. Streets – boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Lot lines – boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. City limits – boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Railroads – boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. County drains – boundaries indicated as approximately following the center lines of county drains or other bodies of water shall be construed to follow such center lines.
6. Extensions – boundaries indicated as parallel to or extensions of features indicated in 1 through 5 of this Section shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map or field survey.
7. Vacated ways – whenever any street, alley or other public way is vacated in the manner authorized by law, the zoned district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then, and henceforth, be subject to all regulations of the extended districts.

### **SEC. 11.03. RULES AND DEFINITIONS.**

**Subd. 1. Rules.** For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
3. The word shall is mandatory, the word may is permission.
4. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
5. The word lot includes the words plot or parcel.

(09-15-2005)

**Subd. 2. Definitions.**

1. **“Accessory Use or Structure”** is a structure or use which; (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use. Examples of accessory uses are private garages, storage sheds, playhouses, satellite dishes, and swimming pools.
2. **“Agriculture”** is the cultivation of land for crops with the intention of making a cash profit. May also include animal husbandry, tree nurseries, and orchards.
3. **“Automobile Service Station”** is any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sale of automobile fuels, which activity may be accompanied by accessory uses such as sale of lubricants, tires, accessories or supplies, or minor repairing of automobiles.
4. **“Automobile Salvage Yard”** is the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.
5. **“Basement”** is a portion of a building located partly underground but having less than the average of half its clear floor-to-ceiling height below grade.
6. **“Board of Zoning Appeals and Adjustments”** is a quasi-judicial body, appointed by the City Council, whose responsibility it is to hear appeals from decisions made by the Zoning Administrator and to consider requests for variances permissible under the terms of this Ordinance.
7. **“Buffer”** is the use of land, topography (differences in elevation), spaces, fences, or landscape plantings to screen or partially screen a tract of property from another tract of property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.
8. **“Condominium”** is an apartment building as defined herein, in which the units are owned separately by the individual or family which occupies them, and not by a corporation or cooperative. The term “condominium” refers to the building as a whole or any apartment unit within such building.

9. **“Child Care Facility (Commercial)”** is a building or structure where care, protection, and supervision are provided for a fee, on a regular schedule and in compliance with State of Minnesota Child Care Regulations (Department of Human Services Rule 9503).
10. **“Child Care Facility (Residential)”** is a private residence where care, protection, and supervision are provided, for a fee and on a regular schedule, and in compliance with State of Minnesota Child Care Licensing Regulations (Department of Human Services Rule 9502).
11. **“Commercial Use”** is an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
12. **“Comprehensive Plan”** is the general plan for land use, housing, transportation, and community facilities prepared and maintained by the Pipestone City Council for the City.
13. **“Conditional Use”** is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.
14. **“Drive Up Facility”** is an establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle.
15. **“Dwelling”** is any structure designed or used as the living quarters for one or more families.
16. **“Dwelling, Single-Family”** is a residence designed for or occupied by one (1) family only.
17. **“Dwelling, Two-Family”** is a residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. This would include single-family homes with an apartment in the basement. A two-family dwelling (duplex) with a rooming unit(s) shall be considered and classified as a multi-family dwelling.
18. **“Dwelling Unit”** is a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

19. **“Dwelling, Multiply Family”** is a building designed for or occupied by more than two (2) families.
20. **“Equal Degree of Encroachment”** is 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.
21. **“Essential Services”** is the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead communications, gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.
22. **“Family”** is one or more persons related by blood, marriage, adoption, or other legal relationship, occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. Legal relationships shall include guardianship, foster parent/child, or any other relationship which is created by court order.
23. **“Feedlot”** is a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For the purpose of this ordinance, open lots used for feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots. Pastures shall not be considered feedlots.
24. **“Flood Fringe”** is that portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for the City of Pipestone.
25. **“Floodway”** is 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.
26. **“Height of Building”** is the vertical distance measured from the grade level to the highest point of the roof.

27. **“Home Occupation”** is an occupation, profession, activity, or use carried on in a dwelling unit which is clearly incidental and secondary to the use of the building for dwelling purposes, which does not change the character thereof.
28. **“Lot”** is a parcel of land occupied or capable of being occupied by one or more structures.
29. **“Lot Area”** is the total horizontal area within the lot lines of a lot exclusive of any portion of the right-of-way of any public roadway.
30. **“Lot of Record”** is any lot which individually or as a part of a subdivision, has been recorded in the office of the Recorder of the Deeds of the County.
31. **“Lot, Depth of”** is a mean horizontal distance between the front and rear lot lines.
32. **“Lot, Width of”** is the mean width measured at right angles to its depth.
33. **“Manufactured Housing”** is a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and which complies with the manufactured home building code established by M.S. §327.31, Subd. 3. Wherever the term “single family dwelling” or “single family residential structure” or a similar term is used in this Chapter, that term shall include a manufactured home as defined herein.
34. **“Manufactured Home Park”** is a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing (manufactured home) for dwelling purposes.
35. **“Nonconforming Structure”** is any structure that does not meet the limitations on structure size and location on a lot, for the district in which such structure is located, or for the use to which such structure is being put.
36. **“Nonconforming Lot”** is a use or activity which lawfully existed prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the use district in which it is located.

37. **“Nonconforming Use”** is a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.
38. **“Open Space”** is an area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.
39. **“Planned Unit Development”** is land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots, and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.
40. **“Principal Structure”** is a structure in which is conducted the principal use of the lot on which it is situated.
41. **“Principal Use”** is the primary use of land or structure, as distinguished from a secondary or accessory use.
42. **“Reach”** is 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 (2) consecutive bridge crossings would most typically constitute a reach.
43. **“Regional Flood”** is 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 one hundred (100) year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

44. **“Regulatory Flood Protection Elevation”** shall be an elevation no lower than the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
45. **“Structure”** is anything constructed or erected, the use of which requires a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, decks, and other building features but not including sidewalks, drives, fences, and patios.
46. **“Travel Trailer”** is any vehicle or structure designed and used for human living quarters which meets all of the following qualifications:
- \* Is not used as the permanent residence of the owner or occupant.
  - \* Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.
  - \* Is towed or otherwise transported, by its own or by other motive power on the public streets or highways incidental to such recreational or vacation activity.
- The term trailer shall not include mobile home. The term trailer shall include, but not be limited to campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers, motor homes, and any self-propelled vehicle constructed to provide living accommodations.
47. **“Townhouses”** is a group of single-family dwelling units on a common lot.
48. **“Use”** is the purpose for which land or a building is designed or intended or for which either land or a building is or may be occupied or maintained.
49. **“Variance”** is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for area, size of structure, size of yards, setback and side yard requirements, and parking requirements; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.
50. **“Wind Energy Conversion Systems (WECS)”** is any device that is designed to convert wind power to another form of energy such as electricity, mechanical, or heat (also referred to as wind charger, wind turbine, or windmill).

51. **“Yard”** is an open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.
58. **“Yard, Front”** is the space extending between side lot lines from the front property line and building setback line.
53. **“Yard, Rear”** is a space extending between the rear line of the principal structure and the rear line of the lot and extending full width of the lot.
54. **“Yard, Side”** is a space between the building and the sideline of the lot and extending from the front lot line to the rear yard. In the case of corner lots with normal frontage, there will only be one side yard, adjacent to the interior lot. In the case of the corner lots with reversed frontage, the yards remaining after the required setbacks have been established shall be considered to be side yards.
55. **“Zoning Administrator”** is the person appointed by the City Council to grant zoning certificates and, following Council or Board of Adjustments approval, conditional uses or variances.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.04 through 11.09, inclusive, reserved for future expansion)

(Pages 10 through 14 reserved)

**SEC. 11.10. ESTABLISHMENT OF ZONING DISTRICTS AND MAP.**

**Subd. 1. Establishment of Districts.** For the purpose of this Chapter, the City of Pipestone is hereby divided into ten (10) zoning districts which are described in this Chapter. These prescribed district regulations for land use and building and development standards shall be enforced uniformly within each district. The purpose of the district, permitted uses, and yard and lot requirements are listed for each general land use district. Any use not permitted by right or located in a City utility easement shall require a conditional use permit.

1. Residential District. Districts designated for residential use, R-1, R-2, and R-3 are limited to agricultural uses, accessory structures, and uses normally associated with residential neighborhoods. Such uses include schools, churches, and parks. However, under the provisions of PUD (Planned Unit Development), planned unit residential projects are permitted which may include limited business facilities integrated into neighborhood design.

- R-1 Single-Family Residential District
- R-2 Urban Residential District
- R-3 Multi-Family Residential District

2. Commercial Districts. Districts designed for commercial use B-1, B-2, and B-3 are limited to business activities and certain residential uses. Establishment of compact commercial districts provides for more efficient extension of City utilities and services. Most industrial uses are separated from other uses in order to maximize access and reduce hazards typically associated with industrial uses. However, research industrial uses and light industrial uses are permitted if they are of such a nature that hazards are not present and they meet specific requirements set forth in this ordinance.

- B-1 Neighborhood Business District
- B-2 Central Business District
- B-3 Highway Business District

3. Industrial District. The districts designated for industry, I-1 and I-2, provide suitable space for future industrial development performance standards, parking specifications, and yard regulations are set forth in the ordinance in order to ensure safe industrial development that is compatible with adjacent uses.

- I-1 Light Industrial District
- I-2 General Industrial District

4. Special District. A special district typically designated to accommodate a narrow or special set of user or special purposes. The only Special District designated in this ordinance is the C-1, Conservation District, which is provided to prevent development and use of land that is unsuitable for development due to periodic flooding or due to its location in an environmentally sensitive area.

C-1 Conservation District

**Subd. 2. Pipestone Zoning Map.** Changes in the official zoning map, after initial adoption, shall, within thirty (30) days after they become effective, be noted on the map by stating the ordinance number and effective date thereof. The up-to-date map shall be kept in the City Administrator's office and open to inspection by the public during office hours.

**SEC. 11.11. DISTRICT USE REGULATION.**

**Subd. 1. District Use Regulation.** Unless otherwise allowed by the provisions of this Chapter, it is unlawful to use or permit the use of any building or premises for any purpose other than as stated herein. Such use is further subject to all of the terms, limitations, and other provisions of this Chapter having general or special applications to various uses or classes of uses. No building permit shall be issued for any purpose inconsistent with land uses permitted in the affected district, or inconsistent with a Variance or Conditional Use Permit duly granted in accordance with the City Code.

**SEC. 11.12. GENERAL PROVISIONS.**

**Subd. 1. Compliance.** Except as hereinafter provided, no building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

**Subd. 2. Building Requirements.** No building or other structure shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or, to have narrower or smaller rear yards, front yards, side yards, or other open spaces than therein required; or in any other manner contrary to the provisions of this Chapter.

**Subd. 3. Area Requirements.**

- A. No part of a yard, or other open space, or off-street parking or loading space required for or in connection with any building for the purpose of

complying with this Chapter shall be included as apart of a yard, open space, or off-street parking or loading space similarly required for any other building, except as modified hereinafter.

- B. No yard or lot existing on August 1, 1978, shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after August 1, 1978, shall meet at last the minimum requirements established by this Chapter.

**Subd. 4. Minimum Requirements.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, convenience, comfort, prosperity, or general welfare. Wherever the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

**Subd. 5. Dwelling on Any Lot of Record.** In any district where dwellings are permitted, a one (1) family detached dwelling may be erected on any lot of official record on August 1, 1978, irrespective of its area or width, provided the applicable yard and other open space requirements are satisfied or modified by the Zoning Board of Appeals and Adjustments.

**Subd. 6. Height Limitations Not Applicable.** The height limitations stipulated in this Chapter shall not apply to the following:

- A. Essential Service Structures, Architectural Features, Etc.: Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, chimneys, smoke stacks, flag poles, radio and television towers, mast and aerials; also parapet walls extending not more than four feet (4') above the limiting height of the building.
- B. Places of Public Assembly: Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that they are located on the first floor of such buildings; provided that for each two (2) feet by which the height of such exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district and further provided that the Zoning Board of Appeals and Adjustments shall find that such additional height will not be materially detrimental to surrounding property.

- C. Elevator Penthouses; Etc.: Elevator penthouses (elevator machinery loft), monitors, and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage. Fire hose or cooling towers, elevators, gas holders, or other structures incorporated into a principal structure where a manufacturing process requires a greater height shall be excepted.

**Subd. 7. Yard and Frontage Limitations Not Applicable.** The yard and frontage limitations stipulated elsewhere in this Chapter shall not apply to the following:

- A. Average Depth of Front Yards – Front Yard Observed. In any district where front yards are required and where forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have front yards that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established. Where such varying average front yard setback has been so established no variance action by the Zoning Board of Appeals and Adjustments shall be required for structure placement.

**Subd. 8. Yard Space, General.** Any building, structure, or use hereafter erected, altered, or established shall comply with the yard space requirements of the district in which it is located except as specified below. The required yard space for any building, structure, or use shall be contained on the same lot as the building, structure, or use and such required yard space shall fall entirely in a district or districts in which the principal use is permitted. Any required yard space shall be open from thirty (30) inches above the ground to the sky except as specified elsewhere in this Chapter.

**Subd. 9. Placement of Single and Two (2) Family Residential Structures on Large Lots.** In any Residential District where a single or two (2) family structure is to be developed on large lots which could later be re-subdivided and still meet the dimensional and area requirements for another lot for the district in which it is situated, it is desirable, but not mandatory for such structure to be placed in a manner which would permit such later re-subdivision.

**Subd. 10. Yard Space Encroachments – Projections Into Yards.**

- A. The following projections may be permitted into any front, rear or exterior side yard adjoining a street lot line:
  - 1. Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than two (2) feet six (6) inches.
  - 2. Fire escapes to a distance of not more than four (4) feet six (6) inches.

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3. Landings, patios, porches and other similar structures, provided said structure has its floor no higher than the entrance floor of the building.
4. Bay windows and chimneys to a distance of not more than three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.
5. Canopies to a distance of not more than four (4) feet six (6) inches.
6. Balconies, in residential districts, to a distance of not more than eight (8) feet, provided that said balconies do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.

- B. Interior Side Yards. Subject to the limitations for features projecting into front yards, said features may also project into required yards adjoining interior side lot lines, provided that the distance shall not exceed one-fifth (1/5) of the required least width of such side yard and not more than three (3) feet in any case.

**Subd. 11. Yard Space Exception, Steep Slopes.** In any residential district where natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade twelve (12) percent or less to a private garage conforming to the requirements of this Chapter, such garage may be located within such front yard, but not in any case closer than twelve (12) feet to the street line.

**Subd. 12. Erection of More Than One (1) Principal Structure on a Lot.** In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

**Subd. 13. Housing Projects Utilizing the “Zero Lot Line” Concept.** Every development proposal in a R-3 or R-4 Residential District which is designed so as to place the principal structure abutting a side property line in order to have only one (1) open side yard, must file with the Zoning Administrator a signed copy of the covenant assuring access through the adjacent yard for purposes of repairs and general maintenance. Such covenant is mandatory and the issuance of any Certificate of Zoning Compliance shall be contingent on the filing.

**Subd. 14. Accessory Buildings.**

- A. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all

respects with the requirements of this Chapter applicable to the main building. An accessory building, unless attached to and made part of the main building, shall not be closer than five (5) feet to the main building.

- B. A detached accessory building used as a private garbage enclosure not over one (1) story and not over fifteen (15) feet in height may occupy up to thirty (30) percent of the area of any side or rear yard, but shall not be placed in any front yard (closer than the building line setback from the street line) in any Zoning District.

**Subd. 15. Fences in Residential Districts.** In any Residential District, fences for decorative, screening, or confinement purposes may be constructed on any lot. Provided, however, that fences in any front or side yard of a corner lot shall be limited to a maximum height of thirty (30) inches along the street side within forty (40) feet of the intersecting street or alley right-of-way lines, and of sixty (60) inches if of mesh or similar construction permitting functional line-of-sight through such fencing for purposes of street traffic safety. If the foregoing height limitation is not applicable, all fences shall be limited to a height of six (6) feet. All fence heights shall be measured from contiguous ground level on both sides. Setbacks from lot lines shall be sufficient in all cases to permit painting, repair, and general maintenance. Provided, however, that adjoining owners may construct a fence on the lot line, each side of which is to be maintained by such adjoining owner, if they have entered into a written agreement and duly recorded the same in the office of the County Recorder. No more than seventy (70) percent of any fence shall be solid.

**Subd. 16. Determination of Yard Requirements.** Before issuing any permit, a determination shall be made by the Zoning Administrator as to what constitutes the rear yard and side yard. After such determination has been made, no future permits on such premises shall be issued which are not in full compliance with such determination. As to premises on which there are existing structures, such determination shall also be made with reference to applications for permits, reasonably construing the apparent election at the time of the original and any subsequent construction.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.13 through 11.14, inclusive, reserved for future expansion)

(Pages 21 through 25 reserved)

**SEC. 11.15. C-1 CONSERVATION DISTRICT.**

**Subd. 1. Purpose.** C-1, the Conservation District, is designated to provide for uses in environmentally sensitive areas. The purpose of this district is to prevent development of land that is unsuitable for development due to periodic flooding or wetland designation, and to regulate the intensity of land use in those areas of the C-1 District that are suitable for development.

**Subd. 2. Permitted Uses.**

1. Agriculture per SEC. 11.58.
2. Public Parks and Playgrounds.
3. Essential Services.
4. Accessory Uses per Subd. 5.

**Subd. 3. Conditional Uses.**

1. Single-Family dwellings.
2. Home occupations.
3. Recreation facilities of a commercial or semi-commercial nature, such as golf courses, pistol and rifle ranges, sportsman’s clubs and camping areas.
4. Nurseries and greenhouses.
5. Kennels, veterinary establishments and sales barns.
6. Public utility buildings.
7. Water recreation and water storage.
8. Other uses similar in nature to those uses listed in this Subdivision, and which in opinion of the City Planning Commission, will not be detrimental to the integrity of the district.
9. Manufactured home parks.

**Subd. 4. Yard and Lot Requirements.**

	<b><u>One Family</u></b>	<b><u>All Other Uses</u></b>	<b><u>Accessory Structure</u></b>
Minimum lot area (sq. ft.)	7000	7000	
Minimum lot width at setback line (ft.)	60	60	
Minimum lot depth (ft.)	120	120	
Minimum rear yard setback (ft.)	25	25	[2]
Minimum front yard setback (ft.)	25	25	25
Minimum side yard setback (ft.)	[1]	[1]	5
Maximum lot coverage	35%	35%	

(09-15-2005)

[1] 10% of lot width at front yard setback. Side yard setback on corner lots shall be a minimum of twelve and one half (12.5) feet from the property line.

[2] Five (5) feet unless a garage entrance faces onto a street, avenue, or alley, the minimum setback will be 18 feet from the property line to accommodate a vehicle from encroaching onto public right-of-way. A setback of ten (10) feet is required if there is a utility easement.

**Subd. 5. Accessory Uses and Buildings Permitted in the C-1 District.**

1. Home occupations.
2. Garage space – all single-family homes built, assembled or placed on a residential lot must provide, at the minimum, access to and space for sheltered, off-street parking for two standard sized automobiles.
3. Storage buildings – these structures are to be used exclusively for the storage of household, yard, and related supplies and equipment.

**SEC. 11.16. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

**Subd. 1. Purpose.** The single-family residential district is designated for low density single-family residences and provide certain private and public facilities and services that are compatible with the neighborhood.

**Subd. 2. Permitted Uses.**

1. Agriculture SEC. 11.58.
2. Single-family dwellings, minimum width of the structure at its narrowest point shall not be less than 22 feet.
3. Manufactured housing per SEC. 11.43.
4. Public and parochial schools.
5. Public parks and playgrounds.
6. Essential services.
7. Accessory uses per Subd. 5.
8. Home occupations per SEC. 11.61.
9. Signs per SEC. 11.75.
10. Day care facilities serving 12 or fewer persons, residential care facilities serving 6 or fewer persons, and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer persons.

**Subd. 3. Conditional Uses.**

1. Cemeteries.
2. Non-profit recreational uses.
3. Nursery schools.
4. Hospitals and clinics for humans.
5. Public utility buildings.
6. Water recreation and storage.
7. Fire stations.
8. Municipal buildings and libraries.
9. Two-family dwellings.
10. Planned unit residential project.
11. Greenhouses.
12. Nursing homes.
13. Second garages.
14. Churches.

**Subd. 4. Yard and Lot Requirements.**

	<b><u>One Family</u></b>	<b><u>All Other Uses</u></b>	<b><u>Accessory Structures</u></b>
Minimum lot area (sq. ft.)	7200	7200	
Minimum lot width at setback line (ft.)	60	60	
Minimum lot depth (ft.)	120	120	
Minimum rear yard setback (ft.) building line to lot line	25	25	[2]
Minimum front yard setback (ft.) building line to lot line	25	25	25
Minimum side yard setback (ft.)	[1]	[1]	5
Maximum lot coverage	35%	35%	
Maximum building height	35 ft.		15 ft.

[1] 10% of lot width at front yard setback. Side yard setback on corner lots shall be the same as the front yard setback, 12.5 feet from property line to street line.

[2] Five (5) feet unless a garage entrance faces onto a street, avenue, or alley, the minimum setback will be 18 feet from the property line to accommodate a vehicle from encroaching onto public right-of-way. A setback of ten (10) feet is required if there is a utility easement.

**Subd. 5. Accessory Uses and Buildings Permitted in the R-1 District.**

1. Home occupations.
2. Garage space – all single-family homes built, assembled, or placed on residential lots must provide, at the minimum, access to and space for sheltered, off-street parking for two (2) standard sized automobiles.
3. Storage buildings – these structures are to be used exclusively for the storage of household, yard, and related supplies and equipment.
4. See Section 11.60 for additional restrictions.

**SEC. 11.17. R-2 URBAN RESIDENTIAL DISTRICT.**

**Subd. 1. R-2.** The Urban District is designated for land that is presently developed in predominantly urban residential lots. The purpose of this district is to permit the continuation and limited expansion of the more densely populated, established sections of the city.

**Subd. 2. Permitted Uses.**

1. Agriculture per SEC. 11.58.
2. Single-family dwellings, minimum width of the structure at its narrowest point shall not be less than 22 feet.
3. Two-family dwellings.
4. Public and parochial schools.
5. Manufactured housing per SEC. 11.20
6. Essential services.
7. Accessory uses per Subd. 5.
8. Public parks and playgrounds.
9. Day care facilities serving 12 or fewer persons, residential care facilities serving 6 or fewer persons, and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer persons.
10. Home occupations.

**Subd. 3. Conditional Uses.**

1. Cemeteries.
2. Home occupations.
3. Non-profit recreational uses.
4. Nursery schools.
5. Nursing homes.

6. Hospitals and clinics for humans.
7. Boarding and lodging houses subject to a maximum of eight (8) accommodation units.
8. Offices and quasi-public facilities of philanthropic or charitable institutions.
9. Public utility buildings.
10. Fire stations.
11. Funeral homes.
12. Water recreation and water storage.
13. Municipal buildings, libraries, museums, and art exhibition centers.
14. Multiple-family dwellings.
15. Planned unit residential projects.
16. Neighborhood commercial.
17. Churches.
18. Manufactured home parks.

**Subd. 4. Yard and Lot Requirements.**

	<b><u>One Family</u></b>	<b><u>Two Family</u></b>	<b><u>Accessory Structures</u></b>
Minimum lot area	6000	6000	
Minimum lot width at setback line (ft.)	50	50	
Minimum lot depth (ft.)	120	120	
Minimum rear yard setback (ft.)	25	25	[3]
Minimum front yard setback (ft.)	[1]	[1]	5
Minimum side yard setback (ft.)	[2]	[2]	5
Maximum lot coverage	40%	40%	
Maximum building height	35	35	15

[1] Twenty-five (25) feet from the property line except on residential streets where the right-of-way is one hundred (100) feet, in which case the setback shall be seventeen and one-half (17.5) feet from the property line.

[2] 10% of lot width at front yard setback. Side yard setback on corner lots shall be a minimum of twelve and one-half (12.5) feet from the property line.

[3] Five (5) feet unless a garage entrance faces onto a street, avenue, or alley, the minimum setback will be 18 feet from the property line to accommodate a vehicle from encroaching onto public right-of-way. A setback of ten (10) feet is required if there is a utility easement.

**Subd. 5. Accessory Uses and Buildings Permitted in the R-2 District.**

1. Home occupations SEC. 11.62.
2. Garage space – all single-family homes built, assembled, or placed on residential lots must provide, at the minimum, access to and space for sheltered, off-street parking for two standard sized automobiles.
3. Storage buildings – these structures are to be used exclusively for the storage of household, yard, and related supplies and equipment.
4. See Section 11.60 for additional restrictions.

**SEC. 11.18. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.**

**Subd. 1. Purpose.** R-3, the multi-family residential district is designated for apartment complexes, townhouses, retirement complexes, and other innovative multi-family developments.

**Subd. 2. Permitted Uses.**

1. Agriculture per SEC. 11.58.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Planned unit residential projects.
5. Public parks and playgrounds.
6. Retirement, nursing and convalescent homes.
7. Accessory uses per Subd. 5.
8. Essential services.
9. Day care facilities serving 12 or fewer persons, residential care facilities serving 6 or fewer persons, and group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer persons.

**Subd. 3. Conditional Uses.**

1. Cemeteries.
2. Non-profit recreational uses.
3. Nursery schools.
4. Public and parochial schools.

5. Hospitals and clinics for humans.
6. Public utility buildings.
7. Hotels, motels, and tourist homes for transient guests.
8. Fire stations.
9. Funeral homes
10. Water recreation and water storage.
11. Municipal buildings and libraries.
12. Manufactured home parks.
13. Neighborhood commercial.
14. Churches.

**Subd. 4. Yard and Lot Requirements.**

	<b><u>Multiply Family</u></b>	<b><u>Accessory Structure</u></b>
Minimum lot area (sq. ft.)	[1]	
Minimum lot width at front setback (ft.)	60	
Minimum lot depth (ft.)	120	
Minimum rear yard setback (ft.)	25	[2]
Minimum front yard setback (ft.)	25	25
Minimum side yard setback (ft.)	[3]	5
Maximum lot coverage	35%	
Maximum height (ft.)	45	15

[1] Not less than 7,000 sq. ft. for each multiple-family dwelling having four (4) dwelling units or less, and not less than 750 additional sq. ft. for each additional unit.

[2] Five (5) feet unless a garage entrance faces onto a street, avenue, or alley, the minimum setback will be 18 feet from the property line to accommodate a vehicle from encroaching onto public right-of-way. A setback of ten (10) feet is required if there is a utility easement.

[3] 10% of lot width at front yard setback. Side yard setback on corner lots shall be a minimum of twelve and one half (12.5) feet from the property line.

**Subd. 5. Accessory Uses and Buildings Permitted in the R-3 District.**

1. Home occupations.
2. Storage buildings – these structures are to be used exclusively for the storage of household, yard, and related supplies and equipment.
3. See Section 11.60 for additional restrictions.

**Subd. 6. Usable Open Space.** Except for elderly (senior citizen) housing, each multiple-family dwelling site shall contain at least three hundred fifty (350) square feet of usable open space for each dwelling unit contained therein. Open space shall not include driveways, parking lots, or other surfaces designated or intended for vehicular use.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.19 through 11.29, inclusive, reserved for future expansion)

(Pages 34 through 38 reserved)

**SEC. 11.30 B-1 (NEIGHBORHOOD BUSINESS DISTRICT)**

**Subd. 1. Purpose.** The B-1, Neighborhood Business District, is intended to identify suitable compact areas within the City for the maintenance and development of commercial service nodes which offer convenience services and retail goods to adjacent residential neighborhoods. The commercial clusters may have limited operations which serve patrons in automobiles, subject to issuance of a Conditional Use Permit, but are primarily pedestrian oriented for the convenience of local residents.

**Subd. 2. Permitted Uses.**

1. Retail businesses.
2. Funeral homes.
3. Offices.
4. Home occupations SEC. 11.61.
5. Essential services.
6. Accessory uses per Subd. 5.

**Subd. 3. Conditional Uses.**

1. Self-service establishments.
2. Entertainment facilities.
3. Eating and drinking establishments.
4. Banks.
5. Studios.
6. Automotive service station SEC. 11.75.
7. Churches.
8. Drive-up facilities.
9. Public utility buildings.
10. Car wash SEC. 11.75.

**Subd. 4. Yard and Lot Requirements.**

Minimum lot width – 50 ft.

Minimum lot depth – 100 ft.

Front yard setback – 25 ft.

Side yard setback – 10% of lot frontage to a maximum of 10 ft.

Rear yard setback – 15 ft.

Side yard setback on a corner – 12.5 ft.

Setbacks from any “R” district boundary – 15 ft.

Detached accessory structures, both side and rear – 5 ft.

Minimum lot area – 5,000 sq. ft.

Allowable percentage of lot coverage (all structures) – 50%

Maximum height for principal structures – 35 ft.

Maximum height for accessory structures – 15 ft.

**Subd. 5. Accessory Uses and Structures Permitted in the B-1 District.** Those uses and structures directly associated with the principal business.

**SEC. 11.31. B-2 (CENTRAL BUSINESS DISTRICT)**

**Subd. 1. Purpose.** The B-2, Central Business District, is designed for providing the core service and retail businesses ample space to develop and allow those services to be accessed conveniently by residents and other customers. All businesses and services located in this district shall be of a beneficial nature to the City and promote orderly development and generate economic use of land.

**Subd. 2. Permitted Uses.**

1. Retail businesses.
2. Eating and drinking establishments.
3. Personal and professional services.
4. Offices.
5. Hotels.
6. Municipal buildings and libraries.
7. Auto sales, service and repair.
8. Trade and vocational schools.
9. Commercial recreation.
10. Animal clinics.
11. Hospitals.
12. Essential services.
- 13.** Accessory uses.

**Subd. 3. Conditional Uses.**

1. Water recreation and water storage.
2. Research laboratories.
3. Public utility buildings.

4. Planned unit business project.
5. Multiple-family dwellings.
6. Wholesale business.
7. Supply yards.
8. Churches.
9. Light manufacturing.
10. Rental storage facilities.
11. Drive-up facilities.
12. Automotive service station SEC. 11.76
13. Car wash SEC. 11.76
14. Manufactured home parks.

**Subd. 4. Yard and Lot Requirements.**

Minimum lot width – 25 ft.

Minimum lot depth – 100 ft.

Maximum height – unlimited, board approval required for principal structures over 4 stories or 75 ft.

Maximum height of accessory structures – 35 ft.

Rear yard requirements – no rear yard setback is required except as hereinafter provided. When required, the rear yard requirements shall be the same as the R-1 District.

1. A rear yard required for buildings containing any dwelling units.
2. A rear yard is required for any lot of which the rear or side line abuts a residential district (R-1, R-2, or R-3).

Front yard requirements – the minimum front setback on property abutting a public right-of-way in the B-2 District is zero (0) ft.

Side yard setback requirements – no side yard setback is required except as hereinafter provided. When required, the side yard shall be 10% of the lot width. A side yard is required for any lot of which the side line abuts a residential district.

**Subd. 5. Accessory Uses and Structures Permitted in the B-2 District.** Those uses and structures directly associated with the principal business.

**Subd. 6. Special District Provisions.**

1. Storage Displays. All materials, supplies, merchandise, or other similar matter not on display for direct sales, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the B-2 District or within the confines of a one hundred (100) percent opaque wall or screening device.
3. Exceptions to Off-Street Parking and Loading. Up to one hundred (100) percent of the total required off-street parking spaces may be waived by the Zoning Board of Appeals and Adjustments when in the Zoning Board's opinion adequate off-street parking capacity exists or will be provided through public parking lots and parking garages.

**SEC. 11.32 B-3 (HIGHWAY BUSINESS DISTRICT)**

**Subd. 1. Purpose.** B-3, Highway Business District, is designated to provide areas for commercial establishments that offer a broad range of goods and services largely to accommodate automobile-oriented customers. Uses would be primarily highway-oriented, provide compact and convenient shopping areas, and means of safe access and egress to abutting roads and highways.

**Subd. 2. Permitted Uses.**

1. Shopping centers, malls, or plazas.
2. Office parks or complexes.
3. Eating and drinking establishments.
4. Hotels and motels.
5. Auto sales service and repair.
6. Retail businesses.
7. Educational institutions.
8. Commercial recreation and entertainment centers.
9. Essential services.
10. Accessory uses per Subd. 5.
11. Supply yards.
12. Banks.

**Subd. 3. Conditional Uses.**

1. Light manufacturing.
2. Churches.

3. Planned unit developments.
4. Livestock sales or auction centers and confinement buildings.
5. Single-family residential.
6. Water recreation and water storage.
7. Fire station and municipal buildings.
8. Public utility buildings.
9. Wholesale buildings.
10. Gas/service stations SEC. 11.76.
11. Car wash SEC. 11.76.
12. Other highway-oriented uses as determined appropriate by the Planning Commission.

**Subd. 4. Yard and Lot Requirements.**

Minimum lot area – 12,000 sq. ft.

Minimum lot width – 100 ft.

Minimum lot depth – 120 ft.

Front yard setback – 25 ft.

Side yard setback – 10% of lot width

Rear yard setback – 15 ft.

Rear yard setback abutting “R” district boundary – 30 ft.

Detached accessory structures setback – 20 ft.

Allowable percentage of lot coverage (all structures) – 60%

Maximum height – 60 ft.

Maximum height of accessory buildings – 15 ft.

**Subd. 5. Accessory Uses and Structures Permitted in the B-3 District.** Those uses and structures directly associated with the principal business.

**Subd. 6. Special District Provisions.**

A. Traffic and Circulation

(09-15-2005)

1. All commercial buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather, durable, dust-free material and properly drained.
2. Vehicular traffic generated by a business use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas. Particularly truck traffic. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the Planning Commission who may require such additional measures for traffic control as they may deem necessary, including, but not limited to, the following:  
directional signalization, channelization, standby turn lanes, illumination, and distribution facilities within the commercial site to prevent back-up of vehicles on public streets.
3. No area used by motor vehicles other than driveways serving an ingress and egress to the commercial site shall be located within the public street right-of-way.
4. Wherever possible, the placement of structures in the B-3 District shall be such that a service or frontage road may be constructed yet retain sufficient lot area for parking and internal vehicular circulation.
5. All driveways to or from public streets shall be subject to the following restrictions:

Driveway Widths; Back of curb to back of curb

<u>Type</u>	<u>Minimum</u>
One (1) Way	Twelve (12) ft.
Two (2) Way	Twenty-four (24) ft.

Maximum driveway width at street curb – thirty (30) ft., measured along street curb lines.

Minimum driveway angle to street – thirty (30) degrees when street is one (1) way or divided, otherwise sixty (60) degrees.

Minimum distance between driveways – twenty (20) ft., between curb ends measured along street curb line.

Minimum distance of driveway from street intersections – measured along street curb line between ends of returns.

<u>Driveway Enters A Street - Classified As A</u>	<u>And the Intersecting Street is Classified As A</u>	<u>And Driveway Enters Land Approaching or Leaving Intersection</u>	
		<u>Approaching</u>	<u>*Leaving</u>
Local Street	Local Street,		
	Collector Street, or		
	Minor Arterial	15 feet	15 feet
Collector Street	Principal Arterial	20 feet	15 feet
	Local Street,	20 feet	15 feet
	Collector Street, or		
Principal Arterial	Minor Arterial	25 feet	15 feet
	Principal Arterial	35 feet	20 feet
	Local Street	20 feet	15 feet
Principal Arterial	Collector Street, or		
	Minor Arterial	25 feet	15 feet
	Principal Arterial	40 feet	20 feet

**\*Note:** Minimum distance to be the same as that specified for approaching lane if left turns are permitted into or out of driveway.

- B. Screening – All principal, accessory and conditional uses, except business signs, which are situated within fifty (50) ft. of a Residential District, shall be screened and buffered from such district by a land separation of open space which shall have a minimum depth of thirty (30) feet and shall include a required wall or fence of not less than ninety (90) percent opacity and not less than five (5) nor more than seven (7) feet in height above the level of the Residential District property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the Zoning Board of Appeals and Adjustments if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Chapter would interfere with the provision of adequate amounts of light and air to same said properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than originally constructed.

(09-15-2005)

1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening a minimum height of six (6) feet. The planting plan and type of plantings shall require the approval of the Planning Commission.
  
- C. Landscaping – All exposed ground areas surrounding or within a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscape materials. All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies, or merchandise.
  
- D. Storage-Displays – All materials, supplies, merchandise or other similar matter not on display within a completely enclosed building within the B-3 District, or within the confines of a one hundred (100) percent opaque wall or fence not less than five (5) feet high. Merchandise which is offered for sale as described heretofore may be displayed beyond the confines of a building in the B-3 District, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten (10) percent of the ground floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors such as garden supplies.
  
- E. Performance Standards – All business operations and activities including but not limited to, the production, processing, cleaning, servicing, testing or repair of materials, goods, or products shall conform with this Chapter.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.33 through 11.38, inclusive, reserved for future expansion)

(Pages 47 through 51 reserved)

**SEC. 11.39. INDUSTRIAL PERFORMANCE STANDARDS.**

**Subd. 1. General.** All uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this ordinance, the Board may also obtain the services of a qualified consultant or the Board may request the assistance of the responsible regulatory agency. Costs for services shall be borne by the applicant.

**Subd. 2. Fire Protection.** Fire protection and fighting equipment acceptable to the Uniform Fire Code and the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is conducted.

**Subd. 3. Electrical Disturbance.** No activity shall cause continuous or repetitive electrical disturbance adversely affecting the operation of other electrical equipment in the vicinity.

**Subd. 4. Noise.** Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

**Subd. 5. Smoke.** The maximum amount of smoke emission permissible shall be determined by use of standard Ringleman Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.

**Subd. 6. Vibrations.** Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

**Subd. 7. Odors.** In any district, no malodorous gas or matter shall be permitted which is so objectionable as to damage property interests on any neighboring lot.

**Subd. 8. Air Pollution.** No pollution of air by flyash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.

**Subd. 9. Glare.** Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

**Subd. 10. Erosions.** No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

**Subd. 11. Water Pollution.** Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency (MPCA).

**SEC. 11.40. I-1 (LIGHT INDUSTRIAL DISTRICT)**

**Subd. 1. Purpose.** I-1, Light Industrial District, provides space for industries that are compatible with adjacent residential or commercial districts and are free from objectionable influence upon small urban development.

**Subd. 1. Permitted Uses.**

1. Retail businesses.
2. Offices.
3. Personal and professional services.
4. Governmental buildings.
5. Vehicle, implement and/or equipment sales, services, and repair.
6. Trade and vocational schools.
7. Research and testing laboratories.
8. Supply yards.
9. Warehousing of non-explosive material or equipment.
10. Truck terminals.
11. Wholesale businesses.
12. Radio and television offices and stations.
13. Freight and parcel shipping facilities.
14. Rental establishments.
15. Recreational vehicle/trailer sales, service, and repair.
16. Essential services.
17. Storm water retention areas.
18. The production, assembly, or processing of the following materials, goods, or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which could disturb or endanger neighboring properties:
  - a. Advertising specialties
  - b. Awnings, canopies, and window treatments
  - c. Bakery, candy, dairy, and other food products
  - d. Bottling facilities
  - e. Ceramic products
  - f. Clothing
  - g. Computer and related components
  - h. Cosmetics, drugs, and other pharmaceutical products
  - i. Electrical, plumbing, and heating supplies and services
  - j. Film processing
  - k. Furniture, cabinets, and similar wood/upholstery products
  - l. Ice facilities

- m. Jewelry, watches, and clocks
- n. Metal castings, stampings, and extrusions (non-ferrous)
- o. Metal finishing, fabrication, and welding
- p. Monuments
- q. Musical instruments
- r. Office machines
- s. Optical goods
- t. Packing facilities
- u. Packing and crating establishments
- v. Printing and publishing
- w. Plastic injection molding and extrusion
- x. Sheet metal products
- y. Small home appliances
- z. Textile
- aa. Tool and die operations
- bb. Tools, hardware, and plumbing appliances
- cc. Toys and novelties

**Subd. 3. Conditional Uses.** All other uses not listed above.

**Subd. 4. Yard and Lot Requirements.**

Minimum lot area	20,000 sq. ft.
Minimum lot width	100 ft.
Minimum lot depth	No requirement stipulated
Front yard setback	25 ft.
Side yard setback	15 ft.
Side yard detached accessory structures	5 ft.
Rear yard setback	50 ft.
Rear yard setback accessory structures	12 ft.
Corner setback	25 ft.

Setbacks from “R” District boundary	75 ft.
Maximum height principal structure	40 ft.
Maximum height accessory structure	25 ft.
Allowable lot coverage (all structures)	40%

**Subd. 5. Accessory Uses and Structures Permitted.** Those uses and structures directly associated with the principal business.

**Subd. 6. Special District Provisions.**

1. Landscaping – All open areas of any site, lot, tract, or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs, or planted ground cover. It shall be the owner’s responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All adjacent vacant lots, tracts, or parcels under the same ownership shall also be properly maintained.
2. Storage – All raw materials, supplies, finished or semi-finished products and equipment shall be stored in an orderly manner with all materials stored in neat and well organized stacks, piles, or other orderly method appropriate for the material. In no event shall junk, rubbish, debris, weeds or tall grass, by-products, salvage, and inoperable equipment or any other material or matter not used in the normal course of business be allowed to accumulate, or become offensive in any manner, to any measurable degree whatsoever. The Council may require all raw materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building or within the confines of a one hundred (100) percent opaque wall or fence not less than five (5) feet high. Provided, however, that motor vehicles necessary to the operation of the principal use and of not more than three-quarter (3/4) ton capacity may be stored within the permitted parking lot areas.
3. Screening – All principal, accessory and conditional uses, except business signs, which are situated within fifty (50) feet of a Residential District, shall be screened and buffered from such district by a separation of open

space which shall have a minimum depth of thirty (30) feet and shall include a required fence or vegetative screening of not less than ninety (90) percent opacity and not less than five (5) nor more than seven (7) feet in height above the level of the Residential District property at the district boundary. Walls or fences of less heights or planting screens may be permitted by the Zoning Board of Appeals and Adjustments if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Chapter would interfere with provisions of adequate amounts of light and air to same said properties. Loading docks in the I-1 District shall be screened so as not to be visible from any public street right-of-way within a Residential District. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

**SEC. 11.41. I-2 (GENERAL INDUSTRIAL DISTRICT)**

**Subd. 1. Purpose.** I-2, General Industrial District, provides space for a wide variety of industrial establishments which may operate to their maximum advantage without adversely affecting other nearby similar or dissimilar uses and activities.

**Subd. 2. Permitted Uses.**

1. Research and testing laboratories
2. Bottling plant
3. Heavy equipment manufacture, sales, service, or repair
4. Manufacture, processing, and fabrication of clay, concrete, wood, plastic, & metal products
5. Agriculture
6. Trucking or freight terminal
7. Warehouse
8. Essential services

**Subd. 3. Conditional Uses.**

1. Wrecking and salvage yards
2. Chemical fertilizer plant
3. Fuel and explosive material storage tanks and terminals
4. Planned unit industrial park

5. Automotive service stations SEC. 11.76
6. Car wash SEC. 11.76
7. Other uses similar in nature to those uses listed in this subdivision, and which in opinion of the City Planning Commission, will not be detrimental to the integrity of the district.

**Subd. 4. Yard and Lot Requirements.**

Minimum lot area	20,000 sq. ft.
Minimum lot width	100 ft.
Minimum lot depth	No requirement stipulated
Front yard setback	25 ft.
Side yard setback	15 ft.
Side yard detached accessory structures	5 ft.
Rear yard setback	50 ft.
Rear yard detached accessory structures	12 ft.
Corner setbacks	25 ft.
Sidebacks from "R" District boundary	75 ft.
Maximum height principal structure	75 ft.
Maximum height accessory structure	25 ft.
Allowable lot coverage (all structures)	60%

**Subd. 5. Accessory Uses and Structure Permitted.** Those uses and structures directly associated with the principal business.

**Subd. 6. Special District Provisions.**

- A. Landscaping – All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with appropriate dust-free and attractive material. Such landscaping shall conform with the development plan approved at the time the building permit was issued. It shall be the owner’s responsibility to see that the lot area is maintained in a well-kept condition. All vacant lots, tracts or parcels abutting and under the same ownership shall be properly maintained.
- B. Storage – All raw materials, supplies finished or semi-finished products and equipment shall be stored in an orderly manner with all materials stored in neat and well organized stacks, piles, or other orderly method appropriate for the material. In no event shall junk, rubbish, debris, weeds or tall grass, by-products, salvage and inoperable equipment or any other material or matter not used in the normal course of business be allowed to accumulate, or become offensive in any manner, to any measurable degree whatsoever. The Council may require all raw materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building, or within the confines of a one hundred (100) percent opaque wall or fence not less than five (5) feet high, provided, however, that motor vehicles necessary to the operation of the principal use may be stored within the permitted parking lot areas.

**SEC. 11.42. WIND ENERGY CONVERSION SYSTEMS (WECS).**

**Subd. 1. General.** Wind energy conversion systems (WECS) are allowed as a conditional use in all zoning districts of the City of Pipestone subject to City Council approval through the conditional use permit process and the following minimum conditions:

- 1. That climbing access to the tower by unauthorized personnel be restricted.
- 2. That the noise level of the system not exceed those prescribed by Minnesota State Regulation NCP 1 and 2 noise standards, November 27, 1974.
- 3. That total tower height not exceed 60 feet above ground level.
- 4. That no part of the system be within 10 feet of a property line.
- 5. That the tower and tower footing be engineered to withstand wind and icing loads for this geographical area.
- 6. The following must be attested to by the commercial system manufacturer or a certified engineer:
  - \* That the system has a type of automatic shutdown to render it inoperable in conditions of imbalance or excessive wind speeds.

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- \* That the blade design and materials are adequate to insure safe operation in an urban area.
- \* That the wind turbine and wind turbine tower are compatible.
- 7. That operation of the WECS does not cause radio or television interference.
- 8. That utility interface requirements are met to the satisfaction of the Pipestone Planning Commission.
- 9. Additional conditions that may be required by the City Council.

**SEC. 11.43. MANUFACTURED HOUSING.**

**Subd. 1. General.** Manufactured homes, as defined in this ordinance, are permitted uses in all Districts where single family dwellings are permitted subject to the following of these guidelines:

1. All manufactured homes shall be constructed after June 15, 1976 and bear the HUD certification seal.
2. All dwellings shall be placed on a continuous permanent foundation in compliance with the Uniform Building Code as adopted by the City of Pipestone.
3. Hitches and/or other visible transport equipment shall be removed.

**SEC. 11.44. MANUFACTURED HOME PARKS.**

**Subd. 1.** Manufactured home parks, as defined by M. S. §327.14, Subdivision 3, are permitted by M. S. §426.357, Subdivision 1b as a conditional use in all zoning districts that allow the construction or placement of a building used or intended to be used by two or more families.

**Subd. 2. Minimum Requirements for Manufactured Home Parks.** The following minimum requirements shall apply to all new manufactured home parks, and expansion of existing parks.

**General:**

- A. The minimum area for a new manufactured home park in five (5) acres.
- B. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted in a new park shall be ten (10) units.
- C. Each manufactured home site within the park shall have a minimum area of 3,500 sq. ft.
- D. No manufactured home site shall be closer than 35 ft. to any adjacent property.

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- E. No less than ten (10) percent of the manufactured home park shall be improved for recreational activities for residents of the park.

**Site Plan:** At time of application for a conditional use permit, the applicant must submit a site plan to the City. The site plan shall include:

- A. The name and address of all owners and developers of the proposed manufactured home court.
- B. The legal description and lot size in acres of the proposed park.
- C. The location and size of all manufactured home lots, convenience establishments, storage areas, recreation areas and facilities, landscaping, existing tree growth, water areas, roadways, sidewalks, and parking sites.
- D. Detailed landscaping and grading plans and specifications.
- E. Plans for sanitary sewage disposal, surface drainage, fire hydrants, water systems, electrical service, gas services, cable television, street lighting, and topography diagrams.
- F. Location and size of all public roadways abutting the manufactured home park and all street and sidewalk accesses from such street and sidewalk to the manufactured home court.
- G. Preliminary road construction plans and specifications including cross section and curb details.
- H. Preliminary floor plans and elevation for all permanent structures.
- I. Description and method of disposing of garbage and refuse.
- J. Staging and timing of construction program regardless of whether the entire area will be developed at one time or in stages.
- K. Such other reasonable information as shall be required by the City.
- L. The scale for all drawings shall be one (1) inch to one hundred (100) feet.

The Planning Commission shall review the site plan and submit its recommendation to the City Council.

**Subd. 3. Off-Street Parking and Street Requirements.** Each manufactured home lot shall have a hard-surfaced, off-street parking space for two (2) automobiles. All parking shall be completely within the confines of the lot. All streets shall be hard-surfaced and have a minimum width of twenty (20) feet.

**Subd. 4. Accessory Uses and Buildings Permitted in the Manufactured Home Park.**

- 1. Home occupations.
- 2. Garage space – all single-family homes built, assembled, or placed on residential lot must provide, at the minimum, access to and space for sheltered, off-street parking for two standard sized automobiles.

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3. Storage buildings – these structures are to be used exclusively for the storage of household, yard, and related supplies and equipment.
4. See Section 11.60 for additional restrictions.

**Subd. 5.** If a manufactured home park is converted to another use requiring a variance or zoning change, the Planning Commission must give notice of hearing to each occupant. M. S. § 327C.095.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.45 through 11.49, inclusive, reserved for future expansion)

(Pages 62 through 65 reserved)

**SEC. 11.50. PUD (PLANNED UNIT DEVELOPMENT)**

**Subd. 1. General.** Planned unit residential, commercial, and industrial development shall be permitted according to the guidelines of this section and the approval of the City Council through the conditional use process. A site plan shall be presented to the City Council after approval, all development shall be in accordance with said plan.

**Subd. 2. Requirements.**

1. The area of land to be developed shall not be less than three (3) acres.
2. Properties adjacent to the unit plan shall not be adversely affected.
3. The average density of dwelling units shall not be higher than the permitted in the district in which the planned unit is located.
4. The use of land shall not differ substantially from uses permitted in the district in which the planned unit is located, except that limited commercial facilities, intended to serve only residents of the planned unit and fully integrated into the design of the project, may be considered in residential districts and multiple-family dwellings may be considered in the R-1, R-2, B-1, B-2, and B-3 Districts.
5. The unit plan shall be consistent with the purpose of this ordinance.
6. The unit plan shall be reviewed and recommendations made by the Planning Commission and the City Council to determine if the proposed planned unit is consistent with the Pipestone Comprehensive Plan and is in the best interest of the City.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.51 through 11.54, inclusive, reserved for future expansion)

(Pages 67 through 71 reserved)

**SEC. 11.55. FLOOD PLAIN.**

**Subd. 1. Statutory Authorization, Findings of Fact and Purpose.**

1. Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Pipestone, Minnesota does ordain as follows:

- A. Findings of Fact. The flood hazard areas of Pipestone, 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.
- B. 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.
- C. 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.

2. 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 Subd. 1A by provisions contained herein.

**Subd. 2. General Provisions.**

1. Lands to Which Ordinance Applies. This Ordinance shall apply to all lands within the jurisdiction of the City of Pipestone shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2. 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 City of Pipestone prepared by the Federal Emergency Management Agency dated February 15, 1991,

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and the Flood Boundary and Floodway Map and Flood Insurance Rate Map dated February 15, 1991 therein. The City is also adopting the Pipestone County Flood Insurance Rate Map Panel #75 dated July 3, 1986. The Official Zoning Map shall be on file in the Office of the City Administrator and the Building and Zoning Administrator.

3. Regulatory Flood Protection Elevation. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

4. Interpretation.

- A. 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.
- B. 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 Appeals and 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 Appeals and Adjustment and to submit technical evidence.

5. 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.

6. Warning and Disclaimer of Liability. This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Pipestone or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

7. 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.

8. Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

- A. 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.
- B. Basement - means any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- C. 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.
- D. 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.
- E. 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.

- F. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- G. 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 the City of Pipestone.
- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. 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."
- M. 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.
- N. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

- O. 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.
- P. 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.
- Q. 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" used in a flood insurance study.
- R. 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.
- S. 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 Subd. 9.3.A of this Ordinance and other similar items.
- T. 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.
- U. 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.

- V. 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.

9. Annexations. The Flood Insurance Rate Map panels adopted by reference into Subd. 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Pipestone at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Pipestone 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 Pipestone.

**Subd. 3. Establishment of Zoning Districts.**

1. Districts.

- A. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Boundary and Floodway Map adopted in Subd. 2.2 of this Ordinance.

- B. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map adopted in Subd. 2.2 of this Ordinance.
- C. General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in Subd. 2.2 and those areas designated as Zones A1-30, A0, or AH on the Flood Insurance Rate Map where a floodway/flood fringe boundary has not been designated on the Flood Boundary and Floodway Map adopted in Subd. 2.2.

2. 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 Subd. 4, 5 and 6 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Subd. 9.
- B. 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 Subd. 11.
- C. 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 Subd. 10 of this Ordinance.

**Subd. 4. Floodway District (FW).**

1. Permitted Uses.

- A. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

- B. Industrial-commercial loading areas, parking areas, and airport landing strips.
- C. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
- D. Residential lawns, gardens, parking areas, and play areas.

2. Standards for Floodway Permitted Uses.

- A. The use shall have a low flood damage potential.
- B. The use shall be permissible in the underlying zoning district if one exists.
- C. 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.

3. Conditional Uses.

- A. Structures accessory to the uses listed in Subd. 4.1 above and the uses listed in Subd. 4.3.B - 4.3.H below.
- B. Extraction and storage of sand, gravel, and other materials.
- C. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- D. Railroads, streets, bridges, utility transmission lines, and pipelines.
- E. Storage yards for equipment, machinery, or materials.
- F. Placement of fill or construction of fences.
- G. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subd. 9.3 of this Ordinance.

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- H. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4. Standards for Floodway Conditional Uses.

- A. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- B. All floodway conditional uses shall be subject to the procedures and standards contained in Subd. 10. of this Ordinance.
- C. The conditional use shall be permissible in the underlying zoning district if one exists.
- D. 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 permit must be title registered with the property in the Office of the County Recorder.

E. Accessory Structures.

- (a) Accessory structures shall not be designed for human habitation.
- (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
  - 1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
  - 2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:
  - 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.

F. Storage of Materials and Equipment.

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

G. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

H. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

**Subd. 5. Flood Fringe District (FF).**

1. Permitted Uses. Permitted uses shall be those uses of land or structures Listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe 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 Subd. 5.2 and the "Standards for all Flood Fringe Uses" listed in Subd. 5.5.

2. Standards for Flood Fringe Permitted Uses.

A. 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.

- B. 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 internally flood proofed in accordance with Subd. 4.E (c).
- C. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Subd. 5.2A of this ordinance.
- D. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- E. The provisions of Subd. 5.5 of this Ordinance shall apply.

2. Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with Subd. 5.2A - 5.2B and or any use of land that does not comply with the standards in Subd. 5.2C - 5.2D 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 Subd. 5.4-5.5 and Subd. 10.4 of this Ordinance.

4. 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:

- (a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
  - (b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
    - 1. 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 net less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
    - 2. That the enclosed area will be designed of flood resistant materials in accordance with the 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 Subd. 2.8B of this Ordinance, shall be subject to the following:
- (a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
  - (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Subd. 5.4C of this Ordinance.

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- 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. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
- E. Storage of Materials and Equipment.
  - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- F. The provisions of Subd. 5.5 of this Ordinance shall also apply.

5. Standards for All Flood Fringe Uses.

- A. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood

protection elevation. If a variance to this requirement is granted, the Board of Appeals and Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

- B. 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.
- C. 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 Subd. 5.5B 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.
- D. 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.
- E. 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.

- F. Standards for recreational vehicles are contained in Subd. 9.3.
- G. 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.

**Subd. 6. General Flood Plain District.**

1. Permissible Uses.

- A. The uses listed in Subd. 4.1 of this Ordinance shall be permitted uses.
- B. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Subd. 6.2 below. Subd. 4 shall apply if the proposed use is in the Floodway District and Subd. 5 shall apply if the proposed use is in the Flood Fringe District.

2. Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

- A. Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
  - (a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  - (b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
  - (c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

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- (d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
  
- B. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
  - (a) Estimate the peak discharge of the regional flood.
  - (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
  - (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
  
- C. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Subd. 4 and 5 of this Ordinance.

**Subd. 7. Subdivisions.**

1. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall 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.

2. Floodway/Flood Fringe Determinations in the General Flood Plain District. In the General Flood Plain District, applicants shall provide the information required in Subd. 6.2 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

3. Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

**Subd. 8. Public Utilities, Railroads, Roads, and Bridges.**

1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subd. 4 and 5 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.

3. On-site Sewage Treatment and Water Supply Systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the 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 Subdivision.

**Subd. 9. Manufactured Homes and Manufactured Home Parks and Placement of Recreational Vehicles.**

1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subd. 7 of this Ordinance.

2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if they are in compliance with Subd. 5. of this Ordinance. New or replacement manufactured homes shall be prohibited from being placed in the floodway. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subd. 5.5A, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

A. 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.

3. Recreational vehicles that do not meet the exemption criteria specified in Subd. 9.3H below shall be subject to the provisions of this Ordinance and as specifically spelled out in Subd. 9.3C & D below.

A. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Subd. 9.3B 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.
- B. 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.
- C. Recreational vehicles exempted in Subd. 9.3A above 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 Subd. 4 and 5 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.
- D. 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) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Subd. 5.5A of this Ordinance. No fill placed in the floodway to meet the requirements of this Subdivision shall increase flood stages of the 100-year or regional flood.
  - (b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed

as a conditional use if in accordance with the following provisions and the provisions of Subd. 10.4 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 Subd. 9.3A (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 Subd. 8.3 of this Ordinance.

**Subd. 10. Administration.**

1. Zoning Administrator. A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance, the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Subd. 12 of the Ordinance.

2. Permit Requirements.

A. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, 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.

B. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or

proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

- C. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- D. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- E. 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 Subd. 12 of this Ordinance.
- F. 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.
- G. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

- H. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- I. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

3. Board of Appeals and Adjustment.

- A. Rules. The Board of Appeals and Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- B. Administrative Review. The Board of Appeals and Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
- C. Variances. The Board of Appeals and Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Appeals and Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance

shall have the effect of allowing in any district uses prohibited in that district; permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. 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.

D. Hearings. Upon filing with the Board of Appeals and Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Appeals and Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Appeals and Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten day notice of the hearing.

E. Decisions. The Board of Appeals and Adjustment shall arrive at a decision on such appeal or variance within 30 days. In passing upon an appeal, the Board of Appeals and Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Appeals and

Adjustment may prescribe appropriate conditions and safeguards such as those specified in Subd. 10.4F, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Subd. 12. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

- F. Appeals. Appeals from any decision of the Board of Appeals and Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.
- G. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. 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.

4. Conditional Uses. The Planning Commission shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Building and Zoning Administrator who shall forward the application to Planning Commission for consideration.

- A. Hearings. Upon filing with the Building and Zoning Administrator an application for a conditional use permit, the Building and Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten day notice of the hearing.
- B. Decisions. The City Council shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Subd. 10.4F, which are

in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Subd. 12. 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.

- C. Procedures to be followed by the Planning Commission in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.
- (a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission 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 Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- D. Factors upon Which the Decision of the Planning Commission and City Council Shall Be Based. In passing upon conditional use applications, the Planning Commission and City Council shall

consider all relevant factors specified in other sections of this Ordinance, and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this Ordinance.

E. Time for Acting on Application. The City Council shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to Subd. 10.4C of this Ordinance. The City council shall render a written decision within 30 days from the receipt of such additional information.

F. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City Council shall attach such conditions to the 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:

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- (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.

**Subd. 11. Non-Conforming Uses.**

1. 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 Subd. 2.8.U.B of this Ordinance, shall be subject to the provisions of Subd. 11.1A – 11.1E of this Ordinance.

- A. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
- B. 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 Subd. 11.1C and 11.1F below.
- C. 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 Subdivision 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 Subd. 4 or 5 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

- D. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
- E. If any non-conforming use or structure is substantially damaged, as defined in Subd. 2.8T 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 Subd. 4, 5 or 6 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
- F. If a substantial improvement occurs, as defined in Section 2.8U 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 Subd. 4 or 5 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

**Subd. 12. Penalties for Violation.**

1. 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.

2. Nothing herein contained shall prevent the City of Pipestone from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

- A. 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.
- B. 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.
- C. 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.
- D. 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.

**Subd. 13. Amendments.**

1. 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.

2. 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.

Source: City Code  
Effective Date: 05-07-2007

(Sections 11.56 through 11.57, inclusive, reserved for future expansion)

(Pages 103 through 106 reserved)

**SEC. 11.58. AGRICULTURE**

**Subd. 1. General.** Agriculture uses shall comply with the following requirements:

1. Farm buildings, other than a dwelling, shall not be erected within three hundred (300) feet of a neighboring property.

2. Feedlots, fenced runs, pens, and similar intensively used facilities for animal raising and care shall not be located within any district except the C-1 District and not less than three hundred (300) feet of a neighboring property.

3. Roadside stands for sale of agricultural products shall be permitted if:

- a. They are erected at least fifty (50) feet back from the nearest edge of roadway surface.
- b. They are used exclusively for the sale of agricultural products grown locally.
- c. Parking spaces are provided off the road right-of-way.
- d. Signs shall conform to provisions set forth in Section 11.75.

**SEC. 11.59. ACCESSORY STRUCTURE IN RESIDENTIAL DISTRICTS.**

**Subd. 1. Front Yards.** No accessory use, building, structure, or equipment shall be allowed within a required front yard. With the exception of a garage or driveway, no accessory building, structure, use, or equipment may be placed within a front yard.

**Subd. 2. Rear Yards.** No accessory building, structure, and/or detached garage for a single-family dwelling shall occupy more than thirty percent (30%) of the area of the rear yard.

**Subd. 3. Ground Coverage.** For lots under 12,000 square feet in area, the total floor area of any garage(s) and accessory buildings may not exceed nine hundred (900) square feet; for lots from 12,000 square feet to 20,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,150 square feet; and for lots exceeding 20,000 square feet the total floor area of any garage(s) and accessory buildings may not exceed 1,500 square feet; and in all cases the total floor area may not exceed the ground coverage of the dwelling, less any attached garage, except by conditional use permit. Any lots, which are not at least 100 feet wide at the front yard setback, require a conditional use permit for any additional garage or accessory building.

**Subd. 4. Garages.** No building permit may be issued for more than one private garage for each single-family dwelling, except by conditional use permit, except that lots in excess of 20,000 square feet may have two garages if total square area of both garages does not exceed 1,500 square feet or the ground coverage of the dwelling, whichever is less.

**Subd. 5. Lot Coverage.** The total area of garages and accessory buildings for a two-family dwelling is limited to 750 square feet per unit, except by conditional use permit.

**Subd. 6. Limitation of Structures.** No permit shall be issued for the construction of more than one accessory building and/or structure on any single lot except for an accessory building for storage not exceeding 150 square feet in addition to a detached garage, except by conditional use permit.

**Subd. 7. Encroachment.** Accessory buildings including those less than 120 square feet may not encroach into the required side and rear yard setbacks on required easements.

**Subd. 8. Setback Requirements.** Except as was otherwise noted, accessory buildings and uses for all principal uses other than single-family detached dwellings shall conform to the setback requirements specified for the respective zoning district in which they are located.

**Subd. 9. Height.** Except as allowed by conditional use permits, no accessory building shall exceed fifteen (15) feet in height.

**Subd. 10. Sequential Requirements.** No accessory building or structure other than a fence or temporary construction may be constructed prior to the time of construction of the principal building or structure.

**Subd. 11. Number of Accessory Buildings.** In addition to a garage, not more than one accessory building or structure may be permitted on any single parcel, except by conditional use permit. Buildings such as gazebos, outdoor living rooms, pool enclosures, and similar buildings may be constructed in addition to garages and accessory buildings subject to the coverage requirements under this section.

#### **SEC. 11.60. HOME OCCUPATIONS.**

**Subd. 1. General.** The regulation of home occupations within residential structures is intended to ensure that the occupational use is clearly accessory or secondary to the principal dwelling use and that compatibility is maintained with surrounding residential uses.

**Subd. 2. Application.** For purposes of this section, home occupations, as defined in this Chapter, shall be further defined to distinguish permitted home occupations from conditionally permitted home occupations. Accordingly, all home occupations which satisfy the permitted home occupation criteria, shall be considered as permitted accessory uses. Home occupations which fail to satisfy the permitted home occupation criteria in the R-1 Single-Family Residential District shall be prohibited. Home occupations which fail to satisfy the permitted home occupation criteria in other districts, shall require a Conditional Use Permit, as provided for in the Conditional Use provisions of this Chapter and may be established upon conditions set forth in the approved permit.

**Subd. 3. Permitted Home Occupations in the R-1 Single-Family Residential District shall consist of:**

1. Businesses which require no special space within the principal building to be designed or arranged for such use, so that it would require any major internal or external alterations or involve construction or features not customary to dwellings (either by color, materials or construction, lighting, sound or noise, vibration or electrical interferences, etc.)

2. Businesses that will not generate pedestrian or vehicular traffic beyond that is reasonable or normal to the district in which located.

3. Businesses which employ only residents of the premises.

4. Businesses which use partly or exclusively, no more than twenty-five (25%) percent or one hundred fifty (150) square feet of one (1) floor, whichever is least, including accessory buildings.

5. Businesses which require no signs other than personal or address signs.

6. Businesses which primarily render services off the premises, in contrast to those which require customers to come directly to the premises for the business service to be rendered.

**Subd. 4. Permitted Home Occupations in Other Districts shall consist of:**

1. Businesses which require no unreasonable use of materials or mechanical equipment not recognized as being part of and compatible with normal household use.

2. Businesses that will not generate pedestrian or vehicular traffic beyond that is reasonable or normal to the district in which located.

3. Businesses that will not involve the unreasonable or inappropriate use of commercial vehicles for delivery of occupational materials to or from the premises.

4. Businesses where no accessory building or space outside of the principal building shall be exclusively used.

5. Businesses which require no special space within the principal building to be designed or arranged for such use so that it would require any major internal or external alterations or involve construction features not customary to dwellings (either by color, materials, or construction, lighting, sound or noise, vibration, or electrical interference, etc.).

6. The home occupation shall be conducted by a member of the family residing in the dwelling unit with not more than one employee who is not a member of the family residing in the dwelling unit.

7. Businesses which use partly or exclusively, no more than twenty-five (25%) percent or three hundred (300) square feet of one (1) floor, whichever is least, including accessory buildings.

8. Businesses signs per Section 11.75.

**Subd. 5.** Conditionally permitted home occupations in districts other than the R-1 Single-Family Residential District shall consist of those home occupations which do not meet the requirements of Subdivision 4 above.

**Subd. 6. Bed and Breakfast Facilities.**

1. District Application – Bed and breakfast facilities are allowed within any residential district of the City subject to the approval of a conditional use permit.

2. Conditions of Approval – A bed and breakfast facility may be allowed provided that:

a. A maximum of four (4) bed and breakfast units may be established in a structure.

b. The facility shall have a State license (hotel and food), and comply with building and fire codes as may be required or applicable.

- c. The facility shall be owner or manager occupied.
- d. The principal structure shall have a minimum size of one thousand five hundred (1,500) gross square feet and shall be located on a lot which meets the minimum lot size of the district in which it is located.
- e. All bed and breakfast units shall be established within the principal structure.
- f. Not more than the equivalent of one full-time person shall be employed by the bed and breakfast facility who is not a resident of the structure.
- g. Dining and other facilities shall not be open to the public but shall be used exclusively for registered guests and residents.
- h. No liquor may be sold on the premises.
- i. Two (2) off-street parking spaces shall be provided for the home plus one space for each bed and breakfast unit.
- j. Not more than one identification sign not exceeding two (2) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally illuminated or lighted between ten o'clock (10:00) p.m. and six o'clock (6:00) a.m.
- k. Adequate lighting shall be provided between principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.

**SEC. 11.61. NON-CONFORMING LOTS, STRUCTURES, AND USES.**

**Subd. 1. Intent.** It shall be deemed non-conforming when, within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. This ordinance permits these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses not permitted in the district.

**Subd. 2. Non-conforming Lots of Record.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any

single lot of record at the effective date of this ordinance provided that it fronts on a public right-of-way and provided further than the width and area measurements are at least seventy-five (75) percent the minimum requirements of this ordinance. This provision shall apply provided that side yards and front yard setbacks shall conform to the regulations for the district in which the lot is located.

**Subd. 3. Non-conforming Uses of Land.** Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the effective date of this ordinance.

2. No such non-conforming use shall be moved in whole or part to any other portion of the lot or parcel occupied by such use at the effective date of this ordinance.

3. If any such non-conforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

**Subd. 4. Non-conforming Structures.** Where a lawful structure exists at the effective date of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, elevation, or other characteristics; such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which interests its non-conformity.

2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its market value at any time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

3. Should such structure be moved for any reason or any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. On any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary

repairs, or on a repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the effective date of this ordinance shall not be increased.

5. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Subd. 5. Non-conforming Uses of Structures and Land in Combination.**

If a lawful use of structures or of structures and land in combination (hereinafter, use) exists at the effective date of this ordinance that would not be allowed in the district under the terms of this ordinance, that use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any non-conforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption of amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

3. Any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment, by making findings in the specific case, shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

4. Any non-conforming use which is replaced by a permitted or conditional use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

5. When a non-conforming use is discontinued or abandoned for more than one (1) year, the non-conforming use shall not be resumed unless otherwise approved by the City Council.

6. Where non-conforming use status applies to a structure and premises in combination, continuing use of the land in a non-conforming manner shall not be permitted if the structure is removed or destroyed.

**SEC. 11.62. CONDITIONAL USE PERMITS.**

**Subd. 1. Authority.** The Council may, after review and recommendation by the Planning Commission, grant a Conditional Use Permit authorizing the development of uses listed as Conditional Uses in each of the Zoning Districts in this Chapter or as otherwise enumerated in this Section.

**Subd. 2. Findings.** No Conditional Use Permit shall be granted unless the Planning Commission finds the following criteria have been met by a development proposal. The Planning Commission may attach such other conditions to the permit as it may deem necessary.

1. That the proposed use is not in conflict with the Comprehensive Plan.
2. That the proposed use is not in conflict with the district plan for the area.
3. That the proposed use is not in conflict with the stated intent of the zoning district in which it is to be located.
4. That the proposed use will not unreasonably harm the public health, safety, and welfare, create a nuisance, or create unreasonable congestion injurious to nearby properties.
5. That the proposed use does not interfere with the creation of a beneficial environment within its own property boundaries and on adjoining properties.
6. That the proposed use will not interfere with the provision of a reasonable economic benefit to the community.
7. That the provisions for interrelationship between the proposed development and contiguous and noncontiguous adjacent properties will not adversely affect pedestrian and vehicular movement and will not adversely affect the buffering of service facilities and parking areas.

**Subd. 3. Compliance.** Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of each permit.

**Subd. 4. Review.** A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on a specific parcel and not for a particular person or firm.

**Subd. 5. Revocation.** A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance and may be terminated after an appropriate revocation hearing is held.

**Subd. 6. Discontinuance.** A Conditional Use Permit shall become void one year after being granted by the City Council unless used.

**Subd. 7. Procedure.** An application for a Conditional Use Permit shall be submitted to the Zoning Administrator. A non-refundable application fee, as established from time-to-time by the Council to cover administrative costs and costs of the hearing, shall accompany each application. The Planning Commission or the Council may require any reasonable information they deem necessary. Upon receipt in proper form of the application and other required material, a public hearing shall be held.

1. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the City of Pipestone at least ten (10) days prior to the day of the hearing.

2. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the Conditional Use Permit relates.

3. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be made a part of the records of the proceedings.

4. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

Within thirty (30) days after the conclusion of the public hearing, the Planning Commission shall transmit to the Council a written report containing its recommendations concerning the proposed Conditional Use. Such report shall be accompanied by findings of fact specifying the reasons for the recommendation. In any case where a Conditional Use Permit is sought for the purpose of establishing a Planned Unit Development, the report of the Planning Commission shall contain specific findings as to the degree of compliance of the proposed development with the standards applicable to planned developments and as to the degree to which the proposed development advances the purposes for which planned developments may be approved.

Except in the case of an application for a Conditional Use Permit to establish a Planned Unit Development District, the Council shall, within thirty (30) days of the receipt of the report of the Planning Commission, grant or deny the Conditional Use or refer the matter back to the Planning Commission for further consideration. The Council shall not grant a Conditional Use unless it finds standards of this section have been satisfied.

**STATE STATUTE NUMBER 462.3595.**

The following subdivisions 1 through 4 are taken from the M. S. Ch. 462.3595.

**Subd. 1. Authority.** The governing body may, by ordinance, designate certain types of developments, including planned unit developments, and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved by the governing body or other designated authority by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use.

**Subd. 2. Public Hearings.** Public hearings on the granting of conditional use permits shall be held in the manner provided in section 462.357, subdivision 3.

**Subd. 3. Duration.** A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section shall prevent the municipality from enacting or amending official controls to change the status of conditional uses.

**Subd. 4. Filing of Permit.** A certified copy of any conditional use permit shall be filed with the county recorder or registrar of titles of the county or counties in which the municipality is located for record. The conditional use permit shall include the legal description of the property included.

**SEC. 11.63. VARIANCES AND APPEALS.**

**Subd. 1. Variances.** The Board of Zoning Adjustments and Appeals shall have the general authority to grant variances only if it is established that it is in harmony with the general purpose and intent of this ordinance, and to attach such conditions to the variances as it deems necessary to assure compliance with the purpose of this ordinance. A variance may be permitted if all of the following requirements are met:

1. That the property in question cannot yield a reasonable use if permitted to be used only under conditions allowed by the regulations governing the district in which it is located.

2. That the plight of the owner is due to unique circumstances not normally applicable to landholdings within the same district.

3. That the variance, if granted, will not alter the essential character of the locality.

**Subd. 2. Public Hearing.** A public hearing shall be set, noticed, and conducted by the Board of Zoning Adjustments and Appeals before any variance may be granted.

**Subd. 3. Appeals.** The Board of Zoning Adjustments and Appeals shall have the authority to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Zoning Administrator in the administration of this ordinance.

**State Statute #462.357. Subd. 6. Appeals and Adjustments.** Appeals to the Board of Appeals and Adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The Board of Appeals and Adjustments has the following powers with respect to the zoning ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

2. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth-sheltered construction as defined in Section 216c.06, subdivision 2, when in harmony with the ordinance. The Board of Appeals and Adjustments or the governing body, as the case may be, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The Board or governing body, as the case may be, may permit as a variance, the temporary use of a one-family dwelling as a two-family dwelling. The Board or governing body, as the case may be, may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

**SEC. 11.64. REZONING.**

**Subd. 1. Application.** Required information accompanying rezoning applications to change district boundaries shall contain the following:

1. The names and addresses of the petitioner or petitioners, and their signatures of the petition. (Must be legal property owner or option holder).
2. A specific description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within such area, and a description of the property owned by each.
3. The present district classification of the area and the proposed district classification.
4. Proposed use of the land (a statement of the type, extent, area, etc.).
5. Compatibility with the City of Pipestone Comprehensive Plan (a statement of conditions warranting change in zoning).
6. A legal description of the property(ies) to be rezoned.
7. Must provide a Registered Land Survey of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties within three hundred and fifty (350) feet of the proposed property to be rezoned.
8. Additional information as may be requested by the Planning Commission.

**Subd. 2. Spot Zoning.** Spot zoning shall not be allowed. Any rezoning applied for where the area in which the applicant wishes rezoning is surrounded on four (4) sides by an existing zoned district will be considered spot zoning. The Zoning Administrator shall make this determination before a rezoning application is accepted.

**Subd. 3. Procedure.** An application for Amendment (rezoning) shall be submitted to the Zoning Administrator. A non-refundable application fee, as established from time-to-time by the Council to cover administrative costs and costs of the hearing, shall accompany each application. The Planning Commission or the Council may require any reasonable information they deem necessary. Upon receipt in proper form of the application and other required materials, a public hearing shall be held.

1. A notice of time, place, and purpose of the hearing shall be published in the official newspaper of the City of Pipestone at least ten (10) days prior to the day of the hearing.

2. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the rezoning relates.

3. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be made a part of the records of the proceedings.

4. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

Within thirty (30) days after the conclusion of the public hearing, the Planning Commission shall transmit to the Council, a written report containing its recommendations concerning the proposed Amendment to rezone.

**Subd. 4.** A simple majority of all of the members of the Council is necessary to adopt a zoning amendment, except that 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 residential to either commercial or industrial requires a two-thirds majority vote of all members of the Council.

#### **SEC. 11.65. INTERIM USE PERMITS.**

**Subd. 1. Purpose.** The purpose and intent of allowing interim uses is: to allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the Comprehensive Plan; and to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future.

**Subd. 2. Application, Public Hearing, Notice and Procedure.** The application, public hearing, public notice and procedure requirements for an interim use permit shall be the same as those for a conditional use permit as provided in Sec. 11.63.

**Subd. 3. Standards.** The Planning Commission shall recommend an interim use permit, and the Council shall issue such an interim use permit, only if they find that such use at the proposed location:

- §155.440;
1. Meets the standards of a conditional use permit set forth in
  2. Will terminate upon a date or event that can be identified with certainty;
  3. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future; and
  4. Will be subjected to, by agreement with the owner, any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

**Subd. 4. Termination.** An interim use permit shall terminate upon the occurrence of any of the following events, whichever first occurs:

1. The date stated in the permit;
2. A violation of conditions under which the permit was issued;
3. The occurrence of an event outlined in the permit that terminates the interim use; or
4. The discontinuance of the use for a minimum of six months.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.66 through 11.70, inclusive, reserved for future expansion)

(Pages 121 through 125 reserved)

**SEC. 11.71. FENCING AND SCREENING.**

**Subd. 1. General.** Fences shall be permitted in all districts subject to the provisions hereinafter provided.

**Subd. 2. Location.** All fences shall be located entirely within one percent (1%) of total frontage of property line of the private property of the person, firm, or corporation constructing or causing the construction of such fence.

**Subd. 3. Construction and Maintenance.** Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Building Official is hereby authorized to commence proper proceedings for the abatement thereof.

**Subd. 4. Barbed Wire and Electric Fences.** Barbed wire and electric fences shall not be permitted, used, or constructed except in industrial districts as hereinafter provided or when related to permitted agricultural use, but in any case not in boundary line fences.

**Subd. 5. Residential District Fences.** All residential fences shall be placed within the property being fenced and conform to the property:

1. Fences along side property lines shall not be more than six (6) feet in height.
2. Fences along any rear property line, which is also the rear property line of an abutting lot, shall not exceed six (6) feet in height.
3. Fences along a rear property line, which line constitutes the side lot line of an abutting lot, shall not exceed six (6) feet in height.
4. The screening provisions for residential districts shall supersede, where applicable, the provisions of this section.
5. All posts or similar supporting instruments used in the construction of fences, shall be faced inward toward the property being fenced.
6. All fences shall not obstruct drainage.

7. All fences located within a utility easement require a conditional use permit.

**Subd. 6. Business and Industrial Fences.**

1. Business and industrial fences may be erected up to eight (8) feet, fences in excess of eight (8) feet in height shall require a conditional use permit.

2. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground. A conditional use permit shall be required for the use of barbed wire.

3. The screening provisions for business and industrial districts shall supersede, where applicable, the provisions of this subsection.

**Subd. 7. Required Fencing and Screening.** Where any commercial industrial use, or multi-family of four (4) or more units (i.e. structure, parking, or storage) abuts property zoned for residential use, that business, industry, or multi-family building shall provide screening along the boundary of the residential property. All fencing and screening specifically required by this section shall be subject to traffic visibility requirements of this section and shall consist of either a fence or a green belt planting strip as provided for below:

1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening a minimum height of six (6) feet. The planting plan and type of plantings shall require the approval of the Planning Commission.

2. A required screening fence shall be constructed of masonry, brick, wood, or metal. Such fences shall provide a solid screening effect six (6) feet in height for multi-family uses and at least six (6) feet in height for business and industrial uses unless otherwise specified. The design and materials used in constructing a required screening fence shall be subject to the approval of the building official.

**Subd. 8. Traffic Visibility.** No fence, wall, or hedge shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet where it will interfere with traffic or pedestrian visibility thirty (30) feet from the intersecting curb line from a driveway or alley to a public way. The regulations shall apply unless it can be demonstrated to the building official that the structure provides an unobstructed view so as not to create a safety hazard.

**Subd. 9. Special Purpose Fences.** Fences for special purposes and fences differing in construction, height, or length may be permitted by the building official in any district of the City provided that reasons submitted by the applicant demonstrate the purpose is necessary to protect, buffer, or improve the premises for which such fence is intended. The building official may stipulate the height, location, construction, and type of special fence thereby permitted.

**SEC. 11.72. ADDRESS NUMBERS-RESIDENTIAL AND COMMERCIAL.**

**Subd. 1.** All houses and business buildings located in the City of Pipestone must have permanently attached address numbers on the front of each building. Address numbers must be:

1. Legible from the adjacent street.
2. Not less than 3” high for houses and 4” high for businesses.
3. Not in script.
4. Of a contrasting color to the building.
5. Mounted as close as is possible to 5’ above the standing level in front of the building.
6. In conformity with SEC. 11.75, Subd. 6, as respects to numbering in Heritage Preservation Sites and in the Pipestone Historic District.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.73 through 11.74, inclusive, reserved for future expansion)

(Pages 129 through 133 reserved)

**SEC. 11.75. SIGNS.**

**Subd. 1.** The purpose of this section is to protect, ensure, maintain, and regain the natural and scenic beauty and attractiveness of the roadsides throughout the City. By the construction of public roads, the public has created views to which the public retains a right-to-view and it is the intent of these standards to prevent the taking of this right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this ordinance.

**Subd. 2.** Some general provisions of the sign ordinance include the following:

1. All sign installations require a building permit except for political signs, temporary signs, and real estate signs 16 square feet or less.

2. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress, from any door, window, or fire escape; that tends to accumulate debris as a fire hazard; or that is attached to a standpipe or fire escape.

3. The regulations contained herein do not apply to signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors.

4. No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard. No signs shall be permitted which would interfere with traffic control.

5. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property, provided that such individual signs do not exceed 3 square feet and are utilized exclusively for the purposes intended.

6. Signs are prohibited within the public right-of-way of any street or easement.

7. In any zoning district, animal displays, lights directed skyward, pieces of sculpture, fountains, or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to a product, place, activity, institution, organization, or business shall be considered a conditional use.

8. Signs giving off an intermittent or rotating beam or ray of light shall be prohibited.

9. No sign shall contain any indecent or offensive picture or written matter. The zoning administrator shall be given the authority to determine offensive nature. The Board of Appeals and Adjustments will decide any appeal.

10. In all zoning districts, one identification sign shall be required per building except accessory structures and residential buildings which shall only be required to display the street address or property number.

11. No sign shall be placed in the front five (5) feet of any required setback in any district. Where an existing building occupies any part of all of the front five (5) feet of the lot, signs shall be allowed to project up to eight (8) feet from said building face or three (3) feet from the curb, whichever is less, even if extended over the street right-of-way.

12. Billboard signs are prohibited within the City limits. Exception: Signs operated by the City of Pipestone on city-owned property which display non-commercial information in the public interest shall be exempt from the provisions of Section 11.75. Such signs shall not exceed 50 square feet in area.

### **Subd. 3. Definitions.**

1. **Advertising Signs (Billboards)** – a sign which directs attention to a business, commodity, service, activity, or entertainment conducted, sold, or offered off the premises where such sign is located.

2. **Business Sign** – a sign which directs attention to a business, commodity, or a commodity service, or entertainment sold or offered upon the premises where such a sign is located.

3. **Identification Sign** – a sign that identifies the occupant or activity within a lot or structure.

4. **Electric Signs** – a sign that is illuminated, in whole or in part, by the use of electric wiring.

5. **Marquee and/or Fixed Awning Sign** – a sign on a permanent roof like projection over an entrance to the front of a business.

6. **Temporary Sign** – a sign which will be removed within three (3) months of placement or installation and does not exceed sixty-four (64) square feet.

7. **Wall Signs** – a wall sign shall consist of any sign which is attached flat against or represented on the surface of a building wall. A wall sign may have a depth of up to fifteen (15) inches.

**Subd. 4. Business Signs.** In commercial and industrial districts, on-site signs shall be permitted according to the following provisions:

1. One monument or freestanding sign and one wall mounted sign identifying the premises shall be allowed. In structures with joint tenancy and individual outside entrances, each tenant can have its own wall sign.

2. The maximum height of any freestanding sign shall be twenty-five (25) feet from the ground to the top of the sign. A conditional use permit may be considered for taller signs.

3. The total area of freestanding signage shall not exceed 100 square feet. Wall signs above individual entrances in structures with joint tenancy shall be a maximum of 32 square feet.

4. Home occupation signs are permitted. One (1) non-illuminated identification sign, not to exceed four (4) square feet in area, for the following permitted uses: resident professional offices, home occupations, and boarding and lodging houses.

**Subd. 5. Marquees and Fixed Awnings.**

1. Load capacity – load capacity shall be so designed as to safely sustain a load of at least forty (40) pounds per superficial foot of its upper surface.

2. No marquee or fixed awning shall extend nearer than three (3) feet to the curb line.

3. No marquee or fixed awning shall be, at any point, at a less height than ten (10) feet above the sidewalk.

4. Construction, anchors, support, and materials used shall be approved by the building official before a permit is issued.

**Subd. 6. Electric Signs.**

1. No more than one (1) electric sign shall be attached to each face of the building for any one (1) occupant thereof.

2. No electric sign placed at any angle over public property shall exceed two hundred (200) square feet in area.

**Subd. 7. Roof Signs.**

1. Roof signs are permitted only by conditional use in all districts.

**Subd. 8. Residential Signs.**

1. Residential signs shall not exceed two (2) square feet and bear only the name, address, and/or professional activity of the occupants of the premises.

2. Signs with an area greater than two (2) square feet, but less than eight (8) square feet may be allowed upon the approval of the Planning Commission.

3. No dimension of a sign may be more than twice the other dimension.

**Subd. 9. Illuminated Signs.** Illuminated signs may be permitted, but flashing signs, except ones giving time, date, temperature, weather, or similar public service information, shall be prohibited. No electrically illuminated signs shall be permitted in an area of five or more homes in close proximity. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public way.

**Subd. 10. Political Signs.** All non-commercial signs of any size may be posted from August 1 in a state general election year until ten days following the state general election, and in the case of a primary or special election, from 30 days before the primary or special election to ten days after the election.

**Subd. 11. Construction Signs.** Construction signs shall not exceed 32 square feet in area. Such signs shall be removed when the project is complete.

**Subd. 12. Real Estate Signs.** Real estate signs for individual lots or structures may be placed in any yard provided such signs are not closer than 10 feet to any property line and they do not exceed 16 square feet. Real estate signs may be erected for the purpose of selling or promoting a single-family or multiple-family residential project of ten or more dwelling units provided:

1. Such signs shall not exceed 100 square feet in area.
2. Only one such sign shall be erected on each road frontage with a maximum of 2 such signs per project.

3. Such signs shall not be located closer than 100 feet to any neighboring residence.
4. Time limits may be imposed for review.

**Subd. 13. Mobile Signs.** Mobile signs or other temporary signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this Ordinance just as permanently affixed signs.

**Subd. 14. Sign Maintenance.**

1. **Painting.** The owner of any sign shall be required to have such sign properly painted at least once every two years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.

2. **Areas Around Sign.** The owner or lessee of any sign shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and the street and also for a distance of 6 feet behind and at the end of the said sign.

**Subd. 15. Obsolete Signs.** Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found within 30 days after written notice from the Zoning Administrator.

**Subd. 16. Unsafe or Dangerous Signs.** Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety as determined by the building official, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within 10 days after written notification from the Zoning Administrator.

**Subd. 17. Other Signs.** Any signs not covered by another section of this Ordinance would require a conditional use permit.

**Subd. 18. Signs Permitted in Residential Districts.** Subject to the other conditions of this Chapter, the following signs shall be permitted in all Residential Districts:

1. **Subdivision Plat Signs.** Temporary signs advertising a new subdivision plat provided such signs do not exceed eighty (80) square feet in aggregate surface area, identifying only the plat in which they are located, are non-illuminated, and are erected only at dedicated street entrances to the plat. Such signs shall be removed if construction of subdivision improvements is not in progress on the plat within sixty (60) days following the date of sign erection, or as soon as eighty (80) percent of the lots are developed and sold.

2. **Residential Housing Development Sign.** One (1) permanent residential housing development identification sign facing each bordering street shall be permitted for each development of twenty (20) or more units. Such signs shall not exceed thirty-two (32) square feet. Such signs shall be erected only at the dedicated street entrance, may be indirectly illuminated, and shall not exceed a height of eight (8) feet above grade.

3. **Club, Lodge, Office Signs.** One (1) non-illuminated identification sign not to exceed twelve (12) square feet in area for the following uses: clubs, lodges, fraternities, and professional offices were permitted.

4. **Civic, Religious Organizations, and Other Permitted Non-Residential Uses.** One (1) illuminated or non-illuminated sign not to exceed twenty-four (24) square feet in area. Such sign may include the following uses: offices of a civic, religious, or charitable organization; offices devoted to business management, professional services, trade associations, labor unions, insurance companies or agencies, banks, financial institutions, real estate offices, funeral homes, etc.

5. **Public and Quasi-Public Use Signs.** One (1) illuminated or non-illuminated identification sign or bulletin board not to exceed a total of twelve (12) square feet in area for the following uses: public schools, parochial schools, colleges, public libraries, museums, social and recreational buildings, park playgrounds, hospitals, sanitariums, charitable and religious institutions, churches, cemeteries, and government office buildings.

**Subd. 19. Signs Permitted in B-1 (Neighborhood Business District) District.** Subject to other conditions of this Chapter, the following signs shall be permitted in the B-1 District:

1. Signs are permitted in residential districts (same as subdivision 20 herein).

2. **Business Signs.** A maximum of three (3) business signs limited to one (1) facing each bordering street, which shall not exceed in surface area a total of fifty (50) square feet for all signs on each main building or each business in a series of attached businesses such as a shopping center. Such signs shall be wall signs or attached to a marquee.

3. **Shopping Center Signs.** For business complexes of four (4) or more separate stores in a B-1 District, one (1) shopping center sign may be erected. Such sign shall be limited to a roof or freestanding sign not to exceed one hundred (100) square feet in area. Such requirements shall be applicable to the aggregate face area of a double-faced sign.

**Subd. 20. Signs Permitted on Other Non-Residential Districts.** The following signs shall be permitted in non-residential districts where such uses are otherwise permitted in the district.

1. **Signs as Permitted in Residential Districts.** Signs as permitted and regulated for the uses in the Residential District (same as Subdivision 20 herein).

2. **Business Signs.** Each main building or business in a series of attached businesses, such as a shopping center, may have three (3) business signs. Two (2) of such business signs shall be limited to ten (10) square feet in area. One (1) business sign may be of any type to a maximum of one hundred (100) square feet in area.

3. **Shopping Center Signs.** For business complexes of four (4) or more separate stores, one (1) shopping center sign may be erected. Such sign may be of any type to a maximum of one hundred fifty (150) square feet in area.

**Subd. 21. Signs Permitted in Planned Development.** Signs permitted in planned developments shall be as approved by the Planning Commission for each development. In no case shall signs in a residential planned development exceed the sign requirements stipulated in Subdivision 20 herein, nor signs in a business planned unit development exceed the requirements of the B-1 District (Subdivision 21 herein).

**Subd. 22. Sign Standards in Heritage Preservation Sites and Within the Pipestone Historic District.**

A. **General**

1. All signage to be installed on buildings within the Pipestone Historic District or on buildings designated as Heritage Preservation Sites must be reviewed and approved by the Heritage Preservation Commission (HPC). A special HPC permit application shall be submitted in order for signage to be considered, and a detailed drawing of the proposed signage will be an integral part of each permit. All proposed signage shall comply with all conditions of this Chapter regarding signage as well as the additional conditions hereinafter set forth.
2. The HPC reviews each sign request on a case-by-case basis and reserves the right to deviate from any specific guideline if it determines that an application of the guideline would adversely affect a historic property or to make exception to these guidelines in the cases of non-contributing historic buildings if the exception would not adversely affect other adjacent historic properties.
  - a. **Existing Historic Signs.** Maintenance or restoration of existing historical signs shall be mandatory.

- b. **Signs Not Permitted.** Signs advertising products or businesses not located in the building or on the lot on which the sign is displayed are prohibited.
- c. **Number of Signs Limited.** Signage will be limited to one (1) sign per building. If a building has more than one (1) tenant, this sign may display the name and address of the building and a directory of tenants. If a property is occupied by more than one (1) tenant and list separate ground level entries for each tenant, the HPC may grant permission for additional signage. Corner properties will be allowed a sign on each street face.
- d. **Design Criteria.** Lettering and numbering style for signage or identification will be of a contemporary period to the structure on which it is to be attached. Sign colors shall be limited to four (4) per sign with at least three (3) being the same hue, saturation, or brightness. Sign colors must be compatible with the colors of the building and its surroundings. Signs may list the building name and address. Advertising and tenant identification may be incorporated. Signs may display information such as the name of the firm or logo.
- e. **Removal of Sign.** Signage must be removed from buildings if the tenant's business closes or moves, within ninety (90) days from the date of vacancy.

**B. Specific Sign Types**

- 1. **Painted Signs.** Signs painted directly onto the wall surface of the building shall not be restricted as to size or lettering height. Painted signage will not be permitted on principal facades. Painted signage is permitted only on side or rear walls to restore documented historic signage. Contemporary painted signage on the side or rear walls may be permitted by the HPC upon a determination of no negative impact on the historic qualities of the building or district.
- 2. **Surface Applied Individual Lettering.** Individually formed letters which are attached to the wall surface of the building shall be limited to a maximum height of eighteen (18) inches and signage material shall be of metal, painted wood, or solid plastics with opaque matte finishes. Vacuum formed plastic or plastic with shiny finish will not be permitted as material for signage.

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3. **Surface Applied Panelized Signs.** Signage constructed of a single piece or connected series of sign material to be applied to the wall surface shall not exceed twenty (20) feet in length and four (4) feet in height and may not cover or detract from architectural detail of the building. Signage materials shall be metal, painted wood, or solid plastics with opaque matte finishes. Vacuum formed plastic or plastic with shiny finish will not be permitted material for signage. Panelized sign will be centered within façade openings and placed above or below the belt line or separation between ground floor and second (2<sup>nd</sup>) floor.
4. **Horizontal Projecting Signs.** Signs having a horizontal orientation which projects at a ninety (90) degree angle from the wall surface shall not exceed a maximum total size of twenty-five (25) square feet, maximum height of four (4) feet and maximum thickness of ten (10) inches. The lettering will not exceed a maximum height of thirty (30) inches. Signs may be metal fabricated, surface mounted neon, neon in channelized letters, incandescent light bulbs, or wood. Backlit plastic sheets are prohibited. Horizontal projecting signs may project a maximum of six (6) feet from the wall and shall be held away from the wall a minimum of eight (8) inches for the clear detail projections and shall be placed between the ground floor and the second (2<sup>nd</sup>) floor, aligned vertically with other similar signage on the street and so as to clear the sidewalk by a minimum of ten (10) feet. A sign to be placed over a window opening will not be permitted. Lettering shall have a horizontal orientation.
5. **Vertical Project Signs.** A sign having a vertical orientation which projects at a ninety (90) degree angle from the wall surface will have a maximum height of eight (8) feet, a maximum width of thirty (30) inches, and a maximum thickness of ten (10) inches. Permitted materials include metal fabricated signs, incandescent light bulbs, surface mounted neon, neon in channelized letters, and wood. Materials not permitted are backlit plastic sheets and/or animated signs. Vertical projecting signs may project a maximum of five (5) feet and shall be held away from the façade a minimum of eight (8) inches or to clear detail projections and shall be placed between the ground floor and second (2<sup>nd</sup>) floor, aligned vertically with other signage on the street and so as to clear the sidewalk a minimum of ten (10) feet. A sign to be placed over a window will not be permitted. Lettering shall have a vertical orientation.

6. **Monument Signs.** Any freestanding sign having a base which is of a greater dimension than the sign itself is permitted only on perimeter or open lots and on lots with front and side yard setbacks. A monument sign shall not exceed the maximum height of six (6) feet, a maximum length of one-third (1/3) of lot frontage or twelve (12) feet, whichever is less, and must be parallel with or perpendicular to the street unless on a corner lot in which case an orientation of forty-five (45) degrees is allowed.
7. **Awning Signage.** A sign incorporated within the material of a window awning will be restricted by the size of the awning which may not exceed individual window openings and the awning skirt or drop may not exceed twelve (12) inches. Backlit awning signs are prohibited. Lettering will be restricted to side panels or front drop and shall be one (1) consistent color. Logos or artwork shall be of no more than four (4) colors of which three (3) must be the same hue, saturation, and brightness.
8. **Innovative Artistic Signs.** Signs of a type that cannot be classified by the previous listed signage type may be permitted by the HPC upon a determination of no negative impact on the historic qualities of the building or district and that the proposed signage adds to the aesthetic character of the building or district.
9. **Lighted Signs Behind Store Windows.** A neon or lighted sign placed on the inside of a store window shall not exceed ten (10) percent of the actual surface of the window opening and shall be a minimum of six (6) inches distant from the perimeter of the window opening.
10. **Glass Applied Signs.** The total outlined area of a sign applied to the inside surface of a store window shall not exceed twenty-five (25) percent of the window opening in size.
11. Exterior temporary signage may be permitted by HPC. (Holiday decorations are not considered signage).
  - a. **Banners.** Banners, not exceeding a maximum size of twenty-four (24) square feet and hung or draped so as not to cover or damage architectural detail, not obstruct the view of other buildings or features of the street or district, may be permitted for a period of one (1) month and may be

Renewed for two (2) additional one (1) month periods. Proper maintenance will be of major importance in considering renewal of a permit.

- b. **Building Construction Signs.** Building construction signs of a maximum size of three (3) feet by five (5) feet may be permitted for a period of one (1) year and renewed for additional one (1) year periods.
- c. **Leasing Signs.** Leasing signs of a maximum size of three (3) feet by five (5) feet may be permitted for a period of one (1) year and renewed for additional one (1) year periods.
- d. **Special Events.** Signs for special events of a size and configuration as may be approved by the HPC on a case-by-case basis may be permitted for a period of one (1) month and may be renewed for two (2) additional one (1) month periods. Proper maintenance will be of a major importance in considering renewal of permit.
- e. **Maintenance.** All temporary signage must be maintained in such a manner that will not be detrimental to public safety or to the historic preservation of the building or district and failure to properly maintain signage will result in the immediate recession of the permit.

12. **Signage Types Not Allowed.** The following signs will not be permitted:

- a. Freestanding or surface applied billboards.
- b. Roof-top signage.
- c. Freestanding pole or pylon signs.
- d. Plastic faced, backlit signs or letters.
- e. Backlit awning signs.

13. **Current Signage Grandfathered.** All signage currently evident on historic properties that do not conform to requirements of this Chapter will be allowed to remain until such time as signage needs replacing or the business being constructed terminates or changes ownership.

## **SEC. 11.76. SERVICE STATION AND CAR WASH REGULATIONS.**

**Subd. 1. B-1, B-2, B-3 Districts.** The following may be conditionally permitted:

1. **Automotive Service Stations.** Motor fuel stations subject to submission of a site plan conforming to the following design standards and a statement agreeing to performance of those standards:

- A. The parcel of land shall not be less than one hundred (100) feet by one hundred (100) feet with one (1) side facing on a major thoroughfare.
- B. No curb cut on a major thoroughfare shall be within fifty (50) feet, and no curb cut on a non-major thoroughfare shall be within twenty-five (25) feet, of the intersection of the projected curb lines; no curb cut shall exceed thirty (30) feet in width at the sidewalk line; the driveway installed with a curb cut shall not cause the public sidewalk to slope greater than one-fourth (1/4) inch per foot; no more than three (3) curb cuts shall be permitted except for one (1) additional if the parcel has one hundred fifty (150) feet or more frontage on a non-major thoroughfare.
- C. The pump islands shall observe the required front yard setbacks where applicable, and protected by a curb at least six (6) inches high except for approved driveway crossings.
- D. All of the area of the parcel except that covered by buildings and landscaping shall be surfaced to control dust and drainage. Drainage and surfacing plan to be approved by the Planning Commission.
- E. A six (6) foot decorative fence, or a fifteen (15) foot wide planting strip and three (3) foot decorative fence shall be installed and maintained along the property line where said line abuts a residentially zoned parcel. Should the planting strip and fence combination be selected, the proposed planting plan shall be approved by the Planning Commission. Should the abutting residential area be zoned R-1 or R-2, a five (5) foot setback is to be provided between the abutting property line and any principal or accessory structure.
- F. A minimum of seven (7) parking spaces shall be provided, none of which are within the service drives for the pumps nor within the required front yard; also, should the motor fuel station be a combined business, the portion of the site and structure devoted to such other business shall be calculated independently for determining parking to be provided. Where trucks are to be accommodated, parking

spaces shall be provided at the ratio of four (4) spaces (each having twelve [12] feet by fifty [50] feet minimum dimensions) for each service stall.

- G. All lights shall be so located or shielded that the resulting light pattern does not extend into abutting residential lots or the public right-of-way beyond the intensity of one (1) foot candle.
- H. The sale or rental of trailers, autos, campers, boats, or other merchandise requiring outside storage shall be considered a separate business, shall be approved as a separate business, and shall not occupy the minimum area required to conduct a motor fuel station.
- I. All merchandise kept on the premises and displayed for sale, except for oil stored on the pump island, shall be kept within the building or its immediate environs.
- J. A perspective drawing, including elevations, shall be submitted for approval which indicates an architectural style compatible with adjacent existing or actually proposed developments.
- K. Provisions shall be made for on-lot receptacles for the storage of trash in areas which are screened from the public view.
- L. Where vending machines are proposed as an accessory use, they shall be incorporated into the design of the structure.
- M. All fuel storage tanks shall be placed underground and so located that they may be serviced without the tank truck extending beyond the property line.

2. Car wash establishments subject to the submission of a site plan conforming to the following design standards and a statement agreeing to performance of these standards:

- A. The minimum lot width shall be one hundred twenty-five (25) feet of the front yard building setback line.
- B. No curb cut on a major thoroughfare shall be within fifty (50) feet, and no curb cut on a non-major thoroughfare shall be within twenty-five (25) feet, of the intersection of the projected curb lines; no curb cut shall exceed thirty (30) feet in width at the sidewalk line; the driveway installed with a curb cut shall not cause the public sidewalk to slope greater than one-fourth (1/4) inch per foot; no more than two (2) curb cuts shall be permitted on any one (1) public street.

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- C. A side and rear yard setback of five (5) feet shall be maintained between the parking area and any lot line adjacent to B-2, I-1, and I-2 Districts. A side and rear yard setback of twenty-five (25) feet shall be maintained between any parking area and any lot line adjacent to B-1 Districts. A side and rear yard setback of fifty (5) feet shall be maintained between any parking area and any lot line adjacent to R-1 through R-4 Districts.
- D. All of the area of the parcel except that covered by buildings and landscaping shall be surfaced to control dust and drainage. Drainage and surfacing plan to be approved by the Planning Commission.
- E. A six (6) foot decorative fence, or a five (5) foot wide planting strip and three (3) foot decorative fence shall be installed and maintained along the property line where said line abuts a residentially zoned parcel. Should the planting strip and fence combination be selected, the proposed planting plan shall be approved by the Planning Commission. Should the abutting residential area be zoned R-1 or R-2, a fifty (50) foot setback is to be provided between the property line and any principal or accessory structure.
- F. Parking.
  - a. Stacking Spaces. A minimum of three (3) customer automobile stacking spaces shall be provided for each washing lane for automatic car washes.
  - b. Customer Service Parking. A minimum of three (3) customer service parking spaces shall be provided for each washing land for automatic car washes.
  - c. Self-Service Car Washes. A minimum of two (2) outside customer parking spaces shall be provided for each enclosed self-service washing space. The foregoing required number of parking spaces shall be shown and designated on the site plan. Parking spaces as required by this Section shall supersede parking space requirement imposed elsewhere in this Chapter.
- G. Interior curbs shall be constructed within the property lines to separate driving and parking surfaces from landscaped areas. Interior curbs required by this Section shall be a normal six (6) inches in height.

- H. All lights shall be so located or shielded that the resulting light pattern does not extend into abutting residential lots or the public right-of-way beyond the intensity of one (1) foot candle.
- I. Selling or storage of commodities or services other than as defined in this Section, shall be conducted in conformance with the display and storage requirements of the zoning district in which the car wash is located.
- J. All washing facilities shall be completely within an enclosed building.
- K. A perspective drawing, including elevations, shall be submitted for approval which indicates an architectural style compatible with adjacent existing or proposed developments.
- L. Provisions shall be made for on-lot receptacles for the storage of trash in areas which are screened from the public view.
- M. Vacuuming facilities shall not be located along public streets and shall be completely screened from public streets and adjacent residential property.
- N. Where vending machines are proposed as an accessory use, they shall be incorporated into the design of the structure.
- O. Where gasoline sales are involved, all fuel storage tanks shall be placed underground and so located that they may be serviced without the tank truck extending beyond the property line.
- P. All wash water disposal facilities including sludge, grit removal, and disposal equipment shall be subject to the approval of the City and shall conform with all provisions of the City Code regarding sewage and health provisions, and shall be designed so as not to affect detrimentally the City sewer system.

**Subd. 2. I-1 and I-2 Districts.**

1. **Automotive Service Stations.** Motor fuel stations subject to submission of a site plan conforming to the following design standards and a statement agreeing to performance of these standards:

- A. The parcel of land shall not be less than one hundred (100) feet with one (1) side facing on a major thoroughfare.

- B. No curb cut on a major thoroughfare shall be within fifty (50) feet and no curb cut on a non-major thoroughfare shall be within twenty-five (25) feet of the intersection of the projected curb lines; no curb cut shall exceed thirty (30) feet in width at the sidewalk line; the driveway installed with a curb cut shall not cause the public sidewalk to slope greater than one-fourth (1/4) inch per foot; no more than three (3) curb cuts shall be permitted except for one (1) additional if the parcel has one hundred fifty (150) feet or more of frontage on a non-major thoroughfare.
- C. The pump islands shall observe the required front yard setback, and protected by a curb at least six (6) inches high except for approved driveway crossings.
- D. All of the area of the parcel except that covered by buildings and landscaping shall be surfaced to control dust and drainage. Drainage and surfacing plan to be approved by the Planning Commission.
- E. A minimum of seven (7) parking spaces shall be provided, none of which are in the service drives for the pumps or the required front yard; also should the motor fuel station be a combined business, the portion of the site and structure devoted to such other business shall be calculated independently for determining parking to be provided.
- F. All lights shall be so located or shielded that the resulting light pattern does not extend into abutting residential lots or the public right-of-way beyond the intensity of one (1) foot candle.
- G. Where trucks are to be accommodated, parking spaces shall be provided at the ratio of four (4) spaces (each having twelve [12] feet by fifty [50] feet minimum dimensions) for each service stall. The sale or rental of trailers, autos, campers, boats, or other merchandise requiring outside storage shall be considered a separate business, shall be approved as a separate business and shall not occupy the minimum area required to conduct a motor fuel station.
- H. A perspective drawing, including elevations, shall be submitted for approval which indicates an architectural style compatible with adjacent existing or proposed developments.
- I. Provisions shall be made for on-lot receptacles for the storage of trash in areas which are screened from public view.

- J. Where vending machines are proposed as an accessory use, they shall be incorporated into the design of the structure.
- K. All fuel storage tanks shall be placed underground and so located that they may be serviced without the tank truck extending beyond the property line.

**SEC. 11.77. OFF-STREET PARKING AND LOADING REGULATIONS.**

**Subd. 1. Schedule of Off-Street Parking Requirements.** Off-street parking spaces shall be provided for buildings and uses as specified in the following schedule:

<u>Types of Uses</u>	<u>Off-Street Parking Requirements</u>
Automobile Repair Shops	3 spaces for each repair stall plus 1 space for each employee
Banks	1 space per 250 ft. of gross floor area
Bowling Alleys	3 spaces for each alley
Churches, auditoriums, and other places of Assembly	1 space for each 4 seats
Drive-in Banks	Reserve space equal to 3 times the number of drive-in window units
Dwelling, efficiency	1 space per dwelling unit
Dwelling, multi-family	2 spaces per dwelling unit
Dwelling, single-family	2 spaces per dwelling unit
Dwelling, two-family	2 spaces per dwelling unit
Funeral Homes	1 space for each 15 seats with a minimum of 10 spaces
General Retail	1 space per 150 square ft. of floor area for stores over 2000 sq. ft. of floor area. 1 space per 300 sq. ft. of floor area for stores under 2000 sq. ft.

Hospitals, Clinics	1 space for each 300 sq. ft. of floor area
Hotels, Motels	1 space per sleeping unit
Industrial and Manufacturing	1 space for 2 employees of the largest shift or 2000 sq. ft. of floor area, whichever is greater
Manufactured Home Park	2 spaces per lot
Nursing Homes, Convalescent Homes	1 space for each 4 residents or patients plus 1 space for each 2 employees
Restaurants, Night Clubs, Clubs Over 1000 sq. ft.	1 space per each 75 sq. ft. of floor area

**Subd. 2. Mixed Uses.** In cases of mixed uses, the parking spaces required shall be the sum of the requirements for the various individual uses. Computed separately.

**Subd. 3. Design Standards.**

1. All off-street automobile parking facilities shall be designated with appropriate means of vehicular access to a street or alley as well as maneuvering areas. Detailed plans shall be submitted to the proper official for approval for all curb cuts or driveway openings before a permit may be obtained therefore.

2. Parking areas shall be paved with an asphaltic or concrete surfacing, afford adequate drainage, and shall have bumper guards where needed.

3. Off-street parking areas for one (1) or two (2) family uses shall be in the rear, side yards, garage, carport, upon a well-defined driveway or in an area not to exceed twelve (12) feet in width abutting the driveway on one side only in the front yard. The parking area designated in the front yard abutting the driveway shall be surfaced with either concrete, asphalt, or in cases of existing gravel driveway, gravel may be used for such additional parking.

4. Off-street parking for multiple-family units of three (3) or more shall park on a designated parking lot. In no case, unless approved by the Building Official in the issuance of a building permit or by the City Council in cases of conditional uses, shall parking be permitted on the front yard.

**Subd. 4. Loading Regulations.** All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth

shall not be located less than one hundred (100) feet from the intersection of two (2) street rights-of-way in a district. Loading berths shall not occupy the required front yard space. The minimum number of loading spaces shall be:

1. Retail sales and service stores and offices; one (1) loading berth for each 10,000 sq. ft. of floor area.

2. Manufacturing, fabrication, processing and warehousing; one (1) loading berth for every 5,000 to 20,000 sq. ft. of floor area, plus one (1) loading berth for each additional 10,000 sq. ft. of floor area.

3. Uses not specifically noted shall be determined by the City Council with a recommendation from the Planning Commission.

4. If, in the application, a fractional number is obtained, one (1) loading space shall be provided for that fraction.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.78 through 11.79, inclusive, reserved for future expansion)

(Pages 153 through 158 reserved)

**SEC. 11.80. ZONING ADMINISTRATOR.** An administrative staff member designated by the City shall be responsible for the enforcement of this Chapter. The duties of the Zoning Administrator shall be as follows:

**Subd. 1.** Examine all applications pertaining to the use of land, buildings, or structures; and grant approval of, and issue permits or take other appropriate action on such applications when in conformance with the provisions of this Chapter.

**Subd. 2.** Keep a record of all non-conforming uses within the several zoning districts of the City.

**Subd. 3.** Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this Chapter.

**Subd. 4.** Notify the City Attorney of any violations of a provision of this Chapter, indicating the nature of the violation.

**Subd. 5.** Take any action authorized by this Chapter, the City Code, or other existing laws to ensure compliance with or to prevent violation of its provisions.

**Subd. 6.** Maintain permanent and current records, including all maps, amendments, conditional uses, and variances.

**Subd. 7.** Maintain current files of all permits, zoning certificates, certificates of zoning compliance, and, on request, provide information to any person having a proprietary or tenancy interest in any specific property or to any individual seeking an understanding or clarification of the regulations and procedures stipulated in this Chapter.

**Subd. 8.** Attend all scheduled Planning Commission and Zoning Board of Appeals and Adjustments meetings and hearings in an ex-officio capacity.

**SEC. 11.81. PUBLIC HEARINGS.** The procedures for holding a public hearing whenever such is required under the provisions of this Chapter or other law shall be as follows:

**Subd. 1. Setting of Hearings.** For all requests brought before the Zoning Board of Appeals and Adjustments or the Planning Commission for which a public hearing is required by this Chapter, or other law, the body in charge of conducting the hearing shall select a reasonable time and place for the public hearing on the request.

**Subd. 2. Notice of Hearings.**

1. Notice of public hearings shall be given not more than thirty (30) days and not less than ten (10) days before the hearing by publication at least once in the official newspaper of the City. Such notice shall include the time and place of the hearing, a description of the contents of the request to be heard and its purpose, and the address or location of the property to which the requests applies.

2. In addition to the published notice, a separate notice by mail shall be required for all property owners affected and within a distance of three hundred fifty feet (350') from the boundaries of such area, where a request concerning amendment to zoning district boundaries for areas of five (5) acres or less will be the subject of the hearing. Such notices shall be sent by the office of the City Administrator and addresses taken from current City records, or those of the County Auditor, shall be deemed sufficient for such notification.

3. A copy of the list of the owners and addresses to which the notice was sent shall be attested to by the City Administrator, and shall be made a part of the records of the proceedings. The failure to give mailed notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this requirement has been made.

4. In addition to any other notice provided for herein, when the matter to be heard involves amendment to zoning district boundaries, a sign shall be placed upon the premises proposed to be rezoned for at least the length of time prior to hearing that proposed notice is given, stating substantially: THIS PROPERTY PROPOSED TO BE REZONED FROM \_\_\_\_\_ DISTRICT TO \_\_\_\_\_ DISTRICT. Hearing Date \_\_\_\_\_.

**Subd. 3. Conduct of Hearing.** Any person may appear and testify at a public hearing either in person or by a duly authorized agent or attorney. Applications for variances or conditional uses and the owner or owners of property in or within one thousand feet (1000') of property under consideration for a rezoning action by amendment to this Chapter, shall have the following rights in addition to any others they possess by law:

1. The right to have subpoenas issued.
2. The right to cross-examine all adverse witnesses.
3. The right to present witnesses on their own behalf.

**Subd. 4. Administrative Procedures and Recordings at Public Hearing.** The body responsible for the hearing shall designate one (1) from among the membership or ex-officio membership to record all pertinent data and comments at the hearing for later preparation as a written public record. Such written record shall be filed with the City Administrator within a reasonable period of time, but in no event, later than thirty (30) days from the date of hearing.

The hearing shall be conducted in an orderly manner according to rules of procedure established or accepted by the City. The Chairperson or Acting Chairperson of the responsible body shall conduct the hearing and shall require that all participants furnish name, address, and position of interest prior to comment on the subject under consideration during such hearing.

**Subd. 5. Continuance; Determination.** The responsible body may close the hearing or schedule a date, time, and place for a continuance of the same, subject to the requirements of the matter under consideration. Following closure, the responsible body shall meet to make the appropriate determination which shall be prepared and filed as a written public record in the office of the City Administrator. In no event shall such determination be made later than ten (10) days from the date of the hearing and the written record of the same filed not later than thirty (30) days from the date of hearing.

**MINNESOTA STATE STATUTES 462.357, SUBD. 3**

No zoning ordinance or amendments thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

**SEC. 11.82. SCHEDULE OF FEES, CHARGES, AND EXPENSES.** The Council, by ordinance, may establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, conditional use permits, appeal application, and other matters pertaining to this Chapter. This schedule of fees shall be available in the office of the Zoning Administrator and may be altered or amended only by the Council by ordinance.

**SEC. 11.83. AMENDMENTS.** Any action to amend the provisions of this Chapter shall be governed by the following:

**Subd. 1. Authority.** This Chapter and the Zoning District Map may be amended from time-to-time by ordinance duly enacted by the Council; provided, however, that no such amendment shall be enacted except in accordance with the procedures of this Section.

**Subd. 2. Initiation.** Proposed changes or amendments may be initiated by the Council, by the Planning Commission or by any one (1) or more owners of real estate in the City.

**Subd. 3. Procedure.**

1. When any proposed change or amendment is initiated by the Council, it shall transmit its proposal to the Planning Commission for a study and report thereon.

2. When any proposed change or amendment is initiated by affected property owners, an application for such amendment, addressed to the Council, shall be filed in triplicate with the Zoning Administrator. No fee shall be charged unless such application relates to a zoning district amendment, which fee shall cover administrative costs and accompany the application. Such application shall be filed at least three (3) weeks prior to the requested date of the public hearing on the proposed amendment. The application shall be in such form and contain such information as shall be prescribed from time-to-time by the Planning Commission, but shall in all instances contain the following information:

- a. The applicant's name and address.
- b. The precise wording of any proposed amendment to the text of this Chapter; and
- c. In the event that the proposed amendment would change the zoning district of any property:
  1. A legal description and street address of the property proposed to be reclassified;
  2. The name and address of the owner or owners of said property;
  3. The present zoning district and existing uses of the property proposed to be reclassified;
  4. The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof; and
  5. A map, drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses.

3. A public hearing shall be set, advertised and conducted by the Planning Commission in accordance with this Chapter.

4. Within thirty (30) days following the conclusion of the public hearing, the Commission shall transmit to the Council its recommendation in the form of a written report.

(09-15-2005)

5. Within thirty (30) days of the receipt of the report of the Planning Commission, the Council shall refuse, or, by ordinance duly enacted, adopt the proposed amendment.

6. In any case where a written protest against the proposed amendment signed by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjacent or across the alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the City Administrator before the adoption of any such amendment, the proposed amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the Council.

7. In any situation where a written report specifying a recommendation regarding the proposed amendment has not been transmitted to the Council within thirty (30) days from the date of the public hearing, the Council may act on such proposal without a report from the Planning Commission.

**Subd. 4.** A simple majority of all of the members of the Council is necessary to adopt a zoning amendment, except that 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 residential to either commercial or industrial requires a two-thirds majority vote of all members of the Council.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.84 through 11.89, inclusive, reserved for future expansion)

(Pages 164 through 169 reserved)

**SEC. 11.90. AIRPORT ZONING REGULATIONS.**

**Subd. 1. Definitions.**

1. **“Airport”** – The Pipestone Municipal Airport is located in Sections 18 and 19 of Gray Township, Pipestone County Minnesota.

2. **“Airport Elevation”** – The established elevation of the highest point on the usable landing area which elevation is established to be one thousand seven hundred thirty-six (1,736) feet above mean sea level.

3. **“Airport Hazard”** – Any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

4. **“Dwelling”** – Any building or portion thereof designed or used as a residence or sleeping place of one (1) or more persons.

5. **“Height”** – For the purpose of determining the height limits in all zones set forth in this Section and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

6. **“Landing Area”** – The area of the airport used for the landing, taking off, or taxiing of aircraft.

7. **“Non-Precision Instrument Runway”** – A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.

8. **“Visual Runway”** – A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

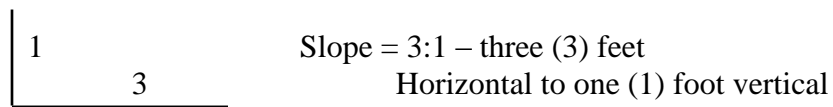
9. **“Non-Conforming Use”** – Any pre-existing structure, tree, natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment hereto.

10. **“Person”** – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

11. **“Runway”** – Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

12. **“Planned”** – As used in this Section, refers only to those proposed future airport developments that are so indicated on a Planning document having the approval of the Federal Aviation Administration, the Department of Aeronautics, and the City of Pipestone.

13. **“Slope”** – An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.



14. **“Substructure”** – An object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, and overhead transmission lines.

15. **“Tree”** – Any object of natural growth.

16. **“Water Surface”** – For the purpose of this Section shall have the same meaning as land for the establishment of protected zones.

**Subd. 2. Airspace Zones.** In order to carry out the purpose of this Section, as set forth above, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

1. **Primary Zone.** All land that which lies directly under an imaginary primary surface longitudinally centered on a runway and extending:

- Two hundred (200) feet beyond each end of Runway 18/36.
- One hundred (100) feet beyond each end of Runway 09/27.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- Five hundred (500) feet for Runway 18/36.
- Two hundred (200) feet for Runway 09/27.

2. **Horizontal Zone.** All land which lies directly under an imaginary horizontal surface one hundred fifty (150) feet above the established airport elevation, or a height of one thousand eight hundred eighty-six (1,886) feet above mean sea level, the perimeter of which is constructed by swinging arcs of six thousand (6,000) foot radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

3. **Conical Zone.** All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet as measured radially outward from the periphery of the horizontal surface.

4. **Approach Zone.** All that land which lies directly under an imaginary approach longitudinally centered on the extended centerline at each end of a runway. The elevation inner edge of the approach surface is at the same width and as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

40:1 for Runway 18/36.

30:1 for Runway 09/27.

The approach surface expands uniformly to a width of:

Three thousand five hundred (3,500) feet for Runway 18/36, at a distance of ten thousand (10,000) feet.

Two thousand two hundred fifty (2,250) feet for Runway 09/27, at a distance of ten thousand (10,000) feet.

5. **Transitional Zone.** All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and centerline extended at a slope of seven (7) to one (1) from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface.

**Subd. 3. Height Restrictions.** Except as otherwise provided in this Section, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any of the imaginary airspace zones created in Subdivision 2 so as to project above any of the imaginary airspace surfaces described in Subdivision 2 hereof. Where an area is covered by more than one (1) height limitation, the more restrictive limitations shall prevail.

**Subd. 4. Safety Zone Boundaries.** In order to carry out the purpose of this Section, as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Pipestone Municipal Airport, and

furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zone.

1. **Safety Zone A.** All land in that portion of the approach zones of a runway, as defined in Subdivision 2 hereof, which extends outward from the end of the primary surface a distance equal to two-thirds (2/3) of the planned length of the runway, which distance shall be:

- a. Two thousand eight hundred sixty-seven (2,867) feet for Runway 18/36.
- b. One thousand seven hundred thirty-three (1,733) feet for Runway 09/27.

2. **Safety Zone B.** All land in that portion of the approach zones of a runway, as defined in Subdivision 2 hereof, which extends outward from Safety Zone A, a distance equal to one-third (1/3) of the planned length of the runway, which distance shall be:

- a. One thousand four hundred thirty-three (1,433) feet for Runway 18/36.
- b. Eight hundred sixty-seven (867) feet for Runway 09/27.

3. **Safety Zone C.** All that land which is enclosed within the perimeter of the horizontal zone, as defined in Subdivision 2 thereof, and which is not included in Zone A or Zone B.

**Subd. 5. Use Restrictions.**

1. **General.** Subject at all times to the height restrictions set forth in Subdivision 3, no use shall be made of any land in any of the safety zones defined in Subdivision 4 which creates or causes interference with the operations of radio or electronic facilities on the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. **Zone A.** Subject at all times to the height restrictions set forth in Subdivision 5 and to the general restrictions contained in Subdivision 5-A, areas designated as Zone A shall be restricted to those uses which will not create, attract, or bring together as assembly of persons thereon. Permitted uses may include agriculture, light outdoor recreation (non-spectator), cemeteries, and auto parking.

3. **Zone B.** Subject at all times to the height restrictions set forth in Subdivision 3, and to the general restrictions contained in Subdivision 5-A, areas designated as Zone B shall be restricted in use as follows:

- a. Each use shall be on a site whose area shall not be less than three (3) acres.
- b. Each use shall not create, attract, or bring together a site population that would exceed fifteen (15) times that of the site acreage.
- c. Each site shall have no more than one (1) building plot upon which any number of structures may be erected.
- d. A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area At Least (Acres)	But Less Than (Acres)	Ratio of Site Area Building Plot	Building Plot Area (Square Feet)	Max Site Population (15 Persons Per Acre)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150
	20 and up	6:1		
20		4:1	218,000	300

- e. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly.

4. **Zone C.** Zone C is subject only to height restrictions set forth in Subdivision 3, and to the general restrictions contained in this Subdivision.

**Subd. 6. Airport Zoning Map.** The several zones herein established are shown on the Pipestone Municipal Airport Zoning Map consisting of one (1) sheet, prepared by

Howard Needles Tammen and Bergendoff, and dated November 11, 1975, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Section.

**Subd. 7. Non-Conforming Use. Regulations non-retroactive.** The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration, of which was begun prior to the effective date of this Section, and is diligently prosecuted and completed within two (2) years thereof.

**Subd. 8. Permits.**

1. **Future Uses.** Except as specifically provided in Items 1, 2, and 3 hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Zoning Administrator, hereinafter, provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- a. However, a permit for tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or on any approach and transitional zones beyond a horizontal distance of four thousand two hundred (4,200) feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height limit prescribed for the respective zone.
- b. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this Section.
- c. The provisions of this Section will not prevent the issuing of a permit for the erection of buildings or further development on those lots within the Skyway Industrial Park east of the airport not yet improved, but containing

water or sewer service or streets as of the effective date of this Section. However, all future development within the industrial park shall at all times be subject to the height restrictions contained in this Section.

2. **Existing Uses.** Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such placement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendment thereto, or than it is when the application for a permit is made. Except an indication, all applications for such a permit shall be permitted.

3. **Non-Conforming Uses Abandoned or Destroyed.**

- a. Whenever the Zoning Administrator determines that a non-conforming structure or tree has been abandoned or more than fifty (50) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the granted applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this Subparagraph or not, the Zoning Administrator may order the owner of the abandoned, or partially destroyed non-conforming structure, at his own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions to this Section. In the event the owner of the non-conforming structure shall neglect or refuse to comply with such order for ten (10) days after receipt of written notice of such order, proceed to have the abandoned or partially destroyed non-conforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located.
- b. Unless such an assessment is paid within ninety (90) days from the service of notice thereof on the owner of the land, the sum shall bear the interest rate of eight (8) percent per annum from the date of the cost and expenses is incurred until paid, and shall be collected in the same manner as are general taxes.

**Subd. 9. Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this Section, may apply to the Board of Adjustments, hereinafter provided for, for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be in accordance with the spirit of this Section; provided any variance so allowed may be subject to any reasonable conditions that the Board of Adjustments may deem necessary to effectuate the purposes of this Section.

**Subd. 10. Hazard Marking and Lighting.**

1. **Non-Conforming Uses.** The owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicated to the operators of airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City.

2. **Permits and Variances.** Any permit or variance granted by the Zoning Administrator or Board of Adjustments as the case may be, may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

**Subd. 11. Airport Zoning Administrator.** It shall be the duty of the Pipestone City Building and Zoning Administrator (herein called Zoning Administrator) to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him/her. Permit applications shall be promptly granted or denied by him/her. Variance applications shall be forthwith transmitted by the Zoning Administrator for action by the Board of Adjustment hereinafter provided for.

**Subd. 12. Board of Adjustments.**

1. **Establishment.** The Pipestone City/County Joint Airport Zoning Board shall serve as the Board of Adjustment under this Section.

2. **Powers.** The Board of Adjustments shall have and exercise the following powers:

- a. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Section.

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- b. To hear and decide special exceptions to the terms of this Section upon which such Board of Adjustment under such regulations may be required to pass.
- c. To hear and decide specific variances.

**3. Procedures.**

- a. The Board of Adjustments shall adopt rules for its governance and procedure in harmony with the provisions of this Section. Meetings of the Board of Adjustments shall be held at the call of the Chairman and at such other times as the Board of Adjustments may determine. The Chairman, or in his/her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustments shall be public. The Board of Adjustments shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and shall be a public record.
- b. The Board of Adjustments shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Section.
- c. The concurring vote of a majority of the members of the Board of Adjustments shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Section, or to effect any variation in this Section.

**Subd. 13. Appeals.**

1. Any person aggrieved, or any taxpayer affected by any decision of the Zoning Administrator made in his/her administration of this Section may appeal to the Board of Adjustments. Such appeals may also be made by any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Zoning Administrator is an improper application of this Section as it concerns such governing body or board.

2. All appeals hereunder must be commenced within thirty (30) days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustments all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustments, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustments on notice to the Zoning Administrator and on due case shown.

4. The Board of Adjustments shall fix a reasonable time for hearing appeals, given public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

5. The Board of Adjustments may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances, and to that end shall have all the powers of the Zoning Administrator.

**Subd. 14. Judicial Review.** Any person aggrieved, or any taxpayer affected by a decision of the Board of Adjustments, or any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Board of Adjustments is illegal may present to the District Court of Pipestone County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the decision is filed in the office of the Board of Adjustments. The petitioner must exhaust the remedies provided in this Section before availing himself of the right to petition a Court as provided by this Section.

**Subd. 15. Penalties.** Every person who shall construct, establish, substantially change, alter, or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this Section, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$300.00 or imprisonment for not more than ninety (90) days or by both. Each day a violation continues to exist, shall constitute a separate offense. The Airport Zoning Administrator may enforce all provisions of this Section through such proceedings for injunctive relief and other relief as may be proper under the laws of Minnesota Statute 360.073 and other applicable law.

**Subd. 16. Conflicts.** Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same are, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern or prevail.

**Subd. 17. Severability.**

1. In any case in which the provision of the Section, although generally reasonable, are held by a Court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this State or the Constitution of the United States, such holding shall not affect the application of this Section as to other structures and parcels of land, and to this end, the provisions of this Section are declared to be severable.

2. Should any section or provision of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Section as a whole or in part thereof other than the parts so declared to be unconstitutional or invalid.

Source: City Code  
Effective Date: 09-15-2005

(Sections 11.91 through 11.98, inclusive, reserved for future expansion)

**SEC. 11.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code  
Effective Date: 09-15-2005

## CHAPTER 12

### SUBDIVISION REGULATION (PLATTING)

#### SECTION 12.01. GENERAL PROVISIONS.

**Subd. 1. Purpose.** Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots and open spaces a pattern has been established which determines how well community needs for residents, business and industry will be met. It also determines, to a great extent, how well the community will be able to handle its traffic circulation problems, how well it will be able to meet the demand for home sites and how efficiently and economically it will be able to provide the many services that are required. These subdivision regulations are designed to provide for harmonious development of a subdivided area; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient spaces for traffic, utilities, recreation, light, air, and access for fire-fighting equipment; and for adequate provision for water, drainage, sewer and other sanitary facilities. This Chapter adopts subdivision regulations to provide for the orderly, economic and safe development of land and urban services and facilities to promote the public health, safety, morals and general welfare.

**Subd. 2. Application.** This Chapter shall apply to all land now lying within, and hereafter annexed to, the City, and to unincorporated territory located within two (2) miles of its limits in any direction. Except as herein otherwise provided, this Chapter shall apply to the subdivision of a lot, tract or parcel of land into two (2) or more lots, tracts, or other division of land for any purpose, whether immediate or future, including the re-subdivision, rearrangement or re-platting of land or lots. This Chapter shall further apply to any parcel of land being subdivided which includes an existing or future public right-of-way or easement according to the Comprehensive Plan of the City, that has not been previously dedicated. This Chapter shall not apply 1) to subdivision into tracts each of which tracts contain five (5) acres or more, and at least three hundred (300) feet in width, or 2) to re-subdivision of land previously subdivided the total area of which is one (1) acre or less, or 3) to the subdivision or allocation of land as open space for common use by owners, occupants or leaseholders, or as easements for the extension and maintenance of public sewerage, water, storm drainage, or other public facilities.

**Subd. 3. Plat Approval Required.** No plat for a subdivision or part thereof within the application of this Chapter shall be prepared, presented for approval, approved, or recorded, except as prescribed herein.

**Subd. 4. Restrictions on Filing and Recording Conveyances.**

A. After the effective date of this Subdivision, no conveyance of land to which this Chapter is applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat.

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B. This Subdivision does not apply to a conveyance if the land, 1) was a separate parcel of record on the date of adoption of this Subdivision, or 2) was the subject of a written agreement to convey entered into prior to the date of adoption of this Subdivision, or 3) was a separate parcel of not less than two and one-half (1-1/2) acres in area and one hundred fifty (150) feet in width on January 1, 1966, or 4) is a single parcel of land of not less than five (5) acres and having a width of not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one (1) of which is less than five (5) acres in area or three hundred (300) feet in width.

C. In any case in which compliance with this Subdivision will create an unnecessary hardship and failure to comply does not interfere with the purpose of this Chapter, the Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

D. Any owner or agent of the owner of the land who conveys a lot or parcel in violation of the provisions of this Subdivision shall forfeit and pay to the City a penalty of not less than \$100.00 for each lot or parcel so conveyed. The City may enjoin such conveyance or may recover such penalty by a civil action in any Court of competent jurisdiction.

**Subd. 5. Public Street Grants.** No grant of a public street to the City be deed shall be filed without the approval of the Council by a resolution to that effect.

**Subd. 6. Plat Review and Charges.**

A. All subdividers are hereby on notice that the Council will employ qualified persons to check and verify surveys and plats hereafter filed for approval, and to determine the suitability of the plat from the standpoint of community planning. Such persons shall make full reports of their findings to the Council.

B. The Council may from time to time establish fees and charges for the filing and reviewing of preliminary plats. The subdivider shall reimburse the City for the cost of legal, professional and technical services as to any plat.

**SEC. 12.02. DEFINITIONS.** For the purpose of this Chapter, unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall have the following meanings and inclusions:

1. **“Map”** – A drawing showing one (1) or more parcels of land.
2. **“Plat”** – A map showing a plan for the subdivision of land which is submitted for approval and is intended in final form (which shall contain the necessary certificates) for recording.

3. **“Street”** – A way set aside for vehicular traffic, regardless of size or designation, but excluding private driveways serving only one (1) parcel of land.
4. **“Arterial Streets and Highways”** – Those designed or utilized primarily for high vehicular speeds and/or for heavy volumes of traffic.
5. **“Collector Streets and Highways”** – Those designed or utilized to carry intermediate volumes of traffic from minor streets to arterial streets.
6. **“Local Streets”** – Those which are used or will be used primarily for access to abutting properties and which carry limited volumes of traffic.
7. **“Service Drives”** – Minor streets which are parallel and adjacent to higher classified thoroughfares and which serve to reduce the number of access points to those thoroughfares and thereby increase traffic safety.
8. **“Alleys”** – Minor ways which are used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.
9. **“Subdivision”** – The division of any parcel of land theretofore shown as a unit or as contiguous units of record, to which this Chapter is applicable.
10. **“Transportation Plan”** – The part of the Comprehensive Plan now or hereafter adopted which includes a major street and highway plan and sets forth the location, alignment, dimension, identification and classification of existing and proposed streets, highways and other thoroughfares.
11. **“Lot”** – A piece or parcel of land occupied or to be occupied by a building or a use, or as a unit for the transfer of ownership.
12. **“Block”** – The distance as measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.
13. **“Drainage Course”** – A water course or indenture for the drainage of surface water.
14. **“Easement”** – A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage courses and gas lines.
15. **“Lake Level”** – The mean level of the lake or water course into which a property does or will drain as established by the City Engineer.

16. **“Lot Width”** – The dimension of a lot from side line to side line as measured at the street right-of-way line.

17. **“Official Map”** – A map which designates right-of-ways and easements for streets, alleys, drainage courses, and utilities. Such map shall also show existing additions and subdivisions and that include the lot and block identifications and dimensions and the identifications of such additions and subdivisions and the streets contained therein. The information as shown on such map shall be in accordance with documents as permanently recorded with the City and Pipestone County. The “Official Map” shall be kept on record in the office of the City Administrator and is to be kept current by the City.

18. **“Owner”** – A person having sufficient interest in land sought to be subdivided to maintain proceedings as a subdivider.

19. **“Parks”** – Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, playfields and special purpose areas.

20. **“Private Street”** – A purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

21. **“Public Walkway”** – A public way designated for the use of pedestrian traffic.

22. **“Sanitary Sewer”** – A constructed conduit connected with a sewer system from the carrying of liquids and solids other than storm waters to a sanitary treatment facility.

23. **“Storm Sewer”** – A constructed conduit for carrying surface waters to a drainage course.

24. **“Setback”** – The building setback distance of a line as measured from the nearest street, road, or water shoreline or property boundary line.

25. **“Subdivider”** – A person commencing proceedings under this Chapter to subdivide land.

26. **“Surveyor”** – A duly registered land surveyor employed by the subdivider for the preparation of subdivision surveys or plats as required by this Chapter and State Statute, and in accordance with the City Code and State Law.

Source: Ordinance No. 85, 2<sup>nd</sup> Series  
Effective Date: 12-28-94

(Sections 12.03 through 12.09, inclusive, reserved for future expansion).  
(Pages 5 through 9 reserved)

**SEC. 12.10. PRELIMINARY PLAT.**

**Subd. 1. General Information.** All subdividers are on notice of the substantive and procedural aspects of preparing and submitting plats for approval. However, if any subdivider has questions as to interpretation of this Chapter he/she is encouraged to meet with the City Engineer, Planning Commission, and the Zoning Administrator for the purpose of resolving questions prior to commencing such proceedings.

**Subd. 2. Preliminary Plat Required.** Before submitting a Final Plat for approval the subdivider shall have the approval of a Preliminary Plat, so designated. Ten (10) copies of the Preliminary Plat shall be filed in the office of the Zoning Administrator; provided, that additional copies may be required if highways are affected. The Preliminary Plat shall be considered filed after the Zoning Administrator has examined it and found it to be complete and in proper form. The Zoning Administrator shall note the filing date on all copies.

**Subd. 3. Procedure on Preliminary Plat.**

A. One (1) copy of any Preliminary Plat which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the County Recorder shall be forthwith forwarded by the Zoning Administrator to the Commissioner of Highways for his/her written comments and recommendations, and any such plat which includes land abutting upon an existing or established County or County State-Aid highway shall be so forwarded to the County Highway Engineer for his/her written comments and suggestions. Action thereon shall be postponed for a period of fifteen (15) days pending receipt of such response. Copies of any such responses shall be forwarded to the Chairman of the Planning Commission.

B. One (1) copy of the Preliminary Plat shall be referred by the Zoning Administrator to the City Engineer. The City Engineer shall check and verify the survey and plat to such extent as he/she deems necessary; provided that he/she shall check it with the Zoning Administrator and with Heads of other Departments which, in his/her opinion, would be affected by approval of the Preliminary Plat in the form presented. He/She shall, within thirty (30) days, (unless such time limit be extended by the Council) from the filing date prepare a written report to the Chairman of the Planning Commission, with a copy to the Planning Commission including his/her comments and recommendations and the comments and recommendations of the Zoning Administrator and other Department Heads.

C. One (1) copy of the Preliminary Plat shall be referred to the Chairman of the Planning Commission. After receipt of such comments and recommendations, if any, from the Commissioner of Highways and County Highway Engineer, and after receipt of the report from the City Engineer, the Planning Commission shall meet to review the Preliminary Plat, at which time, a public hearing may be scheduled for the next regular meeting of the Planning Commission.

D. Such hearing of the Planning Commission shall be held within sixty (60) days from the date of filing, extended by the equivalent of any extensions granted the City Engineer to make his/her report, and may be called by the Chairman. A ten (10) day written notice thereof stating the time, place and purpose shall be given by the Secretary to all members of the Planning Commission, abutting property owners, and the subdivider. Notice of the hearing must be published in the official newspaper at least ten (10) days prior to the hearing date. Provided, however, that failure to give such notice shall not affect the validity of such hearing or subsequent proceeding relating to the plat.

E. At such meeting the Planning Commission shall review the plat, consider all oral and written reports, comments and recommendations, and adopt, by majority vote of those present and voting, its own recommendation to the Council as to whether or not to approve or disapprove the plat, stating its reasons. Such recommendation shall be forwarded to the Council, with a copy to the subdivider, within five (5) days after the adjournment of such meeting.

F. Within thirty (30) days after receipt of the Planning Commission's recommendation the Council shall act on the Preliminary Plat.

G. At any time prior to Council action on the Preliminary Plat, the subdivider may, in writing, withdraw his/her application for approval thereof by filing such withdrawal in the office of the City Administrator. If he/she thereafter submits a Revised Preliminary Plat it shall be so designated to distinguish it from the original thereof, provided that a Revised Preliminary Plat shall be entitled to the same consideration, and subject to the same procedure, except that unnecessary duplication should be avoided wherever possible.

H. If the Council's decision is to review the plat, such approval shall be contingent upon filing a Final Plat in accordance with the requirements of this Chapter, and the City Administrator shall forthwith advise the subdivider of the Council action. Action approving the plat shall constitute approval of all supplementary documents, including, but not limited to, the plan for construction and installation of improvements and the proposed method of payment therefore. In the event that any variance has been requested by the subdivider, and the Council approves the plat, it shall also make findings granting such variance. If its decision is to disapprove, the Council shall make and adopt findings of fact and conclusions which shall forthwith be forwarded to the subdivider.

I. The requirements of Subparagraphs E and G above, may be waived by the Planning Commission and Council if the plat is a subdivision or a re-subdivision of an area, and if the plat does not affect the land use of the area and if the plat does not involve the development of additional streets or portion thereof. If the formal hearing and notification process are waived, the Planning Commission shall still approve the plat pursuant to the other provisions of this Subdivision and pass its recommendation on to the Council for its approval or disapproval which shall be given within thirty (30) days after the decision of the Planning Commission.

**Subd. 4. Preliminary Plat and Supplementary Data and Documents.**

All Preliminary Plats shall meet the Design Standards set forth in this Chapter and shall show thereon, or have submitted therewith, as the context of this Subdivision indicates, the following:

- A. Scale of one hundred (100) feet to one (1) inch or larger.
- B. Name of subdivision, name and address of the owners, the engineer or surveyor, and the owners of the adjacent property.
- C. Location of subdivision by section, town, range, or other legal description together with small scale sketch showing location within the section.
- D. Date, approximate north point, and graphic scale.
- E. Acreage of land to be subdivided.
- F. Zoning classification of lands to be subdivided and all adjacent lands.
- G. Existing land elevation contours at an interval of two (2) feet.
- H. Boundary lines of area to be subdivided and their approximate bearings and distances.
- I. Existing and proposed easements and their locations, widths and distances.
- J. Streets on and adjacent to the tract and their names, widths, proposed approximate grades and proposed relative ground elevations at the intersections of all streets and every one hundred (100) feet along such streets and at the corners or extremities of the plat, and other dimensions as may be required. Elevations shall be to City datum.
- K. Utilities on and adjacent to the tract showing proposed connections to existing utility systems. Rear easements for utilities shall be provided wherever possible. Data to be provided, includes type of utility, location of manholes, catch basins, hydrants, etc.; approximate depth of pipe construction and size of pipe and direction of flow.
- L. Lot lines, lot numbers, and approximate lot dimensions.
- M. Sites and their acreages, if any, to be reserved or dedicated for parks, recreation areas, open spaces, schools, or other public uses. Sites, if any, for semi-public, commercial, or multi-family use.

- N. Minimum building setback lines.
- O. Location of railroads, streams, natural and proposed drainage courses, permanent buildings, or other structures.
- P. Other reasonable information, such as percolation and other soil tests, if so requested by the Commission in order to make a proper review of the site.
- Q. Copies of proposed deed restrictions or protective covenants, if any.
- R. A detailed written statement as to the general plan of improvements and proposed method of payment therefore, drainage and development thereof.
- S. Whenever part of a tract is proposed to be subdivided and it is intended to subdivide additional parts of the tract in the future, a sketch plan for the entire tract showing the proposed general platting arrangement shall be submitted at the time the Preliminary Plat for the first part of the tract to be platted is filed.
- T. If a variance is necessary, the subdivider shall submit with the Preliminary Plat his/her written request for such variance specifying, in detail, reasons necessitating variance in compliance with this Chapter.

## **SEC. 12.11 FINAL PLAT.**

### **Subd. 1. Procedure on Final Plat.**

A. The owner or subdivider shall file with the Zoning Administrator ten (10) copies of the Final Plat not later than three (3) months after the date of approval by the Council of the Preliminary Plat otherwise the Preliminary Plat and Final Plat shall be void unless an extension is requested in writing and for good cause is granted by the Council. The owner or subdivider shall also submit at this time 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 by the applicant and an attorney's opinion based on the abstract or certificate of title showing the owners of the land to be platted. The Final Plat will have incorporated all changes or modifications required by the Council; in all other respects it shall conform to the Preliminary Plat. The plats required for filing shall bear the fully executed certificates of the subdivider and surveyor. The supplementary documents shall be in final form and shall be fully executed by the subdivider at the time of such filing.

B. The Zoning Administrator shall forward the Official Plat and one (1) paper copy and supplementary engineering documents and data to the City Engineer, one (1) paper copy and supplementary legal and title documents to the City Attorney, and copies to the Planning Commission.

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C. The Planning Commission and City Engineer shall examine the plat to determine whether or not it conforms to the Preliminary Plat and is consistent with the action taken by the Council and with the requirements of this Chapter. The City Attorney or his/her assistant, shall examine the title and determine whether or not the proper parties have subdivided the land and whether or not the title is without defects. They shall forward their respective opinions and recommendations to the Council.

D. If the Final Plat and supplementary data and documents are found to be consistent with the action taken by the Council and in conformity with this Chapter and Minnesota Statutes, and after payment of plat review charges as set by the City, the Council shall adopt an approving resolution which shall also authorize and direct the City Administrator to certify its approval on the Plat. When so certified, the City Administrator shall return the Official Plat, and copies required for filing, to the subdivider together with a certified copy of resolution of approval which must be filed with the Official Plat. An approving resolution shall become void ninety (90) days after adoption, unless the plat is filed for record within such time, provided that the time limitation shall be stated therein. If the Final Plat and supplementary data and documents are not in conformance with prior Council action, this Chapter or Minnesota Statutes, the Council shall forthwith return the executed plats and documents and state the requirements necessary for approval of the Final Plat. The subdivider shall immediately upon recording, furnish the City Administrator with one (1) tracing and three (3) copies of the Final Plat showing evidence of the recording, one (1) for the Building Inspector, the Assessor, the Clerk and the tracing for the City Engineer. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded.

**Subd. 2. Final Plat and Supplementary Data and Documents.**

A. Every Final Plat shall contain the following:

1. The Final Plat shall be prepared strictly in accordance with Minnesota Statutes including, but not by way of limitation, requirements for a description of the land to be platted including accurate dimensions, angles, bearings to describe boundaries, streets, easements, areas reserved for public purposes and other important features; name and right-of-way width, of each street, highway, easement or other rights-of-way; location of rivers, streams, creeks, lakes, ponds and swamps; location and description of monuments; certification by surveyor as to the accuracy of the survey and plat; and, it shall set forth what part of the land is dedicated, and also to whom, and for what purpose these parts are dedicated.

2. Lot numbers, lot lines and dimension.

3. Purpose for which sites, other than residential lots, are dedicated or reserved.

4. Names and location of adjoining subdivisions, streets and unplatted properties.

5. Certification on the plat by the City Administrator that the plat has been approved by the Council.

B. The subdivider shall submit with the Final Plat, and in accordance with the action taken by the Council, approving the Preliminary Plat and supplementary documents, either 1) a certificate that all improvements have been installed in accordance with the requirements of this Chapter and have been paid for in full; or, 2) a corporate surety or cash bond, or escrow deposit and agreement (subject to withdrawal by the City) in an amount determined by the Council to be sufficient to guarantee the complete installation of improvements in accordance with this Chapter, which bond or agreement shall specify the completion date; or, 3) executed petitions for installation of the local improvements to be assessed.

C. The subdivider shall also submit with the Final Plat, the following:

1. Cross-sections, profiles and grades of streets, curb, gutters and sidewalks showing locations of in-street utilities, and drawn to standard scales and elevations.

2. Protective covenants, if any.

3. Letters of approval of highway access points and service roads from the Commissioner of Highways and the County Highway Engineer, as applicable.

4. A written statement from the management of each utility firm indicating that arrangements have been made for the installation of such utility in accordance with the terms and conditions for acceptance of the plat.

D. The Final Plat shall have a scale of one hundred (100) feet to one (1) inch.

Source: Ordinance No. 85, 2<sup>nd</sup> Series  
Effective Date: 12-28-94

Sections 12.12 through 12.19, inclusive, reserved for future expansion.

(Pages 16 through 20 reserved)

**(09-15-2005)**

**SEC. 12.20. DESIGN STANDARDS AND IMPROVEMENTS.**

**Subd. 1. Minimum Improvements Required.** The subdivider shall provide the improvements described herein.

**Subd. 2. Financing Improvements.** Improvements may be financed, in accordance with a policy established by the Council and uniformly enforced, by one (1) of the following means: 1) installation and payment therefore by the subdivider, or, 2) a corporate surety bond or cash bond guaranteeing performance of such installation, or 3) an escrow deposit and agreement, or, 4) special assessments, or, 5) any combination of the foregoing.

**Subd. 3. Subsequently Platted Areas.** No area platted or subdivided by metes and bounds description after December 28, 1984 and lying outside the City shall be accepted for annexation unless it shall substantially conform, or is brought within, the minimum standards set forth herein. This Subdivision may be waived by the Council.

**Subd. 4. Conformance to the Official Map and Comprehensive Plans.** All plats shall conform to the Official Map and other parts of the adopted Comprehensive Plans of the City. Whenever a subdivision embraces any part of an arterial or collector street or highway, which is so designated on the Comprehensive Plans, such part shall be dedicated to the public by the subdivider in the location and at the width indicated thereon.

**Subd. 5. Community Assets.** In all subdivisions, due regard shall be shown for natural features such as trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the community. The Planning Commission may prepare a list of all such features within its area of subdivision jurisdiction which it deems worthy of preservation.

**Subd. 6. Monuments and Stakes.** All subdivision boundary corners, block and lot corners, street intersection corners, and point of tangency and curvature shall be marked with survey monuments consisting of minimum five-eighth (5/8) inch steel rods twenty-four (24) inches in length. Inscribed on the monument or cap, for block corners, according to State Statute, shall be the registration number of the land surveyor making the survey. All United States, State, County and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Source: Ordinance No. 85, 2<sup>nd</sup> Series  
Effective Dates: 12-28-94

(09-15-2005)

**Subd. 7. Public Sites and Open Spaces.**

A. **Dedication of Land.** In subdividing land or re-subdividing an existing plat, due consideration shall be given by the subdivider to the dedication or reservation sites for schools, parks, playgrounds, conservation areas or other public or semi-public recreational areas or open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the City Comprehensive Plan. All areas to be reserved for or dedicated to public use shall be indicated on the Preliminary Plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. It shall be required that the subdivider of residential areas dedicate to the City the following land for use as the City shall see fit except that the City may not sell such lands for building sites to any private party. Such dedicated area may be taken in one (1) or more parcels at the discretion of the City and must be acceptable to the City in respect to dimension, location and topography.

Subdivisions of up to 50 acres	5% of the platted area
Additional acreage over 50 acres	2% of the platted area

B. **Cash in Lieu of Land.** If, in the judgment of the Council the area proposed to be dedicated is not suitable or desirable for park/playground purposes, because of the location, size or other reason, the Council may require, in lieu of land dedication, a payment to the City of a sum equal to the percentage listed above of the average value of land to be subdivided. The aforementioned value shall be the value of land upon approval of the preliminary plat, yet prior to the installation of improvement, and shall be determined jointly by the Council or its agent and the subdivider-developer. If the Council and subdivider-developer cannot agree on land value, then the land values shall be established on the basis of the average of two (2) independent appraisals by professional appraiser.

Source: Ordinance 125, 2<sup>nd</sup> Series  
 Effective Date: 07-22-88

**Subd. 8. Street and Block Layout.**

A. The subdivision shall be so designed as to be in harmony with adjacent subdivisions and provide for the continuation of existing streets. Provisions shall be made for streets through existing streets. Provisions shall be made for streets through the subdivision for the platting of contiguous property. No strip of unplatted land or portion of street or artifice shall be used or retained by the subdivider to impede the platting of adjacent parcels.

B. The street layout shall provide access adequate for emergency and public service vehicles to all lots and parcels of land within the subdivision.

C. Where appropriate to the design, streets shall be established to avoid jogs at intersections and to promote continuity of local streets and those of higher classifications. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be discouraged.

D. Streets shall be established to take advantage of the contour of the land so as to produce usable lots, cause a minimum of cutting and filling and to produce streets with reasonable grades as defined herein.

E. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to provide for adequate circulation of traffic within the vicinity for adjacent but as yet undeveloped or platted land tracts.

F. Streets shall intersect other streets as near to a ninety (90) degree angle as topography and other factors permit. Intersections of streets with arterial or collector streets shall be limited to a minimum angle of seventy (70) degrees unless specifically approved by the Commission.

G. Whenever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivisions which conforms to the Official Map, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision.

H. Half-width streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Where an existing half-width street adjoins a portion of the boundary of a proposed subdivision, street dedication in a width needed to make this a full-width street may be required.

I. Street and right-of-way widths shall conform to those indicated in the Transportation Plan. Where such widths are not prescribed therein, the widths shall not be less than the minimum stated herein.

J. Alleys may be platted in the rear of all lots to be used for commercial or industrial purposes. Alleys will not generally be approved in single family residential areas, unless required by unusual topography or other exceptional conditions.

K. Land abutting arterial or collector streets shall be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such traffic ways; and with the view also of minimizing interference with traffic on such traffic ways as well as the accident hazard. This may be accomplished in several ways:

1. By platting the lots abutting such traffic ways at very generous depth, with setbacks or front yards at least ten (10) feet greater or deeper than otherwise required; and providing vehicular access to them by means of frontage access roads next to the traffic way, connected therewith at infrequent intervals;

2. By not fronting the lots on the highway or thoroughfare, but on a parallel local street at a distance of a generous lot depth, in which case private driveways shall connect with such local street;

3. By a collector street platted more or less parallel with the highway or thoroughfare, six hundred (600) to one thousand (1,000) feet distance therefrom, from which loop streets or dead-end streets would extend toward the highway, the ends of which provide access to the lots abutting the highway to their rear.

L. Dead-end streets will be approved if limited to eight hundred fifty (850) feet in length, provided a permanently designed turn-around area having a minimum diameter to the edge of the finished street or curb line of not less than fifty (50) feet and a minimum right-of-way diameter of sixty (60) feet, is constructed.

M. Closed subdivisions over five (5) acres in size (with only one [1] exit) shall be permitted at the discretion of the Planning Commission. This shall be done during the Plat review.

N. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, unless, in the opinion of the Commission, prevented by unusual topography or other physical conditions.

O. The lengths, widths, and shapes of blocks, and lots within blocks, shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.

2. Zoning requirements as to lot sizes and dimensions, and provisions regulating off-street parking and loading spaces.

3. Needs for convenient access, circulation, control and safety of street traffic.

4. Limitations and opportunities of topography.

5. Generally, blocks shall not exceed one thousand three hundred twenty (1,320) feet or less than three hundred fifty (350) feet in length measured along the greatest dimension of the block.

P. Residential blocks shall normally be of sufficient width for two (2) tiers of lots. Block lengths shall be determined by circulation and other needs.

Q. Pedestrian walk rights-of-way, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

R. The number of intersecting streets along arterial and collector streets shall be held to a minimum, and where practicable, blocks along such traffic ways shall not be less than eight hundred (800) feet in length.

**Subd. 9. Minimum Widths for Streets and Alley Right-of-Way.** Where existing or anticipated traffic on principal and minor arterial highways warrants greater widths or rights-of-way, these shall be required. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be shown in the Comprehensive Plan and where not shown therein, the minimum right-of-way width for streets, arterial highways or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

<u>Classification</u>	<u>Right-of-Way</u>	<u>Roadway</u>
Principal Arterial Highway (major thoroughfare)	As determined by State and County	
Minor Arterial Highway (local thoroughfare)	80 feet	44 feet
Collector Streets	70 feet	44 feet
Minor Streets & Cul-de-sacs	60 feet	28 feet 50 foot radius
Service Drives (marginal access)	50 feet	28 feet
Alley	20 feet	
Pedestrian Way	10 feet	

**Subd. 10. Lots.**

A. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lot dimensions shall conform to the requirements of the Zoning Chapter.

B. Excessive depth in relation to widths shall be avoided. A proportion of not more than three (3) to one (1) normally shall be considered appropriate.

C. Every lot shall abut on a street. Lots for residential purposes shall meet the size requirements of the Zoning Chapter and also the requirements relative to building setback and side yard requirements.

D. Corner lots for residential use shall be platted at least five (5) feet wider than interior lots in order to permit conformance with the setback required by the Zoning Chapter on the side streets.

E. Residential lots fronting on arterial and collector streets should have extra depth to permit deep setbacks for the buildings.

F. Double frontage lots and reversed frontage lots shall not generally be platted except as hereinbefore otherwise permitted.

G. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot fronts.

H. Narrow, triangular lots, unusual shapes, and lots not permitting at least a twenty-six (26) foot width house with side yards and driveway, rear yards and front yards are prohibited. No plat will be accepted that contains lots undesirable for building, property subject to recurrent flooding, property at grades greater than eight (8) percent or other factors that may cause such properties to be marginal in building operations and cause such property to be returned for property taxes.

**Subd. 11. Utilities and Drainage.**

A. Where an approved public water supply is within reasonable access to the subdivision as determined by the number of lots, distance from and capacity of existing mains, water lines shall be placed within the right-of-way of each street. Water lines shall have a minimum diameter of six (6) inches (exception below), and all water mains shall be looped so that water is available from two (2) directions to any point (exception below). Water main, fire hydrants, gate valves and appurtenances shall be installed in accordance with acceptable engineering practice and City municipal utilities policies.

Exception: At the discretion of the Planning Commission during the Plat review, the Commission may allow the water line to dead end if a small portion of the subdivision is to be developed. Fire hydrants shall be required on all dead end lines. If this is allowed, the minimum diameter of the water line will increase to eight (8) inches. Looping of water mains is still required when the development of the subdivision is near completion.

B. Sanitary sewers shall be constructed in accordance with the standards of the City and each lot shall be provided with a connection to a sanitary sewer. The City may accept an area for platting where such service cannot be provided when the lots are of sufficient size and the soil is suitable for private disposal systems in accordance with City and State Health Department recommendations. No such private disposal systems shall be interconnected or run to a common private or public drain. The minimum size public sanitary sewer shall be eight (8) inches in diameter. Sewage lift stations may be constructed if necessary to serve an area, provided a lift station may be constructed on an assessment basis to serve an area only if at least fifty (50) percent of the cost is immediately assessable. The lift station cost beyond the fifty (50) percent and the pro-rate immediately assessable may be held for future assessment to the future area to be served.

C. All necessary facilities including underground pipe, manholes, inlets, catch basins and other appurtenances necessary to provide adequate drainage for the property or to maintain any natural drainage course shall be the responsibility of the developer.

Open drainage ditches will not be allowed unless specifically permitted by the City Engineer. Platting of the property is prohibited unless it is possible to drain the property to the natural drainage course for the area. As a minimum, no property plat will be accepted unless lots are of such elevation as to drain in to the streets. The meeting of this minimum requirement does not obligate the Council to accept the plat if there are substantial obstructions to the drainage of the property contained therein, and the Council may require that the subdivider install pumping facilities for storm drainage prior to plat acceptance if such facilities are necessary.

D. In some cases the proposed area to be platted will not be served at its borders by water mains or sanitary sewer. The Council may require a petition for the creation of an assessment district to extend the facilities to the platted area; or may require the subdivider to pay the cost of such extension; or may accept the plat with a separate water or sewer system; or may pay the cost thereof and hold the amount for future assessment; or may refuse acceptance of the plat.

E. The City Engineer may design the improvements to be installed by the City. A subdivider desiring to contract and install his/her own improvements shall do so in accordance with City specifications and practice. The City Engineer will approve or disapprove all plans, specifications and installations in the public street. For improvements installed by the subdivider the City Engineer shall furnish a written statement to the subdivider of City acceptance of the improvement prior to the City accepting maintenance of the improvement or street as a part of the City system.

F. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. The Planning Commission may recommend, and the Council require, that the type of overhead pole used be of a quality and durability aesthetically in conformance with the nature of the residential development.

G. Where telephone, electric and gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services.

H. All drainage and other underground utility installations which traverse privately owned property shall be protected by easements.

I. Placement of utilities underground shall be encouraged in accordance with the requirements of the City.

**Subd. 12. Other Requirements.**

A. Sidewalks shall be required unless the Planning Commission decides to waive this requirement on a case-by-case basis. This should be looked at as a safety issue.

B. All streets are to be named. A proposed street which is in alignment with and which joins an existing and named street shall be given the name of the existing street. The name of a proposed street shall not duplicate the name of an existing street to which it does not connect or with which it is not in alignment.

C. An easement for utilities shall be provided where necessary to form a continuous right-of-way, at least sixteen (16) feet in width. Such easements are to be dedicated and provide for utility service from street to street. If necessary for the extension of water mains or sewer lines, electrical transformer pads or similar utilities, easements of greater width may be required along lot lines or across lots.

1. Where a subdivision is transversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water course shall be provided. The width of such easements shall be determined by the Planning Commission.

Source: Ordinance No. 85, 2<sup>nd</sup> Series  
Effective Date: 12-28-94

(Sections 12.21 through 12.39, inclusive, reserved for future expansion)

(Pages 29 through 33 reserved)

**SEC. 12.40. EXEMPTION.** The Council may exempt from compliance with all or any part of the requirements for preparation of a Preliminary Plat any subdivision situated in a locality where conditions are well defined and the number of current improved lots fronting on the proposed frontage street substantially limit change in the existing public improvements or future land layout; and not involving a new street or the extension of municipal utilities, and not adversely affecting the adjoining property.

**SEC. 12.41. VARIANCES.**

**Subd. 1. Reasons for Granting.** The Council may grant a variance from these regulations following a finding that substantially all of the following conditions exists: 1) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his/her land; and, 2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and 3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

**Subd. 2. Consideration to be Given.** In making such finding the Council shall consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. In granting a variance as herein provided the Council shall prescribe only conditions that it deems desirable or necessary to the public interest.

**SEC. 12.42. BUILDING PERMITS.** No building permit shall be issued in the platted area until the premises described in the application qualify therefore in accordance with the City.

Source: Ordinance No. 85, 2<sup>nd</sup> Series  
Effective Date: 12-28-94

**SEC. 12.43. MINOR SUBDIVISIONS.**

**Subd. 1.** In the case of a subdivision resulting in three (3) parcels or less situated in a locality where conditions are well defined, the Council may exempt the subdivider from complying with some of the requirements of these regulations. In the case of a request to subdivide a lot which is a part of the recorded lot, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Chapter, the division may be approved by the Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

**Subd. 2.** In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with these regulations or the Zoning Chapter, the division may be approved by the Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

Source: Ordinance No. 192, 2<sup>nd</sup> Series  
Effective Date: 07-28-95

(Sections 12.44 through 12.98, inclusive, reserved for future expansion.)

## CHAPTER 13

### PUBLIC NUISANCE

**SECTION 13.01 PUBLIC NUISANCE DEFINED.** Whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
2. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or
3. Whoever having control of real property permits it to be used to maintain a public nuisance; or
4. Contributes to neighborhood blight; or
5. Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

**SEC. 13.02. PUBLIC NUISANCE AFFECTING HEALTH.** The following are hereby declared to be nuisances affecting health:

**Subd. 1.** Exposed accumulation of decayed or unwholesome food or vegetable matter.

**Subd. 2.** Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

**Subd. 3.** All ponds or pools of stagnant water.

**Subd. 4.** Accumulations of manure, refuse, or other debris.

A. It is unlawful for any person to deposit his/her refuse on or in the property of another person or business. This includes so called dumpsters located at various public places owned by the City such as, but not exclusively, parks. Excepting garbage generated at the site of said dumpsters in the normal use of the facilities is to be deposited in that facility's dumpster.

B. It is unlawful for any person to allow the accumulation of refuse on private property.

(09-15-2005)

**Subd. 5.** Garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.

**Subd. 6.** The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, industrial waste or other substances.

**Subd. 7.** All noxious weeds, grasses and other rank growth of vegetation upon public or private property.

A. It is the primary responsibility of any owner, occupant, or agent of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than six (6) inches; to remove all public health or safety hazards therefrom; to install or repair water service lines thereon; to treat or remove insect-infested or diseased trees thereon; and, when deciduous trees have seasonally lost their leaves, to clean up and remove such leaves from such premises.

B. It is unlawful for any owner, occupant, or agent of any lot or parcel of land to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than six (6) inches or to allow such weeds or grass to go to seed.

C. It is unlawful for any owner, occupant, or agent of any lot or parcel of land to fail to promptly, when deciduous trees have seasonally lost their leaves, to clean up and remove such leaves from such premises.

D. It is unlawful for any owner, occupant, or agent of any lot or parcel of land to fail to remove all public health or safety hazards thereon, or to fail to install or repair water service lines thereon, or to fail to treat or remove insect-infested or diseased trees thereon.

E. If any such owner, occupant, or agent fails to comply with this Subdivision, and after notice given by the City, has not within 48 hours of such notice complied, the City shall cause such weeds or grass to be cut, or leaves to be cleaned up and removed, or public health or safety hazards removed, or water service lines repaired, or diseased or insect-infested trees treated or removed, and the expense thus incurred, including administrative costs, shall be the personal liability of the owner of such premises. A bill, indicating the cost, shall be sent to the owner, occupant, or agent. If the total amount is not paid in accordance with the terms indicated on the bill, the amount of the costs and expenses incurred plus accrued interest on the unpaid balance shall be certified to the County Auditor and shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes and special assessments.

**Subd. 8. Disease Control and Prevention of Trees.**

A. **Definitions.** The following terms, as used in this Subdivision, shall have the meanings stated:

1. The term “shade tree disease” means Dutch elm disease or oak wilt disease.

2. The term “Tree Inspector” means the employee of the City designated by the Council, together with his/her duly designated assistants.

3. The term “nuisance” means 1) any living or standing tree infected to any degree with a shade tree disease; or, 2) any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the Tree Inspector.

**B. Scope and Adoption by Reference.** Minnesota Statutes, Sections 18.01 through 18.023, inclusive, are hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided, that this Section shall supersede such Statutes, Rules and Regulations, only to the extent of inconsistencies.

**C. Unlawful Act.** It is unlawful for any person to keep, maintain or permit upon premises owned by him/her or upon public property where he/she has the duty of tree maintenance, any nuisance as herein defined.

**D. Inspection and Diagnosis.** It is the power and duty of the Tree Inspector to enter upon public and private property, at any reasonable time, for the purpose of inspecting for and diagnosing shade tree disease, and marking diseased trees by painting thereon an “X” within a circle of orange paint. In cases of suspected shade tree disease, and in performance of his/her duties, the Tree Inspector may remove such specimens, samples, and biopsies as may be necessary or desirable for diagnosis.

**E. Abatement of Nuisance.** Abatement of a nuisance, defined herein, shall be by spraying, removing, burning, or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for tree removal and disposal methods consistent therewith.

**F. Procedure for Removal of Infected Trees and Wood.** Whenever the Tree Inspector finds with reasonable certainty that the infection, or danger of infection, exists in any tree or wood on any public or private property, he/she shall proceed as follows:

1. If the Tree Inspector finds that the danger of infection of other trees is not imminent because of dormancy of shade tree disease, he/she shall make a written report of his/her finding to the Council which shall proceed by 1) abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429, or 2) abating the nuisance as provided in Subparagraph G of this Subdivision.

2. If the Tree Inspector finds that danger of infection of other trees is imminent, he/shall notify the owner of the property, or the abutting property, as the case may be, by mailed notice that the nuisance will be abated within a specified time, not less than twenty (20) days from the date of mailing of such notice. The Tree Inspector shall immediately report such action to the Council, and after the expiration of the time limited by the notice he/she may abate the nuisance.

3. If the Tree Inspector finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, he/she may proceed to abate the nuisance forthwith. He/She shall report such action immediately to the Council and to the abutting property owner, or to the owner of the property where the nuisance is located.

G. Upon receipt of the Tree Inspector's report required by Subparagraph 1, the Council shall be resolution order the nuisance abated.

H. The Tree Inspector shall keep a record of the costs of abatements done under this Subdivision and shall report monthly to the City Administrator all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

I. Prior to October 1 of each year, the Tree Inspector shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent Statutes for certification to the County Auditor and collection the following year along with current taxes.

J. No damage shall be awarded the owner for destruction of any tree, wood or part thereof pursuant to this Section.

K. **Spraying of Trees.** Whenever the Tree Inspector determines that any tree or wood is infected or threatened with infection, he/she may spray or treat all nearby high value trees with an effective concentrate or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his/her agents whenever possible. The notice and assessment provisions of Subparagraph F apply to spraying and treatment operations conducted under this Subparagraph.

**Subd. 9. Storage Restrictions.** Firewood shall be stored in compact and orderly fashion so as not to constitute a hazard to adjacent buildings or property and to endanger the public health; all firewood shall be stored or stacked up off the surface of the ground.

Stacks of wood in the open shall not exceed six (6) feet in the height and shall not be located less than five (5) feet from a boundary line, without consent of adjacent property owners.

There shall be no front yard or front lot storage of firewood in the City, provided that this subdivision shall not prevent businesses that sell firewood from displaying firewood to the public in a manner that is deemed necessary for said business purposes, as long as said storage and display does not violate any other of the provisions of the Section.

**Subd. 10.** Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.

**Subd. 11.** Storing of hazardous materials such as gasoline, paint, oil and other hazardous chemicals unless it is in an enclosed building.

**SEC. 13.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.** The following are declared to be nuisances affecting public peace and safety:

**Subd. 1.** All trees, hedges, billboard, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.

**Subd. 2.** All wires and limbs of trees which are so close to the surface of the sidewalk or street as to constitute a danger to pedestrians or vehicles.

**Subd. 3.** All unnecessary noises and annoying vibrations.

**Subd. 4.** Every motor vehicle shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise, and no person shall use a dynamic engine or transmission brake, muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway. The exhaust system shall not emit or produce a sharp popping or crackling sound.

**Subd. 5.** Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law.

**Subd. 6.** Radio aerials or television antennae erected and maintained in a dangerous manner.

**Subd. 7.** Any use of property abutting on a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk.

**Subd. 8.** All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated as to endanger public safety; or not constructed and maintained as provided by ordinance.

**Subd. 9.** The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

**Subd. 10.** All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.

**Subd. 11.** Waste water cast upon or permitted to flow upon streets or other public properties.

**Subd. 12.** Accumulation of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner creating fire, health or safety hazards from such accumulation.

**Subd. 13.** All materials not intended for or a part of landscaping or functionability of the property shall be stored inside a structure suitable for storage or concealed from public view.

**Subd. 14.** Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.

**Subd. 15.** Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials.

**Subd. 16.** The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.

**Subd. 17.** The depositing of garbage, refuse, or debris on public or private property.

**Subd. 18.** All other conditions or things which are likely to cause injury to the person or property of anyone.

**SEC. 13.04. DUTIES OF THE CITY.** The City shall enforce the provisions of this ordinance, and shall have the power to take all reasonable precautions to prevent the commission and maintenance of public nuisances. Any violation of Sections 13.01 – 13.03 shall be a misdemeanor and punishable pursuant to the laws of the State of Minnesota regarding misdemeanor offenses.

**SEC. 13.05. RESIDENTIAL PARKING AND STORAGE.**

**Subd. 1. 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:

- A. Obstructs views on streets and private property;
- B. Creates cluttered and otherwise unsightly areas;
- C. Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited;
- D. Decrease adjoining landowners and occupants' enjoyment of their Property and neighborhood;
- E. Otherwise adversely affects property values and neighborhood patterns.

**Subd. 2. Standards for Outside Parking and Storage.**

A. Properly licensed and operable (non-commercial) motor-vehicles, recreational vehicles/equipment, construction or landscaping materials/equipment currently being used on the property, and properly stacked firewood may be stored on residential property. All other items must be stored within an enclosed structure.

B. Properly licensed and operable vehicles, trailers, recreation vehicles and fire wood shall be parked and stored:

- a. in side-yards or rear-yards; and
- b. upon concrete, bituminous, or paved surface having well-defined and hard-surfaced driveway access.

Exception: Driveways in rear yards adjacent to gravel surfaced alleys may access paved parking area.

Exception: Properly stacked firewood may be allowed to be stacked upon any ground surface if elevated a minimum of 4" above ground.

C. Mowers, snow-blowers, and other property maintenance equipment shall be stored in an enclosed structure.

D. Storage of any material or equipment in connection with any business shall be stored in an enclosed structure.

**SEC. 13.06. ABATEMENT OF NUISANCES ARISING UNDER 13.05 – 13.11.**

**Subd. 1. Procedure.** Whenever it is determined that a public nuisance is being maintained or exists on premises in the City, the Administrative Assistant shall notify in writing the owner of record or occupant of the premises of such fact and order that such nuisance be determined or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the Building and Zoning Administrator shall report the fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance.

**Subd. 2. Notice.** Written notice of violation, notice of time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this subdivision.

A. **Notice of Violation.** Written notice of violation shall be served in person by the Building and Zoning Administrator upon the owner of the property upon which nuisance exists. If the premises are not occupied, if the owner of record is unknown, or if other owner of record or occupant refuses to accept notice of Council hearing, notice of violation shall be served by posting it on the premises.

B. **Notice of Council Hearing.** Written notice of City Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises in person by the Building and Zoning Administrator. If the premises is not occupied, if the owner of record is unknown, or if the owner of record or occupant refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.

C. **Notice of City Council Order.** Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

D. **Notice of Motion for Summary Enforcement.** Written notice of any motion for summary enforcement shall be made as provided for in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

**Subd. 3. Emergency Procedure; Summary Enforcement.** In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in subdivision 1 and 2 above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, it shall be determined that a public nuisance exists or is being maintained on the premises in the City and that delay in abatement of the nuisance will unreasonably endanger public, health, safety or

welfare. The Building and Zoning Administrator shall notify the owner in writing of his/her intent to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement. The City Council shall determine whether the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision 2 above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

**Subd. 4. Immediate Abatement.** Nothing in this ordinance shall prevent the City, without notice or other process, from immediately abating any condition which poses imminent and serious hazard to human life or safety.

**Subd. 5. Recovery of Cost.** The owner of the 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 Treasurer or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Treasurer. If payment is not received, the City Council may direct that the amount due be certified to the County and assessed against the property.

**SEC. 13.07. DECLARATION OF STORAGE OF ABANDONED AND INOPERATIVE VEHICLE AS PUBLIC NUISANCE.**

**Subd. 1.** The presence, accumulation, or improper storage of abandoned motor vehicles on real property is hereby found to create an unsightly condition tending to reduce the value of real property or adversely affect the health and safety of minors. The accumulation and outside storage of such motor vehicles is further found to promote blight and deterioration in the community; to violate the zoning regulations of the City in many instances; particularly where such motor vehicles are maintained in required setback areas of residential property. It is further found that such abandoned motor vehicles are often in the nature of rubbish, litter, and unsightly debris in violation of the health and sanitation laws. Therefore, the accumulation and storage of such motor vehicles on real property is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this or other ordinances of this City or by State law.

**Subd. 2. Definitions.** The following words and terms, when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

A. **Abandoned Vehicle** – means a motor vehicle that:

1. has remained illegally:
  - a. for a period of time more than 48 hours on any property owned or controlled by a unit of

government or more than four (4) hours on that property when it is properly posted; or

- b. on private property for a period of time, as determined under Minnesota Statutes, Section 168B.04, Subdivision 2, without the consent of the person in control of the property; or
- c. lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

2. A classic car or pioneer car, as defined in Minnesota Statutes, is not considered an abandoned vehicle. Vehicle owner must be able to show proof of current registration with the Commissioner of Public Safety.

3. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with state law, or that are licensed and maintained in accordance with this Code and zoning regulations, are not considered abandoned vehicles.

4. A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is no affect.

B. **Impound** – to take and hold a vehicle in legal custody. There are two types of impounds, public and nonpublic.

C. **Impound Lot Operator or Operator** – a person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. “Operator” includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

D. **Junk Vehicle** – means a vehicle that:

- 1. is three years old or older;
- 2. is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;
- 3. is apparently inoperable;
- 4. does not have a valid, current registration plate; and

5. has an approximate fair market value equal only to the approximate value of the scrap in it.

E. **Motor Vehicle** – every vehicle which is self-propelled. “Motor vehicle” does not include a vehicle moved solely by human power.

F. **Net Proceeds** – the sales price less any costs of handling, storing, or sale of said vehicle.

H. **Unauthorized Vehicle** – a vehicle that is subject to removal and impoundment pursuant to Minnesota Statutes, Section 168B.04, subdivision 2, or Minnesota Statutes, Section 169.041, but is not a junk vehicle or an abandoned vehicle.

I. **Vital Component Parts** – those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle including such things as the motor, drive train, and wheels.

**Subd. 3. Abandoned Vehicles.**

A. **Custody and Impoundment of Abandoned Vehicles.** The City of Pipestone may take into custody and impound abandoned vehicles as defined in Subd. 2-1.

**B. Notice of Taking and Sale of Abandoned Vehicle.**

1. Notice Within Five (5) Days. When an abandoned vehicle is taken into custody, the City shall give notice of the taking within five (5) days.

2. Contents of Notice. This notice shall:

- a. set forth the date and place of the taking; the year, make, model and serial number of the abandoned vehicle is such information can be reasonably obtained and the place where the vehicle is being held;
- b. inform the owner and any lienholders of their right to reclaim the abandoned vehicle under state law and Section 13.07, Subd. 3C of the City Code; and
- c. state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under state law and Section 13.07 of the City Code shall be deemed a waiver by them of all right, title, and

interest in the vehicle and contents and consent to the transfer of title to a disposal or sale of the vehicle and contents pursuant to state law and Section 13.07 of the City Code.

3. Notice by Mail or Publication. The notice regarding abandoned vehicles shall be sent by mail to the registered owner, if any, and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the City. Published notices may be grouped together for convenience and economy.

C. **Reclaiming Abandoned Vehicles; Sale After Fifteen (15) Days.** An abandoned vehicle is eligible for disposal or sale fifteen (15) days after notice to the owner. The owner or any lienholder of an abandoned vehicle shall have a right to reclaim the vehicle from the City and impound lot operator upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice to the owner.

D. **Sales Receipt for Purchase of Abandoned Vehicles.** If an abandoned vehicle and contents taken into custody by the City is not reclaimed properly, it may be disposed of or sold at auction or sale. The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Pursuant to state law, before such vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

E. **Unsold Abandoned Vehicles.** Abandoned vehicles not sold by the City shall be disposed of in accordance with state law.

#### **SEC. 13.08. JUNK VEHICLES.**

**Subd.1. Custody and Impoundment of Junk Vehicles.** The City of Pipestone may take into custody and impoundment, junk vehicles as defined in Subd. 2-4 of 13.07.

#### **Subd. 2. Notice of Taking and Sale of Junk Vehicles.**

A. **Notice Within Five (5) Days.** When a junk vehicle is taken into custody, the City shall give notice of the taking within five (5) days.

B. **Contents of Notice.** The notice shall:

1. set forth the date and place of the taking; the year, make, model and serial number of the junk vehicle if such information can be reasonably obtained, and the place where the vehicle is being held;

2. inform the owner and any lienholders of their right to reclaim the junk vehicle under state law and Section 13.08, Subd. 3 of the City Code; and

3. state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under state law and Section 13.08, Subd. 3 of the City Code shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to a disposal or sale of the vehicle and contents pursuant to state law and Section 13.08 of the City Code.

C. **Notice by Mail or Publication.** The notice regarding junk vehicles shall be sent by mail to the registered owner, if any, and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the City. Published notices may be grouped together for convenience and economy.

**Subd. 3. Reclaiming Junk Vehicles; Sale After Fifteen (15) Days.** A junk vehicle is eligible for disposal or sale fifteen (15) days after notice to the owner. The owner or any lienholder of a junk vehicle shall have a right to reclaim the vehicle from the City and impound lot operator upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice to the owner.

**Subd. 4. Sales Receipt for Purchase of Junk Vehicle.** If a junk vehicle and contents taken into custody by the City is not reclaimed properly, it may be disposed of or sold at auction or sale. The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Pursuant to state law, before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

**Subd. 5. Immediate Custody and Impoundment of Vehicles.** The City may take into custody and impound any unauthorized vehicle immediately in the following cases:

A. An unattended vehicle that is on private property:

1. that is a single-family or duplex residential property; or

2. that is private, nonresidential property that is properly posted; or

3. that is any residential property that is properly posted.

B. An unattended vehicle on public property not governed by Minnesota Statutes, Section 169.041 and is located so as to constitute an accident or traffic hazard to the traveling public as determined by a peace officer.

**Subd. 6. Other Custody and Impoundment Requirements of Unauthorized Vehicles.** A vehicle may also be impounded after it has been left unattended in one of the following locations for the indicated period of time:

A. In a public location not governed by Minnesota Statutes, Section 169.041:

1. on a highway and property tagged by a peace officer – four (4) hours;

2. that is a parking facility or other public property owned or controlled by the City that is properly posted – four (4) hours.

B. On private property that is private, nonresidential property, not posted – twenty-four (24) hours.

**Subd. 7. Notice of Taking and Sale of Unauthorized Vehicles.**

A. **Notice Within Five (5) Days.** When an unauthorized vehicle is taken into custody, the City shall give notice of the taking within five (5) days.

B. **Contents of Notice.** The notice shall:

1. set forth the date and place of the taking; the year, make, model and serial number of the unauthorized vehicle as such information can be reasonably obtained and the place where the vehicle is being held;

2. inform the owner and lienholders of their right to reclaim the unauthorized vehicle under state law and Section 13.08, Subd. 8 of the City Code; and

3. state that failure of the owner or lienholder to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under state law and Section 13.08, Subd. 8 of the City Code shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to a disposal or sale of the vehicle and contents pursuant to state law and Section of this division of the City Code.

C. **Notice by Mail or Publication.** The notice regarding unauthorized vehicles shall be sent by mail to the registered owner, if any, and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and lienholders, the notices shall be published once in a newspaper of general circulation in the City. Published notice may be grouped together for convenience and economy.

D. **Second Notice.** If an unauthorized vehicle remains unclaimed after thirty (30) days from the date the notice was sent under this division and state law, a second notice shall be sent by certified mail return receipt requested to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

**Subd. 8. Reclaiming Unauthorized Vehicles; Sale After Forty-Five (45) Days.** An unauthorized vehicle is eligible for disposal or sale forty-five (45) days after the second notice to the owner. The owner or any lienholder of an unauthorized vehicle shall have a right to reclaim the vehicle from the City and impound lot operator upon payment of all towing and storage charges resulting from taking the vehicle into custody within forty-five (45) days after the date of the second notice to the owner.

**Subd. 9. Sales Receipt for Purchase of Unauthorized Vehicles.** If an unauthorized vehicle and contents taken into custody by the City is not reclaimed properly, it may be disposed of or sold at auction or sale. The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Pursuant to state law, before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

From the proceeds of a sale under this Section of the City Code and by state law by the City or the public impound lot of an abandoned junk or unauthorized vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to this Section of the City Code and state law. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days and then shall be deposited in a fund in the general fund to cover the costs of notices and other expenses mandated by this Section of the Code and state law.

**SEC. 13.09. SALE PROCEEDS BY NON-PUBLIC IMPOUND LOTS.** The operator of a non-public impound lot may retain any proceeds from a sale conducted under the authority of state law. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

**SEC. 13.10. IMPLIED CONSENT TO SELL.** A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under Minnesota Statutes, Section 168B.051 is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title.

**SEC. 13.11. AUTHORITY TO CONTRACT FOR TOWING SERVICES.**

**Subd. 1. Contract.** The City may enter into a contract on behalf of the City with any person, firm or corporation who will obtain or provide adequate facilities within the City of Pipestone to handle the tows and the storage of vehicles requested by the City. Such contract shall set forth the fees, which fees shall not be exceeded in any case involving the tow or storage requested by the City.

**Subd. 2. Bond.** Every towing operator to whom a contract is awarded for towing and storage shall, upon the execution of such contract, file with the City Clerk a bond approved by the City Attorney in such amount as may be determined by the contract. Such bond shall be conditioned that the principal will indemnify any and all persons, firms, or corporations including the City of Pipestone and the County or other governmental agencies of this State, for any loss sustained by any unlawful or unauthorized damage to a vehicle which is towed at the request of the City or stored by said towing operator, pursuant to the provisions of this Section and any contract entered into where the City is a party thereof.

**Subd. 3. Statements.** The towing operator who has entered into a contract pursuant to this Section, shall forward to the City a copy of such bill or statement prepared for each owner of a vehicle towed or stored at the request of the City.

**Subd. 4. Exclusion.** Nothing contained in this ordinance shall be deemed to prohibit, limit or restrict the use or operation of towing equipment or storage facilities by the City, County or School District.

**SEC. 13.12. CLANDESTINE DRUG LAB SITES AND CHEMICAL DUMP SITES.**

**Subd. 1. Purpose and Intent.** The purpose of this Section is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dump may exist. The City Council finds such sites are a public health hazard as they may contain suspended chemicals and residues that place people, particularly adults of child bearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.

**Subd. 2. Interpretation and Application.** In their interpretation and application, the provisions of this Section shall be construed to protect the public health, safety, and welfare.

Where the conditions imposed by any provision of this Section are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or regulations shall prevail.

Should any court of competent jurisdiction declare any Section or subpart of this section to be invalid, such decision shall not affect the validity of the Section as a whole or any part thereof, other than the provision declared invalid.

**Subd. 3. Fees.** Fees for the administration of this Section may be established and amended periodically by ordinance of the City Council, and shall be assessable to the property involved.

**Subd. 4. Definitions.**

A. **Chemical Dumpsite** – shall mean any place or area where chemicals or other waste materials used in a clandestine drug lab have been located.

B. **Clandestine Drug Lab** – shall mean the unlawful manufacture or attempt to manufacture controlled substances.

C. **Clandestine Drug Lab Site** – shall mean any place or area where law enforcement has determined that conditions associated with operation of unlawful clandestine drug lab exist. A clandestine drug lab site may include dwellings, accessory buildings, accessory structures, a chemical dumpsite or any land.

D. **Controlled Substance** – shall mean a drug, substance or immediate precursor in Schedules I through V of M.S. § 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

E. **Household Hazardous Wastes** – shall mean waste generated from a clandestine drug lab. Such wastes shall be treated, stored, transported, or disposed of in a manner consistent with Minnesota Department of Health, Minnesota Pollution Control Agency, and Pipestone County Public Health Department rules and regulations.

F. **Manufacture, in Places Other Than a Pharmacy** – shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, re-labeling, filling, or by other process, of a controlled substance.

G. **Owner** – shall mean any person, firm or corporation who owns, in whole or in part, the land, buildings, or structures associated with a clandestine drug lab site or chemical dumpsite.

H. **Public Health Nuisance** – all dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance.

**Subd. 5. Administration.**

A. **Law Enforcement Notice to Other Authorities.** Law enforcement authorities that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the dwelling at risk for exposure to harmful contaminants and other associated conditions must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.

B. **Declaration of Property as a Public Health Nuisance.** Upon notification by law enforcement authorities, the Building and Zoning Administrator shall promptly issue a Declaration of a Public Health Nuisance for the affected property and post a copy of the Declaration at the probable entrance to the dwelling or property. The Building and Zoning Administrator shall also notify the owner of the property and the following parties by US mail:

1. Occupants of the property;
2. Owners of the property within 100 feet of the nuisance property;
3. The Pipestone County Sheriff's Department; and
4. Other state and local authorities, such as MPCA and MDH, which are known to have public and environmental protection responsibilities that are applicable to the situation.

C. **Property Owner's Responsibility to Act.** The Building and Zoning Administrator shall also issue an order to abate the public health nuisance, including the following:

1. Immediately vacate those portions of the property including building or structure interiors, which may place the occupants or visitors at risk.
2. Promptly contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced to allow safe human occupancy of the dwelling. The property owner shall notify the City of actions taken and reach an agreement with the City on clean-up schedule. The City shall consider practical limitations and the availability of contractors in approving the schedule for clean-up.

3. Provide written documentation of the clean-up process, including a signed statement from the contractor that the property is safe for human occupancy and that the clean-up was conducted in accordance with Minnesota Department of Health guidelines.

**D. Property Owner's Responsibility for Costs.** The property owner shall be responsible for all costs of decontamination or clean-up of the site, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. Public costs may include, but not limited to:

1. Posting of the site;
2. Notification of affected parties;
3. Expenses related to the recovery costs, including the assessment process;
4. Laboratory fees;
5. Clean-up services;
6. Administrative fees; and
7. Other associated costs.

**E. Recovery of Public Costs.**

1. If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the Building and Zoning Administrator is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.

2. If the City is unable to locate the property owner within ten (10) days of the Declaration of Public Health Nuisance, the City is authorized to immediately proceed to initiate the on-site assessment and clean-up.

3. The City may abate the nuisance by removing the hazardous structure or building or otherwise, according to Minnesota Statutes Chapter 463.

4. If the City abates the public health nuisance, in addition to any other legal remedy, the City shall be entitled to recover all costs and fees for administration and enforcement hereof. The City may recover costs and fees by civil

action against the person or persons who own the property or by assessing such costs and fees as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to Minnesota Statutes Chapter 429.

**F. Authority to Modify or Remove Declaration of Public Health Nuisance.**

1. The Building and Zoning Administrator is authorized to modify the Declaration conditions or to remove the Declaration of Public Health Nuisance.

2. Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected to allow safe occupancy of the dwelling.

Source: City Code  
Effective Date: 09-15-2005

(Sections 13.13 through 13.98, inclusive, reserved for future expansion).

**SEC. 13.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: Ordinance 74, Third Series  
Effective Date: 09-15-2005

## CHAPTER 14

### ANIMAL REGULATIONS

**SECTION 14.01. Definitions.** As used in this Ordinance, the following words shall have the following meanings:

**Subd. 1. Animals – Domestic.** Animals commonly kept for house pets such as dogs, cats and similar animals.

**Subd. 2. Animals – Non-Domestic.** Livestock and poultry commonly kept for productive purposes on a farm, such as cattle, swine, horses, sheep, goats, chickens and other similar animals.

**Subd. 3. Animals – Exotic.** Any animal or species prohibited by Minnesota or Federal Law, any animal or species including but not limited to:

- A. Any skunk.
- B. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except domestic house cats.
- C. Any member of the Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except commonly accepted domestic dogs.
- D. Any crossbreed, such as the crossbreeds between dogs and coyotes and coyotes or dogs and wolves, not including crossbred domesticated animal.
- E. Any poisonous pit viper, such as a rattlesnake, coral snake, water moccasin or cobra.
- F. Any raccoon.
- G. Any other animal not listed above but which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

**Subd. 4. Animal Kennel.** Any place where four (4) or more of any single type of domestic animal over six months of age are owned, boarded, bred or offered for sale.

**Subd. 5. Animal Shelter.** Any premises designated by the City Council for the purpose of impounding and caring for animals held under the authority of this Ordinance.

**Subd. 6. Animal Control Officer.** Any person/firm designated by the City to assist in the enforcement of this Ordinance.

(11-01-2010)

**Subd. 7. At Large.** A domestic animal that is off the premises of the owner.

A domestic animal shall not be determined to be at large if:

A. Used in wild game, or animal hunting and is under the control of its owner or a responsible person; or

B. When engaged in obedience training and under the control of its owner or a responsible persons; or

C. Running loose on the owner's property, or property under the owner's control and under the control of a responsible party. If the animal is running loose on the owner's property and runs onto adjacent public or private properties and does not respond to a person, then the animal is considered "at large".

D. It is unlawful for the owner of an animal to permit such animal to run at large in the City. Whenever an animal is found running at large, the same shall constitute prima facie evidence that the owner permitted it to run at large.

**Subd. 8. Dangerous Dog.** Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or animals, or any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

**Subd. 9. Dog.** Any animal of the canine species.

**Subd. 10. Owner.** Any person, persons, firm or corporation owning, harboring or keeping animals.

**SECTION 14.02. Domestic Animals.**

**Subd. 1. License Required.** Except as hereinafter provided, all animals over six months of age are required to have a valid license. New residents to the City must license their animals within thirty (30) days after moving to the City. Licenses shall be issued upon payment of the license fee which is set by the City Council from time to time, and upon receipt of a certificate from a licensed veterinarian showing that the animal to be licensed has been given a vaccination against rabies or certification by a licensed veterinarian that the dog is exempt from vaccination for health reasons. Licenses shall be for the whole or unexpired portion of the year for which same is issued and shall expire December 31<sup>st</sup> of the same year.

**EXCEPTION:** No license is required for service dogs which are being used for said purpose.

**Subd. 2. Tag and Collar.**

A. Upon receipt of required certificate and payment of the license fee, the City shall provide the owner of the now licensed animal a tag upon which there shall be stamped or engraved the registered number of the animal the words “Pipestone Minnesota” and the year for which the license is issued.

B. Every owner shall be required to provide each animal with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn.

**Subd. 3. Impounding.**

A. A police officer or any agent designated by the City Council shall impound any animal found in violation of this Ordinance in an animal shelter. The animal shall be housed and fed in a humane manner.

B. Impounded animals shall be kept for not less than five (5) regular business days unless reclaimed prior to that time by their owner as provided hereafter. All fees incurred are the responsibility of the owner upon reclamation of said animal.

C. The City shall charge a daily boarding fee to the owner of any animal impounded and held. The fee shall be set from time to time by the City Council.

D. The City may file citations and other legal complaints against the violators of this Ordinance.

E. If the owner of said animal be known, written notice of impounding shall be given the owner thereof, either by mail or personal service. The owner shall remain subject to all penalties contained in this Ordinance.

**Subd. 4. Unclaimed Animals.** Any animal which is not claimed as provided in Subd. 4, B within the specified number of days as per Minn. Statute 35.71 and as amended may be evaluated and sold for adoption at the discretion of the City. Any animal which is not claimed by the owner or sold for adoption shall be painlessly and humanely destroyed as provided for in the State Statute and properly disposed of by the agent or firm retained by the City for such purpose.

**Subd. 5. Permissible Return of Unrestrained Animals.** If an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may instead be taken to the owner. In such cases however, proceedings may be taken against the owner for violation of this Ordinance.

**Subd. 6. Dangerous Dogs.**

A. No person owning or harboring or having the care or custody of a dangerous dog shall suffer or permit such dog to go unconfined on or off the premises of such person. A dangerous dog is “unconfined” as the term is used in this section if such a dog is: not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the premises of said person. Such pen or dog run area must also have either sides six (6) feet high or a secure top. If the pen or structure has not bottom secured to the sides, the sides must be imbedded into the ground no less than one (1) foot.

B. No person owning, harboring, or having the care of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three (3) feet in length.

C. No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any dangerous dog.

D. In the event that a police officer has probable cause to believe that a dangerous dog is being harbored or cared for in violation of this Ordinance, the police officer may seize and impound the dangerous dog pending trial.

**Subd. 7. Rabies Vaccination.** Every owner or keeper of a domestic animal shall cause the same to be vaccinated prior to the time such animal shall reach the age of six (6) months. Additionally such animal shall receive be vaccinated at least every three (3) years unless exempted from vaccination per 14.02 Subd. 1

**Subd. 8. Failure to Restrain an Attack by a Dog.** It shall be unlawful for an owner to fail to restrain a dog from inflicting or attempting to inflict bodily injury to any person or other animal. Violation of this section shall be a misdemeanor. The court upon a finding of the defendant’s guilt hereunder, is authorized to order as part of the disposition of the case that the animal be destroyed based on a written order containing one or more of the following findings of fact:

A. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

B. The owner of the animal demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals. If the court does not order the destruction of the dog, the court, as an alternative, may order the defendant to provide, and show proof to the court of public liability insurance in the minimum amount of \$500,000.00.

**SECTION 14.03. Exotic and Non-Domestic Animals.**

1. Exotic animals as per Sec. 14.01, Subd. 3 are expressly not permitted within the corporate limits of the City.

2. Non-domestic animals as per Sec. 14.01, Subd. 2 are not permitted within any district other than the Agricultural District and on those lands that have non-domestic animals at the time of the adoption of this ordinance.

3. On those lands that have non-domestic animals at the adoption of this ordinance that are not in the Agricultural District, non-domestic animals can be continued to be kept at the current intensity and type of animal unless said property is sold, rented to another or the animals being kept for any reason are no longer on the property. In such case(s) non-domestic animals shall no longer be allowed.

**SECTION 14.04. Animal Welfare.**

**Subd. 1. Animal Bite.** Whenever any animal owner in the City learns that his animal has bitten any human being, that owner shall immediately notify the Pipestone County Sheriff's Department and such animal shall immediately be quarantined. The quarantine period shall be for a minimum period of ten (10) days.

A. The owner may keep said animal provided he/she:

a. Has shown proof that said animal is currently vaccinated against rabies; and

b. Agrees to keep said animal separate from other animals;  
and

c. Said animal will be kept indoors at all times during the quarantine period.

B. If the animal is not currently vaccinated against rabies, such animal shall be quarantined in a Veterinary hospital or at the City Animal Shelter for a minimum period of ten (10) days.

C. If the owner cannot be advised of the animal bite within two (2) hours after the bite or the owner fails to quarantine the animal as required by this section, a police officer shall impound said animal.

**Subd. 2. Dog Enclosures.**

A. As used in this section, the term “dog enclosure” shall mean any enclosure constructed for shutting in or enclosing dogs and having an area less than five hundred (500) square feet.

B. Enclosures shall be screened from view of adjacent property.

C. No enclosure shall be placed closer than ten (10) feet from any lot line.

D. No enclosure shall be placed in a front yard and in no event shall it be placed closer than thirty (30) feet of any dwelling unit other than the owners on which property the enclosure is built.

E. No person shall permit feces, urine, or food to remain in an enclosure for a period that is longer than reasonable and consistent with health and sanitation and the prevention of odors.

**Subd. 3. Adequate Care of Animals.**

A. **Food.** Animals must be provided with food of sufficient quantity and quality to allow for normal growth and maintenance of body weight.

B. **Water.** Animals must be provided with clean, fresh water in sufficient quantity to satisfy the animal’s needs or supplied by free choice. Snow or ice is not an adequate water supply.

C. **Shelter.** Animals must be provided with shelter at all times. The shelter must be large enough to comfortably accommodate the animal, be windproof and waterproof and contain enough bedding to provide the animal with insulation against the elements. Shade must be provided at all times during the months of May through October.

D. **Sanitation.** It shall be unlawful for any person to allow food or water receptacles, kennels, yards or the premises where the animal is kept to be or to remain in an unhealthy, unsanitary or obnoxious condition or to permit the premises to be in such condition that obnoxious odors can be plainly detected on adjacent public or private property.

E. **Enforcement.** A police officer may issue a citation to the owner of any animal and/or remove any such animal from any premises if the welfare of that animal is threatened due to a violation of this section.

F. **Reclaiming Neglected Animals.** Any animal removed from any premises pursuant to this section may be reclaimed by the owner within five (5) working days from the time the animal was taken provided that all conditions for which the animal was removed have been corrected. The owner shall also be liable for payment of all boarding fees to the City. Any animal not reclaimed within the time allowed may be disposed of pursuant to this section.

G. It is unlawful for the owner, caretaker or attendant of any animal to allow it to defecate on public or private property other than his/her own, or to permit any accumulation thereof on this/her own property. If such animal does defecate on public or private property other than his/her own, it shall not be a violation of this provision if such owner, caretaker or attendant shall immediately and thoroughly clean the fecal material from such property, and properly disposed thereof.

**SECTION 14.05. Commercial Kennels. Permit Required.**

A. No person, business, corporation or other entity may breed, whelp or raise dogs or cats for profit or sale within the City of Pipestone unless the person, business, corporation or other entity has obtained a Commercial Kennel permit from the City. A commercial kennel may only be operated in a suitably zoned area of the City.

B. **Application for Commercial Kennel Permit.** Anyone making application for a Commercial Kennel permit must provide the following information to the office of the City Clerk: Applicant's name, applicant's address, address of the location of where the breeding, whelping or raising will occur, the types and breeds of animals concerned and the numbers of adult animals to be kept for breeding purposes. The applicant must also demonstrate that the location where the breeding, whelping or raising will occur is suitably zoned for such activity or must obtain a variance from the City Council.

C. **Permit Duration.** A Commercial Kennel Permit once issued will expire on January 31 of the second January after the issue date. The fee will be prorated at the rate of one-twelfth of the annual fee for each of the remaining months of the year when the Commercial Kennel Permit is purchased.

**SECTION 14.06. Exemption from Provisions.** Any dog under the control of any public law enforcement agency and which is used by such agency in law enforcement activities is exempt from the provisions of this Ordinance.

**SECTION 14.07. Interference with Officers.** It shall be a violation of this Ordinance for any unauthorized person to break open an animal shelter or attempt to take from any animal control officer any animal taken by such officer in compliance with this Ordinance or in any manner to interfere with or hinder such officer in the discharge of his/her duties.

**SECTION 14.08. Habitual Barking.** It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption. Such barking must also be audible off of the owner's or caretaker's premises.

**SECTION 14.09. Abuse of Animals.** It is unlawful for any person to maltreat, abuse or neglect, in a cruel or inhumane manner, any animal.

Source: Ordinance 52, Fourth Series  
Effective Date: 11-01-2010

(Sections 14.10 through 14.98, inclusive, reserved for future expansion).

**SECTION 14.99. Penalty.**

**A.** Any person who violates any provisions of this Ordinance shall be guilty of petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be sentenced of a fine of not more than \$300.00

**B.** Upon violation of this Ordinance three (3) or more times in a twelve (12) month period, the person who is in such violation shall be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code shall be sentence of not more than 90 days or a fine of not more than \$1,000.00 or both.

**C.** In either case of a petty misdemeanor or misdemeanor, the cost of the prosecution may be added. Each day that a violation continues shall constitute a separate violation.

Source: Ordinance 52, Fourth Series  
Effective Date: 11-01-2010

## CHAPTER 15

### PROPERTY MAINTENANCE

#### SECTION 15.01. TITLE.

These regulations shall be known as the Property Maintenance Code for the City of Pipestone hereinafter referred to as “this code”.

**Subd. 1. Scope.** The provisions of this code shall apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration enforcement, and penalties.

**Subd. 2. Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy or vacancy and maintenance of structure and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Minnesota State Building Code and the Minnesota State Building Conservation Code.

**Subd. 3. Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### SEC. 15.02. APPLICABILITY.

**Subd. 1. General.** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 15.01. In the case where different sections of this code specify different requirements, the most restrictive shall govern.

**Subd. 2. Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owners, operator or occupant shall cause any service, facility, equipment of utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owners designated agent shall be responsible for the maintenance of buildings, structures and premises.

**Subd. 3. Applications of Other Codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most currently adopted Minnesota State Building Code, Minnesota State Building Conservation Code and Minnesota State Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning ordinance of the City of Pipestone.

**Subd. 4. Existing Remedies.** The provisions of this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

**Subd. 5. Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

**Subd. 6. Historic Buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings, including those listed on the National Register of Historic Places, when such buildings and structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

**Subd. 7. Referenced Codes and Standards.** The codes and standards referenced in this code shall be that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provision of this code shall apply.

**Subd. 8. Requirements Not Covered by the Code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

#### **SEC. 15.03. DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION.**

**Subd. 1.** The City Council shall appoint an individual to serve as code official. That individual shall have the authority to appoint a deputy, inspectors and employees as approved by the City Council.

**Subd. 2. Restriction of Employees.** The code or employee connected with the enforcement of this code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials, or appliances for the construction, alteration or maintenance of a

building, or the preparation of construction documents thereof, unless that person is the owner of the building or property; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

**Subd. 3. Liability.** The code official, officer or employee charged with enforcement of this code, while acting for the City of Pipestone, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provision of this code; and any officer of the department of building safety, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act of omission in the performance of official duties in connection therewith.

#### **SEC. 15.04. DUTIES AND POWERS OF THE CODE OFFICIAL.**

**Subd. 1. General.** The code official shall enforce the provisions of this code.

**Subd. 2. Rule-Making Authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

**Subd. 3. Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by an approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City Administrator.

**Subd. 4. Right of Entry.** The code official may enter the structure or premises as with the approval of the owner to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by Minnesota law.

**Subd. 5. Identification.** The code official shall carry proper identification when inspecting structures and premises in the performance of duties under this code.

**Subd. 6. Notices, Orders and Citations.** The code official shall issue all necessary notices, orders and citations to ensure compliance with this code.

**Subd. 7. Department Records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which the records relate remains in existence, unless otherwise provided for by other regulations.

**Subd. 8. Coordination of Inspections.** Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

#### **SEC. 15.05. APPROVAL.**

**Subd. 1. Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reasons makes the strict letter of the code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modification shall be recorded and entered in department files.

**Subd. 2. Alternative Materials, Methods and Equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**Subd. 3. Required Testing.** Whenever there is insufficient evidence on compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

A. **Test Methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

B. **Testing Agency.** All tests shall be performed by an approved agency.

C. **Test Reports.** Reports of tests shall be retained by the code official for the period required for retention of records.

**Subd. 4. Materials and Equipment Reuse.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

#### **SEC. 15.06. VIOLATIONS**

**Subd. 1. Unlawful Acts.** It shall be unlawful for a person, firm, corporation or its agents be in conflict with or in violation of any of the provisions of this code.

**Subd. 2. Notice of Violation.** The code official shall serve notice of violation, order or citation in accordance with Section 15.07.

**Subd. 3. Prosecution of Violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 15.07 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**Subd. 4. Violation Penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Subd. 5. Enforcement.** The remedies provided in this code are not exclusive. They are in addition to and do not supersede or preempt other remedies such as injunctive relief, hazardous building condemnation, elimination of public health and safety hazards under Minnesota Statutes, or criminal charges for violation of substantive provisions of

any City or State code relating to housing maintenance, health, fire safety, building or zoning. Further, the remedies in this code do not supersede or affect the legal rights or remedies of tenants provided under State law or other code provisions.

**Subd. 6. Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

#### **SEC. 15.07. NOTICES AND ORDERS.**

**Subd. 1. Notice to Person or Persons Responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Subd. 2 and 3 to the person or persons responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Sec. 15.08, Subd. 3.

**Subd. 2. Form.** Such notice prescribed in Subd. 1 shall be in accordance with all of the following:

- A. Be in writing.
- B. Include a description of the real estate sufficient for identification.
- C. Include a statement of the violation or violations and why the notice is being issued.
- D. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- E. Inform the property owner of the right to appeal.
- F. Include a statement of the right to file a lien in accordance with Section 15.06, Subd. 3.
- G. Include notice that a motion for summary-enforcement will be made to the district court of Pipestone County unless corrective action is taken, or unless an answer is filed within the time specified by the code official.

**Subd. 3. Methods of Service.** Such notice shall be deemed to be properly served if a copy thereof is:

A. Delivered personally or posted in a conspicuous place in or about the structure affected by such notice; or

B. Sent by certified or first-class mail addressed to the last known address; or

C. If the notice is returned showing that the letter was not delivered, a copy thereof shall be placed in or about the structure affected by such notice.

**Subd. 4. Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Sec. 15.04, Subd. 6.

**Subd. 5. Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit of structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit of structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **SEC. 15.08. UNSAFE STRUCTURES AND EQUIPMENT.**

**Subd. 1. General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

A. **Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

C. **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks adequate egress, ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

D. **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**Subd. 2. Closing of Vacant Structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate and may be collected by any other legal resource.

**Subd. 3. Notice.** Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Sec. 15.07, Subd. 3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Sec. 15.07, Subd. 2.

**Subd. 4. Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “**Condemned**” and statement of penalties provided for occupying the premises, operating the equipment or removing the placard.

A. **Placard Removal.** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided in this code.

**Subd. 5. Prohibited Occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who

shall occupy a placarded premise or shall operate placarded equipment and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

**SEC. 15.09. EMERGENCY MEASURES.**

**Subd. 1. Imminent Danger.** When in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**Subd. 2. Temporary Safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the safe boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**Subd. 3. Closing Streets.** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**Subd. 4. Emergency Repairs.** For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**Subd. 5. Cost of Emergency Repairs.** Costs incurred in the performance of emergency work shall be paid by the City. The City shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs pursuant to State law.

**Subd. 6. Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the City Council, be afforded a hearing as described in this code.

**SEC. 15.10. DEMOLITION.**

**Subd. 1. Demolition.** The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

**Subd. 2. Notices, Orders and Citations.** All notices, orders and citations shall comply with 15.07.

**Subd. 3. Failure to Comply.** If the owner of a premise fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be lien upon such real estate as provided by State Statute.

**Subd. 4. Salvage Materials.** When any structure has been ordered demolished and removed, the governing body or their designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

**SEC. 15.11. MEANS OF APPEAL.**

**Subd. 1. Application for Appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the City Council provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**A. Disqualification of Member.** A Councilmember shall not hear an appeal in which that member has a personal, professional or financial interest.

**Subd. 2. Notice of Meeting.** The City Council shall meet to hear the appeal upon proper notice as determined by Minnesota Statute 13 D et seq.

**Subd. 3. Open Hearing.** All hearings before the City Council shall be open to the public. The appellant, the appellant's representative, the code official, the code official's representative and any other person whose interests are affected shall be given an opportunity to be heard.

A. **Procedure.** The City Council shall adopt and make available to the public through the City Administrator, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**Subd. 4. Council Decision.** The City Council shall modify or reverse the decision of the code official only by a vote of a majority of the total number of Councilmembers.

A. **Records and Copies.** The decision of the City Council shall be recorded. Copies shall be furnished to the appellant and to the code official.

B. **Administration.** The code official shall take immediate action in accordance with the decision of the City Council.

**Subd. 5. Court Review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the City Administrator.

**Subd. 6. Stays of Enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the City Council.

(Sections 15.12 through 15.20, inclusive, reserved for future expansion.)

## **SEC. 15.21. DEFINITIONS.**

**Subd. 1. Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this Section.

**Subd. 2. Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**Subd. 3. Terms in Other Codes.** Where terms are not defined in this code and are defined in the Minnesota State Building Code or the Pipestone Zoning Code, such terms shall have the meanings ascribed to them as in those codes.

**Subd. 4. Terms Not Defined.** Where terms are not defined through the methods authorized by this Section, such terms shall have their ordinarily accepted meanings such as the context implies.

**Subd. 5. Parts.** Whenever the words “dwelling”, “premises”, “building”, “rooming house”, “rooming unit”, “housekeeping unit”, or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof”.

**SEC. 15.22. GENERAL DEFINITIONS.**

1. **Approved.** Approved by the code official.
2. **Basement.** That portion of a building which is partly or completely below grade.
3. **Bathroom.** A room containing plumbing fixtures including a bathtub or shower.
4. **Bedroom.** Any room or space used or intended to be used for sleeping purposes.
5. **Code Official.** The official who is charged with the administration and enforcement of this code or any duly authorized representative.
6. **Condemn.** To adjudge unfit for occupancy.
7. **Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
8. **Rental Unit.** Any dwelling, dwelling unit, rooming house or rooming unit which is leased by the owner or the owner’s licensee to another party and any renter-occupied mobile home.
9. **Easement.** That portion of land or property reserved for present or future use by a person or agency other than the legal owners of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

10. **Exterior Property.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

11. **Extermination.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible material that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

12. **Garbage.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

13. **Habitable Space.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

14. **Housekeeping Unit.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain within such a unit, a toilet, lavatory and bathtub or shower.

15. **Imminent Danger.** A condition which could cause serious or life-threatening injury or death at any time.

16. **Infestation.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

17. **Inoperable Motor Vehicle.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

18. **Labeled.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

19. **Let For Occupancy or Let.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

20. **Occupancy.** The purpose for which a building or portion thereof is utilized or occupied.

21. **Occupant.** Any individual living or sleeping in a building or having possession of a space within a building.
22. **Openable Area.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
23. **Operator.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
24. **Owner.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
25. **Person.** An individual, corporation, partnership or any other group acting as a unit.
26. **Premises.** A lot, plat or parcel of land, easement or public way, including any structures thereon.
27. **Public Way.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
28. **Rooming House.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.
29. **Rooming Unit.** Any room or group of rooms forming a single habitable until occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
30. **Rubbish.** Combustible and non-combustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
31. **Strict Liability Offense.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
32. **Structure.** That which is built or constructed or a portion thereof.

33. **Tenant.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit

34. **Toilet Room.** A room containing a water closet or urinal but not a bathtub or shower.

35. **Ventilation.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from any space.

36. **Workmanlike.** Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged and without marring adjacent work.

37. **Yard.** An open space on the same lot with a structure.

(Sections 15.23 through 15.25, inclusive, reserved for future expansion)

#### **SEC. 15.26. GENERAL REQUIREMENTS.**

**Subd. 1. Scope.** The provisions of this Section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**Subd. 2. Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**Subd. 3. Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

#### **SEC. 15.27. EXTERIOR PROPERTY AREAS.**

**Subd. 1. Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**Subd. 2. Grading and Drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

**Subd. 3. Sidewalks and Driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**Subd. 4. Exhaust Vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**Subd. 5. Accessory Structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**Subd. 6. Defacement of Property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

#### **SEC. 15.28. COMMERCIAL EXTERIOR PROPERTY AREAS.**

**Subd. 1. Scope.** The provisions of this Section shall govern the minimum conditions and responsibilities of owners or occupants of commercial property for the maintenance of structures, equipment and exterior property.

**Subd. 2. Responsibility.** The owner or occupants of the commercial premises shall maintain the structures and exterior property in compliance with this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Section. Owner or occupants of a commercial premise are responsible for maintaining the premises in a clean, sanitary and safe condition.

**Subd. 3. Sidewalks and Driveways.** All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

**Subd. 4. Motor Vehicles.** No inoperative or unlicensed motor vehicles or junk vehicles shall be parked, kept or stored on any commercial premises and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped and dismantled unless such unlicensed or inoperable vehicles are on the premises of junk yards and automobile graveyards that are defined, maintained and licensed in accordance with state law.

**Subd. 5. Dangerous Machinery.** Accumulation of discarded or disused, dangerous machinery, automobile bodies or other material or equipment in a manner creating fire or safety hazard from such accumulation.

**Subd. 6. Other Materials.** All materials not intended for or a part of landscaping or functionality of the property shall be stored inside a structure suitable for storage or concealed from public view.

**Subd. 7. Unlawful Acts.** It shall be unlawful for a person, firm, corporation or its agents be in conflict with or in violation of any of the provisions of this code.

**Subd. 8. Notice of Violation.** The code official shall serve notice of violation, order or citation in accordance with Section 15.07.

**Subd. 9. Prosecution of Violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 15.07 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**Subd. 10. Violation Penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Subd. 11. Enforcement.** The remedies provided in this code are not exclusive. They are in addition to and do not supersede or preempt other remedies such as injunctive relief, hazardous building condemnation, elimination of public health and safety hazards under Minnesota Statutes, or criminal charges for violation of substantive provisions of any City or State code relating to housing maintenance, health, fire safety, building or zoning. Further, the remedies in this code do not supersede or affect the legal rights or remedies of tenants provided under State law or other code provisions.

**Subd. 12. Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

**SEC. 15.29. SWIMMING POOLS, SPAS AND HOT TUBS.**

**Subd. 1. Swimming Pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**Subd. 2. Enclosures.** Private swimming pools, hot tubs and spas, with a capacity greater than two thousand (2000) gallons and/or two (2) feet in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height, which does not allow a 4-inch sphere to pass through and above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**SEC. 15.30. EXTERIOR STRUCTURE.**

**Subd. 1. General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**Subd. 2. Protective Treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**Subd. 3. Structural Members.** All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

**Subd. 4. Foundation Walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**Subd. 5. Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and property surface coated where required to prevent deterioration.

**Subd. 6. Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

**Subd. 7. Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**Subd. 8. Overhang Extensions.** All overhang extensions including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

**Subd. 9. Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**Subd. 10. Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**Subd. 11. Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**Subd. 12. Window, Skylight and Door Frames.** Every window, skylight, door and framer shall be kept in sound condition, good repair and weather tight.

A. **Glazing.** All glazing materials shall be maintained free from cracks and holes.

B. **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by the window hardware.

**Subd. 13. Insect Screens.** During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**Subd. 14. Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

**Subd. 15. Basement Hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**Subd. 16. Guards for Basement Windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

**Subd. 17. Building Security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

A. **Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or key and shall give a lock throw of not less than 1-inch. For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this Section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

B. **Windows.** Operable windows located in whole or in part within 6 feet above ground level or walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

C. **Basement Hatchways.** Basement hatchways that provide access to dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

#### **SEC. 15.31. INTERIOR STRUCTURE.**

**Subd. 1. General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more non-residential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**Subd. 2. Structural Members.** All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

**Subd. 3. Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**Subd. 4. Stairs and Walking Surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**Subd. 5. Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tricks as intended by the manufacturer of the attachment hardware.

#### **SEC. 15.32. HANDRAILS AND GUARDRAILS.**

**Subd. 1. General.** Every exterior and interior flight of stairs having more than three risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surfaces.

**Exception:** Guards shall not be required where exempted by the adopted building code.

(Sections 15.33 through 15.35, inclusive, reserved for future expansion)

**SEC. 15.36. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS.**

**Subd. 1. General.** The provisions of this Section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

**Subd. 2. Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of the Section.

**Subd. 3. Alternative Devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Minnesota State Building Code shall be permitted.

**SEC. 15.37. LIGHT.**

**Subd. 1. Habitable Spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

**Subd. 2. Common Halls and Stairways.** Every common hall and stairway in residential occupancies, other than in one-and-two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one (1) footcandle at floors, landings and treads.

**Subd. 3. Other Spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

**SEC. 15.38. VENTILATION.**

**Subd. 1. Habitable Spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 15.37.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

**Subd. 2. Bathrooms and Toilet Rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Subd. 1 above, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

**Subd. 3. Cooking Facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

**Exception:** Where specifically approved in writing by the code official.

**Subd. 4. Process Ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

**Subd. 5. Clothes Dryer Exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

**SEC. 15.39. OCCUPANCY LIMITS.**

**Subd. 1. Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**Subd. 2. Minimum Room Widths.** A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter-fronts and appliances or counter-fronts and walls.

**Subd. 3. Minimum Ceiling Heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

**Exceptions:**

A. In one-and-two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.

B. Basement rooms in one-and-two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.

C. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculation the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

**Subd. 4. Bedroom Requirements.** Every bedroom shall comply with the following requirements:

A. **Area for Sleeping Purposes.** Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

B. **Access from Bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

**Exception:** Units that contain fewer than two bedrooms.

C. **Water Closet Accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

D. **Prohibited Occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

E. **Other Requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling

height and room width requirements of this Section; the plumbing facilities and water-heating facilities requirements of Sections 15.44 and 15.50; the heating facilities and electrical receptacle requirements of Sections 15.54 – 15.58; and the smoke detector and emergency escape requirements of Sections 15.65 and 15.67.

**Subd. 5. Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the area requirements of the following table:

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 Occupants	3-5 Occupants	6 or More Occupants
Living Room	No requirements	120	150
Dining Room	No requirements	80	100
Bedrooms	Shall comply with Subd. 4		

For SI: 1 square foot = 0.093 m<sup>2</sup>

- a. See Subd. 5A for combined living room/dining room spaces.
- b. See Subd. 4B for limitations on determining the minimum occupancy area for sleeping purposes.

A. **Sleeping Area.** The minimum occupancy area required by the table above shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 15.39, Subd. 4.

B. **Combined Spaces.** Combined living room and dining room spaces shall comply with the requirements of the table above if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**Subd. 6. Efficiency Unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

A. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items B and C.

B. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

C. The Unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

D. The maximum number of occupants shall be three.

**Subd. 7. Food Preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Sections 15.40 through 15.43, inclusive, reserved for future expansion)

#### **SEC. 15.44. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS.**

**Subd. 1. Scope.** The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**Subd. 2. Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

#### **SEC. 15.45. REQUIRED FACILITIES.**

**Subd. 1. Dwelling Units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**Subd. 2. Rooming Houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**Subd. 3. Hotels.** Where private water closets lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

**Subd. 4. Employees' Facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

A. **Drinking Facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

**SEC. 15.46. TOILET ROOMS.**

**Subd. 1. Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

**Subd. 2. Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**Subd. 3. Location of Employee Toilet Facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

**Subd. 4. Floor Surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

**SEC. 15.47. PLUMBING SYSTEMS AND FIXTURES.**

**Subd. 1. General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**Subd. 2. Fixture Clearance.** Plumbing fixtures shall have adequate clearance for usage and cleaning.

**Subd. 3. Plumbing System Hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphoning, improper installation, deterioration or damage of for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

**SEC. 15.48. WATER SYSTEM.**

**Subd. 1. General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota Plumbing Code.

**Subd. 2. Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**Subd. 3. Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

**SEC. 15.49. SANITARY DRAINAGE SYSTEM.**

**Subd. 1. General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**Subd. 2. Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**SEC. 15.50. STORM DRAINAGE.**

**Subd. 1. General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Sections 15.51 through 15.53, inclusive, reserved for future expansion)

**SEC. 15.54. MECHANICAL AND ELECTRICAL REQUIREMENTS.**

**Subd. 1. Scope.** The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**Subd. 2. Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this section.

**SEC. 15.55. HEATING FACILITIES.**

**Subd. 1. Facilities Required.** Heating facilities shall be provided in structures as required by this section.

**Subd. 2. Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**Subd. 3. Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 65° F in all habitable rooms, bathrooms and toilet rooms.

**Subd. 4. Occupied Work Spaces.** Indoor occupied work spaces shall be supplied with heat during the period the spaces are occupied.

**Exception:** 1) Processing, storage and operation areas that require cooling or special temperature conditions; 2) Areas in which persons are primarily engaged in vigorous physical activities.

**Subd. 5. Room Temperature Measurements.** The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

**SEC. 15.56. MECHANICAL EQUIPMENT.**

**Subd. 1. Mechanical Appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**Subd. 2. Removal of Combustion Products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**Subd. 3. Clearances.** All required clearances to combustible materials shall be maintained.

**Subd. 4. Safety Controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**Subd. 5. Combustion Air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**Subd. 6. Energy Conservation Devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

#### **SEC. 15.57. ELECTRICAL FACILITIES.**

**Subd. 1. Facilities Required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 15.58.

**Subd. 2. Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Minnesota State Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

**Subd. 3. Electrical System Hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring of installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### **SEC. 15.58. ELECTRICAL EQUIPMENT.**

**Subd. 1. Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**Subd. 2. Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

**Subd. 3. Lighting Fixtures.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

**SEC. 15.59. ELEVATORS, ESCALATORS AND DUMBWAITERS.**

**Subd. 1. General.** Elevators, dumbwaiters, and escalators shall be maintained to sustain safety all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

**Subd. 2. Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

**SEC. 15.60. DUCT SYSTEMS.**

**Subd. 1. General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Section 15.61 through 15.63, inclusive, reserved for future expansion)

**SEC. 15.64. FIRE SAFETY REQUIREMENTS.**

**Subd. 1. Scope.** The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

**Subd. 2. Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this section.

**SEC. 15.65. MEANS OF EGRESS.**

**Subd. 1. General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Minnesota State Fire Code.

**Subd. 2. Aisles.** The required width of aisles in accordance with the Minnesota State Fire Code shall be unobstructed.

**Subd. 3. Locked Doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Minnesota State Building Code.

**Subd. 4. Emergency Escape Openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools, Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

#### **SEC. 15.66. FIRE-RESISTANCE RATINGS.**

**Subd. 1. Fire-Resistance Rated Assemblies.** The required fire-resistance rating of fire-resistance rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**Subd. 2. Opening Protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

#### **SEC. 15.67. FIRE PROTECTION SYSTEMS.**

**Subd. 1. General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire of any combination thereof shall be maintained in an operable condition at all times in accordance with the Minnesota State Fire Code.

**Subd. 2. Smoke Alarms.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations.

**A.** On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

**B.** In each room used for sleeping purposes.

**C.** In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm

installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Minnesota State Fire Code.

**Subd. 3. Power Source.** In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnection switch other than as required for overcurrent protection.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

**Subd. 4. Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**Exceptions:** 1) Interconnection is not required in buildings which are not undergoing alteration, repairs, or construction of any kind; 2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

**SEC. 15.68. LICENSING OF THE OPERATION OF ALL RESIDENTIAL RENTAL UNITS AND STRUCTURES INCLUSIVE OF RENTAL UNITS IN MIXED-USE STRUCTURES AND RENTER-OCCUPIED MOBILE HOMES.**

1. No person shall operate a rental unit unless he holds a current, valid operating license issued by the City in the person's name for the specific named rental unit. Failure to comply with this requirement shall result in certain fees being charged to the owner as per the schedule set forth in the housing inspection plan and may result in the filing of a criminal complaint.

2. Every operating license shall be issued for a period of time in accordance with the plan for the systematic inspection of rental housing units to be developed by the appropriate authority.

3. The appropriate authority is hereby authorized upon application therefore to issue new operating licenses, and renewals thereof, in the names of applicant owners or operators of rental housing units. No such licenses shall be issued unless the rental housing unit in connection with which the license is sought is found after inspection to meet all applicable requirements of this section and applicable rules and regulations pursuant thereto.

4. No operating license shall be issued or renewed unless the applicant owner or operator has first made application therefore on an application form provided by the appropriate authority. The appropriate authority shall develop such forms and make them available to the public.

5. No operating license shall be issued or renewed unless the applicant owner or operator agrees in his/her application to such inspection pursuant to Section 15.04, Subds. 3 and 4 as the appropriate authority may require to determine whether the rental housing unit in connection with which such license is sought is in compliance with the applicable provisions of this section and with applicable rules and regulations pursuant thereto.

6. No operating license shall be issued or renewed unless the completed application form is accompanied by payment of a license fee pursuant to the schedule of fees included in the inspection plan developed by the appropriate authority.

7. No operating license shall be issued or renewed for a non-resident applicant, unless such applicant designates in writing to the appropriate authority the name of applicant's agent for the receipt of service of notice of violation of the provisions of this section and for service of process pursuant to this section. The applicant may designate any person resident in Pipestone County as his/her agent for this purpose. An applicant who does not reside in Pipestone County is a non-resident applicant.

8. No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this section when said applicant is absent from this city for thirty (30) or more days. Such a designation shall be made in writing and shall accompany each application form. The applicant may designate any person resident in Pipestone County as his/her agent for this purpose.

9. No operating license shall be renewed unless an application therefore has been made within sixty (60) days prior to the expiration of the present operating license.

10. No operating license for a rental unit shall be issued or renewed if the real estate taxes assessed against the rental unit are not current.

11. Each license shall be displayed in a common area within the structure housing the rental housing units, provided the structure has a common area.

12. Any license for a particular property shall be transferable to another person, provided that the person holding the operating license gives notice in writing to the appropriate authority within fifteen (15) working days after having transferred or otherwise disposed of the legal control of the licensed rental housing unit. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such rental housing unit. Failure to provide proper notification of a transfer of property shall be cause for the property to be re-registered and the appropriate fee charged.

**SEC. 15.69. NOTICE OF VIOLATION.**

1. Whenever the appropriate authority determines that any dwelling, dwelling unit, rental unit, rooming unit or the premises surrounding any of these fails to meet the requirements set forth in this section or in applicable rules and regulations issued pursuant thereto, the appropriate authority, in accordance with existing legislation, shall issue a notice setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:

- A. Be in writing;
- B. Set forth the alleged violations of this section or of applicable rules and regulations issued thereto;
- C. Describe the dwelling, dwelling unit, rental unit or rooming unit where the violations are alleged to exist or to have been committed. Such written notice shall specify an appropriate or acceptable method of correction;
- D. Specify a specific date for the correction of any violation alleged;
- E. State that unless the violations cited are corrected by the date set, the operating license for the specific unit in violation may be suspended;
- F. Be served upon the owner, agent of the owner, occupant, or operator of the dwelling, dwelling unit, rental unit or rooming unit personally or by registered mail, return receipt requested, addressed to the owner, occupant, operator or owner's agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the dwelling, dwelling unit or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation once each week for a period of three successive weeks; or

G. Be served upon a resident agent for the receipt of such services of notices designated pursuant to Sec. 15.68G.

2. At the end of the period of time allowed for corrections of any violation alleged, the appropriate authority shall re-inspect the dwelling, dwelling unit, rental unit or rooming unit described in the notice.

3. If upon re-inspection the violations are determined by the appropriate authority not to have been corrected, the appropriate authority shall initiate legal proceedings for the immediate correction of the alleged violations or shall order the dwelling, dwelling unit, rental unit or rooming unit vacated within 30 days or both. In addition, the operating license of the owner shall be suspended.

**SEC. 15.70. REPAIRS AND OTHER CORRECTIVE ACTION; DESIGNATION OF UNFIT UNITS AND/OR STRUCTURES; DEMOLITION.**

1. Repairs and other corrective action.

A. Whenever an owner, operator or agent of a dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room fails, neglects or refuses to make such repairs or other corrective action called for by the order or notice of violation issued pursuant to Sec. 15.60, the appropriate authority may undertake such repairs or action, when in the judgment of such authority a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs and action will not exceed 50% of the fair market of the structures to be repaired.

B. Notice of the intention to make repairs or take other corrective action shall be served upon the owner, operator, or upon the designated agent for service pursuant to Sec. 15.68G; or upon the resident agent of the owner, as designated agent for service pursuant to Sec. 15.68H.

C. Every owner, operator, or agent of a dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room has received notice of the intention of the approved authority to make repairs or take other corrective action shall give entry and free access to the agent of the appropriate authority for the purpose of making such repairs. Any owner, operator, or agent of a dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room who refuses, impedes, interferes with or hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a civil penalty pursuant to the schedule included in the systematic housing inspection plan adopted by the appropriate authority for each such failure to comply with this section. In addition, the owner, operator or agent may be subject to criminal penalties for which provision is made in Sec. 15.99.

D. When repairs are made or other corrective action taken at the discretion of the appropriate authority, the cost of such repairs and corrective action shall constitute a debt in favor of the city against the owner of the repaired structure. In the event the owner fails, neglects or refuses to pay the city the amount of this debt, it shall be recoverable in a civil action against the owner or his or her successor, brought in a court of competent jurisdiction by the city which shall possess all rights of a private creditor.

2. Designation of unfit dwellings, dwelling units, rooming houses, rooming units, dormitories and dormitory rooms.

A. Any dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room shall be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the appropriate authority, such defect created a hazard to the health, safety or welfare of two occupants or of the public.

1. Such dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room is damaged, decayed, dilapidated, unsanitary, unsafe, and/or vermin-infested and /or contains levels of hazardous material which could be harmful to health;

2. The dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room lacks illumination, ventilation and/or required sanitation facilities to the extent that it is violation of the provisions of this section.

B. Whenever any dwelling, dwelling unit, rental unit, rooming house, dormitory or dormitory room has been designated as unfit for human habitation, the appropriate authority shall placard the dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room, indicated that it is unfit for human habitation, and, if occupied, shall order such dwelling, dwelling unit, rental unit or rooming unit vacated within a reasonable time.

C. Whenever any dwelling, dwelling unit, rental unit, rooming house, dormitory or dormitory room has been placarded and vacated, the appropriate authority shall order services and utilities to be turned off or disconnected and all utility meters to be removed.

D. No dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the appropriate authority and the placard removed by the appropriate authority.

E. The appropriate authority shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the dwelling,

dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room is deemed by the appropriate authority as a safe, sanitary and fit place for human habitation.

F. No person shall deface or remove the placard from any dwelling, dwelling unit, rental unit, rooming house, rooming unit, dormitory or dormitory room which has been designated as unfit for human habitation and has been placarded as such, except as provided in Sec. 15.08, Subd. 4 above.

G. Any person affected by any decision of the appropriate authority or by any designation or placarding of a dwelling, dwelling unit, rental unit, rooming unit, dormitory or dormitory room as unfit for human habitation shall be granted a hearing on the matter before the appropriate authority under the procedure set forth in Sec. 15.11.

3. Demolition of dwellings, dwelling units, rental unit, rooming houses, rooming units, dormitories or dormitory rooms designated as unfit for human habitation. Any demolition necessary as a result of a designation that the rental unit is unfit for human habitation must be done in accordance with the applicable Minnesota Statutes, rules and regulations.

(Section 15.71 through 15.75, inclusive, reserved for future expansion)

**SEC. 15.99. VIOLATION A MISDEMEANOR.**

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

**Subd. 2.** Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

**Subd. 3.** In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

**Subd. 4.** The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: Ordinance 72, Fourth Series  
Effective Date: January 9, 2014

## **CHAPTER 20**

### **LISTING OF UNCODED ORDINANCES IN EFFECT**

All ordinances described in this Chapter remain in effect after adoption of the City Code, since they are of a permanent and continuing nature as authority for a certain specific act which has been performed. These ordinances have one (1) thing in common that generally distinguishes them from other provisions of the City Code – their text has no continuing reference value. For this reason it appears justified to list and refer to them here only to facilitate finding them in the event this becomes necessary. Listings are grouped according to subject matter, but where only one (1) or two (2) ordinances appear on a single subject, they will be described in a paragraph.

**(09-15-2005)**

### Removal of Overhead Electrical Wiring

Ordinance No. 1.16, adopted September 6, 1973, pertains to the removal of overhead electrical wiring in the downtown area and the necessity of the benefited customers to convert or adapt their electrical facilities to accept service from new underground facilities to be installed by Northern States Power Company.

### Adoption of Codification

Ordinance No. 1, 2<sup>nd</sup> Series, adopted July 6, 1978, provides for adoption of a codification of ordinances known as the City Code of the City of Pipestone, Minnesota.

Ordinance No. 1, 3<sup>rd</sup> Series, adopted December 18, 1995, provides for adoption of a codification of ordinances known as the City Code of the City of Pipestone, Minnesota.

Ordinance No. 1, 4<sup>th</sup> Series, adopted September 15, 2005, provides for adoption of a codification of ordinances known as the City Code of the City of Pipestone, Minnesota.

### Sidewalk Improvement District

Ordinance No. 80, 2<sup>nd</sup> Series, adopted August 6, 1984, provides for the establishment of a sidewalk improvement district for the purpose of constructing new walk and providing for ongoing maintenance as authorized by Minnesota Statutes 435.44.

### Readopting City Code – September 10, 1990 Edition

Ordinance No. 144, 2<sup>nd</sup> Series, adopted September 10, 1990, provides for the re-adoption of the City Code following the retyping and the various grammatical, spelling, and punctuation changes that were made.

### Adoption of Local Improvement Assessment Policy Manual

Ordinance No. 145, 2<sup>nd</sup> Series, adopted September 10, 1990, provides for the adoption of Local Improvement Assessment Policy Manual for the Installation, Maintenance, and Replacement of Public Infrastructure.

Ordinance No. 48, 3<sup>rd</sup> Series, adopted May 21, 2001, provides for the adoption of Local Improvement Assessment Policy Manual for the Installation, Maintenance, and Replacement of Public Infrastructure.

### Amend City Ward and Precinct Voting Boundaries

Ordinance No. 163, 2<sup>nd</sup> Series, adopted on March 9, 1992, provides for a modification to the Ward and Precinct Boundaries for voting in the City of Pipestone. This modification is required by Minnesota Statutes 204B.135 and 204B.14 and relates to redistricting the boundaries of County Commissioner Districts Numbers Four (4) and Five (5).

**(09-15-2005)**

Resolution 2012-12, adopted March 5, 2012, provides for reestablishing precincts and polling places. This redistricting is pursuant to Minnesota Statute Section 204B.14, Subd. 3 (d). The boundaries of the voting precincts and polling places as follows: **Precinct 1 (St. Leo's Hall, 415 South Hiawatha)** That part of the City lying north of 7<sup>th</sup> St SW to 8<sup>th</sup> Ave SW, then north to 5<sup>th</sup> St SW, then east to 2<sup>nd</sup> Ave SE, then north to 3<sup>rd</sup> St SE, then east to the end of City limits and **Precinct 2 (St. Leo's Hall, 415 South Hiawatha)** That part of the City lying south of 7<sup>th</sup> St SW to 8<sup>th</sup> Ave SW, then north to 5<sup>th</sup> St SW, then east to 2<sup>nd</sup> Ave SE, then north to 3<sup>rd</sup> St SE, then east to the end of City limits.

#### Grant of Gas Franchise

Ordinance No. 9.10, adopted December 18, 1956, grants to Central Natural Gas Company, a non-exclusive franchise to operate a gas system in the City and to supply gas to residents for a period of twenty-five (25) years.

Ordinance No. 46, 2<sup>nd</sup> Series, adopted November 5, 1981, grants to Minnesota Gas Company, a non-exclusive franchise for the transportation, distribution, manufacture and sale of gas energy for public and private use and to use the streets, alleys, public ways and public grounds of the City, for a duration of twenty (20) years.

Ordinance No. 34, 3<sup>rd</sup> Series, adopted December 6, 1999, grants to Reliant Energy Minnegasco to construct, operate, repair, maintain facilities and equipment for the transportation, distribution, manufacture and sale of gas energy for public and private use and to use the streets, alleys, public ways and public grounds of the City, for a duration of twenty (20) years.

#### Grant of Electric Franchise

Ordinance No. 9.13, adopted March 19, 1970, grants to Southwestern Minnesota Cooperative Electric Association, a franchise to erect, enlarge, operate and maintain transmission lines and electric distribution system in the City and to use certain streets, alleys and public grounds for a period of twenty (20) years.

Ordinance No. 9.18, adopted October 13, 1977, grants to Northern States Power Company, a franchise to construct, operate, repair and maintain an electric distribution system and transmission lines in the City and to use streets, alleys and public grounds for a period of twenty (20) years.

Ordinance No. 143, 2<sup>nd</sup> Series, adopted August 13, 1990, grants to Southwestern Minnesota Cooperative Electric Association, a franchise to erect, enlarge, operate and maintain transmission lines and electric distribution system in the City and to use certain streets, alleys and public grounds for a period of twenty (20) years.

Ordinance No. 12, 3<sup>rd</sup> Series, adopted October 6, 1997, grants to Northern States Power, to construct, operate, repair, and maintain transmission lines and electric distribution system in the City and to use certain streets, alleys, and public grounds for a period of twenty (20) years.

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Ordinance No. 33, 3<sup>rd</sup> Series, adopted December 20, 1995, amends Ordinance No. 12, 3<sup>rd</sup> Series regarding Northern States Power by amending the Agreement to (1) restate Section 2, Subd. 1 of Section 3, Subd. 3 of Section 3 and Section 4, and (2) to add a new Section 13 to give the City the right to impose a franchise fee by separate ordinance as full compensation for the rights to transmit and furnish electric energy for use by the City and its inhabitants.

Ordinance No. 95, 4<sup>th</sup> Series, adopted June 5, 2017, grants to Excel Energy, permission to construct, operate, repair, and maintain an electric distribution system and transmission lines, including necessary poles, lines, fixtures and appurtenances for the furnishing of electric energy to the city and its inhabitants and others and transmitting electric energy into and through the city and to use the public ways and public grounds of the city for such purposes.

#### Grant of Cable Television Franchise

Ordinance No. 9.14, adopted March 26, 1973, grants to Metro Cable Inc. a franchise to construct, operate and maintain a community television in the City for a period of fifteen (15) years.

Ordinance No. 9.15, adopted May 16, 1974, amends Ordinance No. 9.14 as to insurance requirements.

Ordinance No. 20, 2<sup>nd</sup> Series, adopted May 15, 1980, amends Ordinance No. 9.14.

Ordinance No. 56, 2<sup>nd</sup> Series, adopted November 18, 1982, amends Ordinance No. 9.14 as to subscriber rates.

Ordinance No. 108, 2<sup>nd</sup> Series, adopted November 19, 1987, grants to Metro Cable Inc. a franchise to construct, operate and maintain a cable communication system within the City of Pipestone for a period of fifteen (15) years.

Ordinance No. 136, 2<sup>nd</sup> Series, adopted November 15, 1989, grants to Star Cablevision a franchise to construct, operate and maintain a cable television system in the City of Pipestone.

Ordinance No. 27, 3<sup>rd</sup> Series, adopted February 6, 1999, grants to Dakota Telecom, Inc., a franchise to construct, operate and maintain a cable television system in the City of Pipestone.

Ordinance No. 85, 3<sup>rd</sup> Series, adopted March 21, 2005, grants to PrairieWave Communications, Inc., a franchise to construct, operate and maintain a cable television system in the City of Pipestone.

Ordinance No. 90, 3<sup>rd</sup> Series, adopted August 15, 2005, grants to Mediacom Minnesota LLC, a franchise to construct, operate and maintain a cable television system in the City of Pipestone.

Ordinance No. 89, 4<sup>th</sup> Series, adopted May 16, 2016, grants to Clarity Telecom, LLC, a franchise to construct, operate and maintain a cable television system in the City of Pipestone.

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Resolution 2016-23, adopted May 2, 2016, grants to Mediacom Minnesota LLC a Franchise extension to December 31, 2016.

Authorize Purchase of Real Estate

Ordinance No. 9, 2<sup>nd</sup> Series, adopted May 17, 1979, authorizes purchase of all Lots 10, 11, and 12, Block 22, Original Plat.

Resolution 2004-15, adopted April 12, 2004, authorizes the acquisition of 42.5 acres consisting of all that part of the Northeast 1/4 of Section 19, Township 106 North, Range 45

West of the Fifth P.M. lying East of the East right-of-way line of Highway No. 75, and the West 2 acres of the Northwest 1/4 of Section 20, Township 106 North, Range 45 West of the Fifth P.M., LESS the former railway right-of-way, but including all that portion of the former railway right-of-way described in the deed recorded in the Office of the Pipestone County Recorder in Book 290 of Deeds on Page 238, all in the County of Pipestone, State of Minnesota, EXCEPT the following described tract of land:

Commencing at a point 33 feet east of the Southeast corner of the Northeast 1/4 of Section 19, Township 106 North, Range 45 West of the Fifth P.M., running thence north 582 feet; thence west 299 feet, more or less, to the east right-of-way line of the former railway right-of-way; thence southeasterly along said east right-of-way line for 657 feet, more or less, to the south line of the Northwest 1/4 of Section 20, Township 106 North, Range 45 West of the Fifth P.M., thence east along said south line for 13 feet, more or less, to the point of beginning. Said tract containing 2 acres, more or less, and being in the Southeast 1/4 of the Northeast 1/4 of Section 19, Township 106 North, Range 45 West of the Fifth P.M., and the Southwest 1/4 of the Northwest 1/4 of Section 20, Township 106 North, Range 45 West of the Fifth P.M.

Resolution 2007-24, adopted May 21, 2007, authorizing the acquisition of .71 acres consisting of a tract of land in the NE 1/4, Sec. 12, Township 106, Range 46 described as follows:

Commencing at the NE corner of said Sec., thence Southerly on the East line of said Sec. 1,705.50 ft, thence right at an angle of 90 degrees for 50 ft to the West line of the right-of-way of US Hwy 75 which point is the point of beginning; thence Northerly on said line of right-of-way and parallel to East line of said Sec. for 200 ft, thence left an angle of 90 degrees for 310.67 ft, Southeasterly 369.48 ft to the true point of beginning.

Resolution 2007-41, adopted September 17, 2007, authorizing the acquisition of the S 1/2 of Lots 17, 18, 19, 20, 21, 22, 23 and 24, Block 1, Nichols Addition to the City of Pipestone, Minnesota.

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Resolution 2008-8, adopted February 4, 2008, authorizes the acquisition of real estate consisting of all of Block Five (5) of Taylor's Addition to the City of Pipestone, County of Pipestone, State of Minnesota EXCEPTING THEREFROM the North Two Hundred Fifty (250) feet of said Block Five (5); also described as the South Two Hundred Seventy (270) feet of Block Five (5) of Taylor's Addition to the City of Pipestone, County of Pipestone, State of Minnesota.

Resolution 2009-18, adopted June 1, 2009, authorizes the acquisition of 77 acres of real estate described as follows:

That portion of the South Half of Section 15, Township 106 North, Range 46 West of the 5<sup>th</sup> P.M. , Pipestone County, Minnesota, described as follows:

Beginning at a 5/8" rebar with yellow ineligible cap per Section corner record Page 932 Records of said County, Being the East Quarter corner of said Section 15; thence South 1°18'14" West 1032.85 feet; thence North 89°19'53" West 33.00 feet; thence continuing North 89°19'53" West 431.68 feet; thence South 66°38'59" West 180.57 feet; thence North 86°54'07" West 477.26 feet; thence North 62°39'28" West 443.86 feet; thence North 88°01'06" West 1132.37 feet to the West line of the Southeast Quarter; thence continuing North 88°01'06" West 69.57 feet' thence North 66°22'14" West 54.29 thence North 58°18'36" West 64.93 feet; thence North 50°49'13" West 142.08 feet; thence North 46°47'15" West 527.74 feet; thence North 55°04'07" West 104.15 feet; thence North 60°07'14" West 434.28 feet; thence North 50°52'38" West 163.27 feet; thence North 44°35'07" West 64.58 feet; thence North 36°11'38" West 87.19 feet to the North line of the Southwest Quarter of said Section 15; thence South 87°30'17" East 1378.83 feet along the North line of the Southwest Quarter to the Center of said Section 15; thence continuing South 87°30'17" East 2603.17 feet along the North line of the Southeast Quarter of said Section 15' thence continuing South 87°30'17" East 33.01 feet along said line to the point of beginning. Said parcel containing 77.23 acres, more or less. Said parcel is subject to a roadway easement and any other easements of record, if any.

Resolution 2011-24, adopted August 8, 2011, authorizes the acquisition of approximately 2.75 acres described as follows:

A tract of land in the Northeast Quarter (NE1/4) of Section Twelve (12), Township One Hundred Six (106) North, Range Forty-six (46) West of the Fifth P.M., described as follows:

Commencing at the Northeast corner of said Section 12, thence Southerly on the East line of said Section for 1,505.5 feet; thence deflecting right at an angle of 90 degrees for 50 feet to the West line of the right of way of U.S. Trunk Highway No. 75 which is the point of beginning; thence Northerly on said right of way line and parallel with said East line of said Section 12 for 239.85 feet, thence deflect left at an angle of 90 degrees for 671.7 feet to a point, thence Southeasterly to a

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point 310.67 feet due West of the point of beginning, thence East 310.67 feet to the point of beginning, containing 2.75 acres, more or less.

Resolution 2016-11, adopted February 1, 2016, authorizes the acquisition of the Robson Grocery Building from Jack Jacobson and David Nix described as follows: Lots 9, 10, 11, 12 and 13, Block 13, Original Plat of Pipestone.

Resolution 2016-26, adopted May 16, 2016, authorizes the acquisition of 4.68 acres described as follows:

A tract of land (4.68 acres) in the NW 1/4 NE 1/4 described as follows:

Beginning at a point on the North line of said Section 1, 599.80 feet West of the NE corner, then southerly at an angle 91 degrees 25 minutes turned from East to South a distance of 413.95 feet; thence westerly at an angle 89 degrees 57 minutes 30 seconds turned from North to West 500 feet; thence northerly at an angle of 90 degrees 00 minutes and along the East right-of-way of the county road to the North line of Section 1; thence easterly along said section line to point of beginning.

Resolution 2017-16, adopted February 21, 2017, authorizes the acquisition of real property described as follows: Lots 14-17 and the West one (1) foot of Lot 18, Block 15, Original Plat to the City of Pipestone, Minnesota.

#### Authorize Exchange of Real Estate

Ordinance No. 38, 2<sup>nd</sup> Series, authorizes exchange of a parcel of land in NE-1/4 of S-1/4, 18-106-45 for a parcel of land in W-1/2 of SE-1/4, 18-106-45.

#### Authorize Sale of Real Estate

Ordinance No. 4, 2<sup>nd</sup> Series, adopted October 5, 1978, authorizes sales of Lot 4, alley between Lots 4 and 3, and West 5-1/2 feet of Lot 3, Block 21, Original Plat.

Ordinance No. 5, 2<sup>nd</sup> Series, adopted November 16, 1978, authorizes sale of twelve (12) acres in former Pipestone Reservation.

Ordinance No. 6, 2<sup>nd</sup> Series, adopted February 1, 1979, authorizes sales of part of Lots A, B, C, and D of Goodnow's Subdivision of N-1/2 of Lots 34, 35, 36, and 37, and parts of Lots 6 and 7, Block 1, Nichol's Addition.

Ordinance No. 36, 2<sup>nd</sup> Series, adopted May 21, 1981, authorizes sale of property commonly known as the "Ewert Center".

Ordinance No. 53, 2<sup>nd</sup> Series, adopted August 19, 1982, authorizing the City to convey certain parcels of property constituting what is known as the Chicago, Milwaukee, St. Paul and Pacific Railroad Right-of-Way.

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Ordinance No. 79, 2<sup>nd</sup> Series, adopted May 17, 1984, authorized the sale of all of Lot 1, Block 2, Skyway Industrial Park First Addition.

Ordinance No. 83, 2<sup>nd</sup> Series, adopted November 5, 1984, authorizes the sale of real property owned by the City and located in Maries County, Missouri.

Ordinance No. 109, 2<sup>nd</sup> Series, adopted December 21, 1987, authorizes the sale of real property owned by the City in the NW-1/4 of the NE-1/4 of 12-106-N46.

Ordinance No. 175, 2<sup>nd</sup> Series, adopted November 21, 1994, authorizes the sale of a tract of land in Gov't Lots 8 and Lot 10, 1-106-46, containing approximately 39.76 acres.

Ordinance No. 178, 2<sup>nd</sup> Series, adopted February 21, 1995, authorizes the sale of Lots 19, 20, 21, 22, 23, 24, 25, and 26.

Ordinance No. 179, 2<sup>nd</sup> Series, adopted June 5, 1995, authorizes the sale of the South 75 feet of the East 164.82 feet of Block 10, Bennett and Davies Addition.

Ordinance No. 3, 3<sup>rd</sup> Series, adopted April 15, 1996, authorizes the sale of the North 25 feet of the East 38 feet of Lot 8, Block 3, of the Original Plat of the City of Pipestone.

Ordinance No. 4, 3<sup>rd</sup> Series, adopted May 6, 1996, authorizes the conveyance of the East 1469.58 feet of Lot 2, Block 1, of Skyway Industrial Park, First Addition, in the City of Pipestone excepting therefrom the East 808.39 feet of said Lot 2.

Ordinance No. 5, 3<sup>rd</sup> Series, adopted July 1, 1996, authorizes the conveyance of Lots 1 and 2, Block 4, Residence Park Addition in the City of Pipestone.

Ordinance No. 9, 3<sup>rd</sup> Series, adopted June 23, 1997, authorizes the sale of that portion of the Fractional West Half of Section 18, Township 106 North, Range 45 West of the 5<sup>th</sup> P.M. in the City of Pipestone.

Ordinance No. 13, 3<sup>rd</sup> Series, adopted December 15, 1997, authorizes the sale of Lots 5, 6, 7, 8, 9 and 10, Block 12 and the South 50 feet of Lots 11, 12 and 13, Block 12, Original Plat in the City of Pipestone.

Ordinance No. 14, 3<sup>rd</sup> Series, adopted December 15, 1997, authorizes the sale of the East 808.39 feet except the South 100 feet of the East 100 feet of Lot 2, Block 1 totaling 6.04 acres.

Ordinance No. 17, 3<sup>rd</sup> Series, adopted March 16, 1998, authorizes the sale of a tract of land in the NE 1/4 Section of Section 1, Township 107, Range 46, described as Brown's Third Addition, Outlot 2 (1.606 acres).

Ordinance No. 18, 3<sup>rd</sup> Series, adopted April 20, 1998, authorizes the sale of the South 50 feet of the NE 1/4 and the North 8 feet 3 inches of the SE 1/4, of Block 10, Bennett & Davies Addition.

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Ordinance No. 50, 3<sup>rd</sup> Series, adopted September 17, 2001, authorizes the sale of Lots 18, 19 & 20, Block 16, Original Plat in the City of Pipestone.

Ordinance No. 63, 3<sup>rd</sup> Series, adopted June 5, 2003, authorizes the sale of that part of the Northeast 1/4 of Section 1, Township 106 North, Range 46 West of the 5<sup>th</sup> Principal Meridian, City of Pipestone, Pipestone County, Minnesota, described as follows:

Commencing at a railroad spike marking the center quarter corner of Section 1; thence North 00 degrees 01 minutes 05 seconds East (Geodetic Bearing) along the West line of the Northeast Quarter of said Section a distance of 727.76 feet to the point of beginning; thence North 89 degrees 18 minutes 42 seconds East a distance of 60.00 feet to an iron stake; thence continuing North 89 degrees 18 minutes 42 seconds East a distance of 750.00 feet to an iron stake; thence North 00 degrees 01 minutes 05 seconds East a distance of 403.00 feet to an iron stake; thence South 89 degrees 18 minutes 42 seconds West a distance of 750.00 feet to an iron stake; thence continuing South 89 degrees 18 minutes 42 seconds West a distance of 60.00 feet to said West line; thence South 00 degrees 01 minutes 05 seconds West along said West line a distance of 403.00 feet to said point of beginning (7.51 acres).

Ordinance No. 77, 3<sup>rd</sup> Series, adopted June 7, 2004, authorizes the sale of Lot 1, Block 4, Skyway Industrial Park, Pipestone, Minnesota.

Ordinance No. 80, 3<sup>rd</sup> Series, adopted September 7, 2004 authorizes the sale of that part of the Northeast 1/4 of Section 1, Township 106 North, Range 46 West of the 5<sup>th</sup> Principal Meridian, City of Pipestone, Pipestone County, Minnesota described as follows:

Commencing at a railroad spike marking the center quarter corner of Section 1; thence North 00 degrees 01 minutes 05 seconds East (Geodetic Bearing) along the West line of the Northeast Quarter of said Section a distance of 324.76 feet to the point of beginning; thence North 89 degrees 18 minutes 42 seconds East a distance of 60.00 feet to an iron stake; thence continuing North 89 degrees 18 minutes 42 seconds East a distance of 750.00 feet to an iron stake; thence North 00 degrees 01 minutes 05 seconds East a distance of 403.00 feet to an iron stake; thence South 89 degrees 18 minutes 42 seconds West a distance of 750.00 feet to an iron stake; thence continuing South 89 degrees 18 minutes 42 seconds West a distance of 60.00 feet to said West line; thence South 00 degrees 01 minutes 05 seconds West along said West line a distance of 403.00 feet to said point of beginning.

Ordinance No. 88, 3<sup>rd</sup> Series, adopted May 16, 2005 authorizes the sale of that part of the Northeast Quarter (NE1/4) of Section 19, Township 106 North, Range 45 West of the 5<sup>th</sup> Principal Meridian, Pipestone County, Minnesota, described as follows:

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Commencing at the Northeast corner of Section 19; thence South 89 Degrees 35 Minutes 56 Seconds West (Geodetic Bearing) along the North line of said Section 19 a distance of 1383.49 feet to an iron stake on the Northeasterly right of way of Trunk Highway Number 75; thence South 26 Degrees 14 Minutes 06 Seconds East along said right of way a distance of 36.66 feet to the True Point of Beginning; thence continuing South 26 Degrees 14 Minutes 06 Seconds East along said Trunk Highway right of way a distance of 300.84 feet; thence North 89 Degrees 35 Minutes 56 Seconds East a distance of 336.11 feet; thence North 00 Degrees 11 Minutes 17 Seconds West a distance of 270.79 feet; thence South 89 Degrees 35 Minutes 56 Seconds West parallel to the North line of said Section 19 a distance of 468.23 feet to the True Point of Beginning; containing 2.50 acres more or less.

Ordinance No. 89, 3<sup>rd</sup> Series, adopted July 5, 2005 authorizes the sale of that part of the Northeast Quarter (NE1/4) of Section 19, Township 106 North, Range 45 West of the 5<sup>th</sup> Principal Meridian, Pipestone County, Minnesota, described as follows:

Commencing at the Northeast corner of Section 19; thence South 89 Degrees 35 Minutes 56 Seconds West (Geodetic Bearing) along the North line of said Section 19 a distance of 1383.49 feet to an iron stake on the Northeasterly right of way of Trunk Highway Number 75; thence South 26 Degrees 14 Minutes 06 Seconds East along said right of way a distance of 36.66 feet to the True Point of Beginning; thence continuing South 26 Degrees 14 Minutes 06 Seconds East along said Trunk Highway right of way a distance of 300.84 feet; thence North 89 Degrees 35 Minutes 56 Seconds East a distance of 336.11 feet; thence North 00 Degrees 11 Minutes 17 Seconds West a distance of 270.79 feet; thence South 89 Degrees 35 Minutes 56 Seconds West parallel to the North line of said Section 19 a distance of 468.23 feet to the True Point of Beginning; containing 2.50 acres more or less.

Ordinance 2, 4<sup>th</sup> Series, adopted October 3, 2005, authorizes the sale of Lots 2, 3 and 4, Block 1, Skyway Industrial Park, Second Addition, Pipestone Minnesota.

Ordinance 19, 4<sup>th</sup> Series, adopted April 2, 2007, authorizes the sale of all that part of the Southeast Quarter of the Northwest Quarter of Section 12, Township 106 North, Range 46 West, in the City of Pipestone, Pipestone County, Minnesota, described as follows:

Beginning at the intersection of northerly projection of the east line of Lot, 1, Block 1 of Sanford's Addition in the City of Pipestone as filed and recorded in to office of the County Recorder in and for said Pipestone County, and the south line of said Northeast Quarter, thence North 88 degrees 40 minutes 49 seconds West, bearing based on Minnesota State Plane Coordinate System Pipestone County Datum, along said south line, a distance of 78.00 feet; thence North 00 degrees 15 minutes 51 seconds West, a distance of 13.50 feet; thence North 89 degrees 51 minutes 02 seconds East a distance of 77.97 feet; thence South 00 degrees 15 minutes 51 seconds East a distance of 15.50 feet to the point of beginning.

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Ordinance 21, 4<sup>th</sup> Series, adopted June 18, 2007, authorizes the sale of Lot 2, Block 4, Skyway Industrial Park First Addition, City of Pipestone Minnesota.

Ordinance 30, 4<sup>th</sup> Series, adopted February 4, 2008, ratifies and affirms the sale of two lots sold July 6, 1987 described as: Lots Numbered Eleven (11) and Twelve (12) of Block Numbered Four (4) in Cutting's Addition to the City of Pipestone, according to the Plat thereof on file and of record in the office of the County Recorder in and for said Pipestone County, Minnesota, subject to easements and restrictions of record if any that was sold July 6, 1987.

Ordinance 31, 4<sup>th</sup> Series, adopted February 4, 2008, ratifies and affirms the sale of a parcel of property May 17, 1993 described as: Lots Twenty-Three (23) and Twenty-Four (24), Cutting's Addition to the City of Pipestone, according to the Plat thereof on file and of record in the office of the County Recorder in and for said Pipestone County, Minnesota.

The City retains its sewer easement over the Southwest portion of the two lots and also retains all utility easements in the alley presently to the North of the two lots and it intends to retain said utility easements whether such alley should be vacated in the future or not.

Ordinance 33, 4<sup>th</sup> Series, adopted April 21, 2008, authorizes the sale of a parcel of property described as: That part of the Northeast Quarter of Section 1, Township 106 North, Range 46 West of the 5<sup>th</sup> Principal Meridian, City of Pipestone, Pipestone County, Minnesota, described as follows: Commencing at a railroad spike marking the center quarter corner of Section 1; thence North 00 degrees 01 minutes 05 seconds East (Geodetic Bearing) along the West line of the Northeast Quarter of said Section a distance of 324.76 feet to the point of beginning; thence North 89 degrees 18 minutes 42 seconds East a distance of 60.00 feet to an iron stake; thence continuing North 89 degrees 18 minutes 42 seconds East a distance of 750.00 feet to an iron stake; thence North 00 degrees 01 minutes 05 seconds East a distance of 403.00 feet to an iron stake; thence South 89 degrees 18 minutes 42 seconds West a distance of 750.00 feet to an iron stake; thence continuing South 89 degrees 18 minutes 42 seconds West a distance of 60.00 feet to said West line; thence South 00 degrees 01 minutes 05 seconds West along said West line a distance of 403.00 feet to said point of beginning.

Said tract is subject to a roadway easement and any other easements of record, if any.

Ordinance 36, 4<sup>th</sup> Series, adopted July 21, 2008, authorizes the sale of a parcel of property described as: All of Block Five (5) of Taylor's Addition to the City of Pipestone, County of Pipestone, State of Minnesota EXCEPTING THEREFROM the North Two Hundred Fifty (250) feet of said Block Five (5); also described as the South Two Hundred Seventy (270) feet of Block Five (5) of Taylor's Addition to the City of Pipestone, County of Pipestone, State of Minnesota.

Ordinance 38, 4<sup>th</sup> Series, adopted September 2, 2008, authorizes the sale of a parcel of property described as: Lots 1, 2 and 3, Block 3, Northlawn Second Addition, to the City of Pipestone, Minnesota.

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Ordinance 84, 4<sup>th</sup> Series, adopted August 3, 2015, authorizes the sale of a parcel of real property described as: Lots 9-12 and the north 36 feet of Lots 7 and 8, Block 3, Original Plat plus that portion of abandoned railway lying south and adjacent thereto located in the City of Pipestone, Minnesota.

Ordinance 88, 4<sup>th</sup> Series, adopted February 16, 2016, authorizes the sale of a parcel of real property described as: Lots 1 and 2, Block 5, Skyway Industrial Park, First Addition to the City of Pipestone, Minnesota.

Ordinance 97, 4<sup>th</sup> Series, adopted June 19, 2017, authorizes the sale of a parcel of real property described as: Lots 19-24, Duggans Subdivision of Lots 32 & 33, Park Addition to the City of Pipestone, Minnesota.

Ordinance 98, 4<sup>th</sup> Series, adopted June 19, 2017, authorizes the sale of a parcel of real property described as: Lots 14-17, Block 15, Original Plat to the City of Pipestone, Minnesota.

#### Alley Vacation

Ordinance No. 90, 2<sup>nd</sup> Series, adopted May 20, 1985, provides for vacating an alley in Block 1 of Seaman's Addition.

Ordinance No. 102, 2<sup>nd</sup> Series, adopted August 10, 1987, provides for vacating an alley in Block 3 of Cutting's Addition.

Ordinance No. 123, 2<sup>nd</sup> Series, adopted June 13, 1988, provides for vacating an alley located adjacent to Lot 1, Block 7, Lots 1 and 10, Block 6 and Lot 9, Block 5, Westlawn Addition.

Ordinance No. 167, 2<sup>nd</sup> Series, adopted July 1, 1993, provides for vacating the alley located between Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, in Block 4 of Cutting's Addition to the City of Pipestone and that the City shall retain all underground and overhead utility easement rights in said alley.

Ordinance No. 176, 2<sup>nd</sup> Series, adopted November 21, 1994, provides for vacating an alley right-of-way in Block 11, Original Plat of Pipestone and the Western Land Subdivision.

Ordinance No. 75, 3<sup>rd</sup> Series, adopted May 3, 2004, provides for vacating the north-south alley right-of-way between and adjacent to Lots 3 and 4, Block 5, Sweets Addition to the City of Pipestone.

Ordinance No. 79, 3<sup>rd</sup> Series, adopted September 7, 2004, provides for vacating the north-south alley lying between Lots 7 – 12 and Lots 13 – 18, Block 2, Hubbard's Addition to the City of Pipestone.

Ordinance 20, 4<sup>th</sup> Series, adopted July 16, 2007, provides for vacating the North/South alley in Block 8, Sanford's Addition to the City of Pipestone, Minnesota.

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Ordinance 37, 4<sup>th</sup> Series, adopted August 18, 2008, provides for vacating the East/West Alley between Lots 1 and 4, Block 2, Sweet's Addition to the City of Pipestone, Minnesota.

Ordinance 46, 4<sup>th</sup> Series, adopted October 19, 2009, provides for vacating that part of the south half of Longfellow Street lying coincident with and northerly of Lots 1, 2 and 3 and the east half of the vacated alley in said Block 8, Original Plat to the City of Pipestone, Minnesota.

Ordinance 64, 4<sup>th</sup> Series, adopted April 2, 2012, provides for vacating a portion of the East Half of the North/South alley right-of-way described as follows:

Beginning at a point on the East alley right-of-way line 40.7 feet South of the 5/8 iron stake identified on the attached survey; then West 1.4 feet; thence South 32.4 feet; thence East 1.4 feet; thence North 32.4 feet to the point of beginning. The described property is located in the South 32.4 feet of the North 73.4 feet of the North/South alley of Lot 3, Block 5, Corbett's Addition to the City of Pipestone and adjacent to property having a street address of 512 3<sup>rd</sup> St SW, Pipestone, Minnesota.

Ordinance 68, 4<sup>th</sup> Series, adopted December 17, 2012, provides for vacating all that part of the East/West alley in Block 6, Original Plat to the City of Pipestone, County of Pipestone, Minnesota.

#### Street Vacation

Ordinance No. 103, 2<sup>nd</sup> Series, adopted August 24, 1987, provides for vacating Tenth Avenue Northwest between Main and Second Street Northwest.

Ordinance No. 120, 2<sup>nd</sup> Series, adopted May 2, 1988, provides for vacating all except the West sixty (60) feet of Third Avenue Southwest between Fourth Street Southwest and Fifth Street Southwest.

Ordinance No. 130, 2<sup>nd</sup> Series, adopted April 17, 1989, provides for vacating a small tract of public right-of-way measuring four (4) feet by one hundred (100) feet on the East side of Seventh Avenue Northeast directly adjacent to Lots 4, 5, 6, and 7 in Block 1 of Sanford's Addition to the City of Pipestone.

Ordinance No. 193, 2<sup>nd</sup> Series, adopted August 7, 1995, provides for vacating Sixth Street SE between Sixth Avenue SE and Seventh Avenue SE located between Block 3 and Blocks 5 and 6 of Ash Grove Addition.

Ordinance No. 22, 3<sup>rd</sup> Series, adopted July 6, 1998, provides for vacating that portion of 10<sup>th</sup> Ave SW lying South of West Main Street and North of Second St SW, Cutting's Addition, City of Pipestone, Minnesota.

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Ordinance No. 82, 3<sup>rd</sup> Series, adopted November 1, 2004, provides for vacating 6<sup>th</sup> Ave formerly known as George Street, between 2<sup>nd</sup> St NW formerly known as Centennial Street, North to the South Right-of-Way line of the Chicago, Milwaukee, St Paul and Pacific Railway, west of Lots 7 and 8, Steinke Addition.

Resolution 2004-48, adopted November 15, 2004, provides for vacating a portion of Fourth Street Southeast described as:

The North Sixteen (16) feet of the platted One Hundred Twelve (112) foot Fourth Street Right-of-Way abutting the South lot line of Lots 7, 8, 9, 10, 11 and 12 all in Block 13 and the South Sixteen (16) feet of the platted One Hundred Twelve (112) feet of the North line of Lots 1, 2, 3, 4, 5 and 6, all in Block 20 of Sanford's Addition to the City of Pipestone, Pipestone County, Minnesota.

Amended Resolution 2004-48, adopted March 21, 2005, provides for vacation of that portion of Fourth Street Southeast described as:

The North Sixteen (16) feet of the platted One Hundred Twelve (112) foot Fourth Street Right-of-Way abutting the South lot line of Lots 7, 8, 9, 10, 11 and 12 all in Block 13 and the South Sixteen (16) feet of the platted One Hundred Twelve (112) feet of the North line of Lots 1, 2, 3, 4, 5 and 6, all in Block 20 of Sanford's Addition to the City of Pipestone, Pipestone County, Minnesota.

Amended Ordinance No. 82, 3<sup>rd</sup> Series, adopted April 4, 2005, provides for vacating 6<sup>th</sup> Ave formerly known as George Street, between 2<sup>nd</sup> St NW formerly known as Centennial Street, North to the South Right-of-Way line of the Chicago, Milwaukee, St Paul and Pacific Railway, West of Lot 7 and 8, Steinke Addition and East of a tract of land in the SW Quarter (SW1/4) of the NW Quarter (NW1/4) of Section Twelve (12), Township 106 North, Range 46 West of the 5<sup>th</sup> Principal Meridian described as: Commencing at a point on the North line of 2<sup>nd</sup> St NW, City of Pipestone, Minnesota, (formerly Centennial Street), 476 1/2 feet West of the SW corner of Lot 7, Block 8, Original Plat to said City of Pipestone; running thence North parallel with 5<sup>th</sup> Ave (Formerly Emma Street) for 191 feet, more or less, to the South line of the Chicago, Milwaukee, St Paul and Pacific Railway Right-of-Way; thence East along said South Right-of-Way line for 80 feet; thence South and parallel with said 5<sup>th</sup> Ave NW for 193 feet, more or less, to the North line of said 2<sup>nd</sup> St NW; thence West along said North line for 80 feet, more or less, to the Point of Beginning, Pipestone County, Minnesota.

Resolution 2005-29, adopted September 5, 2006, provides for closing a portion of 3<sup>rd</sup> Avenue SE, Pipestone, Minnesota to close Grade Crossing USDOT No. 097914T Railroad Milepost 105.33, Line Segment 197, Marshall Subdivision, Twin Cities Division, 3<sup>rd</sup> Avenue, Pipestone, Minnesota.

Ordinance 42, 4<sup>th</sup> Series, adopted January 20, 2009, provides for closing all that part of Longfellow Street in the City of Pipestone lying between and adjacent to Blocks Four (4) and Eleven (11) of the Original Plat of the City of Pipestone and lying east of the East line of Second

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Avenue Northwest and west of the West line of Hiawatha Avenue North in the City of Pipestone and that the City shall retain all underground and overhead utility easement rights in said street.

Ordinance 46, 4<sup>th</sup> Series, adopted October 19, 2009, provides for closing that part of the south half of Longfellow Street lying coincident with and northerly of Lots 1, 2 and 3 and the east half of the vacated alley in said Block 8, Original Plat to the City of Pipestone and that the City shall retain all underground and overhead utility easement rights in said street. 100% of the vacated street, as described above, is granted to Zedakah Foundation.

Resolution 2009-32, adopted December 21, 2009, amends Amended Resolution 2004-28 and provides for vacation of a portion of Fourth Street SE in Sanford's Addition described as: The North Sixteen (16) feet of the platted One Hundred Twelve (112) foot Fourth Street Right-of-Way abutting the South lot line of Lots 7, 8, 9, 10, 11 and 12 all in Block 13 and the South Sixteen (16) feet of the platted One Hundred Twelve (112) foot Fourth Street Right-of-Way abutting the North lot line of Lots 1, 2, 3, 4, 5 and 6, all in Block 20 of Sanford's Addition to the City of Pipestone, Pipestone County, Minnesota.

Ordinance 57, 4<sup>th</sup> Series, adopted May 3, 2011, provides for vacating the South 466.72 feet of 11<sup>th</sup> Ave SW, Outlot A, Southwest Acres, First Addition to the City of Pipestone.

Ordinance 75, 4<sup>th</sup> Series, adopted March 17, 2014, provides for vacating the road right-of-way described as: that part of 2<sup>nd</sup> Avenue Northwest, formerly known as Frances Street and that part of 4<sup>th</sup> Street Northwest, formerly known as Pillsbury Street, dedicated in the Original Plat of Pipestone described as follows:

Beginning at the northwest corner of Lot 3, Block 5, Original Plat of Pipestone; thence North 00 degrees 03 minutes 19 seconds East 13.00 feet to a line drawn 13.00 feet north and parallel with the north line of said Block 5, Original Plat of Pipestone; thence North 89 degrees 55 minutes 26 seconds East 154.89 feet along said line to the intersection of a line drawn 6.00 feet east and parallel with the east line of Lot 1, Block 5, Original Plat of Pipestone; thence South 00 degrees 02 minutes 55 seconds East 162.62 feet along said line to a point on the extension of the south line of said Lot 1, Block 5, Original Plat of Pipestone; thence South 89 degrees 55 minutes 00 seconds West 6.00 feet to the southeast corner of said Lot 1, Block 5, Original Plat of Pipestone; thence North 00 degrees 02 minutes 55 seconds West 149.62 feet along the east line of said Lot 1, Block 5, Original Plat of Pipestone to the northeast corner of said Lot 1, Block 5, Original Plat of Pipestone; thence South 89 degrees 55 minutes 26 seconds West 148.91 feet along said north line of Block 5, Original Plat of Pipestone to the Point of Beginning.

Ordinance 81, 4<sup>th</sup> Series, adopted January 20, 2015, provides for vacating a portion of 4<sup>th</sup> Street SE also known as French Street described as follows:

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A tract of land in the Southwest Quarter of Section 7, Township 106 North, Range 45 West, in the City of Pipestone, Pipestone County, Minnesota described as follows:

Commencing at the southeast corner of Block 7, Taylors Addition to Pipestone City (now City of Pipestone) according to the recorded plat thereof on file and of record in the Office of the County Recorder; thence North 89 degrees 34 minutes 21 second East, along the easterly extension of the south line of said Block 7 (north line of 4<sup>th</sup> Street SE), a distance of 80.00 feet to the east line of 10<sup>th</sup> Avenue SE and the point of beginning; thence continuing North 89 degrees 34 minutes 21 seconds East, along the easterly extension of the south line of said Block 7, a distance of 165.00 feet; thence South 00 degrees 21 minutes 08 seconds East, a distance of 80.00 feet; thence South 89 degrees 34 minutes 21 seconds West, parallel with the south line of said Block 7, a distance of 165.00 feet to the east line of said 10<sup>th</sup> Avenue SE; thence North 00 degrees 21 minutes 08 seconds West, along the east line of said 10<sup>th</sup> Avenue SE, a distance of 80.00 feet to the point of beginning.

Ordinance 90, 4<sup>th</sup> Series, adopted May 16, 2016, provides for vacating Winnebago Road described as follows: All of Winnebago Road as surveyed and platted in Skyway Industrial Park First Addition to the City of Pipestone, according to the recorded plat thereof on file and of record in the Office of the County Recorder in Pipestone County, Minnesota which lies between Block 4 and Block 5 of said subdivision. The City reserves and maintains the drainage easement.

#### Right-of-Way Vacation

Ordinance No. 171, 2<sup>nd</sup> Series, adopted October 11, 1993, provides for vacating a 30-foot right-of-way listed as 10<sup>th</sup> Avenue SW between 5<sup>th</sup> Street SW and 7<sup>th</sup> Street SW.

Ordinance 13, 4<sup>th</sup> Series, adopted January 2, 2007, provides for vacating a portion of the 7<sup>th</sup> Avenue NE Road right-of-way described as follows:

Beginning at the Northwest Corner of Lot 4, Block 1 of said Sanford's Addition, said corner is on the south line of Lot 3 of said Block 1; thence westerly along said south line and its westerly extension a distance of 31.00 feet; thence southerly and parallel with the west line of said Block 1, a distance of 100 feet to the westerly extension of the south line of said Block 1; thence easterly along the extension of the south line of said Block 1; a distance of 31.00 feet to the Southwest Corner of Lot 7 or said Block 1; thence northerly along the west line of Lots 7, 6, 5 and 4 of said Block 1, a distance of 100.00 feet, to the point of beginning. Excepting therefrom that portion of 7<sup>th</sup> Avenue previously vacated on April 20, 1989.

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### Emergency Ordinance

Ordinance No. 98, 2<sup>nd</sup> Series, adopted April 22, 1987, declares an emergency to permit the immediate commencement of necessary construction activities to accommodate a new manufacturing facility for Bayliner Marine Corporation.

Ordinance No. 135, 2<sup>nd</sup> Series, adopted September 5, 1989, declares an emergency to permit the immediate commencement of necessary construction activities to accommodate a new manufacturing facility for Howard Beef Processors, Inc.

Ordinance No. 165, 2<sup>nd</sup> Series, adopted May 8, 1993 declares an emergency due to flooding conditions, and further, declares a flood disaster, and further, as a result of said declarations permitting and causing certain actions to take place.

Ordinance No. 15, 3<sup>rd</sup> Series, adopted January 5, 1998, provides for the administration of the City during the vacancy in the office of City Administrator and providing for a procedure for the filling of said vacancy.

Ordinance No. 59, 3<sup>rd</sup> Series, adopted August 5, 2002, provides for the administration of the City during the vacancy in the office of City Administrator.

### Charter Amendments

Ordinance No. 43, 2<sup>nd</sup> Series, adopted October 1, 1981, amended Section 7.16 of the City Charter relating to bank loans.

Ordinance No. 44, 2<sup>nd</sup> Series, adopted October 1, 1981, amended Chapter 5 of the City Charter relating to nominations and elections.

Ordinance No. 47, 2<sup>nd</sup> Series, adopted January 21, 1982, amended Section 2.05 of the City Charter relating to vacancies in office.

Ordinance No. 48, 2<sup>nd</sup> Series, adopted January 21, 1982, amended Section 12.05 of the City Charter relating to vacation or alteration of streets, alleys and public grounds.

Ordinance No. 49, 2<sup>nd</sup> Series, adopted January 21, 1982, amended Section 7.17 of the City Charter relating to Capital Improvement Programs.

Ordinance No. 75, 2<sup>nd</sup> Series, adopted May 3, 1984, amended Section 5.01, 5.03, 5.50, 12.10 and 2.02 of the City Charter relating to elections and elective offices.

Ordinance No. 87, 3<sup>rd</sup> Series, adopted May 16, 2005, amending the City Charter pursuant to Minnesota Statute 410.12.

Ordinance 51, 4<sup>th</sup> Series, adopted June 21, 2010, amending Section 5.05 of the City Charter relating to elections.

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Ordinance 67, 4<sup>th</sup> Series, adopted September 17, 2012, amending the City Charter pursuant to Minnesota Statute 410.12.

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Annexation

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
1.03	04-02-45	Part of W-1/2 of 18-106-45.
1.03	09-02-52	Part of NW-1/4 of 12-106-46.
1.08	08-06-58	Tract lying East of the Pipestone Indian School Reserve, West of the Chicago, Rock Island, and Pacific right-of-way, and containing 254.99 acres.
1.14	07-05-60	Part of NE-1/4 of 13-106-46.
1.15	08-17-60	Part of NE-1/4 of 13-106-46.
1.16	09-06-60	Part of NE-1/4 of NE-1/5 of 11-106-46.
1.167	10-18-60	Part of SE-1/4 of 2-106-43, (Authier property).
1.18	01-03-61	Tract in NE-1/4 of 13-106-46.
1.19	11-15-61	Tract abutting Eighth Avenue Northeast and Chicago, Milwaukee, St. Paul and Pacific Railroad Company main track.
1.20	05-02-62	Part of Lots H and G of Stuart's Subdivision of N-1/2 of SW-1/4 of 13-106-46.
1.21	05-01-63	Part of SW-1/4 of NW-1/4 of 12-106-46.
1.22	10-02-63	Tract in SE-1/4 of 11-106-46 (Boyd property).
1.23	09-16-64	Three (3) tracts in Lot H and one (1) tract in Lot G, Stuart's Subdivision of N-1/2 of SW-3/4 of 13-106-46.
1.24	10-06-65	Tract in W-1/2 of NW-1/4 of 7-106-45.
1.25	10-06-65	Part of W-1/2 of NW-1/4 of 7-106-45.
1.26	04-20-66	Tract in SW-1/2 of NW-1/4 of 12-106-46.
1.27	04-20-66	Part of SW-1/4 of NW-1/4 of 12-106-46.

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Annexation (Continued)

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
1.28	10-19-66	Part of North 550 feet of Lot G and North 550 feet of Lot H, Stuart's Subdivision of the N-1/2 of SW-1/4 of 13-106-46.
1.29	10-19-66	West 10 feet of West 227.4 feet of North 183 feet of Lot H in Stuart's Subdivision of N-1/2 of SW-1/4 of 13-106-46.
1.30	10-19-66	East 20 feet of West 182.6 feet of North 183 feet of Lot G, Stuart's Subdivision of N-1/2 of SW-1/4 of 13-106-46.
1.31	10-19-66	North 550 feet of Lot F and North 550 feet of West 197.75 feet of Lot E, Stuart's Subdivision of N-1/2 of SW-1/4 of 13-106-46.
1.33	11-05-68	South 416 feet of West 547.8 feet of NE-1/4 of 18-106-45.
1.34	05-01-69	Tract in 18-106-45.
1.35	07-17-69	Tract in 18-106-45.
1.36	08-07-69	Tract in 12-106-46.
1.37	03-19-70	Tract in Northwest corner of 18-106-45.
1.38	03-27-72	Tract in NE-1/4 of 14-106-46.
1.39	04-05-73	A tract in the SE-1/4 of 11-106-46.
1.41	07-01-74	All that part of the W-1/2 of SE-1/4 of 18-106-45 lying West of the East line of Highway 75.
1.42	11-10-75	A tract in 12-106-46.
1.43	11-10-75	Part of NE-1/4 of 18-106-45.
1.44	11-27-75	Tract in NE-1/4 of 18-106-45.

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Annexation (Continued)

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
<u>SECOND SERIES</u>		
2	09-29-78	A tract in NE-1/4 of 13-106-46.
3	10-27-78	A tract in NW-1/4 of 7-106-45.
11	08-10-78	Part of E-1/2 of NE-1/4, 14-106-46.
12	08-10-78	(Amends Ordinance No. 1.42.)
13	08-24-79	Part of NE-1/4, 13-106-46, and parts of Lot I and Lot E, Stuart's Subdivision.
14	08-10-79	A tract in S-1/2, 7-106-45.
42	09-17-81	Commencing at the Northwest corner of said Section 19; thence South 89 degrees 43 minutes 31 seconds East, assumed bearing, along the North line of said section, a distance of 1158.82 feet to the Point of Beginning of this description; thence continue South 89 degrees 43 minutes 31 seconds East, along said section line, a distance of 1503.80 feet, thence South 04 degrees 20 minutes 45 seconds West, a distance of 2654.84 feet to the East-West quarter line of said section; thence North 89 degrees 41 minutes, 26 seconds West, along said quarter line, a distance of 1503.73 feet; thence North 04 degrees 20 minutes 45 seconds East a distance of 2653.91 feet to the Point of Beginning.
61	02-17-83	Amending Ordinance 1.37; A tract of land described by metes and bounds as follows: Commencing 80 rods East of the Northwest corner of W-1/2 of NW-1/4, 18-106-45, thence running East 198 feet, thence South 631.3 feet; thence West 198 feet, thence North 631.3 feet to the Point of Beginning, containing 2.86 acres; now owned by the Southwestern Minnesota Cooperative Electric, and being contiguous to and abutting on the corporate limits of said City, is hereby declared to be a part of the City of Pipestone.

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Annexation (Continued)

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
62	03-10-83	Amending Ordinance No. 42, 2 <sup>nd</sup> Series: That part of 19-106N-45W of the 5 <sup>th</sup> P.M., Pipestone County, Minnesota, more particularly described as follows: commencing at the Northwest corner of said Section 19; thence South 89 degrees 43 minutes 31 seconds East, assumed bearing, along the North line of said section, a distance of 1158.82 feet to the Point of Beginning of this description; thence continue 89 degrees 43 minutes 31 seconds East, along said section line, a distance of 1503.80 feet; thence South 04 degrees 20 minutes 45 seconds West, a distance of 2654.84 feet to the East-West quarter line of said section; thence North 89 degrees 41 minutes 26 seconds West, along said quarter line, a distance of 1503.73 feet; thence North 04 degrees 20 minutes 45 seconds East a distance of 2653.91 feet to the Point of Beginning.
106	09-14-87	A tract of land located in the NW-1/4 of 7-106N-45W of the 5 <sup>th</sup> P.M., Pipestone County, Minnesota described as follows: Commencing at a point on the North right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway that is 100 feet East of the West line of said Section 7, thence running North and parallel to said West Section line to the South right-of-way line of State trunk Highway No. 23; thence running Northeasterly along said South right-of-way line for a distance of 676 feet to the Point of Beginning; thence Southerly for a distance of 484 feet to a point on the centerline of Judicial Ditch No. 1 which is 31 feet Northeasterly (measured by extending said West boundary line) of a point on the North right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway which is 592 feet East of the West line of said Section 7; thence running Southeasterly along the centerline of said Judicial Ditch No. 1 for a distance of 334 feet; thence running Northwesterly to a point on the South right-of-way line of said State Trunk Highway No. 23 which is 330 feet Northeast of the point of beginning; thence running Southwesterly along the South right-of-way line of said State Trunk Highway No. 23 a distance of 330 feet to the Point of Beginning.

**(09-15-2005)**

Annexation (Continued)

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
124	06-09-88	Commencing at the Northwest corner of said Section 7; thence South (assumed bearing) along the West line of said Section 7 a distance of 2046.37 feet to the centerline intersection of Trunk Highway No. 23 and the actual Point of Beginning of the tract of land to be herein described: Thence North 56 degrees 47 feet 20 inches East along the centerline of Trunk Highway No. 23 a distance of 262.00 feet to the centerline of Pipestone Judicial Ditch No. 1; thence Southeasterly along the centerline of Pipestone Judicial Ditch No. 1 to the intersection of the South right-of-way of Trunk Highway No. 23; thence South 56 degrees 47 feet 20 inches West along said right-of-way line of Trunk Highway No. 23 a distance of 191.6 feet more or less; thence South parallel to said West line of Section 7 a distance of 75.35 feet to the intersection of the North right-of-way line of the Chicago, St. Paul, Milwaukee and Omaha Railroad; thence North 83 degrees 1 foot 45 inches West to the intersection of the Easterly line of Eighth Avenue Northeast; thence South along the Easterly line of Eighth Avenue Northeast to the intersection of the South right-of-way line of the Chicago, Rock Island, and Pacific Railroad; thence Southeasterly along said South right-of-way line of the Chicago, Rock Island and Pacific Railroad to the intersection of the South right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence Northwesterly along said South right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad to the intersection of the West line of Section 7; thence North along said West line of Section 7 to the Point of Beginning.
127	10-27-88	A tract of land in the SW-1/4 of 7-106-45 described as follows: commencing at a point on the North line of present Trunk Highway No. 47, 876.6 feet East of the intersection of the said North highway line with the East right-of-way line of the Chicago, Rock Island and Pacific Railway; thence due North 200 feet; thence East and parallel with said North highway line 217.8 feet; thence South 200 feet to North line of said Highway No. 47; thence West along said North line 217.8 feet to Point of Beginning, containing one (1) acre, more or less

AND

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Annexation (Continued)

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
		<p>A tract of land in SW-1/4 of 7-106-45W, described as follows: Commencing at a point on the North line of present Trunk Highway No. 47, 1094.4 feet East of the intersection of the said North highway line with the East right-of-way line of the Chicago, Rock Island and Pacific Railway; thence due North 200 feet; thence East and parallel with said North highway line 217.8 feet; thence South 200 feet to North line of said Highway No. 47; thence West along said North line 217.8 feet to Point of Beginning, containing one (1) acre, more or less, in the County of Pipestone, State of Minnesota.</p>
		<p>AND</p>
		<p>A tract of land in the SW-1/4 of 7-106-45 West of the 5<sup>th</sup> P.M. described as follows: Beginning at the intersection of the East line of the Chicago, Rock Island and Pacific Railway right-of-way with the North line of Trunk Highway No. 47 (now No. 30) as now laid out and constructed; thence East along the North line of said Highway No. 30 a distance of 1,312.2 feet; thence North 100 feet; thence East and parallel with the North line of said Highway No. 30 for 60 feet; thence South 100 feet to the North line of said Highway No. 30; thence West 60 feet to the Point of Beginning.</p>
		<p>AND</p>
		<p>A tract of land in the S-1/2 of 7-106N-45W, described as follows: Beginning at the intersection of the East line of the Chicago, Rock Island and Pacific Railway (now Burlington Northern) with the North line of Trunk Highway No. 30 as now laid out and constructed; thence East along the North line of said Highway No. 30 a distance of 1,372.2 feet; thence North 100 feet; thence West 60 feet; thence North 100 feet; thence East 235 feet; thence South 200 feet to the North line of said Highway No. 30, thence West along said North line 175 feet to the place of beginning, containing 0.95 acres, more or less, and subject to easements and restrictions of record.</p>
		<p>AND</p>
		<p>A tract of land in the SE-1/4 of the SW-1/4 of 7-106N-45W of the 5<sup>th</sup> P.M., described as follows:</p>

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Annexation (Continued)

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
		Beginning at a point on the North right-of-way of Trunk Highway No. 30, 810.6 feet East of the East right-of-way line of the Chicago, Rock Island and Pacific Railway (now Burlington Northern Railway); thence North perpendicular to said North right-of-way line of Trunk Highway No. 30 for 200 feet; thence East and parallel to said North right-of-way line for 66 feet; thence South 200 feet to said North right-of-way line; thence West along said North right-of-way line 66 feet to the Point of Beginning, containing 0.30 of an acre, more or less.
146	12-06-90	A tract of land located in the NW-1/4 of 7-106N-45W of the 5 <sup>th</sup> P.M., Pipestone County, Minnesota described as follows: Commencing at a point on the North right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway that is 100 feet East of the West line of said Section 7, thence running North and parallel to said West Section line to the South right-of-way line of State Trunk Highway No. 23; thence running Northeasterly along said South right-of-way line for a distance of 676 feet to the point of beginning; thence Southerly for a distance of 484 feet to a point on the centerline of Judicial Ditch No. 1 which is 31 feet Northeasterly (measure by extending said West boundary line) of a point on the North right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway which is 592 feet East of the West line of said Section 7; thence running Southeasterly along the centerline of said Judicial Ditch No. 1 for a distance of 334 feet; thence running Northerly to a point on the South right-of-way line of said State Trunk Highway No. 23 which is 330 feet Northeast of the point of beginning; thence running Southwesterly along the South right-of-way line of said State Trunk Highway No. 23 a distance of 330 feet to the point of beginning.

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Annexation (con't)

Ordinance    Effective  
Number        Date

Brief Description

**THIRD SERIES**

16            05-18-98    Commencing at the northeast corner of that certain parcel of land deeded to John A. Meyer and Arlaine L. Meyer by warranty deed filed for record on September 17, 1987 and recorded in Book 271 of Deeds at page 320 in the office of the Pipestone County Recorder; thence southerly on the easterly line of said parcel, fifty (50) feet to the southwest corner of that certain parcel of land deeded to the First Christian Reformed Church of Pipestone by warranty deed filed for record on May 8, 1980 and recorded in Book 238 at page 336 in the office of the Pipestone County Recorder, also being the point of beginning; thence continuing southerly along said easterly line to its point of intersection with the westward projection of the southerly line of BROWN'S SECOND ADDITION TO THE CITY OF PIPESTONE, MINNESOTA as surveyed, platted and recorded; thence easterly on said projected southerly line of said BROWN'S SECOND ADDITION to its intersection with the westerly right-of-way line of 2<sup>nd</sup> Avenue SE in BROWN'S FIRST ADDITION TO THE CITY OF PIPESTONE, MINNESOTA as projected southward; thence northerly on said projected westerly line to the southeast corner of that certain parcel of land deeded to the First Christian Reformed Church and described above; thence westerly on the southerly line of said parcel to the point of beginning.

The above described tract was platted as Outlot 2 of Brown's Third Addition to the City of Pipestone, County of Pipestone, State of Minnesota in that certain Plat recorded on October 16, 1997 in Plat File Envelope No. 43-A as Document #175764 in the office of the Pipestone County, Minnesota Recorder.

21            06-15-98    Beginning at the original Southwest corner of BROWN'S FIRST ADDITION TO THE CITY OF PIPESTONE, MINNESOTA, according to the recorded plat thereof, also being a point on the westerly line of Second Ave SE; thence southerly on said westerly line as projected southward, a distance of 435.21 feet to the point of beginning; thence North 88 degrees 37 minutes 34 seconds West 505.68 feet to a point; thence South 200 feet to a point; thence South 88 degrees 37 minutes 34 seconds East a distance of 505.68 feet to a point on the Westerly line of Second Ave SE as projected southward; thence North along said westerly line as projected a distance of 200 feet to the point of beginning.

**(09-15-2005)**

Annexation (con't)

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
43	11-20-00	Commencing at the intersection of the north line of Trunk Highway 30 and the east right-of-way line of Chicago Rock Island and Pacifica Railway; thence northwesterly along the east right-of-way line 221.2 feet to the point of beginning; thence northwesterly along said east right-of-way line 1920.88 feet; thence southeasterly 399.14 feet to the west right-of-way line of Chicago, Milwaukee and St Paul Railway; thence southeasterly 2034.37 feet; thence southwesterly 390 feet; thence west 480 feet; thence south 200 feet; thence west 469.50 feet to the point of beginning less the north 4.25 acres; all in the south 1/2 of Section Seven (7), Township One Hundred Six (106) North, Range Forty-Five (45) West of 5 <sup>th</sup> P.M., Pipestone County, Minnesota.
44	04-02-01	Commencing at the intersection of the north line of Trunk Highway 30 and the west right-of-way line of the Chicago, Rock Island and Pacific Railway; thence northwesterly along the west right-of-way line 221.2 feet to the point of beginning; thence northwesterly along said west right-of-way line 1920.88 feet; thence southeasterly 100 feet to the east right-of-way line of the Chicago, Rock Island and Pacific Railway; thence southeasterly along the said east right-of-way line 1920.88 feet; thence southwesterly 100 feet to the point of beginning, all in the South 1/2 of Section Seven (7), Township One Hundred Six (106), Range Forty-Five (45) West of the 5 <sup>th</sup> P.M., Pipestone County, Minnesota.
45	04-02-01	Beginning at the northeast corner of Outlot Two (2), Brown's Third Addition to the City of Pipestone, Minnesota; thence north along the west line of 2 <sup>nd</sup> Ave SE a distance of 50 feet; thence west 505.99 feet to the point of beginning; and  Beginning at the southwest corner of Outlot One (1), Brown's Third Addition to the City of Pipestone, Minnesota; thence south along the east line of 2 <sup>nd</sup> Ave SE a distance 200 feet to a point; thence west 70 feet to a point on the west line of 2 <sup>nd</sup> Ave SE; thence north 200 feet to the southeast corner of Outlot Two (2); thence east 708 feet to the point of beginning.
9, 3 <sup>rd</sup> Series	06-19-06	A parcel of land located in the Northeast Quarter (NE1/4) of Section Thirteen (13), Township One Hundred Six (106) North, Range Forty-Six (46) West of the Fifth P.M., described as follows:

**(09-15-2005)**

Annexation (con't)

<u>Ordinance Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
		Commencing at the north quarter corner of said section, thence South, assumed bearing, along the north-south quarter line of said section, a distance of 1452.17 feet; thence South 89 degrees 01 minutes 50 seconds East a distance of 33.0 feet to the point of beginning of this description, which point is also the southwest corner of a tract of land described in that certain warranty deed to First Christian Reformed Church of Pipestone, also known as Christian Reformed church, Pipestone, Minnesota, filed for record in the Office of the Pipestone County Recorder on March 1, 1978, in Book 226 of Deeds on Page 305, thence from the point of beginning South 300 feet to a point; thence East 188 feet to a point; thence North 300 feet to a point on the south line of the tract of land described in the aforementioned deed; thence West along the south line of the tract of land described in the aforementioned deed 188 feet to the point of beginning.

<u>Resolution Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
2000-20	01-15-00	Commencing at the southwest corner of Section 11; thence south 89 degrees 59 minutes 18 seconds east along the south line of the southwest quarter of said section a distance of 1711.50 feet to the point of beginning; thence north 00 degrees 53 minutes 48 seconds east a distance of 1803.57 feet to an iron stake; thence north 01 degrees 21 minutes 55 seconds west a distance of 150.02 feet to an iron stake; thence north 80 degrees 50 minutes 16 seconds east a distance of 20.77 feet to an iron stake; thence north 10 degrees 00 minutes 26 seconds east a distance of 606.73 feet to an iron stake; thence south 88 degrees 19 minutes 38 seconds east a distance of 490.64 feet to an iron stake; thence north 00 degrees 07 minutes 09 seconds west a distance of 51.90 feet to an iron stake; thence south 89 degrees 01 minutes 25 seconds east a distance of 300.12 feet to an iron stake on the east line of the west half of said section; thence south 00 degrees 07 minutes 09 seconds east along said east line a distance of 2586.81 feet to the south quarter corner of said section; thence north 89 degrees 59 minutes 18 seconds west along the south line of said southwest quarter a distance of 695.30 feet; thence north 00 degrees 00 minutes 00 seconds east a distance of 326.80 feet to an iron stake; thence north 89 degrees 45 minutes 33 seconds west a distance of 200.00 feet to an iron stake; thence south 00 degrees 00 minutes 00 seconds west a distance of 327.60 feet to the south line of said southwest quarter; thence north 89 degrees 59 minutes 18 seconds west along the south line of said quarter a distance of 52.00 feet to said point of beginning.

**(09-15-2005)**

Annexation (con't)

<u>Resolution Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
2002-13	06-03-02	The North 373.62 feet of Lot 1 of Stuart's Subdivision of the North half of the Southwest Quarter (N 1/2 of SW 1/4) of Section Thirteen (13), Township One Hundred Six (106) North, Range Forty-Six (46) West of the 5 <sup>th</sup> P.M., Pipestone County, Minnesota.
2003-9	07-21-03	Commencing at a point 1033 west of the southeast corner of the Southeast Quarter (SE 1/4) of Section Eleven (11), Township One Hundred Six (106), Range Forty-Six (46) West of the 5 <sup>th</sup> P.M. , Pipestone County, Minnesota, (Sweet Township); thence west 1002 feet; thence north 909.21 feet; thence east 1002 feet; thence south 909.21 feet to the point of beginning excepting therefrom a tract of land described as: commencing at a point 1033 feet west of the southeast corner of Section Eleven (11), Township One Hundred Six (106) West, Range Forty-Six (46) West of the 5 <sup>th</sup> P.M. Pipestone County, Minnesota; thence 450 feet to the point of beginning; thence north 150 feet; thence east 262 feet; thence south 150 feet to the point of beginning.
2004-23	06-21-04	The West Two (2) acres of the Northwest Quarter (NW 1/4) of Section Twenty (20), Township One Hundred Six (106) North, Range Forty-Five (45) West of the Fifth P.M., and all that part of the Northeast Quarter (NE 1/4) of Section Nineteen (19), Township One Hundred Six (106) North, Range Forty-Five (45) West of the Fifth P.M., lying east of the east right-of-way line of Highway No. 75, LESS the former railway right-of-way, but including all that portion of the former railway right-of-way described as all that portion of Burlington Northern Railroad Company's (formerly Great Northern Railway Company) 100.0 foot wide Branch Line right-of-way, now discontinued, being 50.0 feet wide on each side of said Railway Company's Main Track centerline, as originally located and constructed upon, over and across the E1/2NE1/4 and the NE1/4NW1/4NE1/4 of Section 19, Township 106 North, Range 45 West, 5 <sup>th</sup> Principal Meridian, Pipestone County, Minnesota; bounded between the North lines of said E1/2NE1/4 and said NE1/4NW1/4NE1/4 and a line drawn parallel with the South line of said E1/2NE1/4 distant 657.0 feet Northwesterly of the South line of said E1/2NE1/4, as measured along said Main Track Centerline, all in the County of Pipestone, State of Minnesota, EXCEPT the following described tract of land:

**(09-15-2005)**

Annexation (con't)

<u>Resolution Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
		Commencing at a point 33 feet east of the Southeast corner of the Northeast Quarter (NE1/4) of Section Nineteen (19), Township One Hundred Six (106) North, Range Forty-Five (45) West of the Fifth P.M., running thence north 582 feet, thence west 299 feet, more or less, to the east right-of-way line of the former railway right-of-way; thence southeasterly along said east right-of-way line for 657 feet, more or less, to the south line of the Northwest Quarter (NW1/4) of Section Twenty (20), Township One Hundred Six (106) North, Range Forty-Five (45) West of the Fifth P.M., thence east along said south line for 13 feet, more or less, to the point of beginning. Said tract containing two (2) acres, more or less, and being in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Nineteen (19), Township One Hundred Six (106) North, Range Forty-Five (45) West of the Fifth P.M., and the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty (20), Township One Hundred Six (106) North, Range Forty-Five (45) West of the Fifth P.M.
Ordinance 9, Fourth Series	06-22-06	A parcel of land located in the Northeast Quarter (NE1/4) of Section Thirteen (13), Township One Hundred Six (106) North, Range Forty-Six (46) West of the Fifth P.M., described as follows, to wit: Commencing at the north quarter corner of said section; thence South, assumed bearing, along the north-south quarter line of said section, a distance of 1452.17 feet; thence South 89 degrees 01 minutes 50 seconds East a distance of 33.0 feet to the point of beginning of this description, which point is also the southwest corner of a tract of land described in that certain warranty deed to First Christian Reformed Church of Pipestone, also known as Christian Reformed Church, Pipestone, Minnesota, filed for record in the Office of the Pipestone County Recorder on March 1, 1978, in Book 226 of Deeds on Page 305, thence from the point of beginning South 300 feet to a point; thence East 188 feet to a point; thence North 300 feet to a point on the south line of the tract of land described in the aforementioned deed; thence West along the south line of the tract of land described in the aforementioned deed 188 feet to the point of beginning.

**(09-15-2005)**

Annexations (Con't)

<u>Resolution Number</u>	<u>Effective Date</u>	<u>Brief Description</u>
Ordinance 47, Fourth Series	11-05-09	The South 221.2 feet of a tract of land situated in Government Lot 4 being portions of the former Chicago, Rock Island and Pacific Railway Company's 100.00 feet wide right-of-way which is bordered on the north by the north line of Bailey Street and bordered on the south by the north line of Trunk Highway 30; all in Section (7), Township (106), Range (45) West of the 5 <sup>th</sup> PM, Pipestone County, Minnesota.

**(09-15-2005)**

Zoning Map Amendments

<u>Ordinance Number</u>	<u>Effective Date</u>
<u>SECOND SERIES</u>	
7	04-27-79
10	07-20-79
18	01-26-80
35	07-03-81
37	06-12-81
50	05-06-82
82	11-15-84
100	07-23-87
105	09-17-87
121	06-16-88
126	10-03-88
138	04-09-90
142	07-19-90
162	03-13-92
164	05-21-93
191	07-13-95
194	12-08-95

**(09-15-2005**