FOREWORD

This book contains a codification of the ordinances of the City of Plymouth, Minnesota, pursuant to authority granted the Council by Minnesota Statutes and the Charter for the City of Plymouth. It is known and should be cited as the "City Code".

The ordinances of the City were previously codified in 1969 and rearranged in 1979. Over the years, as the number of ordinances increased with the growth of the City and with the adoption of a City Charter, the City Council wisely determined that a complete and detailed recodification was essential in order to keep the City Code up-to-date as to the current law. In this codification some of the original ordinances have been supplemented by essential legislative enactments. Most ordinances retain their same number.

This codification, arrangement and format seeks to facilitate keeping the City Code up-to-date and the amending procedure less cumbersome and expensive. The City Code is organized to accomplish: (1) elimination of repetition and non-essentials; (2) easy revision and ease of incorporation of new ordinances; (3) comprehensiveness; and, (4) ease of locating a particular subject or provision.

The reader will find a Table of Contents outlining the full text of the City Code. This Table is designed to make local law more accessible to laypersons.

CODIFIER:
Best & Flanagan
1993

Questions regarding this City Code should be directed to the City Clerk or City Attorney.

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TABLE OF CONTENTS
PLYMOUTH CITY CODE

CHAPTER I. GENERAL PROVISIONS.

Section 100 - Title; Citation; Statutory References.
Section 105 - Definition of Terms; Interpretation; Conflicts.
Section 110 - Ordinance Records and Codification.

CHAPTER II. CITY COUNCIL.

Section 200 - City Council; Rules of Procedure.
Section 205 - Council Salaries.
Section 210 - City Elections.
Section 215 - Council Training and Conference Expenditures.

CHAPTER III. ADMINISTRATION OF CITY GOVERNMENT.

Section 300 - Administrative Code; City Manager; Personnel.
Section 305 - Administrative Code; Boards, Commissions, and Committees.
Section 310 - Administrative Code; Departments.
Section 315 - Disposition of Unclaimed Property.
Section 320 - Blank.
Section 321 - Community Improvement Fund.
Section 325 - Tax Levies.
Section 330 - Special Assessments.

CHAPTER IV. BUILDING, HOUSING AND CONSTRUCTION REGULATIONS.

Section 400 - Building Code.
Section 405 - Property Maintenance.
Section 410 – Rental Licensing.
Section 415 - Moving Buildings.
Section 420 - Blank.
Section 425 - Grading and Erosion Control Plan.
Section 435 – Hospitality Accommodations.

CHAPTER V. SUBDIVISION REGULATIONS.

Section 500 - Title and Application.
Section 502 - Rules and Definitions.
Section 504 - Enforcement and Penalties.
Section 506 - Subdivision Approval Required.
Section 508 - Premature Subdivision Prohibited.
CHAPTER VI. PUBLIC HEALTH.

Section 600 - Garbage and Rubbish Disposal.
Section 605 - Blank.
Section 610 - Blank.
Section 615 - Blank.

CHAPTER VII. PUBLIC UTILITIES.

Section 700 - Franchises.
Section 705 - Regulation of Public and Private Sewers and Drains.
Section 710 - Regulation of Individual Sewage Treatment Systems.
Section 715 - Sanitary Sewer System.
Section 720 - City Water System.
Section 725 - Storm Drainage Systems.
Section 730 - Street Lighting.
Section 735 - Placement and Replacement of Underground and/or Overhead Utility Facilities.
Section 740 - Prohibiting Discharges into the Sanitary Sewer System.

CHAPTER VIII. STREETS, ALLEYS, AND PUBLIC GROUNDS.

Section 800 - Right-of-Way Management.
Section 803 - Small Wireless Facilities in the Public Right-of-Way.
Section 805 - Parks; Regulations.
Section 807 – Vegetation Management.
Section 810 - Assessable Current Services.
Section 811 - Natural Preserves.
Section 815 - Blank.
Section 820 - Sidewalk Maintenance.

CHAPTER IX. PUBLIC SAFETY.

Section 905 - Fire Prevention Code.
Section 910 - Swimming Pools.
Section 915 - Animal Control.
Section 920 - Drug Abuse and Control.
Section 925 - Curfew.
Section 930 - Use of Firearms.
Section 935 - Civil Disorder.
Section 940 - Open Burning.
Section 945 - Child Endangerment.
Section 950 - Solicitation of Underage Persons to Enter a Motor Vehicle.
Section 955 - Graffiti Control.
Section 960 – Public Peace and Safety.
Section 965 – Dangerous Weapons and Facsimile Firearms.

CHAPTER X. LICENSES AND PERMITS; PROCEDURES AND FEES.

Section 1000 - General Provisions.
Section 1005 - Licensing Procedures.
Section 1010 - License Fees.
Section 1015 - Permit Procedures and Fees.
Section 1016 – Park Facilities Fees.
Section 1017 – Providing Information to the Public and Other Miscellaneous Fees.
Section 1018 – Police and Fire Fees.
Section 1019 – Background Checks.

CHAPTER XI. BUSINESS AND TRADE REGULATIONS.

Section 1100 - Amusements.
Section 1105 - Lawful Gambling.
Section 1110 - Fireworks.
Section 1115 - Blank.
Section 1120 - Motor/Bicycle/Motor Scooter Rentals.
Section 1125 - Blank.
Section 1130 - Blank.
Section 1135 - Therapeutic Massage.
Section 1140 - Solicitors and Peddlers.
Section 1145 - Taxicabs.
Section 1150 - Tobacco and Related Products.
Section 1155 - Alarm Systems.
Section 1160 - Pawnbrokers.
Section 1165 - Trains.
Section 1170 - Blank.
Section 1175 - Sexually Oriented Businesses.
Section 1180 - Guest Registration at Hotels.
Section 1190. - Sexual Predator Residency Restrictions.
CHAPTER XII. ALCOHOLIC BEVERAGES.
Section 1201 - State Law Adopted/Definitions/Retail Licenses and Regulations/Social Hosts.

CHAPTER XIII. TRAFFIC, MOTOR VEHICLES, AND OTHER VEHICLES.
Section 1300 - Highway Traffic Regulations.
Section 1305 - Streets; Traffic.
Section 1310 - Parking Regulations.
Section 1315 - Sale of Unclaimed Motor Vehicles.
Section 1320 - Driver's Licenses and Registration of Motor Vehicles.
Section 1325 - Snowmobile Regulations.
Section 1330 - Recreational Vehicles.
Section 1335 - Watercraft; Lakes and Waters.

CHAPTER XIV. MUNICIPAL CEMETERY.
Section 1400 - Maintenance and Use of Parkers Lake Cemetery.

CHAPTERS XV TO XVIII. (Blank; Reserved for Future Use)

CHAPTER XIX. (Blank).

CHAPTER XX. PENALTIES.
Section 2000 - General Provisions.
Section 2005 - Misdemeanors; Special Provisions.
Section 2010 - Nuisances; General.
Section 2015 - Conduct in or near School Buildings or Grounds.
Section 2020 - Nuisances; Shade Tree Disease Control.
Section 2025 - Noise.

APPENDICES:

APPENDIX I (Section 21) - Plymouth Zoning Ordinance.

APPENDIX II (Section 22) - Enacting Documents for Amended 1993 Code of Ordinances:
   (a) Adopting Ordinance.
   (b) Affidavit of Publication.
   (c) Clerk's Notice of Publication and Affidavit.

APPENDIX III (Section 23) - Policy Manual.

APPENDIX IV (Section 24) - Disposition Tables.

APPENDIX V (Section 25) - Disposition of Ordinances Passed Since 1993 Code.
APPENDIX VI (Section 26) - City Charter.
INDEX

Abandoned Cars/Unclaimed Motor Vehicles................................. 315; 1315
Administrative Services Director............................................. 300.03
Alcoholic Beverages.................................................................. 1201
Amendments and New Ordinances; Form of................................. 110.03
Amusements.............................................................................. 1100.03
Animal Control......................................................................... 915
Application for Permit................................................................ 1015.03
Application for Subdivision of Land........................................... 506.01
Approval or Denial of Licenses.................................................. 1005.09
Approval of New Construction, Repair, Remodeling or
Alteration of Swimming Pools.................................................... 910.07
Approval Required for Admission in Sewers
of Harmful or Objectionable Materials.................................. 705.31
Approval for Street Excavation by City Engineer...................... 800.05
Approved Connections; Types; When Used................................ 705.27
Artificial Lifting Required in Certain Buildings......................... 705.21
Assault..................................................................................... 2005.27, Subd. 4
Assembly, Unlawful.................................................................... 2005.27, Subd. 18
Assembly, Unlawful, on Private Property.................................. 2005.01
Assembly, Unlawful (Presence at)............................................. 2005.27, Subd. 19
Assessable Current Services..................................................... 810
Assessment for Removal of Noxious Weeds by City................. 810
Assessments; Certification As to............................................... 705.43
Assessments, Graffiti................................................................. 955.08
Assessments; Property............................................................... 720.13
Attendance at Council Meetings............................................... 200.21
ATVs............................................................................................ 1305.17
Bicycle Lanes............................................................................ 1305.15
Bingo......................................................................................... 1105.05, Subd. 2
Boards and Commissions.......................................................... 305
Board of Adjustments and Appeals.......................................... 305.07
Bomb Threats........................................................................... 935.03
Bonds (Surety); Required:
  Excavation Work................................................................. 800.09
  Garbage and Rubbish Disposal.............................................. 600.09, Subd. 4
  Licensing Procedures (Bond and Insurance)......................... 1005.07
  Moving Buildings............................................................... 415.05
  Sewage Disposal Systems, Temporary................................. 710.11, Subd. 6
  Sewers.................................................................................... 715.13, Subd. 2
  Towaway of Vehicles; Contractors....................................... 1310.11, Subd. 3
Bow Fishing.............................................................................. 930.05
Building Code.......................................................................... 400
Building Inspector................................................................. 400.03
Building Permits................................................................. 400.15
Buildings, Moving................................................................. 415
Business and Trade Regulations..........................……  ........... 1100
  Lawful Gambling..................................…………  .... 1105.03
  Massage Therapy........................................ 1135
  Motor Bike Rentals................................……. ......... 1120
  Solicitors, Peddlers and Transient Merchants............ 1140
  Taxicabs................................................... 1145
  Tobacco and Related Products........................ 1150

Cemeteries:
  See Municipal Cemetery...........................……. ....... 1400

Checks, Return Fee…………………………………… .......... 1015.21
  Worthless - See Provisions of Criminal Code............ 2005.27, Subd. 11

Child Endangerment.......................................... 945

Cigarette Sales:
  See Tobacco and Related Products..................... 1150

City Clerk..............................................………………. ........ 300.03

City Council............................................…………….. ......... 200

City Departments........................................... 310

City Elections..........................................…………….. ......... 210

City Identity............................................…………….. .......... 2005.28

City Manager............................................... 300.01

City Planning:
  See Planning and Land Use Regulations................. 500
  See Planning Commission................................ 305.03

City Policy Manual........................................... Tab 23

City Treasurer.........................................………………  ........ 300.05

City Water System.......................................………….. ......... 720

Civil Defense (Public Safety)............................. ....... 900

Civil Disorder..........................................…………….. ......... 935

Code of Ordinances, 1978................................……….. ........ Appendix III

Code Violations (Penalties)...................................... ........... 115

Codes:
  See Administrative Code................................ 300
  See Building Code........................................ 400
  See Criminal Code........................................ 2005.27
  See Fire Prevention Code................................ 905
  See Plymouth City Code of 1978......................... 100

Coercion:

Commissions................................................... 305

Community Improvement Fund............................. 321

Conduct in or Near School Buildings or Grounds.......... 2015

Consent Agenda............................................. 200.18

Conspiracy:

Construction in Streets...................................... 800

Council, City................................................ 200

Council Attendance......................................... 200.23

Council Salaries and Benefits............................... 205
Council Training and Conferences ........................................... 215
Courts, Violations Bureau ....................................................... 1900
Credit Card Misuse:
Crime Reporting, Falsely
  See Provisions of Criminal Code ...................................... 2005.27, Subd. 9
Criminal Code (Adopted by Reference) ................................. 2005.27
Criminal History Background Investigations, Employment .... 300.07
Curfew ................................................................................. 925
Current Services, Assessable ............................................... 810
Dangerous Animals ............................................................... 915.25
Dangerous Weapons ............................................................ 965
Deck .................................................................................... 400.13, 405.30, 910.03
Dedication Policies (Land) ..................................................... 528.03
Deer Hunting ........................................................................ 1015.21
Definition of Terms (City Code) .......................................... 105
Discharge of Surface Water ................................................... 740
Disorderly Conduct:
  See Provisions of Criminal Code ...................................... 2005.27, Subd. 20
Disorderly House or Place of Public Resort:
Dog Bites ................................................................................ 915.17
Dogs ....................................................................................... 915
Drug Abuse and Control ....................................................... 920
Easements, Street Design Standards .................................... 524.11
Elections, City ....................................................................... 210
Electrical Work (Special Provisions) .................................... 400.13
Emergency Street Closings ................................................... 1305.01
Employment, Criminal History Background Investigations .... 300.07
Erosion Control and Grading ............................................... 425
Erosion Control, Land Use, Required Plan ............................ 526
Evacuation of Buildings ....................................................... 935.01
Excavations .......................................................................... 405
Excessive Nuisance Service Calls ...................................... 960
Facsimile Firearms .................................................................. 965
False Alarms and Fire Alarm System (Misdemeanor) .......... 2005.09
False Statements (Misdemeanor) .......................................... 2005.07
Falsely Reporting a Crime:
  See Provisions of Criminal Code ...................................... 2005.27, Subd. 9
Fee Schedules ......................................................................... Chapter 10
Fencing Requirements (Swimming Pools) ............................. 910.11
Financial Guarantee, Erosion Control ................................ 528.07
Fire Alarm System and False Alarms ................................ 2005.09
Fire Chief .............................................................................. 310.02, Subd. 3
Fire Department .................................................................... 310
Fire Hydrants, Obstruction of ............................................. 2005.11
Fire Hydrants, Use of .......................................................... 720.37
Fire Prevention Code ............................................................ 905
Firearms, Use of........................................…………… 930
   Civil Liability...................................………… 930.07
   Discharging.......................................……….. ......... 930.01
   Nuisance Animals..................................……. .......... 930.05
   Target and Trapshooting...........................…............ 930.03

Fires, Negligent:

Fireworks....................................................………………….. ..... 1110

Franchises (Public Utilities)........................................ 700

Garbage and Rubbish Disposal.................................... 600

Glue (Inhaling or Consumption)............................... 920

Golf Carts.......................................................... ........... 1305.17

Grading, Erosion Control and................................. ......... 425

Graffiti..................................................................... ........ 955

Grounds, Public (Streets and Alleys)............................ 800

Guns...................................................................... ......... 930

Handicapped, Parking................................................. ......... 1310.15

Hazardous Installations (Electrical).............................. ........ 400.13

Health, Public......................................................... ......... 600

Highway Traffic Regulation............................................ 1300

Hospitality Accommodations........................................ 435

Hotel Guest Registration............................................ ......... 1180

House Moving:
   See Moving Buildings........................................... ......... 415

Houses and Buildings, Numbering of........................... ......... 400.11

Housing and Redevelopment........................................... 410

Individual Sewage Treatment System (ISTS)....................... 710

Inspection of Sump Pump Connections............................. 740

Insurance (Liability):
   Amusements (Business and Trade Regulations).............. 1100.11
   Construction in Streets........................................... ......... 800.19
   Drive-In Theaters.................................................. ......... 1110.09
   Individual Sewage Disposal Systems......................... ......... 705.13, Subd. 3
   Motor Bike Rentals................................................. ......... 1120.09
   Moving Buildings................................................. ......... 415.05
   Taxicabs............................................................... ......... 1145.09
   Towaway of Vehicles; Contractors............................. ......... 1310.13

Kennels................................................................. ........ 915.09

Lakes:
   See Mooney Lake and Lost Lake............................ ......... 1335.03

Lawful Gambling...................................................... ......... 1105.03

Legislative Procedures............................................... ......... 110

Liability Insurance:
   See Insurance (Liability):
      Amusements (Business and Trade Regulations)... ... 1100.11
      Construction in Streets........................................... ......... 800.19
      Individual Sewage Disposal Systems......................... ......... 705.13, Subd. 3
      Motor Bike Rentals................................................. ......... 1120.09
Moving Buildings.................................................. 415.05
Taxicabs.................................................................... 1145.09
Towaway of Vehicles; Contractors.......................... 1310.11, Subd. 15
License and Permit Fees.......................................... 1010 and 1015
Licenses and Permits; Procedures and Fees............... 1000
Liquor......................................................................... 1201
Liquor and Beer in Parks (Misdemeanor).................. 2005.13
Liquor and Beer in Public Places (Misdemeanor)....... 2005.15
Massage Therapy...................................................... 1135
Massage Therapy Center......................................... 615
Medicine Lake; Special Provisions............................ 1335.09
Merchants, Transient............................................... 1140
Misdemeanors; General Provisions.......................... 2000
Misdemeanors; Special Provisions................................ 2005
Motor Bike Rentals................................................... 1120
Motor Vehicle Dealers.............................................. 1110
Moving Buildings...................................................... 415
Municipal Cemetery................................................ 1400
Negligent Fires:
Noise......................................................................... 2025
Non-Support of Wife or Child:
  See Provisions of Criminal Code......................... 2005.27, Subd. 8
Nuisances, General................................................. 2010
  Animal Control.................................................. 915.13
  Graffiti........................................................... 955.01
  Noise...................................................................... 2025
  Private and Residential Swimming Pools............... 910.29
  Shade Tree Disease Control................................ 2020
  Weeds.................................................................... 807
Numbering of Houses and Buildings......................... 400.11
Obscene Literature (Misdemeanor)............................ 2005.03
Official Statutes....................................................... 100.07
Open Burning.......................................................... 940
Ordinances Enactment.............................................. 110
Park and Recreation Commission............................ 305.05
Parkers Lake Cemetery............................................ 1400
Parking Regulations................................................ 1310
Parking, Handicapped.............................................. 1310.13
Park Dedication....................................................... 528
Park Dedication Fees.............................................. 1015.31, Subd. 5
Park Facilities Fees................................................ 1016
Parks, Regulations.................................................... 805
Pawn and Second Hand Goods Dealers..................... 1160
Peddler (Transient Merchants)................................. 1140
Peddler, License Fees............................................... 1010.10, Subd. 7
Penalties (Code Violations)....................................... 115
Permit Procedures and Fees..................................... 1015
Personnel...............................................300
Pets..........................................................915
Picnics.................................................805.01
Planning and Land Use Regulations.......................500
Planning Commission.....................................305.03
Platting of Land........................................510
Plumbing Code........................................710.07, Subd. 2
Police Chief........................................310.01, Subd. 3
Police Department.......................................310
Prostitution...............................................2005.27, Subd. 6
Pound, Animal.............................................915.15
Property Maintenance Code.................................405
Public and Private Sewers (Regulation)...................705
Public Health.............................................600
Public Nuisance ........................................2010
Public Property (Streets, Alleys and Public Grounds)....800
Public Utilities...........................................700
Rabies; Inspection .......................................915.17, Subd. 3
Radio-Read Meters........................................720.29
Recreational Vehicles....................................1330
Recycling Collection.....................................600.25
Refuse..........................................................600
Registration of Motor Vehicles............................1320
Resisting a Public Officer................................2005.05
Return Check Fee........................................1015.20
Right-of-Way Management...............................800
Rubbish and Garbage.....................................600
Salaries, Council..........................................205
Sale of Unclaimed Motor Vehicles........................1315
Sanitary Sewer System..................................715
Sanitary Sewer Fees......................................1015.20
Sanitary Sewer, Prohibiting Discharges into...............740
School Buildings, Conduct in and Around................2015
Senior Citizen Discount - Sewer and Water Rates........715.05 and 720.17
Sewage Disposal Systems, Individual ......................710
Sexual Predator Residency Restrictions...................1190
Sexually Oriented Business................................1175
Shade Tree Disease Control................................2020
Sidewalk, Installation.......................................524.07
Sidewalk, Maintenance ......................................820
Small Wireless Facilities in Right-of-Way..................803, 1015.27
Snow Removal, Sidewalks, Assessable Services.............810
Snow Removal, Sidewalk Requirements.....................820.03
Snowmobile Regulations..................................1325
Social Hosts ..................................................1201
Solicitation of Underage Persons - entering vehicles........950.01
Solicitors, Peddlers and Transient Merchants ..............1140
Special Assessments .......................................330
Sprinkling (Restricted Hours)........................................... 720.45
State Building Code Adoption........................................... 400.01
State Highway Traffic Regulation...................................... 1300
Statutes, Official.......................................................... 100.07
Storm Water Utility...................................................... 725.01
Storm Water Utility Fees................................................. 1015.20
Street Closings............................................................ 1305
Streets, Alleys and Public Grounds................................... 800
Streets, Design Standards.............................................. 524.05
Streets, Seasonal Weight Restrictions............................... 1305.05
Streets; Traffic............................................................. 1305
Subdivision of Land; Plats............................................... 506
Sump Pumps, Prohibiting Discharge into Sanitary Sewer........... 740
Swimming Pools............................................................ 910
Target and Trap Shooting............................................... 930.03
Tax Levies...................................................................... 325
Tax Rate Increase......................................................... 325.01
Taxicabs....................................................................... 1145
Theft.............................................................................. 2005.27, Subd. 10
Taximeters..................................................................... 1145.25
Tobacco and Related Products.......................................... 1150; 1010.01, Subd. 7
Towaway of Vehicles...................................................... 1310.13
Traffic and Ordinance Violations Bureau.............................. 1900
Traffic, Motor Vehicles and Other Vehicles......................... 1300
See Also, Streets, Traffic.................................................. 1305
Train Whistle................................................................... 1165
Transient Merchants........................................................ 1140
Trap Shooting................................................................ 930.03
Trapping of Animals....................................................... 915.27
Tree Inspector.................................................................. 2020.03
Tree Preservation............................................................ 530
Trees (Shade) Disease Control.......................................... 2020.05
Trespass and Other Acts:
  See Provisions of Criminal Code................................. 2005.27, Subd. 15
Trespass (Dangerous) and Other Acts................................. 2005.26
Unclaimed Motor Vehicles............................................... 315; 1315
Unclaimed Property (Other Than Motor Vehicles)............... 315.03
Unlawful Acts (Misdemeanors)........................................ 2005
Unlawful Assembly on Private Property (Misdemeanor)......... 2005.01, Subd. 3
Utilities, Public............................................................... 700
Utilities Fee..................................................................... 1015.20
Vagrancy..................................................................... 2025.27, Subd. 21
Violations Bureau (Traffic and Ordinance).......................... 1900
Water Meters.................................................................. 720.35
Water Quality Ponds....................................................... 524.09
Water Fees..................................................................... 1015.20
Water System.................................................................. 720
Water Use Restrictions ......................................................... 720.41, Subd. 2
Watercraft; Lakes and Waters.............................................. 1335
Weapons, Dangerous....................................................... 2005.27, Subd. 16
Weight Restrictions, Streets.............................................. 1305.05
Wiring, Electrical.......................................................... 400.13, Subd. 2
Worthless Checks.......................................................... 2005.27, Subd. 11
Yard Waste Accumulation................................................. 600.01, Subd. 3
Zoning Code...................................................................... 2100
CHAPTER I

GENERAL PROVISIONS

Section 100 - Title; Citation; Statutory References

100.01. **Title.** This codification of the ordinances of the City of Plymouth shall be referred to herein and cited as: "The City Code" or "The Code."

100.03. **Citation; Reference, Numbering System.** For the purposes of internal references in this Code and citation by its users, the following terms are used:

- **Chapter** Roman numerals (e.g. Chapter XI)
- **Section** Arabic numerals (e.g. Section 1100)
- **Subsection** Arabic numerals for section and subsection separated by decimal (e.g. Subsection 1100.01)
- **Clause** Arabic letters, lower case, in parentheses (e.g. (a))

Reference or citations made in a form other than the foregoing will not defeat the intent of the Council in enacting an ordinance or the intent of a user in citing the Code when such intent is otherwise clear. This Code is to be construed liberally to carry out its purposes.

100.05. **Adoption by Reference.** Statute or administrative rules or regulations of the State of Minnesota, and codes or ordinances adopted by reference in this Code are adopted pursuant to authority granted by Minnesota Statutes. At least one copy of any item so adopted, but not less than the number of copies required by law, shall be kept in the office of the City Clerk for use by the public.

100.07. **Official Statutes; Codes, Regulations; and Ordinances.** References in this Code to Minnesota Statutes are to Minnesota Statutes 1994, and Laws of Minnesota 1995, unless otherwise provided in this Code. References in this Code to Rules and Regulations of state agencies, codes, and ordinances of other municipalities are to those documents in effect on August 1, 1995, unless otherwise provided. *(Ord. 95-47, 9/19/95)*

100.09.1. **Relation to Charter and State Law.** It is the intent of the Plymouth City Council that the provisions of this Code are the fullest exercise of the regulatory and other powers granted to it under the Charter and under State law. When this Code imposes a more stringent rule or standard of conduct than contained in similar provisions of State law, rule or regulation, it is the intent of the Council that the provisions of this Code prevail over such State law, rule or regulation to the extent permitted by law.
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Section 105 - Definition of Terms; Interpretation; Conflicts

105.01. Definitions of Commonly Used Terms. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases (which shall be capitalized in the Code text), for the purpose of the provisions of this Code, shall have the following meanings:

Subd. 2. “Administrative Services Director” means the chief financial officer for the City.

Subd. 3. "Alarm System" means an assembly of equipment and devices (or a single device such as a solid state unit) arranged to signal the presence of a hazard. For the purposes of this ordinance, the alarm, when triggered, must be directly connected to a central monitoring agency which then notifies the Police and/or Fire Departments of an emergency to which public safety personnel must respond, or may emit an audible signal which will require urgent attention and to which public safety personnel are expected to respond.

Subd. 4. "Alarm User" means the person, firm, partnership, association, corporation, company or organization of any kind on whose premises an alarm system is maintained. "Alarm User" includes persons occupying dwelling units for residential purposes.

Subd. 5. "All-Terrain Vehicle" means a motorized flotation-tired vehicle of not less than three low-pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cu. centimeters and total dry weight less than 600 pounds.

Subd. 6. (Repealed by Ord. No. 2001-12)

Subd. 7. (Repealed by Ord. No. 2001-12)

Subd. 8. "Animal" shall mean all living creatures, not human, endowed with sensation and power of voluntary movement, and includes mammals, birds, amphibians and reptiles.

Subd. 9. "At Large" means an animal off the property of its owner and not under restraint of the owner or a member of the owner's immediate family.

Subd. 10. "Building" means any structure subject to the provisions of Section 400 of this Code. The term also includes farm buildings and dwellings.

Subd. 11. "Building Drain" and "Building Sewer" have the meanings given them by the State Building Code.

Subd. 12. “Building Official” means the Plymouth Building Official or his/her designee.
Subd. 13. "Burner" means a firebox, barrel or similar container used for an outdoor fire, but not including grills or barbecues used principally for the cooking of food. *(Ord. 94-12, 7/11/94)*

Subd. 14. "Burning Permit" means a permit issued by an Open Burning Inspector authorizing fires exempted from the general provisions hereof, and setting conditions therefore. *(Ord. 94-12, 7/11/94)*

Subd. 15. "Calendar Year" means the period from January 1 through December 31 of each year.

Subd. 16. "Camp Fire" means a fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground 25 feet from the base of the fire cleared of all combustible material. Camp fire sites shall not be located closer than 25 feet to any structure. *(Ord. 94-12, 7/11/94)*

Subd. 17. "Charter" means the Charter for the City of Plymouth, Minnesota effective January 1, 1993, as set forth in Appendix VI.

Subd. 18. "City" means the City of Plymouth, Minnesota and all the territory lying within its boundaries over which it has jurisdiction.

Subd. 19. "City Attorney" means the Plymouth City Attorney.

Subd. 20. "City Clerk" means the Plymouth City Clerk or an employee of the City appointed as Deputy Clerk.

Subd. 21. “City Engineer” means the Plymouth City Engineer or his/her designee.

Subd. 22. “City Manager” means the Plymouth City Manager or his/her designee. *(Ord. 2002-12, 3/26/2002)*


Subd. 24. “Community Development Director” means the Plymouth Community Development Director or his/her designee.

Subd. 25. "Community Service Officer" means an employee of the City, designated by the City Manager and assigned to the Police Department, exercising limited law enforcement, code enforcement and related duties under the supervision of the Police Chief.

Subd. 26. "Comprehensive Plan" means the series of maps, reports, Statement of Goals, Objectives and Criteria; and documents prepared by the Planning Commission and adopted by the Council to designate long-range orderly growth and development of the community;
including, but not limited to: a Land Use Guide Plan, a Thoroughfare Guide Plan, Community Facilities Plan and policies for Plan execution.

Subd. 27. "Council" means the Plymouth City Council.

Subd. 28. "County" means Hennepin County, Minnesota.

Subd. 29. "Current Service" means one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; elimination of sight obstructions within rights-of-way; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in the Plymouth City Code, Minnesota Statutes, Section 463.15 to 463.26, as amended; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; the operation of a street lighting system; and unpaid alarm system permit fees required under Section 1155 of this Code.

Subd. 30. "Dangerous Animal" means any Animal which has attacked, molested, bitten, confined or assaulted a person or domestic Animal, or which otherwise has demonstrated that it poses a significant risk of causing harm or injury to persons or domestic Animals.

Subd. 31. “Director of Public Safety” means the Plymouth Director of Public Safety or his/her designee. (Ord. 2018-18, 9/25/2018)

Subd. 32. "Disease Control Area" means the entire area within City limits, except those areas annually designated by the Forester as "no control zones" pursuant to State Statute. (Ord. 94-12, 7/11/94)

Subd. 33. “Distinguished or Characterized by an Emphasis Upon” means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or display of specified anatomical areas,” or “specified sexual activities.” (Ord. 2002-12, 3/26/2002)

Subd. 34. "DNR" means the Minnesota Department of Natural Resources.

Subd. 35. "Emergency Ordinance" is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in the preamble to the ordinance.

Subd. 36. “Employee, Employ, And Employment” describe and pertain to any person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, regardless of whether the person is denominated as an employee, independent contractor, agent, or by another status. “Employee” does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises. (Ord. 2002-12, 3/26/2002)
Subd. 37. “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. (Ord. 96-29, 12/11/96)

Subd. 38. “Escort Agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration. (Ord. 96-29, 12/11/96)

Subd. 39. “Establish or Establishment” means and includes any of the following:

A. The opening or commencement of any sexually oriented business as a new business;

B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

C. The addition of any sexually oriented business to any other existing sexually oriented business; or

D. The relocation of any sexually oriented business.

(Ord. 96-29, 12/11/96, Ord. 2002-12, 3/26/2002)

Subd. 40. "False Alarm" means any activation of an alarm system that result in a response by the Police or Fire Department where an emergency situation does not exist. "False Alarm" includes, but is not limited to, activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligent use or maintenance of the alarm system by its owner or lessee or by the owner's or lessee's employees or agents. "False Alarm" does not include activation of the alarm by utility company power outages or by climatic conditions such as tornadoes, lightning, earthquakes, other violent conditions of nature, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer and owner. "False Alarm" does not include activation of an alarm system as the result of an effort or order to upgrade, install, test, or maintain the system, if the Police/Fire Dispatcher and, where applicable, central monitoring agency for the alarm system are each notified in advance of said upgrade, installation, test or maintenance. (Ord. 2001-08, 2/27/2001)

Subd. 41. "Fire Alarm System" means an alarm system designed, installed, or operated to prompt a response by the Fire Department.

Subd. 42. “Fire Chief” means the Plymouth Fire Chief or his/her designee. (Ord. 2018-18, 9/25/2018)

Subd. 43. "Fire Inspector" means an employee of the City assigned to the Community Development Department, and whose duties involve the enforcement of the Fire Code.

Subd. 44. "Forester," "Tree Inspector" or "Inspector" means a person who is so certified for tree inspection by the Minnesota Department of Agriculture.
Subd. 45. "Garbage" means animal and vegetable wastes and other like-waste matter including but not limited to grease, wrappings, shells, grounds, bones, entrails, and similar materials resulting from the handling, preparation, cooking, service and consumption of food, and other animal wastes.

Subd. 46. "Gasoline Service Station" means any premises whereon the owner or occupant conducts the business of furnishing and selling gasoline and lubricating oils or accessories for motor vehicles.

Subd. 47. "Health Authority" means the Health Officer or the Public Health Sanitarian.

Subd. 48. "Hunting" shall mean pursuing, shooting, injuring, capturing or attempting to pursue, shoot, injure or capture any animal.

Subd. 49. "Individual Sewage Treatment System" or "Systems" means a sewage treatment system or part thereof, serving a dwelling, other establishment, or group thereof, that uses subsurface soil treatment and disposal. (Ord. 98-35, 11/04/98)

Subd. 50. "Industrial Wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.

Subd. 51. "Junk Vehicle" means any vehicle which is not in operable condition, or which is partially dismantled, or which is used for the sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling or salvage of any kind, or which is not currently licensed for operation within the State of Minnesota or by the State of Minnesota.

Subd. 52. "Kennel" means premises where the business of selling, boarding, breeding, treating or grooming animals is conducted. (Ord. 98-24, 7/22/98)

Subd. 53. “Licensee” means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license. (Ord. 96-29, 12/11/96)

Subd. 54. "Misdemeanor" means a penal offense or crime which the Council is empowered to make punishable with fine and/or imprisonment.

Subd. 55. "Motor Bicycle" and "Motor Bicycle Licenses" have the meanings given them by Minnesota Statutes, Section 168.831, as amended.

Subd. 56. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, other than those vehicles defined as motorized bicycles in Subdivision 4(a), but excluding a tractor.
Subd. 57. "Motorized Bicycle" means a bicycle with fully operational pedals which may be propelled by human power or a motor, or by both, with a motor with a capacity of less than 50 cu. centimeters piston displacement, and a maximum of two brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged.

Subd. 58. "Noxious Weeds" means plants defined by the Minnesota Commissioner of Agriculture to be injurious to public health, public roads, crops, livestock and property.

Subd. 59. “Nude Model Studio” means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. (Ord. 96-29, 12/11/96)

Subd. 60. “Nudity, Nude or a State of Nudity” means:

A. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or

B. A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

(Ord. 96-29, 12/11/96, Ord. 2002-12, 3/26/2002)

Subd. 61. "Open Burn" "Open Burning" or "Open Fire" means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, structure or vehicle, and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney. (Ord. 94-12, 7/11/94; Ord. 96-29, 12/11/96)

Subd. 62. "Open Burning Inspector" means the City Forester or Fire Chief or their respective designees. (Ord. 94-12, 7/11/94; Ord. 96-29, 12/11/96)

Subd. 63. “Operate or Cause to be Operated” means to cause to function or to put or keep in a state of doing business. (Ord. 2002-12, 3/26/2002)

Subd. 64. “Operator” means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business. (Ord. 2002-12, 3/26/2002)

Subd. 65. "Owner" means, in the case of personal property, a person, other than a lien holder, having the property in or title to personal property. In the case of real property, the term means the fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, vendees under a contract for deed and mortgagors.
Subd. 66. "Pawnbroker" means a person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again 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. 67. "Peddler" means a person who goes door-to-door to residences or offering for sale any goods, wares or merchandise, or services. (Ord. 2018-18, 9/25/2018)

Subd. 68. "Person" means an individual, firm, partnership, association, cooperative, corporation or other entity; the term may extend and be applied to bodies corporate and politic, or to other unincorporated associations.

Subd. 69. "Petty Misdemeanor" means an offense, which does not constitute a crime, which the Council is empowered to make punishable with a fine.

Subd. 70. "Police Alarm System" means an alarm system designed, installed, or operated to prompt a response by the Police Department.

Subd. 71. (Repealed by Ord. No. 2014-13)

Subd. 72. "Public School" means any school building, school grounds, play area, parking lot or athletic field owned or leased by a public school district.

Subd. 73. "Public Sewer" means a sewer receiving both surface runoff and sewage.

Subd. 74. (Repealed by Ord. 96-22, 9/18/96)

Subd. 75. "Recreation Fire" has the same definition as a "Camp Fire." (Ord. 94-12, 7/11/94)

Subd. 76. "Recreational Vehicle" means any Motorized Bicycle, All-Terrain Vehicle, Motorcycle, or other motorized vehicle designed or used for a recreational purpose. The term does not include snowmobiles as defined under the terms of Section 1325 of this Code.

Subd. 77. "Recyclable Materials" has the meaning given it in Minnesota Statutes, Section 115A.03 and includes paper, glass, plastics, metals, automobile oil, and batteries.

Subd. 78. “Regularly Features or Regularly Shown” means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented business. (Ord. 2002-12, 3/26/2002)

Subd. 79. "Removal Location" means a location in the City to which a building may properly be moved and on which such building may properly be located after such moving pursuant to Section 415.
Subd. 80. "Rough Fish" shall mean carp, buffalofish, sucker, redhorse, sheepshead, dogfish, burbot, cisco, gar, goldeye and bullhead.

Subd. 81. "Rubbish" means waste products which are composed wholly or partly of such materials as sweepings, swill, cleanings, trash, refuse, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain, or vegetables; offal, animal excrete, or the carcass of animals; tree or shrub trimmings (greater than 1/4 inch in diameter), or grass clippings, brick, plaster, wood, metal, roofing materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles, auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids, or other such substance which may become a nuisance.

Subd. 82. "Sanitary Sewer" means a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted ("Sanitary Sewage").

Subd. 83. "Sauna" means and includes a steam bath or heat or heat bathing room used for the purpose of bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, and the associated premises.

Subd. 84. "School Official" means the principal, assistant principal, or any school teacher of a Public School.

Subd. 85. "Secondhand Goods Dealer" means a person whose regular business includes selling or receiving tangible personal property (excluding motor vehicles) previously used, rented, owned or leased.

Subd. 86. “Self Service Merchandising” means open display of tobacco products where the public has access without the intervention of an employee. (Ord. 96-04, 2/21/96)

Subd. 87. “Semi-Nude or in a Semi-Nude Condition” means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices. (Ord. 96-29, 12/11/96, Ord. 2002-12, 3/26/2002)

Subd. 88. "Sewage Works" means all facilities for collecting, pumping, treating and disposing of sewage.

Subd. 89. "Sewage" means a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Subd. 90. "Sewer" means a pipe or conduit for carrying sewage.
Subd. 91. “Sexual Encounter Center” means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: a place where two or more persons may congregate, associate, or consort for the purpose of “specified sexual activities.” The definition of sexual encounter center or any Sexually Oriented Businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy. (Ord. 96-29, 12/11/96, Ord. 2002-12, 3/26/2002)

Subd. 92. “Sexually Oriented Arcade” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.” (Ord. 96-29, 12/11/96)

Subd. 93. “Sexually Oriented Bookstore, Sexually Oriented Video Store, or Sexually Oriented Store” means a commercial establishment which as a principal business purpose offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, compact discs, computer software, digital recordings, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas;” or

B. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.” (Ord. 96-29, 12/11/96)

Subd. 94. “Sexually Oriented Business” means a sexually oriented arcade; sexually oriented bookstore, video store or other sexually oriented store; sexually oriented cabaret; sexually oriented conversation/rap parlor; sexually oriented massage parlor; sexually oriented motel; sexually oriented motion picture theater; sexually oriented sauna; sexually oriented theater; escort agency; nude model studio; or sexual encounter center; and other premises, enterprises, establishments, businesses, or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. (Ord. 96-29, 12/11/96)

Subd. 95. “Sexually Oriented Cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

A. Persons who appear in a state of semi-nude; or

B. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities;” or
C. Films, motion pictures, video cassettes, slides, compact discs, computer software, digital recordings, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(Ord. 96-29, 12/11/96, Ord. 2002-12, 3/26/2002)

Subd. 96. “Sexually Oriented Conversation/Rap Parlor” means a conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Ord. 96-29, 12/11/96)

Subd. 97. “Sexually Oriented Massage Parlor” means a massage parlor which excludes minors by reason of age, or which provides for any form of consideration, the rubbing, stroking, kneading, tapping, or rolling of the body, if the service provided by the massage parlor is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Ord. 96-29, 12/11/96)

Subd. 98. “Sexually Oriented Motel” means a hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

B. Offers a sleeping room for rent for a period of time that is less than 10 hours; or

C. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 10 hours.

(Ord. 96-29, 12/11/96)

Subd. 99. “Sexually Oriented Motion Picture Theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.” (Ord. 96-29, 12/11/96)

Subd. 100. “Sexually Oriented Sauna” means a sauna which excludes minors by reason of age, or which provides for any form of consideration, a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized
by an emphasis on “specified sexual activities” or “specified anatomical areas.” (Ord. 96-29, 12/11/96)

Subd. 101. “Sexually Oriented Theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.” (Ord. 96-29, 12/11/96; Ord. 2002-12, 3/26/2002)

Subd. 102. "Shade Trees" means any deciduous or coniferous tree situated in the City.

Subd. 103. "Shade Tree Disease" means Dutch elm disease caused by Ophiostoma Nova-Ulmi and/or Ceratocystis Ulmi, oak wilt, caused by Ceratocystis Fageceorum, or any disorder affecting the growth and life of shade trees.

Subd. 104. "Shade Tree Control Program" or "Program" means a program developed by the City to combat Shade Tree Disease in accordance with rules promulgated by the Commissioner of Agriculture.

Subd. 105. "Solicitor" means a person who goes door-to-door to residences soliciting, or taking or attempting to take orders for sale of goods, wares, merchandise, or personal property or services of any nature whatsoever for future delivery or future performance whether or not such individual has, carries or exposes for sale, a sample of the subject to such order or whether or not he is collecting advance payments for such orders. Any such activity shall be deemed soliciting if it has as its ultimate purpose the obtaining of orders of such nature, even though it may not purport, initially, to be an effort to obtain such an order. (Ord. 2003-32, 11/10/2003)

Subd. 106. (Repealed by Ord. 96-22, 9/18/96)

Subd. 107. “Specified Anatomical Areas” means:

A. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

B. Less than completely and opaquely covered human genitals, public region, buttocks, or a female breast below a point immediately above the top of the areola. (Ord. 96-29, 12/11/96; Ord. 2002-12, 3/26/2002)

Subd. 108. “Specified Sexual Activities” means and includes any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

C. Masturbation, actual or simulated; or

D. Excretory functions as part of or in connection with any of the activities set forth in A-C above.

(Ord. 96-29, 12/11/96)


Subd. 110. “Substantial Enlargement” of a sexually oriented business means the increase in floor area occupied by the business by more than 25%, as the floor area existed on the effective date of this Ordinance. (Ord. 2002-12, 3/26/2002)

Subd. 111. "Swimming Pool" means any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, relaxation or recreational bathing.

Subd. 112. “Swimming Pool, Private Residential” means any permanent or portable structure such as a pool, hot tub, or spa located on private property under control of the homeowner, the use of which is limited to swimming or recreational bathing by the owner’s family or invited guests, and having a depth of two feet or more at any point and (a) a surface area of 250 square feet or more, or (b) a volume of 3,250 gallons or more. (Ord. 2014-13, 1/25/2014)

Subd. 113. "Taxicab" means any motor vehicle engaged in the carrying of persons for hire, whether over a fixed route or not, and whether the same be operated from a street stand or subject to calls from a garage, or otherwise operated for hire except private auto deliveries as herein defined but the term shall not include vehicles subject to control and regulation by the Minnesota Public Utilities Commission or vehicles regularly used by undertakers in carrying on their business.

Subd. 114. "Taxicab Driver" means any person who drives a Taxicab, either as the owner of the Taxicab or as an employee of a Taxicab operator.

Subd. 115. "Taximeter" means any mechanical instrument or device by which the charge for hire of a Taxicab is mechanically calculated, whether by distance traveled or waiting time, or by both, and upon which charge shall be indicated by figures.

Subd. 116. “Tobacco Product” means cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flower, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scrips, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe, rolling paper or other tobacco related devices. (Ord. 96-04, 2/21/96)
Subd. 117. “Transfer of Ownership or Control” of a sexually oriented business means and includes any of the following:

A. The sale, lease, or sublease of the business;

B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 2002-12, 3/26/2002)

Subd. 118. "Transient Produce Merchant" means any person who engages in or transacts in any temporary and transient business within the City, selling the products of the farm or garden occupied and cultivated by that person; and, who for the purposes of carrying on such business, hires, leases, occupies, or uses, site, parking lot, vacant lot, motor vehicle, or trailer on a site other than the property on which the produce is grown and cultivated, in a zoning district where it is allowed by the Code and Zoning Ordinance. (Ord. 2004-03, 1/13/2004)

Subd. 119. "Under Restraint" means an animal controlled by a fence, leash or its owner's command within the confines of the owner's property or by a leash not exceeding six feet in length while outside of the owner's property and under the control and direction of the owner or a member of the immediate family, so as to be as effectively restrained, or within a vehicle that is enclosed sufficiently so as to prevent the animal from exiting the vehicle.

Subd. 120. "Vehicle" means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, Motorcycles and tractors.

Subd. 121. "Wild Animal" means any animal that is wild, ferocious, or vicious by nature, habit, disposition, or character. Animals in this category include, but are not limited to, any ape, (including chimpanzee, gibbon, gorilla, orangutan, or siamang), baboon, bear, bison, bobcat, cheetah, crocodile, coyote, deer, (including all members of the deer family such as antelope, elk, and moose), elephant, ferret, fox, hippopotamus, hyena, jaguar, leopard, lion, lynx, monkey, puma (also known as cougar, mountain lion, or panther), raptor, rhinoceros, any snake that is poisonous or any constrictor snake, snow leopard, tiger, wolf, or hybrid mix of any of the wild animals such as wolf/dog mixes. (Ord. 98-24, 7/22/98; Ord. 99-04; 1/19/99; Ord. 2011-06, 2/22/2011)

Subd. 122. "Wood" means dry, clean fuel only such as twigs, branches, limbs, "presto lots," charcoal, cordwood or untreated dimensional lumber. "Wood" does not include wood that is rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreation fires when cut into three foot lengths. (Ord. 94-12, 7/11/94)
Subd. 123. "Yard Waste" means compostable materials such as grass clippings, leaves, weeds, tree or shrub trimmings (1/4 inch in diameter or less) and other like-forms of organic material, but does not include garbage, trees, brush and similar materials.

Subd. 124. "Zoning Ordinance" means The Plymouth Zoning Ordinance attached to the Code as Chapter 21.

105.03. Reference to Public Official. References to elected or appointed City officials includes their duly authorized representatives or designee.

105.05. Definitions; Statutory. The definitions contained in Minnesota Statutes, Chapter 645, as amended, hereby are adopted by reference and are made a part of this Code as if set out in full herein. The references in said Chapter to laws and statutes shall be interpreted herein to mean provisions of this Code, and the references in said Chapter to the Legislature shall be interpreted herein to mean the Council.

105.07. Definition; Internal. Terms defined in other Sections of this Code have the meanings given them by those Sections.

105.09. Interpretation; Conflicts. Subdivision 1. Common Usage. Words and phrases used in this Code shall be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases or such others as have acquired a specific or peculiar meaning shall be interpreted and understood in accordance with such meaning.

Subd. 2. Statutory Rules. It is the intent of the Council that the rules and canons of construction, presumptions and miscellaneous provisions relating to statutory construction contained in Minnesota Statutes, Chapter 645, apply to this Code and govern its interpretation, and that all questions of meaning, construction and interpretation of this Code be resolved by application of the rules contained in Chapter 645. The provisions of Minnesota Statutes, Chapter 645, as amended, are hereby adopted by reference and are as much a part of this Code as if fully set forth herein.

105.11. Gender; Number. When any subject matter, party or person is described or referred to by words importing the masculine gender, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included. When any subject matter, party or person is described or referred to by words importing the singular number, the plural of such persons and bodies corporate shall be deemed to be included.

105.13. City Council Policies; Policy Manual. The Council shall when directed by the Charter or Code and from time to time, adopt and amend by resolution policies for the implementation, interpretation, and administration of the Charter and Code and other matters of general municipal concern. These policy resolutions shall be assembled by the City Manager in an appropriate volume designated as "Appendix III" to this Code and be known as the "Policy Manual." Copies of the Policy Manual shall be kept available by the City Clerk with the Code for inspection by the public.
105.15. **Filings; Application; Duties of Clerk.** Whenever in this Code a duty is imposed upon the City Clerk involving the filing of documents, receipt of an application, payment of a fee, issuance of a permit or license or similar administrative action, the City Clerk, at the direction of the City Manager, may delegate the performance of the duty to an appropriate officer or employee of the City.

105.17. **Severability.** Every chapter, section, subdivision, paragraph or provision of the 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.

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

105.21. **Otherwise Unlawful.** The Code does not authorize an act or omission otherwise prohibited by law.

105.23. **Public Hearings and Public Meetings.** Subdivision 1. **Distance for Notification Requirements.** Where property owners within a specified distance of the boundaries of property which is the subject of a public hearing or a public meeting must be notified of the hearing or meeting, the distance shall be measured from the property line of the subject property, excluding railroad and street rights-of-way that immediately abut the subject property.

Subd. 2. **Failure to Give or Receive Notice.** Failure of a property owner to receive notice shall not invalidate the procedure. Notice requirements in addition to that required by state statute are directory only. Failure to provide such notice shall not invalidate the proceeding.

(Ord. 95-9, 2/7/95)

(Ord. 2011-29, 10/25/2011; Ord. 2017-22, 10/10/2017)
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Section 110 - Ordinance Records and Codification

110.01. **Ordinances Enactment.** Legislation shall be enacted by ordinances, in accordance with the procedure set forth by the Charter, state law and this Code. Ordinances shall be integrated into this Code in accordance with this Section.

110.03. **Form of Amendments and New Ordinances.** An ordinance amending this Code shall be in writing and specify the subsection and subdivision to be amended. Language to be added shall be underlined; language to be repealed shall be stricken or indicated by other appropriate symbol. An ordinance repealing an entire chapter, section, subsection or subdivision need refer only to that chapter, section, subsection or subdivision, and the text need not be reproduced. An ordinance adding only new provisions to the Code need not be underlined. The enacting clause of an ordinance shall read: "The City of Plymouth ordains."

110.05. **Integration of Ordinances into Code.** Subdivision 1. **Duties of City Manager and Attorney.** The City Manager and City Attorney shall recommend to the Council a system for integrating ordinances into the Code in the most expeditious manner possible. They shall recommend to the Council rules consistent with this Section for the preparation, editing and format of ordinances to be presented to the Council.

Subd. 2. **Matters Omitted.** When an ordinance is integrated into this Code, the following matters may be omitted:

A. Title.
B. Enacting Clause.
C. Section Numbers.
D. Definition of terms identical to those contained in this Code.
E. Validation and repealing clauses.
F. Validating signatures and dates.
G. Punctuation and other matters not an integral part of the text of the ordinance.
H. Penalty provisions.

Subd. 3. **Errors.** When integrating ordinances into the Code, the City Manager and City Attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, chapters and ordinances; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 4. **Source Notes.** When an ordinance is integrated into the Code, a source note shall be added at the end of each new chapter, section, subsection or subdivision indicating the ordinance number and section from which the same was derived.
110.07. **Ordinance Records; Special Ordinances.** The City Clerk is responsible for the safe and orderly keeping of all ordinances in a manner directed by the Council. The ordinance code may be prepared in book, pamphlet or continuously revised loose-leaf form, with copies available, through the City Clerk, to the public free or at a reasonable cost. Any ordinance not included in this Code by Council direction is a special ordinance. The City Clerk shall maintain an up-to-date, indexed record of all special ordinances. The Council may direct that special ordinances and others be included in appendices to this Code.

110.09. **Effective Date of Ordinances.** Ordinances are effective on the date of their passage or on such other date as may be specified therein.

*(Ord. 2011-29, 10/25/2011)*
CHAPTER II

CITY COUNCIL

Section 200 - City Council; Rules of Procedure

200.01. Meetings of the Council. Subdivision 1. Regular Meetings. The Council annually shall establish a schedule of meetings for that year. The Council may cancel any regular meeting. At least one regular meeting shall be held in each calendar month. (Ord.94-23, 12/05/94; Ord. 96-1, 2/01/96)

Subd. 2. Special Meetings. The Mayor or any three members of the Council may call a special meeting of the Council upon at least 24 hours written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Notice to the public shall be given in the manner required under State law.

200.03. Initial Meeting. At the first regular Council meeting in January of each year, the Council shall:

A. Designate the depositories of City funds;

B. Designate a legal newspaper of general circulation in the City as the official newspaper;

C. Choose one of its members as Deputy Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;

D. Appoint such officers (including Council Secretary) and employees and such members of boards, commissions, and committees as may be necessary.

200.05. Agenda. Subdivision 1. Reports, Requests, etc. Petitions, requests, and communications addressed to the Council, which in the opinion of the City Manager, or by law, necessitate advisory commission reports before disposition by the Council (except those required by law to come before the Council initially), shall be withheld by the City Manager from the agenda until such reports are available, at which time both the petition, request or communication and the related report shall be placed on the agenda for the next succeeding Council meeting.
200.07. **Presiding Officer; Duties; Appeals.** Subdivision 1. **Appointment.** The Mayor shall be the presiding officer at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both, the Councilmember with the longest term of service on the Council shall preside.

Subd. 2. **Duties.** The Presiding Officer shall preserve strict order and decorum at all meetings of the Council. The Presiding Officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide without debate all questions of procedure, subject, however, to the final decision of the Council on appeal. The Presiding Officer may introduce motions, second motions, and speak on any question.

Subd. 3. **Appeals.** Any member may appeal to the Council from a ruling of the Presiding Officer. If the appeal is seconded, the member may speak once solely on the question at issue, and the Presiding Officer may explain his ruling, but no other Councilmember may participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the Presiding Officer.

200.09. **Secretary; Duties.** Subdivision 1. **Appointment.** The Council shall appoint a Council Secretary. The Council may designate any officer or employee of the city as Secretary, except the City Manager, Mayor or Council Member.

Subd. 2. **Duties.** The Secretary shall keep a journal of Council proceedings and minutes and perform duties required under the Charter, Code, Resolution and State law.

200.11. **Minutes.** Subdivision 1. **Who Keeps.** Minutes of each Council meeting shall be kept by the Council Secretary. In the Council Secretary's absence, the Presiding Officer shall appoint a Secretary Pro Tem.

Subd. 2. **Content.** Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the City and can be accurately identified from the description given in the minutes.

Subd. 3. **Approval.** The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Secretary, and copies thereof shall be delivered to each Councilmember as soon as practicable after the meeting. At the next regular Council meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the Presiding Officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

Subd. 4. **Inspection.** Any person may inspect the minutes at reasonable times and in accordance with this Code, the Charter and State law.
200.13. **Quorum and Voting.** Subdivision 1. **Quorum.** A majority of all of the members of the Council elected constitutes a quorum, but a smaller number may adjourn from time to time.

Subd. 2. **Vote Required.** A majority vote of all members of the Council is required for approval of ordinances and resolutions, unless a larger number is required by the Charter or by State law. Except as otherwise provided by statute, a quorum shall prevail in all other cases unless a member of the Council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote.

200.15. **Order of Business.** At the hour appointed for the meeting, the members shall be called to order by the Presiding Officer. The Council Secretary shall call the roll and note the absentees. Council business shall be conducted in the following order:

A. Call to Order and Pledge of Allegiance.
B. Roll Call.
C. Plymouth Forum.
D. Presentations and Public Information Announcements.
E. Approve Agenda.
F. Consent Agenda.
G. Public Hearings.
H. General Business.
I. Reports and Staff Recommendations.
J. Adjournment.

In order to accommodate persons in the Council Chambers waiting to be heard, the Presiding Officer may vary the above order; but public hearings shall be held at the time set in the notice of such hearings. *(Ord. 95-3, 1/17/95)*

200.17. **General Rules of Order.** Except as otherwise provided by statute or by this Section, the proceedings of the Council shall be in accordance with Roberts Rules of Order, Revised.

200.19. **Plymouth Forum.** The Plymouth Forum will be held the first 15 minutes of each regular Council meeting. If the entire time is not needed, the Council will proceed with the agenda.
200.21. **Procedures for Use of Consent Agenda.** The Consent Agenda shall contain routine or non-controversial items which require Council action but little deliberation. The following rules and procedures shall govern the use of the Consent Agenda by the Council:

A. A motion to approve the Consent Agenda shall not be debated;

B. The Consent Agenda shall normally be considered as the first item of Council business;

C. At the request of any Councilmember or citizen attending the meeting, an item on the Consent Agenda shall be removed or considered elsewhere on the agenda.

200.23. **Ordinances, Resolutions, Motions, Petitions and Communications.** Subdivision 1. **Readings.** Every ordinance and resolution shall be presented in writing. The vote on an ordinance shall be by roll call. An ordinance or resolution need not be read in full unless a member of the Council requests such a reading.

Subd. 2. **Signing; Publication and Proof.** Every ordinance passed by the Council shall be signed by the Mayor or, in the Mayor's absence, the Deputy Mayor, attested by the City Clerk, and filed in the ordinance book. Proof of publication of an ordinance shall be attached and filed with the ordinance. Each resolution shall be appropriately numbered and filed by the City Clerk.

Subd. 3. **Repeals and Amendments.** Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

200.25. **Required Attendance at Council Meetings.** Subdivision 1. **Rule.** The Mayor and each Council member shall attend not less than one meeting of the Council each calendar month.

Subd. 2. **Non-Attendance.** If the Mayor or any Council member fails to attend at least one meeting of the Council in any month, the Mayor or Council member shall forfeit his/her full salary for one month. This forfeiture does not apply if the Mayor or Council member notifies the City Manager that they are on vacation or sick.

Subd. 3. **City Clerk; Procedure.** The City Clerk, in the event of a forfeit as provided in Subdivision 2, shall certify the fact of such forfeit in writing, together with the applicable dates of absence of the Mayor or Council member, to the City Manager and Administrative Services Director. The Administrative Services Director shall, at the time of the issuance of salary checks to the Mayor and Council member, not issue a check payable to the absent Mayor or Council member in the amount of the monthly salary.

*(Ord. 96-8, 5/01/96; Ord. 2008-17, 6/10/2008; Ord. 2011-29, 10/25/2011)*
Section 205 - Council Salaries


Subd. 3. Salary Adjustment. Following the municipal regular election in 2002, and following each subsequent municipal regular election, the salary of the Mayor and Councilmembers shall be adjusted following the municipal election to become effective January 1 in a percentage equal to the change in the United States Department of Labor Consumer Price Index (November report) for all urban consumers U.S. city average since the last salary adjustment. (Ord. 2000-18, 5/09/2000)

Subd. 4. Salary Adjustment. Notwithstanding Subd. 3 of this section, the salaries of the Mayor and Councilmembers shall not be adjusted until 2012 with an effective date of January 2013. (Ord. 2010-20, 9/28/2010)

205.03. Health and Dental Benefits. Hospital, medical, surgical, and dental insurance benefits shall be made available on a pre-tax basis to the Mayor and individual Councilmembers in an amount equal to the entire cost. (Ord. 96-19, 8/21/96; Ord. 98-33, 9/16/98)
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Section 210 - City Elections


Subd. 2. Terms. The schedule of elections and terms of office shall be as set forth in Sections 2.03, 12.11, 12.13 and Chapter 4 of the Charter.

210.03. Absentee Ballot Board. Subdivision 1. Board Established. As authorized by Minnesota Statutes, Section 203B.23, as amended, an Absentee Ballot Board is established. The board has those powers and duties, and shall be appointed in the manner provided by law.

Subd. 2. Examination of Ballots. The Absentee Ballot Board is authorized to examine absentee ballot envelopes and receive or reject absentee ballots in the manner provided by Minnesota Statutes 203B.23, Subd. 2, as amended.

Subd. 3. Term. The Absentee Ballot Board shall be appointed for each general and special election in the City.

(Ord. 2011-29, 10/25/2011)
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Section 215 - Council Training and Conference Expenditures

215.01.  **Budget.** The Council shall annually establish a training and conference budget for Councilmembers.  *(Ord. 96-21, 9/18/96; Ord. 2011-29, 10/25/2011)*

215.03.  *(This section was repealed by Ordinance 2000-14, 4/25/2000)*
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CHAPTER III

ADMINISTRATION OF CITY GOVERNMENT

Section 300 -
Administrative Code; City Manager; Personnel

300.01. **City Manager.** The City Manager is responsible to the Council for proper administration of City Affairs. The City Manager shall act as chief administrative officer and chief purchasing agent of the City. The City Manager shall have a term and the powers and duties as set forth in Chapter 6 of the Charter and as otherwise imposed under the Charter, State law, this Code and Council resolution.

300.03. **City Clerk.** The City Clerk is appointed by the City Manager for an indefinite term. The City Clerk shall perform those duties imposed by State law, this Code, Council Resolution and under the Charter. The City Clerk shall maintain City records, issue licenses and permits, administer voter registration and election procedures, and maintain vital statistics relating to the City. The City Clerk shall perform such other duties as may be assigned by the City Manager.

300.05. **Administrative Services Director.** The Administrative Services Director is appointed by the City Manager for an indefinite term, and shall perform those duties imposed by State law, this Code, Council Resolution and under the Charter. The Administrative Services Director shall act as chief financial officer of the City and is responsible for the collection of City revenues, the accounting for City funds, supervising the purchase of supplies and materials, supervising the procedures relating to special assessments, and the preparation of audits at the direction of the City Manager, and such other duties as may be assigned by the City Manager.

300.07. **Criminal History Background.** The Police Department is authorized to do a criminal history background investigation on applicants for City employment. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Manager, and other City staff as appropriate. Should the City reject the applicant's request for employment due, partially or solely, to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes Section 364.09, the City Manager shall notify the applicant in writing of the following:

A. The grounds and reasons for the denial;

B. The applicable complaint and grievance procedure set forth in Minnesota Statutes Section 364.06;

C. The earliest date the applicant may reapply for employment; and
D. That all competent evidence of rehabilitation will be considered upon reapplication.

(Ord. 95-30, 6/06/95; Ord. 2011-29, 10/25/2011)
Section 305 - Administrative Code; Boards, Commissions, and Committees

305.01. **Generally.** The Council performs the duties and exercises the powers of administrative boards or commissions. However, the Council may establish boards or commissions as set forth in this Section to investigate subjects or to perform quasi-judicial functions. Additional administrative boards or commissions shall be established as required by law or for the administration of a municipal function jointly shared with another political subdivision.

305.03. **Planning Commission.** Subdivision 1. **Commission Established.** The Planning Commission is established pursuant to the Municipal Planning Enabling Act, Minnesota Statutes Chapter 462, and has the powers and duties assigned to it by that Act and by this Code, State law and the Charter. The Planning Commission is hereby designated the planning agency of the City pursuant to the Municipal Planning Enabling Act.

Subd. 2. **Membership.** The Planning Commission consists of seven members appointed in the manner set forth in this Subsection. One member of the Commission is to be appointed from each ward in the City. Three members of the Planning Commission are appointed from the City at large. Members of the Commission are appointed by the Council for staggered terms of three years, expiring on January 31st of each year.

Subd. 3. **Officers; Meetings.** The Chairperson and Vice Chairperson of the Planning Commission are appointed by the Commission from among the members of the Commission, subject to approval by the Mayor, for a term of one year. The Commission shall adopt its own rules and procedures with the approval of the Council. All members of the Commission may vote on all questions before the Commission. No member of the Commission may vote on any question in which the member is directly or indirectly interested. The Commission shall determine by rules the date and time of its meetings and shall set such public hearings as are necessary and desirable or required by law or this Code.

Subd. 4. **Powers and Duties.** The Planning Commission shall have the powers and duties allowed under the Charter and State law, including:

A. To prepare a Comprehensive Plan for the future development of the City to be submitted to the Council for implementation and to recommend amendments of the Plan to the Council periodically as may be necessary or desirable.

B. To initiate, direct, and review, from time to time, a study of the provisions of the Zoning Ordinance and the subdivision regulations and to report to the Council its advice and recommendations with respect thereto.
C. To study applications and proposals for amendments to the Zoning Ordinance and applications for special permits and to advise the Council of its recommendations thereon.

D. To study preliminary and final plats and to advise the Council of its recommendations thereof.

E. To act in an advisory capacity to the Council in all matters wherein powers are assigned to the Council by the Charter or state law, concerning comprehensive planning, zoning, platting, changes in streets, and other matters of a general planning nature.

305.05. Park and Recreation Commission. Subdivision 1. Creation. There is established a Park and Recreation Advisory Commission for the City.

Subd. 2. Membership. The Park and Recreation Advisory Commission consists of seven members appointed in the manner set forth in this subsection. One member of the Commission is to be appointed from each ward in the City. Three members of the Commission are appointed from the City at large. These members are appointed by the Council for staggered terms of three years expiring on January 31st of each year. (Ord. 2003-14, 5/27/2003; Ord. 2003-23, 07/22/2003; Ord. 2007-02, 1/09/2007)

Subd. 3. Officers; Meetings. The Chairperson of the Commission shall be appointed by the Commission from among the members of the Commission, subject to the approval of the Mayor, for a term of one year. The Commission shall adopt its own rules and procedures with the approval of the Council. All members of the Commission, including the Chairperson, may vote on any questions before the Commission, except that no member of the Commission shall partake in any discussion on or vote upon any question in which he or she is directly or indirectly interested. The Commission shall determine the date and time of meetings and shall set such public hearings as are necessary and desirable, or required by law, this Code or the Charter.

Subd. 4. Powers and Duties. The Park and Recreation Advisory Commission shall have the powers and duties allowed under the Charter and State law, including:

A. To hold meetings of its members, to consider such matters pertaining to parks and public recreation programs in the City as shall be referred to the Commission by the Council, or as the members of the Commission themselves deem proper.

B. To prepare a comprehensive plan for the future development of the City park and recreation system, to be submitted to the Council for implementation, and to maintain said plan, and recommend amendments of the plan to the Council, as may become necessary or desirable.

C. To act in an advisory capacity to the Council in all matters relating to a park and recreation program in the City.
Subd. 5. **Reports.** The Commission shall make an annual written report to the Council, no later than the last day of February of each calendar year, containing the Commission's recommendations for the ensuing year.

305.07. **Board of Adjustments and Appeals.** Pursuant to Minnesota Statutes, Section 462.354, a Board of Adjustments and Appeals is hereby established. The Council shall serve as the Board of Adjustments and Appeals. The Planning Commission shall conduct required hearings for the Board and make recommendations to it on all variance applications.

305.09. **Removal of Appointees to Boards and Commissions.** A member of any advisory board or commission appointed pursuant to the provisions of this Section or the Zoning Ordinance may be removed at any time by the Council.

*(Ord. 2015-31, 12/08/2015)*

305.13. **Resignations and Removal from Commissions or Committees.** Commission or Committee members may resign voluntarily or may be removed from office by a majority vote of the Council. Any vacancy in any advisory board, commission, or committee shall be filled by appointment with a majority vote of the Council. Vacancies shall be announced in the City's official newspaper and posted within the City Hall. Applications shall be available at the City Clerk's office and shall be forwarded within a time to be prescribed to the Council.

305.15. **Compensation.** Commission and Committee members shall serve without compensation.

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Section 310 - Administrative Code; Departments

310.01. Public Safety Department. Subdivision 1. Creation. There is hereby created a Public Safety Department for the City of Plymouth.

Subd. 2. The Public Safety Department shall be responsible for the equal protection of all persons and property, fair and just enforcement of all applicable laws of the State of Minnesota and ordinances of the City, prevention of fires, removal of fire hazards, rendering of firefighting, preservation of the public peace and order, prevention and detection of crime, apprehension of offenders, rendering of civil defense services, and development of education and training for employees, volunteers, and citizens of the City respecting matters involving in particular all the foregoing purposes, and in general, the safety and wellbeing of the community at large.

Subd. 3. Organization of the Public Safety Department. The Public Safety Department shall consist of a Police Department Division and a Fire Department Division.

A. Police Division. The Police Department Division consists of a Police Chief and such other members as may be determined from time to time. The Director of Public Safety may serve as Police Chief. The Police Chief and other personnel of the Police Department Division are appointed by the City Manager for an indefinite period. The Police Department Division shall be under the direct supervision of the Police Chief who shall be responsible to and under the direct supervision of the Director of Public Safety.

B. Fire Division. The Fire Department Division consists of a Fire Chief and such other subordinate officers and firefighters as may be determined from time to time. The Director of Public Safety may serve as Fire Chief. The Fire Chief and other personnel of the Fire Department Division are appointed by the City Manager for an indefinite period. The Fire Department Division shall be supervised by the Fire Chief who shall be responsible to and under the direct supervision of the Director of Public Safety.

Subd. 4. Director of Public Safety. The Public Safety Department shall be under the direction and supervision of a Director of Public Safety who shall be appointed by and subject to the supervision and direction of the City Manager.

Subd. 5. Duties of Director of Public Safety. The Director of Public Safety shall be responsible to the City Manager and also serve as the City’s Emergency Management Director. The Director of Public Safety will be responsible for all aspects of public safety including all fire and police activities relating to the fair and just enforcement of all laws; City Charter provisions, Minnesota Statutes, City ordinances and the preservation of justice, law and order in the City; the direction of civil defense activities within the City and the assignment of personnel within the Public Safety Department; developing and implementing procedures and policies pertaining to
all fire and police activities; and developing selection procedures for personnel of the department with assistance from both the Police Chief and Fire Chief.

Subd. 6. Relief Association. The members of the Fire Department may organize themselves into a Firefighters Relief Association.

Section 315 - Disposition of Unclaimed Property

315.01. Abandoned Motor Vehicles. Subdivision 1. Impoundment and Sale. The Police Department shall take into custody and impound any abandoned motor vehicle as defined by Minnesota Statutes, Section 168B.02, Subd. 2, as amended. It shall give notice of the taking as provided by law and if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice. (Ord. 2001-08, 2/27/2001)

Subd. 2. Summary Action in Certain Cases. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign county, it shall immediately be eligible for sale under Subdivision 1 of this Section and shall not be subject to the notification, reclamation, or title provisions of Minnesota Statutes 168B.01 to 168B.101, as amended.

Subd. 3. Disposition of Proceeds. The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the City. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, he shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice and publication costs incurred in its handling.

315.03. Other Abandoned Property. Subdivision 1. Procedure. All other property lawfully coming into the possession of the City shall be disposed of as provided in this Section.

Subd. 2. Storage. The department of the City acquiring possession of the property shall arrange for its storage. If City facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

Subd. 3. Claim by Owner. The owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

Subd. 4. Sale. If the property remains unclaimed in the possession of the City for 60 days, the property may be used by the City for its own purposes or may be sold to the highest bidder at a public auction conducted by the Director of Public Safety of the City after two weeks' published notice setting forth the time and place of the sale and the property to be sold. (Ord. 2018-18, 9/25/2018)

Subd. 5. Disposition of Proceeds. The proceeds of the sale shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, he shall be paid the proceeds of the sale of his property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

(Ord. 2011-29, 10/25/2011)
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Section 320

(This section was repealed by Ordinance No. 2011-29, 10/25/2011)
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Section 321 - Community Improvement Fund

321.01. Establishment of Fund. Pursuant to City Charter Chapter 7, Section 7.14, there is established a fund to be known as "Community Improvement Fund."

321.03. Allocation of Monies to Fund. There shall be accumulated in such Community Improvement Fund (1) surplus money from the various special assessment funds that remain after the costs of each improvement project have been fully funded and bonds issued for the project paid or defeased, and which money has not been transferred to another separate improvement fund, (2) collections of special assessments received after an improvement project has been fully funded and bonds issued for the project paid or defeased, (3) investment earnings generated by the money in the fund, (4) any other money appropriated by the Council or donated to the City for the purposes of the fund.

321.05. Use of Fund. Subdivision 1. Generally. The Community Improvement Fund shall be used only when all of the following are met:

A. The project has sufficient community wide benefit as determined by its intended uses, addresses a community need or problem, and is consistent with other City goals, programs and policies.

B. The expenditure for the project is for an item of a capital nature.

C. The Council has conducted a public hearing on the project.

D. There has been an estimate prepared outlining the operating expenses and proposed funding sources for the project for a five year period.

E. Expenditures for a project in excess of three million dollars have been approved by a majority of the votes cast in a regular or special election.

Subd. 2. Expenditures requiring 5/7ths Council Approval. Upon meeting the requirements of Subdivision 1, expenditures from the Community Improvement Fund shall require at least five affirmative votes of the Council, but shall not require voter approval, if the expenditure is for a project that has been included in the Capital Improvement Program for at least the current year or is declared to be an emergency, e.g., an "Act of God" as that term is defined by generally accepted business general liability insurance policies, and does not exceed three million dollars for any site or project location.

Subd. 3. Expenditures requiring Majority Council Approval. Upon meeting the requirements of Subdivision 1, expenditures from the Community Improvement Fund shall require a simple majority votes of the Council, but shall not require voter approval, if the expenditure:
A. Is for a project that has been included in the Capital Improvement Program for at least two years;

B. Is a loan from the Community Improvement Fund and must be repaid or is made with the condition that no further expenditures from the Community Improvement Fund shall be made until the principal is repaid plus 10 percent of the investment earnings that would have been generated on the principal at the previous amount; and

C. Expends a total amount of principal not to exceed an amount equal to the Community Improvement Fund's investment earnings from the previous two calendar years prior to the expenditure, not to exceed three million dollars for any site or project location.

(Ord. 94-9, 5/16/94)
Section 325 - Tax Levies

325.01. **Increase in Tax Rate.** A two thirds majority of all members of the Council is required to adopt a tax levy resolution that increases the City's tax rate over the prior year. Tax rate means the quotient derived by dividing the City's tax levy by the City's net tax capacity.

325.03. **Repeal.** This Section may not be repealed or amended until after a public hearing has been held by the Council. A notice of the time, place, and purposes of the hearing shall be published in the City's official newspaper twice. The two publications shall be a week apart and the hearing shall be at least three days after the last publication. A repealing ordinance shall not take effect for a period of one year after its adoption.

*(Ord. 98-45, 12/16/98; Ord. 2011-29, 10/25/2011)*
Section 330 - Special Assessments

After adoption by the Council of an assessment roll in any local improvement proceedings, the owner of any property specially assessed in the proceeding may, by October 31 of the year the Council adopts the assessment, pay to the City the entire assessment amount or any part thereof, but not less than $100. The remaining unpaid balance shall be spread over the period of time established by the Council for installment payment of the assessment.

(Ord. 2005-06, 4/12/2005; Ord2015-08, 2/24/2015)
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CHAPTER IV

BUILDING, HOUSING AND CONSTRUCTION
REGULATIONS

Section 400 - Building Code

400.01  Codes Adopted by Reference. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

400.03  Application, Administration and Enforcement. The application, administration, and enforcement shall be in accordance with the Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statute, 326B.121, Subdivision 2(d), when so established by this ordinance. The code enforcement agency of this municipality is called the City of Plymouth. This code shall be enforced by the Minnesota Certified Building Official designated by the City to administer the code in accordance with Minnesota Statutes 326B.133, Subd. 1.

400.05  Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the City in Chapter X of the City Code. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes 326B.148.

400.07  Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16).

400.09  Building Code Optional Chapters. Minnesota State Building Code, Chapter 1300, allows the City to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for the City.

2. Grading, IBC Appendix Chapter J.
400.11. Numbering of Houses and Buildings. Subdivision 1. Numbers Required. Each owner and each and every occupant of a house or commercial building in the City shall place on the front of each such house or commercial building, house or building numbers in accordance with the instructions of the Building Official and in conformance with the following:

A. Address numerals of one and two family dwellings shall be at least four inches in height; shall be of durable materials; shall be of contrasting color to the base to which they are attached.

B. Address numbers or identification for all other dwelling buildings and complexes, public buildings, commercial buildings and industrial buildings shall conform with the above criteria, except that the Building Official may require numerals exceeding four inches in height.

C. Address numbers or identification shall be placed so to be directly and conveniently visible from public access to the facility.

1. In the case of one and two family units, the addressing shall be attached to the building at the front entrance or such other location approved or required by the Building Official.

2. In the case of multiple dwelling and townhouse complexes, approved addressing shall be attached to the buildings at the main entrance nearest and adjoining driveway, public or private street or at such other location(s) as directed by the Chief Building Official. In the case of dwelling complexes which may be assigned a common address, addressing shall be displayed in a manner approved by the Building Official at the main entrance(s) to the complex.

3. In the case of individual detached commercial and industrial establishments, addressing shall be attached to the building at the front entrance or at such other location as may be required by the Building Official.

4. In the case of attached commercial and industrial establishments, clustered in a complex or in a multi-tenant building, approved addressing shall be attached to the building at the main entrance(s) to the establishment(s), nearest to the adjoining driveway, public or private street, and at such other location(s) as directed by the Building Official. In the case of complexes or multi-tenant buildings which may be assigned a common address, addressing shall be displayed in a manner approved by the Building Official at the main entrance(s) to the complex.
5. Individual dwelling units in multi-family dwellings, and individual tenant areas in multi-tenant commercial and industrial buildings, which have entrances not facing on adjoining public or private street or driveway, shall have permanent, approved addressing placed at each entrance to said dwelling or tenant area. In the case of multi-story buildings, said addressing shall be sequential, corresponding with the respective floor or level.

Subd. 2. Certificate of Occupancy. No Certificate of Occupancy shall be issued for a structure not in compliance with this Subsection.

Subd. 3. Duties of Inspector; Enforcement. It is the duty of the Building Official to enforce this section. The Building Official shall give the owner or occupant of any house or commercial building which does not conform with this section 15 days written notice within which to comply with the terms thereof.

400.13. Building Permits; Required Information. Each permit application for a new building or addition shall be accompanied by survey of said premises and information on the location and the dimension of existing and proposed buildings, locations of easements crossing the property, encroachments, and any other information which shall be necessary to insure conformance with the City ordinances and may include the following:

A. All existing buildings with dimensions of each and the distance measured perpendicular from the lot lines and from any wetlands or wetland buffers (when applicable) to the nearest point of each building. (Ord. 2009-08, 5/12/2009)

B. All proposed buildings with dimensions of each and distance measured perpendicular from the lot lines and from any wetlands or wetland buffers (when applicable) to the nearest point of each building. (Ord. 2009-08, 5/12/2009)

C. Elevations to sea level datum of the center line of the nearest street at points where the side line of proposed buildings extended intersect said street. (Ord. 2009-08, 5/12/2009)

D. Proposed elevations to sea level datum of the top of foundation, garage floor, lowest floor and lowest opening. (Ord. 2017-20, 9/26/2017)

E. The approved lowest floor minimum elevation shall be no less than two feet above the established 100-year flood plain elevation as determined by the City Storm Water Drainage Plan and/or the Federal Flood Insurance Map, subject to approval by the City Engineer. The lowest opening shall be no less than 1 1/2 feet above the highest point of any adjacent emergency flow. (Ord. 2003-22, 7/22/2003; Ord. 2009-08, 5/12/2009; Ord. 2017-20, 9/26/2017)
F. Existing and proposed elevations to sea level datum of grade at each property corner and within five feet of foundation on all sides of proposed buildings. (Ord. 2009-08, 5/12/2009)

G. Proposed slope or grade of ground for a distance of not less than 25 feet in front of and in back of foundation and topographical information at 2 foot contours depicting (existing and proposed) elevation within 15 feet of all sides of the building foundation or to the property line, whichever is greater. Water runoff shall be properly channeled by use of swale or other approved means to storm drains, ponding areas or other public facilities subject to the review and approval of the City Engineer. (Ord. 2017-20, 9/26/2017)

H. Elevation to sea level of sanitary sewer main, if existing, at point of connection.

I. All existing utilities, easements, drainageways, waterways, ponds, and wetlands on or within the property, including the location and elevation of all emergency overflows. (Ord. 2002-10, 3/12/2002; Ord. 2009-08, 5/12/2009)

J. For single- and two-family dwellings, the location of an attached or detached garage, containing at least one parking stall, which could be built in addition to the dwelling within ordinance setback standards. (Ord. 2009-08, 5/12/2009)

K. Certification that the building, proposed site grading, and erosion control measures are in accordance with the City-wide storm water drainage plans and/or grading plans approved by the City Engineer for the specific development or subdivision. (Ord. 2009-08, 5/12/2009)

L. Certification that permanent iron monuments are in place at each lot corner.

M. Indication that permanent iron monuments are placed on each side of the lot a distance from the front lot line equivalent to the proposed front building setback line. In the event the distance from the side line to the proposed building is greater than 30 feet, stakes shall be placed on the front building line a distance not to exceed 30 feet from the proposed building. (Ord. 2009-08, 5/12/2009)

N. Location of existing buildings on adjacent properties, within 25 feet of the lot lines, to include top of foundation elevation and distance to front and side lot lines. (Ord. 2009-08, 5/12/2009)

O. Location of all proposed decks, porches, patios, stairways, cantilevers, fireplaces, bay and bow windows. (Ord. 2017-20, 9/26/2017)
P. Location and elevation of all sanitary and storm sewer manholes, hydrants and catch basins.

Q. The location of all proposed driveways, curb cuts, and retaining walls, including proposed driveway slope and height of retaining wall.

R. Indication, with arrows, the direction of proposed surface drainage in accordance with the City-wide storm water drainage plans and/or grading plans approved by the City Engineer for the specific development or subdivision.

S. For properties which abut lakes and/or ponds, indicate by contour line, the ordinary high water level (OHWL) elevation and distance to the nearest point of the proposed building. (Ord. 2009-08, 5/12/2009)

T. Proof proposed building is located on parcel of land abutting on a street or highway which said street or highway has been approved by the City, and otherwise meets the requirements of Minnesota Statutes Section 462.358, as amended. (Ord. 94-22, 11/21/94; Ord. 2009-08, 5/12/2009)

U. Location of erosion control devices, including any permanent or temporary erosion control measures shown on the approved grading plan. (Ord. 95-17, 3/21/95; Ord. 2009-08, 5/12/2009)

V. If the lot is subject to the City’s wetland buffer regulations (subdivided after January 3, 1995), indicate the location of the designated wetland buffer area as shown on the approved grading plan, together with the location of permanently installed wetland buffer monument signage. (Ord. 96-26, 10/02/96; Ord. 2009-08, 5/12/2009)

W. Location of all rain gardens when required. (Ord. 2002-10, 3/12/2002)

X. For properties located within a shoreland management overlay district, provide calculations indicating the total percentage of impervious surface area coverage. (Ord. 2003-22, 7/22/2003; Ord. 2009-08, 5/12/2009)

Y. If the lot is subject to the City’s tree preservation regulations, indicate the construction zone and areas of tree removal and tree preservation. (Ord. 2009-08, 5/12/2009)

Z. For single- and two-family dwellings, indicate the location, size, and species of the two required trees, pursuant to Section 21130.03 of this Code. (Ord. 2009-08, 5/12/2009)

(Ord. 2017-20, 9/26/2017)
400.15. **Installation of Devices that Convey Ground Water.** All drain tile and sump systems, sumps, or other system or device designed to collect and convey storm water, surface water, ground water, roof water runoff, subsurface drainage, cooling water, or unpolluted industrial process water which are installed with new construction or in conjunction with remodeling of existing structures shall be constructed in a permanent manner so as to discharge the water to the Storm Water Drainage System. The installation shall be done in a manner so that such waters are not conveyed, directed, or discharged into the municipal sanitary sewer.

400.17. **Structures Abutting Water Storage Areas; Requirements.** Certification by a Minnesota registered Civil Engineer or Surveyor, shall be submitted to the Building Official indicating the elevation of the lowest floor level and the top of the installed foundation wall for those sites which abut lakes, ponds, streams, and/or surface water drainage routes as shown on the City's storm water drainage plan or final grading plan and when the lowest floor level is within 2 1/2 feet of the ordinary high water level or 100 year flood elevation or when a foundation opening is within 2 feet of any adjacent emergency overflow. The certification shall be compared to the established minimum elevations and approved by the Building Official prior to any further construction above the foundation wall. Should the submitted certification data indicate that the installed floor elevation would be less than the approved required elevation, the Building Official shall require appropriate corrective measures before any further construction beyond the foundation walls is permitted. *(Ord. 2017-20, 9/26/2017)*

400.19. **Final Inspections.** Subdivision 1. **Certification.** Final inspections and authorization of occupancy of all new buildings and building additions as may be necessary, shall be performed upon receipt of an “as built” survey prepared by an engineer or land surveyor licensed and registered in Minnesota that the grades and elevations of the site and building are in accordance with the approved plans. *(Ord. 2017-20, 9/26/2017)*

Subd. 2. **Extensions.** In those situations where the City Manager, or such City employee designated by the City Manager, determines that the certification required by Subdivision 1 is not feasible due to weather conditions or other circumstances preventing action from being taken, the permittee, prospective owner, or prospective occupant may, in lieu of the certification, submit an agreement, acceptable to the City Manager, agreeing to provide the certification no later than six months from the date of the agreement. The permittee, prospective owner, and/or prospective occupant shall hold the City harmless from any conditions relating to the grading and elevation of the site and shall bear all costs associated with correcting the grading and elevations, if necessary, to conform with the approved plans and all costs, including legal fees, incurred by the City in collecting costs due hereunder. If permittee, prospective owner and/or prospective occupant or their successors or assigns fail to pay costs incurred under this Subdivision, the City may either bring legal action or specially assess the effected property. The permittee, prospective owner and/or prospective occupant shall enter into an agreement setting forth the terms of this Subdivision.

Section 405 - Property Maintenance


405.02. Deletions. The following sections of the International Property Maintenance Code are deleted: 103.2; 103.3; and 303.2.

405.03. Amendments. The following sections of the International Property Maintenance Code are amended to read as follows:

101.1 Title. For the purposes of this article, these regulations shall be known as the Property Maintenance Code of the City of Plymouth, hereinafter referred to as “this code”.

102.3 Application 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 Minnesota State Building Code, the Plymouth City Code or the Plymouth Zoning Ordinance.

102.7 Referenced Codes and Standards. All references to other codes or standards within this code shall mean the applicable provisions of the Plymouth City Code, the Plymouth Zoning Ordinance, or the Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute.

103.1 Enforcement. The Building Inspection Division of the City is responsible for administering the provisions of this code, and the Building Official in charge shall be known as the code official.

103.5 Fees. The fees for activities and services performed by the department carrying out its responsibilities under this code, shall be set forth in Chapter X.

SECTION 201

GENERAL

201.3 Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the Plymouth City Code, the Plymouth Zoning Ordinance or the Minnesota State Building Code, such terms shall have the meanings ascribed to them in those codes.

SECTION 202

GENERAL DEFINITIONS

Accessory Building, Structure, or Use. A subordinate building, structure, or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary, appropriate and incidental to the conduct of the primary use of such building or main use.

Code Official. The official charged with the administration and enforcement of this code, or any duly authorized representative. For the purpose of administration and enforcement of this code, the Building Official shall be the code official.

Condominium Dwelling Unit. A unit in a dwelling in which there are two or more units where each unit is separately owned and each unit owner holds a proportional interest in certain
common areas. Wherever the term “dwelling unit” is used, it shall also include a Condominium Dwelling Unit.

Dwelling. A building or portion thereof, designated exclusively for residential occupancy, but not including hotels, motels, nursing homes, boarding or rooming houses, tents, seasonal cabins, or motor homes or travel trailers.

Dwelling Unit. A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers.

Garbage. Animal and vegetable wastes and other wastes or putrescible matter including but not limited to grease, wrappings, shells, grounds, bones, entrails, and similar materials resulting from the handling, preparation, cooking, service and consumption of food, and other animal wastes.

Rubbish. Waste products which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, refuse, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excrete, or the carcass of animals; tree or shrub trimmings (greater than ¼ inch in diameter), or grass clippings; brick, plaster, wood, metal, roofing materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials, junk vehicles, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles, auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids, or other such substances which may become a nuisance.

SECTION 302
EXTERIOR PROPERTY AREAS

302.2.1. Yard Cover. Every yard of a premises on which a dwelling stands shall be maintained to prevent dust and erosion.

302.3.1. Removal of Snow and Ice. The owner of any rental dwelling shall be responsible for the removal of snow and ice from parking lots and/or driveways, steps and walkways on the premises within 48 hours after cessation of the snowfall in accordance with Section 820 of the City Code and supplemented by this provision.

302.3.2. Maintenance of Driving and Parking Areas. The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining in good condition, paved and delineated parking areas and driveways for tenants.

302.3.3. Exterior Lighting. The owner of a rental dwelling or dwellings shall be responsible for providing and maintaining effective illumination in all exterior parking areas and walkways.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches in accordance with Section 810 of the City Code. All noxious weeds shall be prohibited.
SECTION 304
EXTERIOR STRUCTURE

304.14 Insect Screens. During the period from May 15 to October 15, 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 (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

SECTION 308
RUBBISH AND GARBAGE

308.2 Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers as prescribed by Chapter VI of the Plymouth City Code.

SECTION 502
REQUIRED FACILITIES

502.5 Public Toilet Facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the provision set forth in the Minnesota State Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 505
WATER SYSTEM

505.1 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 or cold running water in accordance with the provisions set forth in the Minnesota State Plumbing Code.

SECTION 602
HEATING FACILITIES

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature required for the locality by the Minnesota State Building Code.

602.3 Heat Supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either expressed or implied to furnish heat to the occupants thereof shall supply heat during the period from October
15 to May 15 to maintain a temperature of not less than 68 degrees F in all habitable rooms, bathrooms and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity.

CHAPTER 8
REFERENCED STANDARD
800 GENERAL REFERENCES

Whenever this code refers to the International Codes, such references shall be deemed to be the comparable, applicable code as adopted by the State of Minnesota. Whenever this code shall refer to the International Zoning Code, such references shall be deemed to be the City of Plymouth Zoning Ordinance.

Section 410 - Rental Licensing

410.00. Purpose. It is the purpose of this ordinance to protect the public health, safety and welfare of citizens of the City who have as their place of abode a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all rental dwellings in the city.

410.05. Definitions. For the purposes of Section 410.00 et. seq., the terms defined in this section shall have the meanings given them in the subdivisions which follow:

Subd. 1. Rental Dwelling. As used in this ordinance the term "rental dwelling" shall mean any rental dwelling with one or more living units. "Rental dwelling" does not include hotels, motels, hospitals and homes for aged.

Subd. 2. Operate. As used in this ordinance, the term "operate" means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling.

410.10. License Required. No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling in the City without first having obtained a license. The license is issued annually for three or more family dwellings and every three years for one and two family dwellings and condominiums dwelling units and is valid until the date of expiration (Ord. 2015-13, 4/28/2015)

410.15. Application for Licenses. Applications for licenses shall be made in writing on forms provided by the City and accompanied by the fee amounts as established by the Council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

Subd. 1. Name, business or residence address and telephone number of the owner of the dwelling. If the owner is a partnership, the name of the partnership, the name, residence address of the managing partner, and the full name and address of all partners. If the owner is a corporation, the name and address of the corporation, and the name and address of the chief operating officer; in cases where the owner of a dwelling resides outside of the seven-county metropolitan area consisting of the following counties: Hennepin, Anoka, Washington, Ramsey, Dakota, Scott, and Carver; the owner’s agent/contact person shall reside within the seven-county area. Ord. 2015-13, 4/28/2015)

Subd. 2. If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, and telephone number of such agent.

Subd. 3. Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address and telephone number, and a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her
notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.

Subd. 4. Street address of the dwelling.

Subd. 5. Number and kind of units within the rental dwelling (dwelling units, tenement units, rooming units or others). For each unit, specify the floor number, and the unit number and/or letter and/or designation.

Subd. 6. In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within 10 days, notify in writing the Code Official of the change. However, if the natural person designated in Subdivision 3 changes, the licensee or applicant shall file and entirely new application within 10 days. Furthermore, for just cause, the Code Official may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of 10 days to comply.

Subd. 7. Section 410.42 shall apply to a dwelling as if the dwelling has a rental license in the instance where the dwelling was rented without a license as required by Section 410 but is within 365 days of filing an application for a license. If there have been three or more instances of conduct deemed to be disorderly under Section 410.42 during the 365 days prior to filing the application, the rental dwelling license shall not be issued until 365 days have elapsed since the last violation. If there have been one or two instances of disorderly conduct during the prior 365 days, the license may be issued but the instances of disorderly conduct shall apply to the license.


410.20. Temporary Licenses. The Code Official may issue a temporary license to the owner of a rental dwelling who has submitted an application and paid the license fee. A temporary license shall authorize the continued occupancy of rental dwelling units in actual existence, pending issuance of a rental dwelling license. A temporary license shall authorize the continued occupancy of dwelling units converted to rental usage, which shall be inspected pursuant to Section 410.32. A temporary license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in Section 410.40. A temporary license is not a determination that the building complies with the housing maintenance code or minimum standards set forth in Section 410.40. (Ord. 2008-14, 5/27/2008)

410.23 Mandatory Training. The owner or property manager of a rental dwelling must complete Crime Free Multi Housing training offered by the Police Department or a similar program approved by the Police Department prior to the issuance of an initial rental license, or upon any change in property ownership. Refresher training is required every five years thereafter for
individuals who own or manage five or more rental dwelling units in the City. The requirements for mandatory training do not apply to a person who owns or manages one rental dwelling unit in the City. If three or more violations of Code section 410.42 occur in a 365 day period at a single family rental dwelling owned by a person who is not required to have mandatory training, that person must complete the mandatory training before the dwelling license may be renewed. (Ord. 2008-14, 5/27/2008; Ord. 2015-13, 4/28/2015)

410.25. **License Renewal.** Notwithstanding the application signature requirements of Section 410.20, renewals of the license as required annually by this code may be made by filling out the required renewal form furnished by the City Manager to the owner, operator or agent of a rental dwelling and mailing said form together with the required registration fee to the City Manager.

410.27 **Tenant Register.** The licensee must, as a continuing obligation of its license, maintain a current register of tenants and other persons who have a lawful right to occupancy of apartments within the apartment house or rental home. In its application, the licensee must designate the person or persons who will have possession of the register; and must promptly notify the City of any change of the identity, address or telephone numbers of such persons. The register must be available for the inspection by the City at all times. (Ord. 2004-24, 10/26/2004; Ord. 2015-13, 4/28/2015)

410.30. **License Fees.** Rental license fees are set forth in Chapter X.

410.32. **Inspections Required.** Pursuant to this section, the Code Official shall make inspections to determine the condition of rental dwellings located within the City for the purpose of enforcing the rental licensing standards. The Code Official or designated representative may enter, examine and survey at all reasonable times all rental dwellings and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry by the Code Official or designate representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. (Ord. 2008-14, 5/27/2008)

410.35. **Posting.** Every registrant of a rental dwelling shall post the annual license issued by the City Manager. The annual license shall be conspicuously posted by the registrant, in a public corridor, hallway or lobby of the rental dwelling for which they are issued.

410.37 **Notices.** Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this section, notice shall be deemed sufficient if sent certified mail to the owner or owner’s designated agent at the address specified in the last license application filed with the City. If a notice sent to the address specified in the last license application is returned, and the owner or owner’s agent cannot be found, then notice shall be sent to the person designated in the last license application as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building. (Ord. 2008-14, 5/27/2008)
410.40. **Maintenance Standards.** Every rental dwelling shall maintain the standards in Chapter 405 Housing Maintenance Code in addition to any other requirement of the ordinance of the City or special permits issued by the City, or the laws of the State of Minnesota.

410.41. **Use of Rental Dwelling for a Home Occupation.** A home occupation may be operated within a rental dwelling in compliance with City Code Section 21145 and as modified below:

No more than one delivery to or shipment from a home in conjunction with the home occupation by a vehicle over 20,000 Gross Vehicle Weight Rating (GVWR) shall be made per week (Sunday through Saturday) to the property.

*(Ord. 2015-30, 11/24/2015)*

410.42. **Rental dwelling licenses: Conduct on licensed premises.** Subdivision 1. It shall be the responsibility of the rental license holder to take appropriate action, with the assistance of the City, to prevent conduct by tenants or their guests on the licensed premises which is hereby deemed to be disorderly, in violation of any of the following statutes or ordinances:

Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;

Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;

Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;

Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;

Section 2025 of this Code, which prohibits noise and noisy assemblies;

Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and Section 930 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or

Minnesota Statutes, Section 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

Failure to comply with dangerous dog requirements in violation of Section 915 of this Code or Minnesota Statutes Chapter 347.

Indecent exposure in violation of Minnesota Statutes Section 617.23.
Assault, as defined by Minnesota Statutes Sections 609.221, 609.222, 609.223, 609.2231, and 609.224, excluding domestic assaults.

Public nuisance, as defined by Section 960.03, subdivision 1, of this Code or Minnesota Statutes Sections 609.74 - .745.

The unlawful sale, furnishing, use, or possession of intoxicating liquor or malt liquor in violation of Minnesota law or Chapter XII of this Code.

Criminal damage to property in violation of Minnesota Statutes 609.595.

The unlawful sale or possession of small amounts of marijuana in violation of Minnesota Statutes 152.027 subd.4.

The unlawful possession or use of drug paraphernalia in violation of Minnesota Statutes 152.092.

Contributing to the delinquency or status as a juvenile.

Failure to restrain a domestic animal in violation of Section 915 of this Code.

Cruelty to animals in violation of Minnesota law.

Excess number of domestic animals in violation of Section 915 of this Code.

Illegal possession of a wild animal in violation of Section 915 of this Code.

Unlicensed dog in violation of Section 915 of this Code.

Illegal open burning in violation of Section 940 of this Code.

Illegal refuse in violation of Section 600 of this Code.

Abandoned or junk vehicles in violation of Minnesota law.

Illegal exterior storage in violation of Section 21105.11 of the Zoning Ordinance.

Illegal parking or storage of recreational vehicles in violation of Section 21105.11 of the Zoning Ordinance.

Illegal parking or storage of vehicles in violation of Section 21105.11 of the Zoning Ordinance.

False report to public officer in violation of Section 960.03, Subd. 2 of this Code.
Illegal home occupation in violation of Section 21145 of the Zoning Ordinance.

Three cumulative renter violations in a 365 day period of other City Codes or State Statutes on the premises or on the adjacent rights-of-way. These violations include, but are not limited to, parking.


Subd. 2. A determination that the licensed premises have been used in a disorderly manner as described in Subdivision 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges are brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

Subd. 3. Upon determination by the Compliance Official utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in Subdivision 1, the City shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action with the assistance of the City to prevent further violations.

Subd. 4. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within 365 days of an incident for which a notice in Subdivision 3 was given, the City shall notify the licensee by certified mail of the violation and shall also require the licensee to submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the City within seven days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding 365 days.

Subd. 5. If another instance of disorderly use of the licensed premises at the same specific dwelling or unit occurs within 365 days after the second of any two previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended, placed on probation, or not renewed. An action to deny, revoke, suspend, place on probation, or not renew a license under this section shall be initiated by the City in the manner described in Section 410.45, and shall proceed according to the procedures established in Sections 410.45 and 410.50.

Subd. 6. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or the tenant’s guests. Eviction proceedings shall not be a bar to adverse license action, however, unless the licensee diligently pursues them. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the City within 10 days of receipt of the violation notice. Further, an action to deny, revoke, suspend, place on probation, or not renew a license based upon violations of this section may be postponed or discontinued by the Compliance Official at
any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.


410.45. Revocation, Suspension, or Probation. Subd. 1. Every license or permit issued under this ordinance is subject to the right, which is hereby expressly reserved, to suspend, revoke, or place on probation the same should the license holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain rental dwellings contrary to the provisions of this ordinance or any other ordinance of the City or any special permit issued by the City or the laws of the State of Minnesota. (Ord. 2001-24, 7/24/2001)

Subd. 2. The license may be suspended, revoked, or placed in a probation status by the Council after a written notice is sent to the license holder specifying the ordinance or law violations with which they are charged. This notice shall also specify the date for hearing before the Council, which shall not be less than 10 days from the date of the notice. (Ord. 2001-24, 7/24/2001)

Subd. 3. At such hearing before the Council, the license holder or their attorneys may submit and present witnesses on their behalf.

Subd. 4. After a hearing the Council may suspend, revoke, or place on probation the license if they deem it necessary to protect the public health, safety or general welfare. (Ord. 2001-24, 7/24/2001)

410.50. Summary Action. Subd. 1. When the condition of the rental dwelling of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the Compliance Official shall have the authority to summarily condemn or close off such area of the rental dwelling.

Subd. 2. Any person aggrieved by a decision of the Compliance Official to cease business or revoke or suspend the license or permit shall be entitled to appeal to the Council immediately, by filing a Notice of Appeal. The City Manager shall schedule a date for hearing before the Council and notify the aggrieved person of the date.

Subd. 3. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.

Subd. 4. The decision of the Compliance Official shall not be voided by the filing of such appeal. Only after the Council has held its hearing will the decision of the Compliance Official be affected.

410.55. Applicable Laws. Licenses shall be subject to all of the ordinances of the City and the State of Minnesota relating to rental dwellings; and this ordinance shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.
(Ord. 2011-29, 10/25/2011)
Section 415 - Moving Buildings

415.01. Building Mover's License. It is unlawful for any person to move or cause to be moved, a building or portion thereof into, within, through, or out of the City without a license issued to do so by the State of Minnesota.

415.03. Conditional Use Permit. It is unlawful for a person to move or cause to be moved, a building or portion thereof into or within the City (excludes buildings being moved out of or through Plymouth) without first obtaining a conditional use permit, if required pursuant to Section 21140 of the Zoning Ordinance.

415.05. Building Moving Permit. It is unlawful for a person to move or cause to be moved, a building or portion thereof into, within, through, or out of the City without first obtaining: (1) a conditional use permit if required by Section 415.03 above; and (2) a building moving permit.

Subd. 1. Pre-Application Inspection Requirement. If a building is to be moved into or within the City (excludes buildings being moved out of or through Plymouth), and prior to submittal of: (1) a conditional use permit application if required by Section 415.03 above; and (2) a building moving permit application, the person seeking issuance of a building moving permit shall request a pre-application inspection for the building to be moved, and shall pay any applicable fees related to such pre-application inspection. The fees for the pre-application inspection shall include mileage and hourly rates for travel time and time spent during the inspection, as specified in Section 1015 of this Code. The fees for the pre-application inspection shall not be refundable.

A. The City Building Inspection Division shall inspect the building to be moved, and shall subsequently prepare a report that states whether the building can be safely moved and is able to meet the building code and other requirements of the City. If a conditional use permit is applied for, said report shall be considered by the Council in conjunction with the conditional use permit application.

B. If the pre-application inspection for the building to be moved is approved and if any required conditional use permit is approved, the person seeking issuance of a building moving permit shall then submit a building moving permit application to the City Building Inspection Division.

Subd. 2. Application for Building Moving Permit. A person seeking issuance of a building moving permit shall file an application in writing with the City Building Inspection Division. The application shall include the following:

A. A description of the building proposed to be moved, together with its current location (i.e., address or legal description), dimensions, and photographs of the building;
B. The location (i.e., address or legal description) of the premises to which the building is proposed to be moved;

C. If the building is to be moved into or within the City (excludes buildings being moved out of or through Plymouth), a certified survey from a registered land surveyor shall be required showing the location of the building on the lot it would be moved to, together with other information as required by Section 400.13 of this Chapter;

D. The moving permit fee as set forth in Chapter X;

E. A copy of a current Building Mover’s License from the State of Minnesota;

F. The name and address of the proposed building mover;

G. A listing of all highways, streets, or other properties over which the building is proposed to be transported (may include a moving route map);

H. A copy of all necessary state and county permits, together with a copy of permissions granted to cross over any private properties within the city;

I. The proposed moving date and hours; and any additional information as requested by the city;

J. If the building to be moved is located within the City, separate demolition and sewer/water disconnect permit applications shall accompany the application for building moving permit;

K. Evidence that any wells or septic systems have been properly abandoned for sites located within the City;

L. Evidence that the building and lot from which it is to be removed are free from mortgages, liens, or other encumbrances, and that all taxes and other charges against the lots from which, and to which, the building is to be moved are currently paid;

M. Evidence, such as a bill of sale, showing that the applicant is entitled to move the building; and

N. If the building is to be moved into or within the City (excludes buildings being moved out of or through Plymouth), a performance security pursuant to Section 21140.03 shall be provided.
Subd. 3. **Filing Date of Application.** The application for a building moving permit shall be made after City Council approval of any required conditional use permit, and at least 30 days prior to the proposed moving date.

415.07. **Building Mover's Duties.** Subdivision 1. **General.** Permittees under this Section shall conform to the provisions of this Subsection.

Subd. 2. **Designated Streets.** Permittee shall move a building only over streets designated for such use in the written permit.

Subd. 3. **Changes.** Permittee shall notify the City Building Inspection Division in writing of a desired change in moving date and hours as proposed in the application.

Subd. 4. **Damage.** Permittee shall notify the City Building Inspection Division of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred.

Subd. 5. **Warning Signals.** Permittee shall display warning lights on every side of the building during the nighttime and warning flags during the daytime to warn the public of the obstruction while the building is being moved or standing on a street, and shall where necessary erect and maintain barricades across the streets in a manner to protect the public from damage or injury.

Subd. 6. **Time Limit.** Permittee shall remove the building from city streets in the time specified in the permit, unless an extension is granted by the City.

Subd. 7. **Other Provisions.** Permittee shall comply with the Building Code, zoning regulations, and all other applicable provisions of this Code.

Subd. 8. **Police Protection.** Permittee shall pay the expense of a traffic officer, ordered by the Director of Public Safety, to accompany the movement of the building to protect the public from injury. The rate for such expense will be at the City’s contractual overtime rate. *(Ord. 2018-18, 9/25/2018)*

Subd. 9. **Restoration of Premises.** Permittee shall remove all rubbish and other materials and shall re-grade and restore the original building site if located in the city, so that the premises are left in a safe and sanitary condition.

415.09. **Timing Requirements.**

Subd. 1. A person shall not cause or permit a structure that has been raised from a foundation to remain at a location or locations in the city, other than the new permanent location, for longer than 48 hours, unless a longer time period is authorized in writing by the City Building Inspection Division.
Subd. 2. If the building is to be moved into or within the City (excludes buildings being moved out of or through Plymouth), all building code requirements must be met and a certificate of occupancy issued within 180 days of building permit issuance.

415.11. Enforcement and Penalties.

Subd. 1. This Section shall be enforced by the Building Official, Director of Public Safety, or other authorized agents of the City. If any building moving occurs in violation of this Section, the Building Official or Director of Public Safety may, in addition to other remedies, institute proper criminal action or proceedings.

Subd. 2. Any person who violates a provision of this Section is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offences.

Section 420

(This section was repealed by Ordinance No. 2011-06, 2/22/2011)
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Section 425 - Grading and Erosion Control Plan

425.01. Grading and Erosion Control Plan. Subdivision 1. A satisfactory erosion control and grading plan consistent with the Minnesota Stormwater Manual must be approved by the City Engineer before a grading or building permit is issued for construction, if the construction will result in disturbing the soil.

Subd. 2. The grading and erosion control plan must provide spot elevations of proposed grades in relation to existing grades on the subject property and adjacent land. Areas where the finished slope will be steeper than five units horizontal to one vertical shall be specifically noted. Also, location and type of erosion control devices shall be clearly labeled.

Subd. 3. Every effort shall be made to minimize disturbance of existing ground cover. No grading or filling shall be permitted within 40 feet of the ordinary high water mark of a water body unless specifically approved by the City. To minimize the erosion potential of exposed areas, restoration of ground cover shall be provided within five days after completion of the grading operation.

Subd. 4. Every effort shall be made during the building permit application process to determine the full extent of erosion control required. However, the City Engineer may require additional controls to correct specific site related problems as normal inspections are performed.

Subd. 5. All erosion control noted on the approved plan shall be installed prior to the initiation of any site grading or construction. Noncompliance with the grading and erosion control plan shall constitute grounds for an order from the City to halt all construction.

Subd. 6. All grading and construction activity that results in disturbance of the ground shall comply with Minnesota Pollution Control Agency’s General Permit to Discharge Stormwater Associated with Construction Activity No. MN-R100001 and the Minnesota Stormwater Manual.

(Ord. 95-17, 3/21/95; Ord. 2011-29, 10/25/2011; Ord. 2015-10, 3/24/2015)
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Section 435 - Hospitality Accommodations

435.01. Findings and Intent. Subdivision. 1. The City desires that hotel and motel owners provide safe Hospitality Accommodations.

Subd. 2. The Council determines it is in the best interests of the City to take a proactive approach to deterring and minimizing criminal activity and minimizing safety concerns at the hotels and motels within the City of Plymouth.

Subd. 3. The Council desires to encourage and foster cooperation between hotel and motel operations in the City, so calls for service initiated by the hotel or motel operator should not be included in the calls for service calculations for the purposes of these regulations.

Subd. 4. The level of criminal activity occurring at hotels and motels in the City is a real and compelling concern to the Council, residents, visitors, and the hotel and motel industry itself.

Subd. 5. A review of the police service calls regarding criminal activity demonstrates that some hotels and motels in the City are responsible for a disproportionate number of those calls.

Subd. 6. It is reasonable to require hotels and motels with a higher number of police calls for service to employ certain measures that have been shown to be effective in deterring crime.

Subd. 7. To account for differences in the number of lodging units among the hotels and motels, and to avoid larger properties being disproportionately represented, it is appropriate to consider the number of calls for service based on a per-lodging unit calculation for the purposes of determining the level of business license required.

Subd. 8. The license required by this ordinance is a business license issued under the City's general police powers and is not intended to regulate items addressed in a Minnesota Department of Health required of hotels and motels under Minnesota law.

435.03. Purpose. It is the purpose of this Section 435 to ensure that steps are being taken by Hospitality Accommodations to improve safety and discourage the use of their facilities for criminal activities in order to protect the safety of their guests and the public.

435.05. Business License Required. It is unlawful for any person, firm or corporation to operate a Hospitality Accommodation in the City without a Hospitality Accommodation business license issued pursuant to this Section. A separate business license is required for each Hospitality Accommodation Property.

435.07. Definitions.
Sub. 1. Annual Calls for Service. The aggregate total of all calls for service to a Hospitality Accommodation Property in a calendar year divided by the total number of Lodging Units in the Hospitality Accommodation as determined by the City.

Subd. 2. Call for Service.

A. Any report of criminal activity made to the City from or concerning a Hospitality Accommodation Property, verified by the City, in connection with an incident occurring at that property, except calls originating from the owner, manager or other employee of the owner of the Hospitality Accommodation Property unless they knew or reasonably should have known that such an incident would occur based upon prior experience with the person or group and with that knowledge they nevertheless allowed the person or group to return to the Hospitality Accommodation Property; or

B. Any criminal activity, violation of City Code or general call for service requiring a police response, except medicals, domestics, proactive policing measures, observed by the City concerning a Hospitality Accommodation Property and is responded to by the City. (Ord. 2018-18, 9/25/2018)

C. All violations identified under section A and B shall be included in the annual calls for service calculation for the purposes of this Section.

Subd. 3. Hospitality Accommodations. Any facility such as a hotel, motel, resort, corporate lodging, or any other accommodation offering six or more lodging units to guests, but not including jails, hospitals, care facilities, senior living centers, residential treatment facilities, prisons, detention homes, and similar facilities.

Subd. 4. Hospitality Accommodation Property. Any land containing a facility for Hospitality Accommodations including any lodging unit, associated parking areas, recreation areas, loading areas, rooms not utilized for overnight accommodations such as banquet rooms, meeting rooms, business centers, pool areas, workout rooms or other amenities, located on the same parcel of property.

Subd. 5. Level I Hospitality Accommodation. Any Hospitality Accommodation who when checked, has no more than three violations of the Minimum Hospitality Accommodation Standards (Section 435.50) in any business license period or whose annual calls for service are less than .50 calls per Lodging Unit.

Subd. 6. Level II Hospitality Accommodation. Any Hospitality Accommodation who when checked, does not comply with the Minimum Hospitality Accommodation Standards (Section 435.50) four times in any business license period or whose annual calls for service are at least .50 calls per Lodging Unit, but less than .75 calls per Lodging Unit.

Subd. 7. Level III Hospitality Accommodation. Any Hospitality Accommodation who when checked, does not comply with the Minimum Hospitality Accommodation Standards
(Section 435.50) five times in any business license period or whose annual calls for service are at least .75 calls per Lodging Unit or greater.

Subd. 8. Lodging Unit. One self-contained unit within a Hospitality Accommodation designated by number, letter, or some other method of identification that is designed or used for overnight accommodations.

435.09. Restrictions on Issuing Business Licenses. A Hospitality Accommodation business license shall not be issued or renewed in any of the following circumstances exists:

Subd. 1. The applicant submits an incomplete business license application or fails to submit the required application fee;

Subd. 2. The applicant was not truthful in any of the information provided to the City as part of its request for a business license;

Subd. 3. The Hospitality Accommodation is not in compliance with the requirements of this Section, with any condition placed on its current Hospitality Accommodation business license, or with any applicable federal, state, or local law, rule, regulation, or ordinance;

Subd. 4. The Hospitality Accommodation Property is not in compliance with any applicable federal, state, or local law, rule, regulation, or ordinance (including but not limited to, health, fire and elevator);

Subd. 5. Business licenses shall be issued only to owners free of convictions of prostitution or offenses which involve moral turpitude within the previous three years of the application date; or

Subd. 6. Has an employee that is required by this ordinance to complete a background check that does not comply with the above stipulations and this Section.


Subd. 1. A new Hospitality Accommodation shall obtain a Hospitality Accommodation business license prior to opening for business. A new Hospitality Accommodation that had not previously operated within the City shall initially qualify for a Level I Hospitality Accommodation business license. The City may charge a reduced business license fee for a new Hospitality Accommodation business license based on the number of months remaining in the particular business licensing period.

Subd. 2. If a new owner of a previously licensed Hospitality Accommodation is affiliated with the prior owner, the Level I, II or III Accommodation shall not be changed based upon the change in ownership. If a new owner of a previously licensed Hospitality Accommodation is not affiliated with the prior owner, the Level of Accommodation shall be Level I.
Subd.3. On or before February 1st, of each year the City will notify each existing Hospitality Accommodation in writing of their annual calls for service for the previous year and the level of Hospitality Accommodation business license for which they must apply. Applications for a business license renewal shall be submitted to the City at least 30 days prior to the business license expiration date.

Subd. 4. The Hospitality Accommodations must obtain the required level of Hospitality Accommodation business license from the City by no later than May 1st each year. All requirements applicable to the particular level of business license and any additional conditions placed on the business license must be completed and fully implemented by the business licensee by August 1. Failure to comply with the requirements applicable to the business license level, or any additional conditions issued by the Council, shall constitute sufficient grounds for revocation, suspension, or non-renewal of the Hospitality Accommodation business license.

435.13. Property Safety Inspection. Pursuant to this Section, the City shall make safety inspections to determine the condition of Hospitality Accommodations for the purpose of enforcing the property maintenance code and the standards stipulated in this Section. The City may enter, examine and survey at all reasonable times all Hospitality Accommodation lodging units, common areas, and operational areas. Safety inspections of the Lodging Units will occur after obtaining consent from the occupants of the Lodging Units. In the event that an occupant does not consent to entry by the City, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the Lodging Unit and premises.

Subd. 1. A minimum of 15% of all Lodging Units shall be inspected during an annual inspection. The determination of which lodging units to be inspected will be made by the City to ensure that all Lodging Units will be inspected periodically.

Subd. 2. All Hospitality Accommodation common areas and operational areas shall be included in every safety inspection.

Subd. 3. The property safety inspection shall be performed annually and is required prior to the issuance of a new Hospitality Accommodation business license or the renewal of an existing Hospitality Accommodation business license.

Subd. 4. All corrective action stipulated as part of the property safety inspection shall be completed in the timeframe stipulated in the notice provided by the City. The corrective action shall occur and be approved by the City prior to issuance or renewal of a Hospitality Accommodation business license.

Subd. 5. During the annual Property Safety Inspection, City staff will inspect the items listed on the Hospitality Accommodations inspection checklist.

435.15. License fees. The annual license fees for Hospitality Accommodations are set forth in Chapter X of this code.
435.17. Business License Period. Hospitality Accommodations business licenses shall expire on April 30 of each year.


435.21. Minimum Hospitality Accommodation Standards. The following minimum standards shall be maintained by each Hospitality Accommodation business license holder:

Subd. 1. Implement clear check-in policies (that must include, at a minimum, the following:

A. Comply with Minnesota State Statute 327.10.

B. Guests shall guarantee payment with a credit card to reserve a room as stipulated in Section 1180 of the City Code.

Subd. 2. Provide training, at least annually, to all staff members in cooperation with the City of Plymouth.

Subd. 3. All officers of the ownership group (including, but not limited to, President, Vice President, Secretary and Treasurer) of the Hospitality Accommodations shall provide name, address, e-mail and telephone information.

Subd. 4. All managers and other responsible employees of the Hospitality Accommodations shall provide name, address, e-mail and telephone information.

Subd. 5. Require a manager or other responsible employee to be on premises at all times.

Subd. 6. Inspect rooms of guests who refuse maid service for three consecutive days or behave suspiciously in a manner that the Hospitality Accommodations staff, based on training and experience, could reasonably suspect is not lawful.

435.23. Level I Hospitality Accommodation. A Level I Hospitality Accommodation is eligible for a Hospitality Accommodation business license without needing to comply with any special requirements beyond complying with any conditions the Council may impose on the business license. The business license shall be issued upon application, payment of applicable fees, safety inspection, current certificates for fire and elevator inspections, and proper licensing with all applicable government agencies, including the Minnesota Department of Health.

435.25. Level II Hospitality Accommodation. A Level II Hospitality Accommodation is required to meet the following special requirements, designed to deter crime, in order to be eligible for a Hospitality Accommodation business license, and shall comply with any conditions the Council may impose on the business license.
Subd. 1. Submit a management plan to the City detailing steps the establishment intends to take to reduce criminal activity.

Subd. 2. Consult with the City to obtain such inspection services and advice regarding crime prevention as may be needed to address the types and calls for service made to the Hospitality Accommodation Property.

Subd. 3. Keep City apprised of criminal activity occurring on the Hospitality Accommodation Property.

Subd. 4. Install and operate a surveillance camera, with a recorder, in the lobby at all times.

Subd. 5. Management and staff shall attend a City offered training on crime prevention for the Hospitality Accommodation Property.

435.27. Level III Hospitality Accommodations are required to meet the following special requirements, designed to deter crime, to be eligible for a Hospitality Accommodations business license, and shall comply with any conditions the Council may impose on the business license.

Subd. 1. Conform to the special requirements set forth in 435.60 for a Level II Hospitality Accommodation.

Subd. 2. Conduct background checks on all officers of the ownership group (including but not limited to, President, Vice President, Secretary and Treasurer), managers, and employees of the Hospitality Accommodation.

Subd. 3. Hold semi-annual training sessions assisted by the City for all employees (these sessions shall be held in the first and third quarters of a calendar year).

Subd. 4. Provide 24-hour front desk personnel that is either a manager, an employee that has the ability to contact a manager at any time necessary, and/or has access to the surveillance system and information stipulated in this ordinance.

Subd. 5. Information (photo identification, names, addresses and phone numbers) from renters and guests of non-lodging unit space (banquet rooms, and meeting rooms) shall be collected.

Subd. 6. Enforce the following guest rules:

A. Lodging units shall be rented for a minimum of one night;

B. Alcohol may not be consumed in Hospitality Accommodation common areas except for designated restaurants, banquet or reception rooms or areas.
Subd. 7. Issue parking passes to all vehicles allowed to park on the Hospitality Accommodation Property, with each pass marked with an issue date and expiration date.

Subd. 8. Remove all graffiti and repair all vandalism within seven days of occurrence.

Subd. 9. Install and operate video monitoring equipment in all parking lots on the Hospitality Accommodation Property that are monitored and recorded at the front desk at all times.

Subd. 10. Have a dedicated security guard on the premises every day from 6:00 p.m. until 6:00 a.m.

Subd. 11. Submit to scheduled semi-annual audits by the City to verify compliance with the above-referenced requirements.

435.29. Background Checks.

Subd. 1. To the extent a Hospitality Accommodation is required by this Section to conduct background checks on its owners, managers, and employees, such background checks must comply with and include the following:

A. A Minnesota statewide criminal history check covering at least the last three years, which must be conducted by a company providing criminal history check services utilizing the most recent update of Minnesota criminal history files;

B. A statewide history check from the person's previous states of resident covering the last three years if the person has not resided in Minnesota for at least the three years preceding the history check; and

C. A criminal history check conducted in all seven counties in the Twin Cities metropolitan area (counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) covering at least the last three years, including all misdemeanor, gross misdemeanor, and felony convictions.

Subd. 2. The Hospitality Accommodations shall retain the criminal history check information for the duration of the person's employment, but in no case less than two years, and shall make the information available for inspection upon request by the City Manager or his or her designee.

435.31. Revocation and Suspension of Business License or Fining of License holder. A Hospitality Accommodation business license may be revoked, suspended, or not renewed by the Council, or a fine levied, upon recommendation of the City Manager, in accordance with this Section.
Subd. 1. The Council may revoke, suspend, or not renew a Hospitality Accommodation business license upon any of the following grounds:

A. A false statement, misrepresentation, or fraudulent statement on any application or other information or report required by this Section;

B. Failure to pay the application fee, fine, penalty, reinstatement fee, special assessment, real estate taxes, or other financial claim due to the City under this Code;

C. Failure to comply with any of the special requirements imposed in this Section applicable to the particular business license level;

D. Failure to comply with any of the conditions placed on the business license by the Council;

E. Failure to implement the management plan, if one is required, for the Hospitality Accommodation.

F. Failure to continuously comply with any zoning, building, nuisance, or other City Codes, including failing to comply with any corrective orders issued within the time specified in the order;

G. Failure to obtain or maintain any licenses required for the Hospitality Accommodation; or

H. Failure to comply with any other applicable federal, state, or local law, rule, regulation, or ordinance.

Subd. 2. A decision to revoke, suspend, or not renew a Hospitality Accommodation business license shall be preceded by written notice to the applicant or business licensee of the alleged grounds therefore and the applicant or business licensee will be given an opportunity to request a hearing before the Council before final action is taken to revoke, suspend, or not renew the business license. An applicant or business licensee waives its right to a hearing by failing to submit a written request for a hearing to the City within 10 days of the issuance of the written notice. If a timely request for a hearing is received, the Council shall conduct a hearing within 30 days and provide the applicant or business licensee an opportunity to be heard.

Subd. 3. The written decision to revoke, suspend, or not renew a Hospitality issuance of the written decision, no Lodging Unit within the Hospitality Accommodation may be offered or used for any period of time by guests until a new Hospitality Accommodation business license is issued.
Subd. 4. A fine of $500 will be levied for a Call for Service once a Hospitality Accommodation reaches a Level II for up to two subsequent violations. Thereafter, starting with the third violation, further violations will result in a hearing before the Council for the possible suspension of the Hospitality Accommodations business license.

Subd 5. A fine of $1,000 plus actual costs will be levied for a Call for Service once a Hospitality Accommodation reaches a Level III for up to two subsequent violations. Thereafter, starting with the third violation, further violations will result in a hearing before the Council for the possible suspension or revocation of the Hospitality Accommodations business license.

435.33. Reapplication After Business License Action. Reapplication for a Hospitality Accommodations business license after the Council has revoked, suspended, or not renewed a business license shall be in accordance with this Section.

Subd. 1. A Hospitality Accommodation business license may be suspended for up to 90 days and may, after the period of suspension, be reinstated subject to compliance with this Section and any conditions imposed by the Council at the time of suspension.

Subd. 2. A Hospitality Accommodation business license revoked or not renewed by the Council will not be reinstated or issued until the owner has applied for and secured a new Hospitality Accommodation business license and complied with all conditions imposed at the time of revocation or non-renewal. In no case shall a Hospitality Accommodation business license revoked or not renewed be allowed to be reinstated or issued for a period of 90 days. The Council may impose a period following the revocation or non-renewal of the owner's previous business license during which a new Hospitality Accommodation business license may be submitted. A decision not to renew a Hospitality Accommodation business license may take the form of a suspension or revocation.

Subd. 3. An application for a new Hospitality Accommodation business license following the revocation, suspension, or non-renewal of the business license must be accompanied by a reinstatement fee, as specified in Chapter X of this code in addition to all other application and related fees.

Subd. 4. The conditions of approval of any subsequent application for a business license to operate a Hospitality Accommodation on the same property following a period of revocation or denial of renewal of a Hospitality Accommodation business license shall be based upon the Hospitality Accommodation property's history or annual calls for service prior to the revocation or non-renewal.

Subd. 5. No subsequent application for a Hospitality Accommodation business license on the same property following a period of revocation or non-renewal shall be approved unless the applicant presents a corrective action plan that is approved by the City to help ensure the conditions and causes of the prior revocation or non-renewal are appropriately addressed. Implementation of, and compliance with, the corrective action plan shall be a condition of the business license.
435.35. Violations.

Subd. 1. Any person, firm, or corporation who violates any provision of this Section is, upon conviction, guilty of a misdemeanor. The penalty that may be imposed for a misdemeanor is a sentence or not more than 90 days or a fine of not more than $1,000, or both. Each day upon which a violation or this Section occurs constitutes a separate offense.

Subd. 2. Nothing in this Section shall be construed as a waiver of any applicable state license requirement or from compliance with any applicable civil and criminal laws.

435.37. Initial Business Licenses. Persons, firms, and corporations currently operating a Hospitality accommodation within the City of Plymouth shall obtain a Hospitality Accommodation business license from the City within 45 days from the effective date of this ordinance. The level of Hospitality Accommodation business license will be calculated based on the annual calls for service from the previous year. Business licenses for subsequent years must be obtained in accordance with the timelines established in this Section.

(Ord. 2018-17, 6/26/2018)
CHAPTER V

SUBDIVISION REGULATIONS

Section 500 - Title and Application

500.01.  **Title.** This Chapter shall be known as the “Plymouth Subdivision Regulations” except as referred to herein, where it shall be referred to as “this Chapter”.

500.03.  **Intent and Purpose.** The intent of this Chapter is to protect and provide for the public health, safety, morals, and general welfare of the City and its people, and specifically to achieve the following purposes:

A.  To implement the Comprehensive Plan;

B.  To ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws and regulations;

C.  To establish standard requirements, conditions, and procedures for the design and review of subdivisions;

D.  To provide for the orderly subdivision of land, and to ensure proper legal descriptions and monumentation of subdivided land;

E.  To encourage the wise use and management of land and natural resources throughout the City in order to preserve the integrity, stability, and natural beauty of the community;

F.  To ensure that adequate public infrastructure, facilities and services are available concurrent with development;

G.  To require subdividers to furnish land, install infrastructure, pay fees, and establish mitigative measures to ensure that development provides its fair share of capital facilities;

H.  To encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets;

I.  To prevent problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, or scattered subdivision;
J. To assure that new subdivisions will contribute toward an attractive, orderly, stable, livable, and safe community.

500.05. Relationship to Comprehensive Plan. It is the policy of the City that the enforcement, amendment, and administration of this Chapter be accomplished consistent with the City’s Comprehensive Plan, as may be amended from time to time. The Council recognizes the Comprehensive Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Minnesota Statutes Chapter 473, the City will not approve any changes in these regulations that are not consistent with the City’s Comprehensive Plan.

500.07. More Restrictive Provision to Apply. Where the regulations imposed by any provisions of this Chapter are either more or less restrictive than comparable regulations imposed by this Chapter, or any other law, ordinance, rule, or regulation of the city, state, or federal government, the law, ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

500.09. Conformity With This Chapter Required. No land shall be divided, subdivided, or re-subdivided in a manner that does not comply with the provisions of this Chapter.

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

Subd. 1. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

Subd. 2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

500.13. Authority. This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Chapter 462.351 to 462.365.

Section 502 - Rules and Definitions

502.01. **Rules of Word Construction.** The terms and words used in this Chapter shall be interpreted as follows:

Subd. 1. The present tense includes the future tense.

Subd. 2. The words “shall” and “must” are mandatory; the word “may” is permissive.

Subd. 3. The singular includes the plural, and the plural includes the singular.

Subd. 4. All measured distances expressed in feet shall be to the nearest one-tenth of a foot.

Subd. 5. For terminology not defined in this Chapter, elsewhere in the City Code, or in the Minnesota State Building Code, Merriam-Webster’s Collegiate Dictionary Tenth Edition shall be used to define such terms.

Subd. 6. If a conflict arises between the graphic illustrations presented in this Chapter and the text of this Chapter, the text shall prevail.

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

Block: An area of land within a subdivision that is entirely bounded by streets, or by a combination of streets, public lands, railroad rights-of-way, water bodies, or the exterior boundary lines of the subdivision.

Boulevard: The portion of the street right-of-way between the curb line (or in the absence of a curb, the improved roadway) and a lot line.

City Engineer: The person designated by the City Manager to be the City Engineer for the City.

City Forester: The person designated by the City Manager to be the City Forester for the City.

Cul-de-sac: A local street with only one vehicular outlet, having an appropriate turn-around area at its terminus for the safe and convenient reversal of traffic.

Easement: A grant of one or more property rights by a property owner for use by the public, a corporation, or another person or entity.
Engineering Guidelines/Standard Detail Specifications: Standards adopted and amended from time to time by resolution of the Council which provide information and establish standards, specifications and details for the construction of public and private improvements, as on file with the City Engineer. *(Ord. 2008-08, 3/25/2008)*

Foodplain Related Terms:

A. Flood Prone Area. Any land within the 100-year floodplain susceptible of being inundated by water from any source.

B. Regional Flood. A flood that 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 percent chance or 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the flood insurance study.

C. Regulatory Flood Protection Elevation. The elevation to which uses regulated by this Chapter are required to be elevated or flood proofed. The regulatory flood protection elevation shall be an elevation not less than two feet above the elevation of the regional flood.

*(Ord. 2016-30, 10/25/2016)*

Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as an individual unit for the purpose, either immediate or future, of transfer of ownership, or possession, or for building development.

Lot of Record: A parcel of land whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat and recorded prior to the effective date of this chapter, or a parcel of land approved by the City as a lot and recorded subsequent to such date.

Lot, Base: A lot meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling, townhouse, or manor home subdivision.

Lot Division: Dividing a lot of record by placing new lot lines within its boundary, resulting in the creation of additional lots.

Lot Rearrangement: Adjusting the lot lines between two or more lots of record, resulting in the same number of lots.

Lot, Through: A lot fronting on two parallel, as contrasted to intersecting, streets.

Lot, Unit: A lot created from the subdivision of a base lot for two-family dwelling, townhouse, or manor-home dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.
Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Official Map: A map duly adopted by the Council pursuant to the provisions of Minnesota Statutes, Section 462.351 to 462.36.

Outlot: A parcel of land subject to future platting prior to development, or a parcel of land which is designated for public or private open space, right-of-way, utilities or other similar purpose.

Parcel: An individual lot or tract of land.

Park Dedication Related Terms:

A. Employees. The number of employees that are projected to work in a proposed commercial/industrial development based on full build-out of the site. This number is calculated by multiplying the maximum gross floor area (in thousands) of structural improvements that the site can support by the average projected number of employees per 1,000 square feet of floor area of the proposed type of development as follows:

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Employees/1000 sq. ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>3</td>
</tr>
<tr>
<td>Retail</td>
<td>2</td>
</tr>
<tr>
<td>Industrial</td>
<td>1.65</td>
</tr>
<tr>
<td>Office-Warehouse</td>
<td>1.65</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1</td>
</tr>
</tbody>
</table>

If the property type of the development is not known at the time of subdivision, the number of employees shall be calculated by using the property type which results in the highest number of employees projected to work in the proposed development, based on the uses allowed by the Zoning Ordinance. (Ord. 2013-12, 4/23/2013)

B. Existing Park Land and Trail Acreage: The total acres of community playfields, city parks, neighborhood parks, mini-parks and school parks existing in 2009 as documented by Chapter 7 of the Comprehensive Plan (1,314 acres), plus the land area of trail outlots and the Northwest Greenway as of 2012 as measured by the City’s geographic information system (118 acres), or 1,432 acres. (Ord. 2013-12, 4/23/2013)

C. Jobs: The number of jobs located within the city as of 2011 as estimated by the Minnesota Department of Economic Security (45,488). (Ord. 2013-12, 4/23/2013)
D. Per Capita Commercial/Industrial Share: 10% of the existing park land and trail acreage, divided by the number of jobs within the city. \[\frac{10\% \times 1,432}{45,488} = 0.0031 \text{ acres/capita}\] (Ord. 2013-12, 4/23/2013)

E. Per Capita Residential Share: 90% of the existing park land and trail acreage, divided by the City population as determined by the 2010 Decennial Census (70,576). \[\frac{90\% \times 1,432}{70,576} = 0.0183 \text{ acres/capita}\] (Ord. 2013-12, 4/23/2013)

F. Property Type: The classification of the proposed type of development in the subdivision by the following categories. If the specific use(s) proposed in the subdivision are not listed below, the property type shall be determined by the Zoning Administrator to be that most similar to the proposed use based on the number of employees projected to work in the development.

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Examples of Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>Banks, medical/ veterinary clinics, offices (professional or administrative/commercial)</td>
</tr>
<tr>
<td>Retail</td>
<td>All commercial development, other than Office</td>
</tr>
<tr>
<td>Industrial</td>
<td>Assembly, automobile repair (major), commercial printing, fabrication, food processing, machine shop, manufacturing, wholesale bakery</td>
</tr>
<tr>
<td>Office-Warehouse</td>
<td>Laboratories, wholesale showrooms</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Distribution centers, indoor storage, mini-storage, truck terminals, waste facilities</td>
</tr>
</tbody>
</table>

(Ord. 2013-12, 4/23/2013)

G. Residents: The number of residents that are expected to reside in a proposed residential development. This number is calculated by multiplying the number of new residential units in the proposed development by the average number of residents per unit for the type of residential unit proposed, based on the Metropolitan Council’s official estimates as follows:

<table>
<thead>
<tr>
<th>Type of Dwelling:</th>
<th>Residents per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family home</td>
<td>3.1</td>
</tr>
<tr>
<td>Duplex or Townhome</td>
<td>2.0</td>
</tr>
<tr>
<td>Multi-family (Apartments)</td>
<td>1.9</td>
</tr>
</tbody>
</table>

H. Undeveloped Land Value: The fair market value of the land as determined by a sale within the past one year or as calculated by the City Assessor, as of the date of final plat or plan approval, whichever is higher.

Plat: The drawing or map of a subdivision prepared pursuant to Mn. Stat. Chapter 505 and containing all elements or requirements of this Chapter.
Plat, Final: A plat to be presented to the Council for approval and which, if found to be consistent with the approved preliminary plat, may be duly filed with the county registrar of deeds.

Plat, Preliminary: A plat submitted to the City for preliminary consideration and approval.

Public Improvement: Any sewer pipe, water pipe, drainage ditch, roadway, parkway, sidewalk, trail, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

Record Plans: A final set of engineering plans that provide accurate and complete information pertaining to the location, construction, and materials used in the construction of streets, utilities, and other improvements. The plans shall incorporate and include all changes and revisions to the final set of approved construction plans that are made during construction as well as other pertinent information.

Replat: The platting of an area that was previously platted.

Right-of-way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.

Street: A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

Street, Improved: A public roadway that has a paved or gravel surface.

Subdivider: Any person commencing an application proceeding under this Chapter to effect a division, consolidation, rearrangement, subdivision or re-subdivision of land. A subdivider is the owner of the land or an individual representing the landowner who has express written authority to act on behalf of the owner.

Subdivision: The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys for residential, commercial, industrial, or other use or any combination thereof, except for those separations:

A. Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;

B. Creating cemetery lots;
C. Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

(Ord. 2009-12, 8/11/2009)

Tract: A unit of land described by letter in a registered land survey.

Traffic Calming: Street design techniques which are put in place to reduce vehicle speeds, improve safety, or discourage through traffic on residential streets. Examples may include narrow street width, curvilinear streets, raised intersections and crosswalks, speed humps, traffic circles, neck-downs, medians and islands, pedestrian treatments or streetscaping.

Tree Preservation Related:

A. Critical Root Zone: The circular area measured outward from a tree trunk equaling one foot of radius for each one inch of diameter of the tree.

B. Disturbance Zone: Any area which would be physically altered from its natural state, including but not limited to all areas of grading, utility installation, building pads, driveways, or parking areas.

C. Natural Preserve: Publicly owned lands designated as park or open space or private properties approved by the City which are set aside to preserve their natural characteristics and qualities pursuant to Section 811 of the City Code.

D. Protected, Preserved, or Undisturbed Tree: Any tree with at least 75% of its critical root zone left undisturbed, and which has been protected during the construction process by tree protection fencing if its trunk is located within 15 feet of any disturbance zone.

E. Significant Tree: Any healthy tree measuring eight inches in diameter or larger at a height of 54 inches above ground for deciduous trees, and measuring four inches in diameter or larger at a distance of 54 inches above ground for coniferous trees.

F. Tree Inch: An inch in the diameter of a significant tree.

Zoning Administrator: The person designated by the City Manager to be the Zoning Administrator for the City

Section 504 - Enforcement and Penalties

504.01. Administration: This Chapter shall be administered and enforced by the Zoning Administrator. The Zoning Administrator’s duties shall include, but not be limited to, the following:

   Subd. 1. Periodically inspect property to determine compliance with the terms of this Chapter.

   Subd. 2. Notify, in writing, any person responsible for violating a provision of this Chapter, indicating the nature of the violation and ordering the action necessary to correct it.

   Subd. 3. Order discontinuance of illegal work being done or take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints.

   Subd. 4. Maintain permanent and current records of the Subdivision Regulations.

   Subd. 5. Maintain current files of all subdivision approvals and copies of notices of violations thereto and, upon request, provide complaint and violation information to any person having a proprietary or tenancy interest in any specific property.

   Subd. 6. Provide clerical and technical assistance to the Planning Commission, City Council, and Board of Zoning Adjustments and Appeals.

   Subd. 7. Receive, file and forward as applicable to the Board of Zoning Adjustments and Appeals, Planning Commission, or City Council all applications for subdivision as required herein.

504.03. Enforcement. If any subdivision, construction, reconstruction, or use occurs in violation of this Chapter, the Zoning Administrator may, in addition to other remedies, institute any proper criminal action or proceedings in the name of the City of Plymouth, and hereby shall have the powers of a police officer to prevent such unlawful subdivision, construction, reconstruction, or use, to restrain or correct such violations, to prevent the occupancy of said property, or to prevent any illegal act, conduct, business or use in or about said premises.

504.05. Penalties. Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses.

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Section 506 - Subdivision Approval Required

506.01. Subdivision Approval Required. Subdivision approval in compliance with the provisions of this Chapter shall be required.

506.03. All subdivisions as defined in this chapter, shall require platting as set forth in this Chapter.

506.05. Registered Land Surveys. All registered land surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in this Chapter shall apply to all registered land surveys. A registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development if any of the tracts would not have the required frontage on a dedicated and improved public street. (Ord. 2009-08, 5/12/2009)

Section 508 - Premature Subdivision Prohibited

508.01. Premature Subdivision Prohibited. Any proposed subdivision deemed premature for development shall not be approved by the Council. A subdivision shall be deemed premature if the Council determines that any of the following conditions exist. The burden of proof shall be upon the subdivider to show that the proposed subdivision is not premature.

Subd. 1. Inconsistent with the Comprehensive Plan. A proposed subdivision may be deemed premature if it is inconsistent with the purposes, objectives, development staging plan, or recommendations of the City’s Comprehensive Plan, as may be amended. Application for reguiding and/or rezoning may be made simultaneously with an application for subdivision approval, however, a subdivision application will not be considered for approval by the Council until and unless any necessary reguiding and/or rezoning application is approved by the Council.

Subd. 2. Inconsistent with the Capital Improvements Program. A proposed subdivision may be deemed premature if it is inconsistent with the capital improvements program because public improvements, facilities, or services necessary to accommodate the proposed subdivision would not be completed within two years of the date of application.

Subd. 3. Lack of Adequate Water Supply. A proposed subdivision may be deemed premature if public water is not available to serve the proposed subdivision.

Subd. 4. Lack of Adequate Waste Disposal Systems. A proposed subdivision may be deemed premature if:

A. Sanitary sewer is neither available nor proposed; or

B. Available or proposed sanitary sewer is inadequate to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, public facilities, and other developments planned within five years of the date of application.

Subd. 5. Lack of Adequate Streets to Serve the Subdivision. A proposed subdivision may be deemed premature if:

A. Streets which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance or surface condition that the traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or would seriously aggravate an existing hazardous condition; or

B. The traffic volume generated by the proposed subdivision would create congestion or unsafe conditions on existing or proposed streets.
Subd. 6. **Lack of Adequate Drainage.** A proposed subdivision may be deemed premature if:

A. Surface or subsurface water retention and runoff is such that it constitutes a hazard to the stability of proposed or existing structures; or

B. The proposed subdivision would cause pollution of water sources or would cause damage from erosion or siltation on downstream property; or

C. Factors including, but not limited to, the presence of floodplain, poor soils or subsoils, or steep slopes exist in such a manner as to preclude adequate site drainage or treatment of runoff.

Subd. 7. **Inconsistent with Environmental Requirements.** A proposed subdivision may be deemed premature if it is inconsistent with the rules and policies of the Minnesota Environmental Quality Board, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy, in violation of State historical preservation laws, historic areas which are designated or officially recognized by the Council.

Section 510 - Preliminary Plat

510.01. Preliminary Plat Procedure. Pursuant to Minnesota Statutes, Chapter 462.358, an application for a preliminary plat shall be approved or denied within 120 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.

Subd. 1. Filing. A preliminary plat application shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by a fee and a cash escrow as set forth in Section 1015 of this Code. Costs of City time and materials expended in reviewing and processing the preliminary plat application shall be charged against the cash escrow account and credited to the City. If, at any time, the balance in the cash escrow account is depleted to less than 10% of the originally required cash escrow amount, the applicant shall deposit additional funds in the cash escrow account as determined by the Zoning Administrator. Any balance remaining in the cash escrow account upon completion of the preliminary plat review process shall be returned to the applicant after all claims and charges thereto have been deducted. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully describing the proposed plat, together with a set of mailing labels of all property owners located within 750 feet of the site in a format prescribed by the Zoning Administrator. The application shall be considered as being officially submitted and complete when the subdivider has complied with all the specified submittal requirements, as described in this Section. If the subdivision requires any variances from the provisions of this Chapter, an application pursuant to Section 516 of this Chapter shall also be submitted before the preliminary plat application shall be deemed complete. (Ord. 2010-21, 11/23/2010)

Subd. 2. Staff Analysis. Upon receiving a complete application, as determined by staff review, the Zoning Administrator shall refer copies of the preliminary plat to the City staff and other applicable public agencies as needed in order to receive written comments. Preliminary plats including land abutting an existing or proposed trunk highway and/or highway under county jurisdiction shall also be submitted to the Minnesota Commissioner of Transportation and/or the Hennepin County Transportation Planning Division as required by state law, at least thirty days prior to City action on the preliminary plat. The Zoning Administrator shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) prepare technical reports, and 3) assist in preparing a recommendation to the Planning Commission and Council.

Subd. 3. Public Hearing Notice. Upon completion of staff’s analysis of the application, the Zoning Administrator, when appropriate, shall set a public hearing date for an upcoming Planning Commission meeting. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the City’s Official Newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed to all property owners located within 750 feet of the site at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate the
proceedings. Public notice signage shall be placed on the site, pursuant to Section 514 of this Chapter, at least 10 days prior to the public hearing.

Subd. 4. **Planning Commission Consideration.** The Planning Commission shall consider a preliminary plat application, as follows:

A. The Planning Commission shall review the preliminary plat and conduct the official public hearing.

B. The subdivider or representatives thereof may appear before the Planning Commission to present information and answer questions concerning the proposal.

C. The Planning Commission and staff shall have the authority to request additional information from the subdivider concerning the proposal, as deemed necessary to formulate a recommendation on the proposal.

D. The Planning Commission shall recommend approval of the preliminary plat if it in all ways conforms with the City’s Comprehensive Plan, Zoning Ordinance, this Chapter and all Chapters of the City Code. The Commission shall recommend denial of the preliminary plat if it makes any of the following findings:

1. That the proposed subdivision is in conflict with the City’s Comprehensive Plan, Zoning Ordinance, Capital Improvements Program, or other policy or regulation.

2. That the proposed subdivision is in conflict with the purpose and intent of this Chapter.

3. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, and retention, are such that the site is not suitable for the type of development or use contemplated.

4. That the site is not physically suitable for the intensity or type of development or use contemplated.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.

6. That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.
7. That the design of the subdivision or the type of improvement will conflict with easements on record or with easements established by judgment of a court.

8. That the subdivision is premature as determined by the standards of Section 508 of this Chapter.

Subd. 5. Council Consideration. The Council shall consider a preliminary plat application, as follows:

A. Upon receiving the reports and recommendations of the Planning Commission and staff, the City Manager shall schedule the application for Council consideration.

The Council shall have the option of receiving additional testimony on the matter if they so choose.

B. The Council shall either approve or deny the application.

C. Approval of a preliminary plat shall require passage by a majority vote of the entire Council. Such approval shall constitute general acceptance of the layout, but shall not constitute final acceptance of the subdivision. Subsequent approval of a final plat will be required before recording of the plat. The Council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the City.

D. If a preliminary plat is denied by the Council, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant.

Subd. 6. Effect of Approval. For one year following preliminary plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.

Subd. 7. Effect of Denial. If a preliminary plat application is denied by the Council, a similar application for a preliminary plat affecting substantially the same property shall not be considered again by the Planning Commission or Council for at least six months from the date of its denial.

Subd. 8. Expiration of Preliminary Plat Approval. Unless the Council specifically approves a different time period, the approval of a preliminary plat shall expire one year from the date it was approved, unless the applicant has filed a complete application for approval of a final plat; or, unless before expiration of the one year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why a final plat has not been applied for, 2) what, if any, good faith efforts have
been made to complete the platting process, 3) the anticipated completion date, and 4) the signature of the applicant and property owner. The Zoning Administrator may approve up to two such extensions of not more than one additional year per extension. (Ord. 2012-06, 2/28/2012)

510.03. Application Requirements. The materials, information, and drawings required for submission of a preliminary plat application are listed in this section. In order for a preliminary plat application to be deemed complete, it shall include or have attached thereto all materials, information, and drawings listed in this section.

Subd. 1. Application Form. The subdivider shall submit an official application form, as provided by the City, including the following information:

A. Location, address (if assigned), legal description, and Hennepin County property identification number (P.I.N.) of all parcels included within the proposed plat.

B. Name, address, telephone number, and signature of the subdivider and all persons currently having an ownership interest in the parcels comprising the proposed plat.

C. Written description that provides information about the proposed plat including, but not limited to, number of lots, development type, and anticipated completion date. Such description may be provided on a separate sheet of paper that is attached to the application form.

Subd. 2. Other Written Materials. The application form shall be accompanied by, or address, the following written materials:

A. Estimated lot sizes for all lots and outlots in tabular form.

B. Written verification that all commonly-owned contiguous land is included in the plat.

C. Where applicable, a wetland report by a wetland specialist certified under the University of Minnesota Wetlands Delineator Certification Program. (Ord. 2013-12, 4/23/2013)

Subd. 3. Additional Cash Deposits. In addition to the fees required by Section 510.01 of this Section, the applicant shall deposit with the City the estimated cost of any consultant review of the preliminary plat that may be necessary to determine compliance with this Chapter or with the City’s Comprehensive Plan, including but not limited to planning, engineering or traffic studies. (Ord. 2010-21, 11/23/2010)

Subd. 4. Mailing Labels. The application form shall be accompanied by a map, list, and one set of mailing labels with the names and addresses of all property owners located within 750
feet of the boundaries of the proposed plat. Such map, list, and mailing labels shall be obtained from Hennepin County and shall be current within six months.

Subd. 5. Drawings, General Requirements.

A. Drawings must meet all following specifications:

1. Be at a scale of one inch equals 50 feet (1” = 50’) or less using an engineer’s scale only.

2. Be on paper not exceeding 22 inches by 34 inches. (Ord. 2010-02, 2/23/2010)

3. Include a title, and north point indication, the name and address of the subdivider, and the name and address of the designer of the drawing.

4. Include a signature of the person who prepared the drawing, together with any registration number or other professional certification number or title.

5. Provide the date of preparation and any revisions thereto.

B. The subdivider shall provide complete full-sized (22 inches by 34 inches) assembled sets of the drawings that are collated, stapled and rolled, the number of which shall be determined by the Zoning Administrator. One additional full-sized set of the drawings shall be provided in each of the following cases: 1) when the plat contains or abuts a county road, 2) when the plat contains or abuts a state highway, and 3) when the plat contains or abuts a wetland or shoreland district. (Ord. 2010-02, 2/23/2010)

C. The subdivider shall provide complete assembled sets of the drawings reduced to 11 inches by 17 inches, the number of which shall be determined by the Zoning Administrator.

D. The subdivider shall provide one copy of the preliminary plat at a scale of one inch equals 200 feet (1” = 200’).

E. The subdivider shall submit electronic files of the drawings as may be specified by the City. (Ord. 2013-12, 4/23/2013)

Subd. 6. Drawings, Existing Conditions. The application form shall be accompanied by drawings and information indicating the following:

A. An accurate certified survey of the proposed plat, current within one year, showing existing conditions and providing the current legal descriptions of all parcels within the proposed plat.
B. Floodplain and shoreland district boundaries within the proposed plat.

C. Gross acreage and net acreage of the proposed plat, computed to one-tenth of an acre. Gross acreage means the total site area, and net acreage means gross acreage minus all wetland areas and areas below the 100-year ordinary high water level.

D. Location, width, and name of all existing streets, public ways, parks, and other public lands (including permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.

E. Location and size of all existing buildings, as well as all sewers, watermains, culverts and other underground facilities (public and private) within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat. Data such as grades, rim and invert elevations, locations of catch basins and manholes, and fire hydrants shall also be provided.

F. Topography in two-foot contour intervals within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.

G. Water courses, wetlands, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.

H. Boundary lines and ownership of all adjoining land within 100 feet.

I. Existing guiding and zoning classifications for land within, and abutting, the proposed plat.

J. Tree inventory indicating the location, size, and species of all significant trees existing within the proposed plat, and to a distance of 15 feet beyond the boundary lines of such plat. The inventory shall also include a tabular listing of all such trees.

K. Soil borings and percolation tests, as may be required by the Building Official or City Engineer.

Subd. 7. Drawings, Preliminary Plans. The application form shall be accompanied by drawings and information indicating the following:

A. Preliminary plat, including the following:

1. Name of the proposed plat.
2. Layout of all proposed lot lines, together with the number, size, and preliminary dimensions, including the width of the lots at the front setback line.

3. Layout of all proposed streets, including those required in accordance with the City’s Comprehensive Plan, showing right-of-way widths, pavement widths, center line gradients, typical cross sections, street drainage systems, and proposed street names pursuant to the City’s street naming system.

4. Location and width of all proposed sidewalks, trails, pedestrian ways, and fire lanes.

5. Location, dimensions, and purpose of all easements.

6. Minimum building setback lines.

7. Areas other than streets, sidewalks, trails, pedestrian ways, and utility easements intended to be dedicated or reserved for private or public use, including the size of such area(s).

8. Extent of any proposed modifications to land within the Special Protection Districts as described in Sections 21660 (floodplain), 21665 (shoreland), and 21670 (wetlands) of Chapter 21 (Zoning Ordinance) of this Code. *(Ord. 2011-06, 2/22/2011)*

9. Proposed guiding and zoning classifications if the plat application includes a reguiding and/or rezoning request.

10. A tentative plan for future platting, if the proposed plat includes any areas intended for future re-subdivision.

B. Preliminary grading and erosion control plan for the proposed plat, including the following:

1. Lot and block numbers, building pad locations, building style and proposed building pad elevations at the lowest floor and garage slab for each lot.

2. Topography in two-foot contour intervals, with existing contours shown as dashed lines and proposed contours shown as solid lines. Existing topography shall extend 100 feet beyond the borders of the proposed plat.
3. Location of all existing natural features on the tract including, but not limited to, tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.

4. Location of all existing and proposed storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the proposed plat. Pipe type and size, pipe grades, rim and invert elevations, and normal high water elevations shall be included.

5. Location of the regulatory floodplain elevation and the required elevation of all access roads for all properties that contain land in a Floodplain Overlay District. If the property is within the General Floodplain Overlay District, provide the information as required in Section 510.03, Subd. 7.E.6.

6. Location of any flood prone area.

7. Spot elevations at drainage break points and directional arrows indicating site and swale drainage.

8. Locations, grades, and rim invert elevations of all storm sewer facilities, including ponds, proposed to serve the plat.

9. Locations and elevations of all street high and low points.

10. Street grades.

11. Phasing of grading.

12. Location of all easements, including oversize or non-typical easements.

13. An erosion control plan, pursuant to Section 526 of this Chapter.

C. Preliminary utility plan for the proposed plat, including the following:

1. Location, dimensions, and purpose of all easements.

2. Location, type, size, grades, and rim and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, manholes, hydrants, and other similar facilities within the proposed plat and to a distance of 100 feet beyond the plat.
3. Schematic storm sewer, sanitary sewer, and water layouts, illustrating invert and top rim elevations, proposed gradients, direction of flow, hydrant locations, and drainage areas.

D. Tree preservation plan for the proposed plat, including the following:

1. Plan showing all existing trees to be removed, disturbed (including disturbance zones), and preserved. Such plan shall also include proposed locations and details of tree protection fencing to be installed for all trees to be preserved within 15 feet of the disturbance zone.

2. Grading plan.

3. Location and dimension of proposed building pads and construction zone proposed for each lot within the proposed plat.

4. A tabular listing of the caliper inches of each existing significant tree, and the total caliper inches thereof, together with a tabular listing of the caliper inches of significant trees to be preserved and to be removed, and the total caliper inches thereof.

5. A reforestation plan and/or the dollar amount of restitution required if the tree removal exceeds the established threshold, pursuant to Section 530 of this Chapter.

E. Other drawings required for the proposed plat, as follows:

1. Source of water supply.

2. Provisions for sewage disposal, drainage and flood control.

3. Location of proposed street lights, as well as the utilities of electricity, gas, telephone, and CATV.

4. A general landscaping plan showing plantings, berms, fences, walls, sidewalks and trails, and any subdivision signage.

5. For plats containing one- or two-family dwellings, the location on each lot where an attached or detached garage containing at least one parking stall could be built within ordinance standards, if the principal structure is to be built without a garage.

6. For plats containing any land in the General Floodplain Overlay District, applicants shall provide the information required in Section 21160.07, Subd. 2 of the Zoning Ordinance to determine the regional flood elevation, the Floodway and Flood Fringe Overlay District
boundaries, and the regulatory flood protection elevation for the subdivision site.

Section 512 - Final Plat

512.01. Final Plat Procedure. Pursuant to Minnesota Statutes, Chapter 462.358, an application for a final plat shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider. (Ord2013-12, 4/23/2013)

Subd. 1. Compliance with Preliminary Plat. A final plat application shall be in substantial compliance with the approved preliminary plat, including any required modifications thereto.

Subd. 2. Filing. A final plat application shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by a fee as set forth in Section 1015 of this Code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, that describe the final plat. The application shall be considered as being officially submitted and complete when the subdivider has complied with all the specified submittal requirements, as described in this Section. (Ord. 2010-21, 11/23/2010)

Subd. 3. Staff Analysis. Upon receiving a complete application, as determined by staff review, the Zoning Administrator shall refer copies of the final plat to the City staff and other applicable public agencies as needed in order to receive written comments. The Zoning Administrator shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) prepare technical reports and coordinate preparation of the development contract, and 3) assist in preparing a recommendation to the Council.

Subd. 4. City Council Consideration. The City Council shall consider a final plat as follows:

A. Upon receiving the reports and recommendations of the staff, the City Manager shall schedule the application for Council consideration. The Council shall have the option of receiving additional testimony on the matter if they so choose.

B. The Council shall either approve or deny the application.

C. Approval of a final plat and any related development contract shall require passage by a majority vote of the entire Council. The Council may require such revisions in the final plat as it deems necessary for the health, safety, general welfare and convenience of the City.

D. If a final plat is denied by the Council, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant.
Subd. 5. **Recording of Final Plat.** If the final plat is approved and signed by the Mayor and City officials, the subdivider shall record the final plat with the County Recorder or the Registrar of Titles. No changes, erasures, modifications or revisions shall be made in any final plat after approval has been given by the Council and endorsed in writing on the plat.

Subd. 6. **Effect of Approval.** For two years following final plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.

Subd. 7. **Expiration of Final Plat Approval.** Unless the Council specifically approves a different time period, the approval of a final plat shall expire two years from the date it was approved, unless the applicant has recorded the final plat with Hennepin County; or, unless before expiration of the two year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why a final plat has not been filed, 2) what, if any, good faith efforts have been made to complete the platting process, 3) the anticipated completion date, and 4) the signature of the applicant and property owner. The Zoning Administrator may approve one such extension for a term not to exceed one additional year. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Council for a decision. (Ord. 2010-02, 2/23/2010; Ord. 2012-06, 2/28/2012)

512.03. **Application Requirements.** The materials, information, and drawings required for submission of a final plat application are listed in this section. In order for a final plat application to be deemed complete, it shall include or have attached thereto all materials, information, and drawings listed in this section.

Subd. 1. **Application Form.** The subdivider shall submit an official application form, as provided by the City, including the following information:

A. Location, address (if assigned), legal description, and Hennepin County property identification number (P.I.N.) of all parcels included within the proposed plat.

B. Name, address, telephone number, and signature of the subdivider and all persons currently having an ownership interest in the parcels comprising the proposed plat.

C. Written description that indicates compliance with the approved preliminary plat and all related conditions of approval thereto. If the proposed final plat varies from the approved preliminary plat, the nature and extent of the variation must be described. Such description may be provided on a separate sheet of paper that is attached to the application form.

Subd. 2. **Other Written Materials.** The application form shall be accompanied by, or address, the following written materials:

B. Cost estimates for grading and all public improvements.

C. Lot sizes for all lots and outlots in tabular form.

D. A copy of any proposed homeowners association documents, private covenants or deed restrictions.

E. Drainage calculations for storm water runoff. *(Ord. 2004-03, 1/13/2004)*

Subd. 3. **Additional Cash Deposits.** In addition to the fees required by Section 512.01 of this Section, the applicant shall deposit with the City the estimated cost of any consultant review of the final plat that may be necessary to determine compliance with this Chapter or with the City’s Comprehensive Plan, including but not limited to planning, engineering or traffic studies. *(Ord. 2010-21, 11/23/2010)*

Subd. 4. **Drawings, General Requirements.**

A. Drawings must meet all following specifications:

1. Be at a scale of one inch equals 50 feet (1” = 50’) or less using an engineer’s scale only.

2. Be on paper not exceeding 22 inches by 34 inches. *(Ord. 2010-02, 2/23/2010)*

3. Include a title, and north point indication, the name and address of the subdivider, and the name and address of the designer of the drawing.

4. Include a signature of the person who prepared the drawing, together with any registration number or other professional certification number or title.

5. Provide the date of preparation and any revisions thereto.

B. The subdivider shall provide complete full-sized (22 inches by 34 inches) assembled sets of the drawings that are collated, stapled and rolled, the number of which shall be determined by the Zoning Administrator. An additional full-sized set of the drawings shall be provided in each of the following cases: 1) when the plat contains or abuts a county road, 2) when the plat contains or abuts a state highway, and 3) when the plat contains or abuts a wetland or shoreland district. *(Ord. 2010-02, 2/23/2010)*
C. Reductions: The subdivider shall provide complete, assembled sets of the drawings reduced to 11 inches by 17 inches, and copies of the final plat reduced to 8.5 inches by 11 inches, the number of which shall be determined by the Zoning Administrator.

D. The subdivider shall provide one copy of the final plat at a scale of one inch equals 200 feet (1” = 200”).

E. If the plat is approved, the subdivider shall submit electronic files of the drawings in a manner specified by the City.

Subd. 5. Drawings, Existing Conditions. The application form shall be accompanied by drawings and information indicating the following:

A. An accurate certified survey of the proposed plat, current within one year, showing existing conditions and providing the current legal descriptions of all parcels within the proposed plat.

B. Floodplain and shoreland district boundaries within the proposed plat.

C. Gross acreage and net acreage of the proposed plat, computed to one-tenth of an acre. Gross acreage means the total site area, and net acreage means gross acreage minus all wetland areas and areas below the 100-year ordinary high water level.

D. Location, width, and name of all existing streets, public ways, parks, and other public lands (including permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.

Subd. 6. Drawings, Final Plans. The application form shall be accompanied by drawings and information indicating the following:

A. Final plat, including the following:

1. Name of the proposed plat.

2. Layout of all proposed lot lines with dimensions, and lot and block numbers.

3. Layout of all proposed streets, showing right-of-way widths and street names pursuant to the City’s street naming system.

4. Location, dimensions, and purpose of all easements.
5. Areas other than streets, sidewalks, trails, pedestrian ways, and utility easements intended to be dedicated or reserved for private or public use, including the size of such area(s).

6. Certification by a registered surveyor, as required by Minnesota Statutes, Section 505.03, as may be amended.

7. Space for signatures of all owners of any interest in the land and holders of a mortgage thereon, in the format prescribed by Hennepin County.

8. Space for the signatures of the Mayor and City Clerk to certify approval of the plat. (Ord. 2011-23, 7/26/2011)

9. Space for certificates of approval and review, in the format prescribed by Hennepin County.

B. Final grading and drainage plan for the proposed plat, including the following:

1. Lot and block numbers, building pad locations, building style and proposed building pad elevations at the lowest floor and garage slab for each lot.

2. Topography in two-foot contour intervals, with existing contours shown as dashed lines and proposed contours shown as solid lines. Existing topography shall extend 100 feet beyond the borders of the proposed plat.

3. Location of all existing natural features on the tract including, but not limited to, tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.

4. Location of all existing and proposed storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the proposed plat. Pipe type and size, pipe grades, rim and invert elevations, and normal and high water elevations shall be included.

5. The regulatory flood protection elevation and the required elevation of all access roads.

6. Location of any flood prone area.

7. Spot elevations at drainage break points and directional arrows indicating site and swale drainage, and emergency overflow locations, elevations and routes.
8. Locations, grades, and rim invert elevations of all storm sewer facilities, including ponds and rain gardens, proposed to serve the plat.

9. Locations and elevations of all street high and low points.

10. Street grades.

11. Phasing of grading.


13. Location and elevation of all retaining walls.

14. Location of all easements, including oversize or non-typical easements.

15. An erosion control plan, pursuant to Section 526 of this Chapter.

C. Final utility plan for the proposed plat, including the following:

1. Location, dimensions, and purpose of all easements.

2. Location, size, grades, and rim and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, man holes, hydrants, and other similar facilities within the proposed plat and to a distance of 100 feet beyond the plat.

3. Storm sewer, sanitary sewer, and water layouts, including top rim and invert elevations, proposed gradients, direction of flow, hydrant locations, drainage areas and benchmark elevations.

4. Profiles for all proposed utilities.

D. Final tree preservation plan for the proposed plat, including the following:

1. Plan showing all existing trees to be removed, disturbed (including disturbance zones), and preserved. Such plan shall also include proposed locations and details of tree protection fencing to be installed for all trees to preserved within 15 feet of the disturbance zone.

2. Grading contours, existing and proposed.

3. Location and dimension of proposed building pads and construction zone proposed for each lot within the proposed plat.
4. A tabular listing of the caliper inches of each existing significant tree, and the total caliper inches thereof, together with a tabular listing of the caliper inches of significant trees to be preserved and to be removed, and the total caliper inches thereof.

5. A reforestation plan and/or the dollar amount of restitution required if the tree removal exceeds the established threshold, pursuant to Section 530 of this Chapter.

E. Other drawings required for the proposed plat, as follows:

1. Location of proposed street lights, as well as the utilities of electricity, gas, telephone, and CATV.

2. A general landscaping plan showing plantings, berms, fences, walls, sidewalks and trails, and any subdivision signage.

F. Final street plan for the proposed plat, including the following:

1. Plan view of proposed and existing streets including location, dimensions, and purpose of all rights of way and easements, location of existing or proposed utilities.

2. Street profiles including existing and proposed elevations extended to show how they tie into the adjacent properties.

3. Street cross-section and design information based on the soil r-value.

G. Plat monitoring information sheet, including the following:


2. Acreage of wetlands, wetland buffers, floodplain, water bodies, and ponds.

3. Acreage of rights-of-way for arterial roads.

4. Acreage of public parks and open space.

5. Acreage for other (e.g., outlots for future platting, conservation easements, association-maintained private amenity lots, trail outlots or easements.

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Section 514 - Public Notice Signing

514.01. **Public Notice Signing.** In addition to other notification procedures, signs shall be posted on all sites involving an application for a preliminary plat in accordance with the following:

   Subd. 1. Announcement signs shall be designed, acquired, maintained, installed, and removed by the City. Materials and procedures necessary to implement this section shall be procured and implemented under the direction of the Zoning Administrator.

   Subd. 2. The subdivider shall pay a fee as set forth in Chapter X of the City Code, to cover the costs of installing and removing the signs. A new fee shall be charged each time a sign is required, and the fee shall be paid for each sign to be placed on the property.

   Subd. 3. Signs required by this section shall be posted on the site so to be visible to the general public at least 10 calendar days prior to the scheduled consideration by the Planning Commission. The signs shall remain on the site until final City action has been taken on the preliminary plat application. *(Ord. 2013-12, 4/23/2013)*

   Subd. 4. A minimum of one sign shall be placed on the site for each street frontage of the property. The Zoning Administrator shall have the authority to require additional signs if deemed necessary to provide adequate visibility of signage.

   Subd. 5. Failure to install signs shall not invalidate any such proceedings as set forth within this Chapter.

*(Ord. 2003-15, 6/10/2003)*
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Section 516 - Administration - Variances

516.01. **Purpose.** The purpose of this section is to provide for variations from the literal provisions of this Chapter in instances where an unusual hardship exists upon the land. *(Ord. 2011-23, 7/26/2011)*

516.03. **Board of Adjustments and Appeals.** The City Council shall act as the Board of Adjustments and Appeals. References to the “Council” hereafter in this section shall mean the City Council acting in its capacity as the Board of Adjustment and Appeals. *(Ord. 2011-23, 7/26/2011)*

516.05. **Review Criteria.**

Subd. 1. The Council shall not approve a variance unless they find that the following criteria, as applicable, have been met:

A. The variance, and its resulting construction or project, would be in keeping with the spirit and intent of this chapter.

B. The variance would alleviate an unusual hardship existing upon the land such as physical surroundings, shape, or topographical conditions. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

C. The variance and its resulting construction or project would not be detrimental to the public welfare or injurious to other nearby properties.

D. The variance requested is the minimum action required to alleviate the hardship. *(Ord. 2011-06, 2/22/2011; Ord. 2011-23, 7/26/2011)*

516.07. **Procedures.** Pursuant to Minnesota Statutes 15.99, an application for a variance shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

Subd. 1. **Processing.**

A. Requests for a variance to the provisions of this Chapter shall be filed with the Zoning Administrator on an official application form. Such variance application shall be considered simultaneously with an application for subdivision approval. Such application shall be accompanied by a fee as set forth by the City Code. This fee shall not be refunded. The variance application shall be
considered officially complete when the applicant has complied with all the
specified informational requirements, which shall include the following:

1. A written description of the request for the variance, including an
   explanation of compliance with the variance criteria set forth in this
   section; and

2. Supporting materials such as site plans, as determined by the
   Zoning Administrator, as necessary for the complete and clear definition
   and understanding of the request.

3. The application shall be signed by the applicant. If the fee owner
   of the property is not the applicant, the applicant shall provide written
   authorization by the fee owner as part of the application.

B. Upon receipt of a complete application, as determined by staff review, and
   following preliminary staff analysis of the application and request, the Zoning
   Administrator, when appropriate, shall establish a schedule for consideration by
   the Planning Commission. At least 10 days before the date of the Planning
   Commission meeting, a written notice of the request shall be mailed to all owners
   of property located within 750 feet of the boundaries of the property which is the
   subject of the application.

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

D. The Zoning Administrator shall instruct the appropriate staff persons to
   prepare technical reports where appropriate, and provide general assistance in
   preparing a recommendation on the action to the Planning Commission.

E. The applicant or a representative thereof may appear before the Planning
   Commission in order to present and answer questions concerning the proposed
   request.

F. The Planning Commission shall make a finding of fact and make a
   recommendation on such actions or conditions relating to the request as they
   deem necessary to carry out the purpose of this Chapter. Such recommendations
   shall be in writing and accompanied by the report and recommendation of the
   City staff.

G. The Council shall not act upon the request until they have received a
   report and recommendation from the Planning Commission and the City staff or
   until 60 days after the first regular Planning Commission meeting at which the
   request was considered.
H. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Manager shall schedule the application for consideration by the Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the Council meeting.

I. Upon receiving the report and recommendation of the Planning Commission and the City staff, the Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition they consider necessary to protect the public health, safety and welfare.

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

K. Approval of a request shall require passage by a majority vote of the entire Council.

L. When granting a variance, the Council may impose conditions it deems necessary to protect the health, safety and general welfare, and to meet the objectives of the provision to which the variance is granted.

M. In all cases where a variance is granted, the Council shall require such evidence and guarantees as it deems necessary to insure compliance with the conditions designated in connection therewith.

N. The Zoning Administrator shall serve a copy of the final order of the Council upon the applicant by mail.

O. Whenever an application for a variance has been considered and denied by the Council, a similar application for a variance affecting substantially the same property shall not be considered again by the Planning Commission or Council for at least six months from the date of its denial.

516.09. Appeal of Council Ruling. Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Council shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced.
516.11. **Expiration.** A variance approved under this section shall expire without further action by the Planning Commission or the Council, at such time as the related subdivision approval expires.

*(Ord. 2003-15, 6/10/2003)*
Section 518

(This section was repealed by Ordinance No. 2005-02, 1/11/2005)
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Section 520 - Administration - Appeals

520.01. **Board Designation.** The Council shall serve as the Board of Adjustments and Appeals. References to the “Council” hereafter in this section shall mean the City Council acting in its capacity as the Board of Adjustment and Appeals.

520.03. **Applicability.** An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Chapter. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

520.05. **Filing.** An appeal from the ruling of an administrative officer of the City shall be filed by the property owner or their agent with the Zoning Administrator within 30 days after the making of the order being appealed.

520.07. **Stay of Proceedings.** An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Council, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, and upon subsequent notice to the City.

520.09. **Procedure.** The procedure for making such an appeal shall be as follows:

  Subd. 1. The property owner or their agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. *(Ord. 2010-21, 11/23/2010; Ord. 2011-23, 7/26/2011)*

  Subd. 2. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Council.

  Subd. 3. The Council shall make its decision by resolution within 60 days from the date on which a completed application is filed.

  Subd. 4. The Zoning Administrator shall serve a copy of the final order of the Council upon the petitioner by mail.

520.11. **Appeals from the Council.** Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Council shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced.

*(Ord. 2003-15, 6/10/2003)*
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Section 522 - Development Contract

522.01. Purpose. It is the purpose of this section to ensure that a subdivider follows the conditions of approval and properly installs the basic improvements required in a plat. To that end, whenever a subdivision includes any public improvements or other conditions of approval, the subdivider shall enter into a development contract with the City, setting forth the conditions under which the subdivision is approved.

522.03. Required Basic Improvements.

Subd. 1. Subdivider Installation of Improvements. The subdivider shall arrange for installation of all required improvements in the development subject to the development contract.

Subd. 2. City Installation of Improvements. The City reserves the right to elect to install all or any part of the basic improvements required under the provisions of this section pursuant to Minnesota Statutes, Chapter 429, as may be amended.

Subd. 3. Basic Improvements Required. All of the following required improvements to be installed under the provisions of this section shall be designed and constructed in accordance with the design standards of this Chapter and the City of Plymouth Engineering Guidelines/Standard Detail Specifications, which are adopted herein by reference; and approved by and subject to the inspection of the City Engineer. All of the City’s expenses incurred as the result of the required improvements shall be paid to the City by the subdivider. (Ord. 2008-08, 3/25/2008)

A. Streets.

B. Sanitary sewer.

C. Watermain.

D. Surface water facilities (pipe, ponds, rain gardens, etc.).

E. Grading and erosion control.

F. Sidewalks/trails.

G. Street lighting.

H. Street signs and traffic control signs.

I. Landscaping required by Section 21130.03 of the Zoning Ordinance.

J. Tree preservation.
K. Wetland mitigation and buffers.
L. Monuments required by Minnesota Statutes.
M. Miscellaneous facilities.

522.05. Other Improvements Required. The subdivider shall arrange for the installation of telephone, CATV, electrical and natural gas service following the grading of boulevard or utility easements.

522.07. Completion of Basic Improvements.

Subd. 1. The subdivider shall complete all required basic improvements no later than one year following the commencement of work on the improvements, except 1) where weather precludes completion, 2) for street lighting, 3) for landscaping and 4) for the wearing course of streets.

A. Where weather precludes completion, the improvement(s) may be completed at the outset of the next construction/growing season.
B. The subdivider shall complete street lighting within two years following the initial commencement of work on the required basic improvements.
C. The subdivider shall complete landscaping within one year following the issuance of a building permit for the last vacant lot within the subdivision unless weather precludes completion, in which case the landscaping shall be completed at the outset of the next growing season.

(Ord. 2008-08, 3/25/2008)

Subd. 2. Record plans of all public improvements as required by the City Engineer shall be furnished to the City by the subdivider. Such record plans shall be submitted in the formats as stated in the current version of the “Engineering Guidelines” and shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements. (Ord. 2013-12, 4/23/2013)

522.09. Financial Guarantees. Subsequent to execution of the development contract but prior to the release of a signed final plat mylar for recording, the subdivider shall provide the City with a financial guarantee in the form of a letter of credit from a bank, cash escrow, or a combination of a letter of credit and a cash deposit with the City. A letter of credit or cash escrow shall be in an amount equal to 100% of the estimated cost of completion of the specified basic improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the City.
Subd. 1. **Letter of Credit.** If the subdivider posts a letter of credit as a guarantee, the credit shall 1) be irrevocable, 2) be from a bank approved by the City, 3) be in a form approved by the City, 4) be for a term sufficient to cover the completion, maintenance and warranty periods identified in this Section and which contain such provision for expiration or termination shall contain the following statement requiring notice to the City, “It is a condition of this financial guarantee that it shall be deemed automatically extended without change for six months from the present or any future expiration date(s) unless 60 days prior to the expiration date(s) we shall notify the City in writing by certified mail that we elect not to consider this financial guarantee renewed for an additional period.” and 5) require only that the City present the credit with a sight draft and an affidavit signed by the Manager attesting to the City’s right to draw funds under the credit. (Ord. 2007-07, 3/27/2007)

Subd. 2. **Cash Escrow.** If the subdivider posts a cash escrow with the Finance Division as a guarantee, the subdivider will have no right to a return of any of the funds except as provided in Section 522.13. (Ord. 2013-12, 4/23/2013)

Subd. 3. **Cash.** A cash deposit made with the Finance Division may be used as part of the required financial guarantee in those instances where the subdivider elects to have the City install some or all of the public improvements.

Subd. 4. **Subdivider Installed Improvements.** For basic improvements to be installed by the subdivider, the required financial guarantee shall include all the following fixed or estimated costs.

A. Costs of the basic improvements identified in Section 522.03, Subd. 3.

B. Engineering, to include subdivider’s design, surveying, and inspection.

C. Principal amount of special assessments previously levied against the property together with one year of interest.

(Ord. 2013-12, 4/23/2013)

Subd. 5. **City Installed Improvements.** For basic improvements to be installed by the City, the required cash deposit and financial guarantee shall be the sum of the following fixed or estimated costs:

A. A cash deposit in an amount equal to the estimated cost to prepare the preliminary engineering report, as determined by the City Engineer. Such cash deposit shall be made prior to the start of the preliminary engineering report. The subdivider’s cash deposit shall be forfeited to the extent of the costs incurred by the City in processing the engineering reports required for the proposed project should the subdivider withdraw or otherwise fail to secure the approvals necessary for the project to proceed. Should the project not be ordered by the City for reasons unrelated to the failure or inability of the subdivider to proceed,
the deposit minus any costs incurred in preparing the report shall be refunded to the subdivider.

B. A cash deposit in an amount equal to 25% of the estimated cost of installing the specified public improvements as determined by the City Engineer, which costs would include charges incurred by the City for legal, planning, engineering and administration associated with the installation project(s). The deposit shall be applied to the costs of such installations, with the remainder of the costs specially assessed, in the manner provided by Minnesota Statutes, over a period of five years together with interest thereon.

C. In lieu of the cash deposit as required in (b) above, the subdivider may elect to have the City provide 100% of the cost of such installations, which costs shall be assessed over a period of five years. In such event, the subdivider shall post a letter of credit for 60% of the cost of assessments, which letter of credit shall be released after the subdivider pays the principal and interest on said assessments for two years and which letter of credit shall be separate from any other letters of credit associated with the subdivider’s project.


522.11. Administration of Development Contract. The subdivider shall, upon execution of the Development Contract, provide to the City of Plymouth a cash escrow to pay for the costs of administering the Development Contract. Administrative costs include but are not limited to preparation of the contract, City recording fees for documents required as part of the development, monitoring of construction observation, consultation with the Developer and his/her engineer on status or problems regarding the project, plan review, coordination for testing, final inspection and acceptance, project monitoring during warranty periods, and processing requests for reduction or release of security, for all public improvements covered by the development contract. The cash escrow shall equal 3% of the estimated cost of proposed public improvements, as identified in the development contract, with a minimum cash escrow amount of $5,000. Administrative costs shall be charged against the cash escrow account and credited to the City. If, at any time prior to completion of the development contract administration process, the balance in the cash escrow account is depleted to less than 10% of the originally required cash escrow amount, the Developer shall deposit additional funds in the cash escrow account as determined by the Zoning Administrator. Any balance remaining in the cash escrow account upon completion of the development contract administration process shall be returned to the Developer after all claims and charges thereto have been deducted.


Subd. 1. The financial guarantee shall be held by the City until, upon written notice by the subdivider and certification from a professional engineer that part or all of the required improvements have been completed and upon verification of such by the City staff, a portion or
all of the financial guarantee is released by the City. No financial guarantee shall be released in full until the City Engineer has received 1) certified, reproducible record plans of all required improvements installed by the subdivider and 2) a title insurance policy approved by the City Attorney indicating that the improvements are free and clear of any and all liens and encumbrances.

Subd 2. It shall be the responsibility of the subdivider to ensure that a submitted financial guarantee shall continue in full force and effect until the City has approved and accepted all of the required improvements, and thereby is authorized to release the guarantee as provided in Subd. 1 above.

Subd. 3. When any instrument submitted as a financial guarantee contains provision for an expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the Development Contract or of the required improvements, the expiration date shall be October 31 or the closest business day in the case of weekends and legal holidays. Further, the financial guarantee shall be deemed automatically extended without change for successive one-year terms from the original expiration date unless, at least 60 days prior to the expiration date or next annual renewal date, the financial institution notifies the City in writing by certified mail that it does not elect to renew the financial guarantee for an additional period. If the instrument is not to be renewed and has not been released by the City, another acceptable financial guarantee in the appropriate amount shall be submitted at least 60 days prior to the expiration. Upon receipt of an acceptable substitute financial guarantee, the City may release the original guarantee.

(Ord. 2011-06, 2/22/2011)

522.15. Warranty/Maintenance Guarantee.

Subd. 1. The subdivider shall submit or maintain a letter of credit for 25% of the original amount of the costs and for the duration specified, for the following improvements:

A. The required warranty period for materials and workmanship related to installation of public sanitary sewer, storm sewer, and water mains shall be two years from the date of final written City acceptance of the work.

B. The required warranty period for all work related to street construction, including concrete curb and gutter, sidewalks and trails, materials, and equipment shall be one year from the date of final written City acceptance of the work.

C. The required warranty period for sod, trees, and landscaping (excluding landscaping related to wetland mitigation) shall be one growing season/winter cycle following installation.

Subd. 2. The required warranty and warranty period for all work and materials related to wetland mitigation shall be pursuant to, and in accordance with, Minnesota Rule, Chapter 8420.
Section 524 - Design Standards

524.01. General Standards.

Subd. 1. Contiguous Land. A preliminary plat shall include all of the owner’s contiguous land, unless subdivision of property contiguous to the subdivision would be premature as defined by this Chapter. If subdivision of the contiguous property owned by the applicant would be premature, the applicant shall submit a sketch plan with enough detail to demonstrate how that property can be subdivided in the future in a manner consistent with the Comprehensive Plan and this Chapter. Final platting may be accomplished in phases.

Subd. 2. Subdivisions Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another city, the City shall request assurance from the affected city that access is legally established and that the access road is adequately improved or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

Subd. 3. Monuments.

A. Official permanent monuments shall be placed as required by Minnesota Statutes, Section 505.02 (as may be amended).

B. All monument markers shall be correctly in place upon final grading and installation of utilities.

C. The City will not issue building permits for a lot within a plat until monuments have been placed for that lot.

D. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Subd. 4. Subdivision Names. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City. The City shall have final authority to designate the name of the subdivision.


524.03. Lot Improvements.
Subd. 1. Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance. In addition, all lots shall abut and have direct access to an improved street except for developments with unit lots, in which case the base lot shall abut and have direct access to an improved street.

Subd. 2. Minimum Lot Dimensions. All lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Depth and width of properties reserved or laid out for commercial, office or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use contemplated, as established in the Zoning Ordinance.

Subd. 3. Side Lot Lines. Side lines of lots shall be substantially at right angles to street lines and substantially radial to curved street lines, unless an alternative layout will result in a better street or lot plan.

Subd. 4. Corner Lots. Corner lots shall be of sufficient width and depth to comply with the minimum building setback requirement from both streets and to comply with the minimum driveway setback from the intersection, as established in the Zoning Ordinance.

Subd. 5. Through or Double Frontage Lots and Access to Lots.

A. Through or Double Frontage Lots. Through or double frontage lots shall not be permitted except where lots back on an arterial roadway or where specific disadvantages of topography or other conditions render subdividing otherwise unreasonable.

B. Access from Minor Arterials and Major Collectors. Lots shall not, in general, derive access exclusively from a minor arterial or major collector roadway. No lot parallel to a minor arterial or major collector roadway and having a width of less than 200 feet should front on these roadways unless 1) access is limited to streets other than a minor arterial or major collector, 2) access is provided jointly with other lots or 3) access is ultimately to be provided from a planned frontage road. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on minor arterial or major collector roadways. (Ord. 2005-02, 1/11/2005)

Subd. 6. Lots Abutting Water. Lots abutting a water body, wetland, drainage way, channel, stream or pond shall be of sufficient width and depth and at the elevation needed to assure that building sites are not subject to flooding. The platting of lots within the floodplain is subject to the Zoning Ordinance provisions relating thereto.

Subd. 7. Large Tracts. When a parcel of land is subdivided into larger tracts than for building lots, such tracts shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent streets and utilities.
Subd. 8. **Lot Remnants.** All remnants of land which are below the minimum lot size or which are otherwise unbuildable must be added to adjacent lots and shall not be platted as an unusable outlot or parcel.

Subd. 9. **Soil Preservation, Grading and Sodding/Seeding.**

A. **Final Grading.** No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat. *(Ord. 2014-13, 1/25/2014)*

B. **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Where possible, drainage shall be designed so as to avoid concentration of storm water drainage from each lot to adjacent lots.

C. **Sodding/Seeding.** Sodding and seeding shall be done in conformance with the Zoning Ordinance and the Engineering Guidelines/Standard Detail Specifications. *(Ord. 2008-08, 3/25/2008)*

Subd. 10. **Debris and Waste.** No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy in a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of the Development Contract or dedication of public improvements, whichever occurs sooner.

Subd. 11. **Waterbodies and Watercourses.** If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The City may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility.

Subd. 12. **Subdivision of Land within Floodplain Overlay Districts.**

A. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. All such proposals shall minimize flood damage and ensure that all utilities, water supply or sewage treatment facilities are adequately located and protected. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

B. All lots within the Floodplain Overlay Districts shall contain a building site outside of the Floodplain Overlay District that is at or above the regulatory flood protection elevation.
C. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation.

Subd. 13. Subdivision of Flood Prone Areas. If a subdivision proposal is in a flood prone area, any such proposal must be reviewed to assure that:

A. All such proposals are consistent with the need to minimize flood damage within the flood prone area.

B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.

C. Adequate drainage is provided to reduce exposure of flood hazard.

(Ord. 2016-30, 10/25/2016)

524.05. Streets.


A. Topography and Arrangement.

1. The arrangement, character, extent, width, and location of all streets shall be considered in relation to existing and planned streets, shall provide for reasonable traffic circulation and traffic calming, and shall be appropriately located in relation to topography, run-off of storm water, convenience and safety, and proposed uses of the land to be served. Wherever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing and planned streets within and outside the proposed plat. Where adjoining lands are not subdivided, the arrangement of streets shall make provision for the proper projection of streets into adjoining lands by carrying the streets to the boundaries of the plat. The arrangement of streets shall not cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

2. Local streets shall be designed and aligned to discourage their use by non-local traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.

3. Neighborhoods shall be interconnected where possible to provide for emergency access, convenience, dispersal and circulation of traffic and to foster community cohesiveness.
Plymouth City Code

524.05, Subd. 1

4. In commercial and industrial developments, the streets and other accessways shall be planned in connection with the location of buildings, rail facilities, truck loading and maneuvering areas, and sidewalks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

B. Grading and Improvement Plan. The full width of the street right-of-way shall be graded and improved in conformance with the City’s Engineering Guidelines/Standard Detail Specifications and the construction plans submitted as part of the final plat application. (Ord. 2008-08, 3/25/2008)

C. Blocks.

1. A block shall normally be so designed as to provide two tiers of lots, unless it adjoins a railroad, arterial or collector street, lake, wetland, park, stream, or other natural feature, where it may have a single tier of lots.

2. Block length and width or acreage within bounding streets shall be sufficient to accommodate the size of lots required by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic. Residential block lengths shall not exceed 900 feet nor be less than 500 feet, except where topography or other conditions justify a departure from that standard. Commercial and industrial block lengths shall not exceed 900 feet nor be less than 500 feet, except where topography or other conditions justify a departure from that standard.

D. Access.

1. Vehicle access shall be prohibited from a stub street to adjoining lots until such time as the stub street is extended into an adjoining tract, or unless a temporary cul-de-sac is provided. The City Engineer may grant an exception to this provision if: 1) the terminus of the dead-end stub street and related barricade required under Section 524.05, Subd. 1. K. 2. of this section is visible from the nearest intersection, and 2) snow plows, garbage trucks, and other vehicles servicing the homes accessing the stub street would not need to back into a collector or arterial roadway in order to exit the stub street. (Ord. 2013-12, 4/23/2013)
2. When a proposed plat contains or borders on the right-of-way of an existing or planned principal or minor arterial roadway, the Council may require dedication and installation of a street approximately parallel to and on each side of such right-of-way for adequate protection of properties and to afford a separation of local and through traffic. Such streets shall be located at a distance from the major roadway suitable for the appropriate use of any intervening land. Such distance shall also be determined with due regard for the requirements of approach connections, future grade separations, and lot depths.

3. The subdivider shall provide access to all lots via local streets. When a proposed plat contains or borders on the right-of-way of a principal arterial, vehicle access points shall be restricted in accordance with the City’s Comprehensive Plan and the access requirements of the Minnesota Department of Transportation and Hennepin County. When a proposed plat contains or borders on the right-of-way of a minor arterial or major collector roadway, vehicle access points shall be restricted from such roadways. If access onto a minor arterial or major collector is the only option for access and is therefore required, such vehicle access points shall be limited from individual lots onto such streets through the use of shared driveways, consistent with the access management provisions of the City’s Comprehensive Plan.

4. Access to minor arterial and major collector streets shall be at intervals of not less than .25 mile, and through existing and established crossroads where possible. In the platting of small tracts of land fronting on minor arterial streets where there is no other alternative, a temporary access permit may be granted. As neighboring land becomes subdivided and access to other streets becomes possible, such temporary access permit shall become void.

5. When a residential lot has frontage on multiple streets, access to such lot shall be prohibited from higher-order streets (e.g., a lot that fronts on a minor arterial street and a collector street shall be prohibited from having access on the minor arterial street, and a lot that fronts on a collector street and a local street shall be prohibited from having access on the collector street).

E. Street Names. Street names shall be designated by the City street naming system, as administered by the Zoning Administrator. The Zoning Administrator shall have discretion to alter the City street naming system, when appropriate, in order to avoid confusion to the traveling public. A petition to rename a street shall require action by the Council.
F. Street Regulatory Signs. Street signs of standard design approved by the City shall be installed at each street intersection or at such other locations within the subdivision as designated by the City Engineer.

G. Traffic Control Signs. Traffic control signs pursuant to Minnesota Statutes, Section 169.06, shall be installed at locations within the subdivision as designated by the City Engineer.

H. Turn Lanes and Traffic Lights. Turn lanes and traffic lights shall be installed at the expense of the subdivider when required as a result of the proposed subdivision.

I. Street Lights. Street lights shall be installed at all intersections and at other locations, as required by the City Engineer. All street lights within new subdivisions shall be on ornamental poles with underground electrical service, and shall conform to City lighting standards. (Ord. 2013-12, 4/23/2013)

J. Sidewalks and Trails. Required sidewalks and trails shall be installed at the time a street is constructed.

K. Dead-End Streets, Stub Streets and Cul-de-Sac Streets (permanent and temporary).

1. Dead-End Streets. Dead-end streets shall be prohibited, except as stub streets.

2. Stub Streets. Stub streets shall be installed to permit future street extensions into adjoining tracts, where appropriate. Barricades shall be installed at the end of stub streets and signage shall be provided indicating a future street connection. Stub streets shall not exceed 150 feet in length.

3. Cul-de-Sac Streets (permanent). Cul-de-sac streets may be installed where necessary due to topography, configuration of land, existing road layouts or other special circumstances.

4. Cul-de-Sac Streets (temporary). In those instances where a street is terminated pending future extension in conjunction with future platting and its terminus is located 150 feet or more from the nearest intersection, a temporary cul-de-sac with a pavement width of 70 feet in diameter shall be provided at the closed end. Any portion of a temporary cul-de-sac not located within the street right-of-way shall be placed in a temporary roadway easement extending at least 10 feet beyond the curb line of the temporary cul-de-sac in all directions. No building permit shall be issued for any properties containing such temporary easement until after the temporary cul-de-sac is constructed. A financial guarantee will be required for removal and restoration, as required by the Development
Contract for the subdivision.

L. Alleys and Private Streets.

1. Alleys. No new alleys are allowed.

2. Private Streets. Private streets are prohibited. Private drives serving more than one residential unit are regulated by the Zoning Ordinance.

Subd. 2. Design Standards, Streets.

A. General. In order to provide for streets of suitable location, width and general improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required.

B. Street Surfacing and Improvements. After the subdivider has installed sewer and water, the subdivider shall construct poured-in-place concrete curbs and gutters and shall surface streets to the width prescribed in this Chapter. Types of pavement shall be as prescribed in the City’s Engineering Guidelines/Standard Detail Specifications. Adequate provision shall be made for culverts, drains and bridges. The portion of the right-of-way outside the area surfaced shall be sodded. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications in the City’s Engineering Guidelines/Standard Detail Specifications and shall be incorporated into the construction plans required to be submitted by the subdivider for final plat approval. (Ord. 2008-08, 3/25/2008)

C. Right-of-Way Width.

1. Minimum right-of-way width for minor arterial and collector streets shall be as shown in the Comprehensive Plan. When not provided in the Comprehensive Plan, the minimum right-of-way shall be as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Right-of-Way Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Arterial</td>
<td>100 feet</td>
</tr>
<tr>
<td>Major Collector</td>
<td>80 feet</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>60 feet</td>
</tr>
</tbody>
</table>
2. The right-of-way width for local streets shall be determined by the City Engineer and shall be adequate to accommodate pavement width and other improvements required within the right-of-way. The right-of-way width for local streets shall generally be 50 feet.

3. In order to ensure safety and accommodate existing and future street intersections, bridge overpasses, railway crossings, interchanges, topography and the like, the City may require dedication of a greater right-of-way width than specified above.

4. A subdivider may be required to install landscaped medians for certain minor arterial and collector roadways platted within the subdivision, in accordance with roadway standards established by the City Engineer and landscape standards established by the City Forester.

D. Railroads and Principal Arterials. Railroad rights-of-way and principal arterials where so located as to affect the subdivision of adjoining lands shall be treated as follows:

1. In residential districts, lots abutting railroad rights-of-way and principal arterials shall have sufficient lot depth required to accommodate any additional structure setbacks provided by the Zoning Ordinance.

2. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.

3. When streets parallel to the railroad right-of-way intersect a street that crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

E. Pavement Width.

1. Minimum pavement width for minor arterial and collector streets, as measured from back of curb to back of curb, shall be in accordance with the Comprehensive Plan. When not shown in the Comprehensive Plan, the minimum pavement width for minor arterial and collector streets shall be determined by the City Engineer based on anticipated traffic volume.
2. Minimum pavement width for local streets, as measured from back of curb to back of curb, shall be as follows:

<table>
<thead>
<tr>
<th>Local Street Type</th>
<th>Pavement Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Residential</td>
<td>36 feet</td>
</tr>
<tr>
<td>Residential</td>
<td>28 feet</td>
</tr>
<tr>
<td>Residential, Low Volume</td>
<td>24 feet</td>
</tr>
</tbody>
</table>

Low volume local street means a street with an average daily traffic count of less than 500. On such streets, where a narrower pavement width would help preserve natural resources or are needed due to manmade constraints, the minimum pavement width may be reduced to a minimum of 21 feet.

F. Cul-de-Sac Street Turnarounds and Length.

1. Turnarounds. Cul-de-sacs shall provide a turn-around with a minimum right-of-way diameter of 100 feet and a minimum pavement diameter of 82 feet (back of curb to back of curb). Lot lines that directly abut the turnarounds shall be radial to the center of the cul-de-sac. Lot lines and curb lines at the intersection of the straight portion of the street and the turnarounds shall be rounded with a radius of not less than 20 feet. Residential cul-de-sacs may include a center island within the turn-around for snow storage. Maintenance of such center islands shall become the responsibility of a Homeowners Association for the subdivision. The pavement width between the outside curb of the turn-around and such island shall be a minimum of 28 feet wide.

2. Length: The length of a permanent cul-de-sac shall be as follows:

   a. Up to 500 feet, as measured from the centerline of the intersection of origin to the end of the cul-de-sac right-of-way.

   b. Between 500 and 750 feet, provided the following requirements are met: 1) fire flows meet City requirements and looping of the water system will be provided or is planned for, 2) there is a secondary access unless waived by the Council and 3) the street design incorporates features such as curves, signage and/or additional turnarounds sufficient to minimize traffic backtracking, limit speeding and provide turning for emergency and service vehicles.
c. Existing cul-de-sac streets may be extended beyond 750 feet in length when necessary to accommodate new platting or redevelopment, provided the following requirements are met: 1) there is no other street access alternative, 2) the cul-de-sac is extended the minimum length necessary to provide for reasonable use of the land, 3) fire flows meet City requirements and looping of the water system will be provided or is planned for, 4) there is a secondary access unless waived by the Council and 5) the street design incorporates features such as curves, signage and/or additional turnarounds sufficient to minimize traffic backtracking, limit speeding and provide turning for emergency and service vehicles.

G. Street Grades. The minimum grade for all streets shall be 0.75%. Grades within 30 feet of intersections with arterial and collector streets and grades for the turnaround portion of a cul-de-sac street shall not exceed three percent. Otherwise, the maximum grades shall be as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Maximum Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Arterial</td>
<td>5%</td>
</tr>
<tr>
<td>Collector</td>
<td>6%</td>
</tr>
<tr>
<td>Local</td>
<td>7%</td>
</tr>
</tbody>
</table>

(Ord. 2008-08, 3/25/2008)

H. Intersections.

1. Streets shall be laid out to intersect at right (90 degree) angles with a 50 foot minimum tangent from the radius return. The angle of an intersection may be varied in cases where topography or other factors justify a variation, but in no case shall a street intersect with another street at angle of less than 75 degrees. Intersections having more than four corners shall be prohibited.

2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs shall have a centerline offset of at least 125 feet for local streets and 150 feet for minor arterial and major and minor collector streets.

3. Minimum curb radius at the intersection of two local streets shall be at least 20 feet; and minimum curb radius at an intersection involving a collector street shall be at least 25 feet.
G. **Street Alignment.**

1. **Deflections (horizontal alignment).** When connecting street lines of the same street deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 200 feet for local streets, and of such greater distance as necessary to meet the Minnesota Department of Transportation Road Design Manual, latest revision, for minor arterial and collector streets. The City Council may require greater or lesser sight distances at the recommendation of the City Engineer.

2. **Reverse Curves (horizontal alignment).** A tangent of at least 50 feet shall be provided between reverse curves on local streets, and of at least 100 feet on minor arterial and collector streets.

3. **Differing Street Gradients (vertical alignment).** Differing connecting street gradients for minor arterial and collector streets shall be connected with vertical parabolic curves. The minimum length of such curves shall be in accordance with the Minnesota Department of Transportation Road Design Manual, latest revision.

**Subd. 3. Street Dedication and Reservations.**

A. All streets within a subdivision shall be dedicated as public streets on the plat.

B. Streets in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The City Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivision boundaries.

C. Where a subdivision borders an existing substandard street or street needing improvement, the subdivider shall be required to improve and dedicate at its expense those areas for widening or improvement. Such streets shall be improved and dedicated to the full width as required by these subdivision regulations when the subdivider’s activities contribute to the need for the street expansion.

**524.07. Sidewalks and Trails.**

**Subd. 1. Required Improvements.**

A. A sidewalk or trail shall be installed along all arterial and collector roadways consistent with the City’s Comprehensive Plan. A sidewalk shall be required on one side of all local streets unless specifically waived by the City.
Sidewalks shall extend to the turn-around portion of a cul-de-sac street. Construction of both sidewalks and trails shall be as specified in the City’s Engineering Guidelines/Standard Detail Specifications. (Ord. 2006-05, 2/07/2006; Ord. 2008-08, 3/24/2008)

B. Width. Sidewalks along local streets shall be a minimum of five feet wide. Trails shall be a minimum of eight feet wide, unless located directly behind a curb, in which case they shall be a minimum of 10 feet wide.

C. Grade. Sidewalks and trails shall be sloped in such a manner so as to prevent pooling of storm water runoff and to drain away from any nearby buildings. The profile grade shall not exceed the grade of the adjacent roadway, unless authorized by the City Engineer.

Subd. 2. Location. Sidewalks shall be included within the dedicated street right-of-way. Trails may be located within the street right-of-way, an easement or an outlot, depending on whether there is sufficient right-of-way to accommodate the trail and meet other City requirements, including snow storage.

524.09. Drainage and Water Quality.

Subd. 1. General Requirements.

A. The Council will not approve any subdivision that does not make adequate provision for quantity and quality of storm water runoff. Any storm water drainage system shall be separate and independent of the sanitary sewer system.

B. The subdivider shall design storm sewers by the Rational Method, or other methods as approved by the Council, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow at that point. Surface water drainage shall be shown for each and every lot and block.

C. The subdivider shall demonstrate that the runoff generated by the proposed subdivision is properly treated on or off site for phosphorus and total suspended solid levels consistent with the requirements of the City’s Comprehensive Plan, including the Surface Water Management Plan and the Hydrologic and Hydraulic Study of the 2020 Urban Expansion Area. (Ord. 2013-12, 4/23/2013)
D. New development that creates more than one acre, cumulatively, of impervious surface may not take place without water quality retention basins, ponds or devices for the development site. Water quality basins shall be designed in accordance with the City’s Engineering Guidelines/Standard Detail Specifications. (Ord. 2008-08, 3/25/2008)

E. If the City’s Comprehensive Plan designates a regional pond within the boundaries of the proposed subdivision, the subdivider shall provide the City with easements for the regional pond. The subdivider shall construct the pond in conjunction with development of the subdivision.

Subd. 2. Nature of Storm Water Facilities.

A. Location. The City may require the subdivider to carry away by pipe any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance the City’s Engineering Guidelines/Standard Detail Specifications. (Ord. 2008-08, 3/25/2008)

B. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility, based on the City’s Comprehensive Plan.

C. Effect on Downstream Drainage Areas. The City’s Comprehensive Plan together with such other studies as shall be appropriate, shall serve as a guide to needed improvements in downstream drainage facilities outside the subdivision.

1. The subdivider shall construct retention ponds or use natural basins or green corridors to limit runoff to pre-development rates and to control downstream flooding.

2. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City may withhold approval of the subdivision until provision has been made for the expansion of the existing downstream drainage facility.

D. Floodplain Areas.
1. Encroachment into the floodplain and floodway below 100-year flood levels shall be prohibited without mitigating action that will preserve the storage capacity, prevent a surcharge in the flood profile and minimize excessive velocities. The subdivider shall provide for an overflow zone along the bank of any stream or watercourse, in a width that shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed in the overflow zone. The boundaries of the overflow zone shall be subject to approval by the City Engineer.

2. The City may, when it deems it necessary for the health, safety or welfare of the present or future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of a property that lies within the floodplain of any stream or drainage course in accordance with the provisions of the Zoning Ordinance.

Subd. 3. Dedication of Drainage Easements.

A. General Requirements. Where a watercourse, drainage way, channel or stream traverses a subdivision, the subdivider shall provide a storm water easement, drainage right-of-way or park dedication, whichever the City may deem more appropriate. This easement, right-of-way or dedication shall conform substantially with the lines of such water courses, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The City Engineer shall determine the width of such easements, etc.

B. Drainage Easements.

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, the subdivider shall provide perpetual, unobstructed easements at least 20 feet in width for drainage facilities across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.

2. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

3. The subdivider shall dedicate by a drainage easement, land lying within a delineated wetland and required wetland buffer strip, and land on each side of the centerline of any body of water, watercourse or drainage channel, whether or not shown on the City’s Comprehensive Plan, to a sufficient width to 1) provide proper protection for water
quality, 2) provide retention of storm water runoff and 3) provide for the installation and maintenance of storm sewers. *(Ord. 2016-12, 4/26/2016)*

524.11. **Sewer and Water Facilities.**

**Subd. 1. General Requirements.**

A. The subdivider shall install adequate sewer and water facilities (including fire hydrants) subject to the specifications in the City’s Engineering Guidelines/Standard Detail Specifications. *(Ord. 2008-08, 3/25/2008)*

B. The subdivider shall install sewer and water mains and service connections, which are stubbed to the property line, to serve all lots in the subdivision. The Council, in its discretion, may waive this requirement upon a showing that to require the installation of sewer and/or water mains within the subdivision would not be feasible with regard to the extension of existing trunk mains to service the subdivision or that particular locations or unusual circumstances of the proposed plat would cause undue hardship to either the owner or subdivider or the City.

C. The subdivider shall extend sewer and water lines to the lot lines of abutting sites that do not have public water service.

524.13. **Other Utilities.**

**Subd. 1. Location.** All utility facilities, including but not limited to telephone, CATV, natural gas and electric power, shall be located underground. Such utilities shall be placed within a joint trench unless otherwise approved by the City Engineer. Whenever existing utility facilities are located above ground, except when existing on public roads and right-of-way, they shall be removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the subdivider’s expense. At the discretion of the City, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use. *(Ord. 2013-12, 4/23/2013)*

Subd. 2. **Easements.** Utility easements shall be required within the perimeter of each lot, measured from the lot lines. Such easements shall be at least 10 feet wide adjacent to right-of-way and at least six feet wide adjacent to other land. Such easements shall have continuity for alignment from block to block. Such easements shall also be provided at deflection points for pole-line anchors where necessary.

Subd. 3. **Dedication.** Easements shall be dedicated on the plat instrument for the required use.

*(Ord. 2003-15, 6/10/2003)*
Section 526 - Erosion Control

526.01. Erosion Control Plan. Prior to commencing any earth disturbing activity in a subdivision, the subdivider shall submit an erosion control plan for approval by the City Engineer. The plan shall be approved if it complies with the City's Zoning Ordinance and the requirements contained herein.

526.03. Erosion Control Measures.

Subd. 1. The following erosion control measures are required for an erosion control plan:

A. The plan shall be suited to the topography and soils so as to create the least erosion potential.

B. The land shall be developed in increments of workable size on which adequate controls of erosion and siltation can be provided and maintained during the construction period. Grading operations and other land disturbing operations shall be staged so that the area being developed is not exposed for long periods of time without stabilization.

C. Temporary vegetation and/or mulching shall be used to protect the areas exposed during the development. No area shall be left denuded for a period longer than 14 days after initial site grading and other land disturbing operations. An erosion control blanket is required on slopes that are 3:1 or steeper. (Ord. 2008-08, 3/25/2008; Ord. 2011-29, 10/25/2011; Ord. 2012-06, 2/28/2012)

D. Permanent vegetation and structures shall be installed within 30 days after completion of initial grading. If grading is not completed until after the planting season has expired, temporary erosion control measures, including dormant seeding and mulching, shall be implemented.

E. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from the land undergoing development. Storm sewer inlets shall be provided with debris guards and microsilt basins to trap sediment and avoid possible damage from blockage. The silt shall be removed when necessary. If sediment/siltation measures taken are not adequate and result in downstream sediment, the subdivider shall be responsible for cleaning out or dredging downstream storm sewers and ponds as necessary.

F. Before grading is commenced, all control measures as shown on the approved plan shall be installed.

G. Immediately after curb and gutter has been placed, cured and backfilled, City approved erosion control measures shall be installed directly behind the curb.
This requirement does not alter the subdivider's responsibility for sodding the boulevard.

H. Erosion control practices shall comply with the Minnesota Pollution Control Agency’s General Permit to Discharge Stormwater Associated with Construction Activity No. MN-R100001, the Minnesota Stormwater Manual, or other practices as approved by the City Engineer.  (Ord. 2008-08, 3/25/2008; Ord. 2011-29, 10/25/2011; Ord. 2015-10, 3/24/2015)

I. The subdivider shall be responsible for cleaning and maintenance of the storm sewer system [including ponds, pipes, catch basins, culverts, and swales] within the subdivision and the adjacent off-site storm sewer system that receives storm water from the subdivision. The subdivider shall follow all instructions it receives from the City concerning the cleaning and maintenance of the storm sewer system. The subdivider's obligations under this paragraph shall end after the erosion control is complete and financial guarantees have been released.

J. The subdivider shall be responsible for cleaning all streets in the subdivision and adjacent to the subdivision from silt and dirt from the subdivision.

Subd. 2. Financial Guarantee:

A. In order to guarantee compliance with erosion control measures, a financial guarantee in the form of a non-interest bearing cash escrow or letter of credit satisfactory to the City in the amount of $1,500 per acre shall be provided to the City before work is commenced. Up to $2,000 of this amount shall be by cash deposit to be held by the City of Plymouth in a non-interest bearing account. The financial guarantee shall remain in place until all the subdivider's obligations under the erosion control plan have been satisfied.  (Ord. 2008-08, 3/25/2008)

B. If the City draws upon the financial guarantee, the subdivider shall within 10 days of the draw, deposit with the City additional security of the same type and amount that the City has drawn. No further inspections will be conducted, no new building permits will be issued, and all work shall stop within the development until the cash deposit for erosion control is restored to the pre-draw balance.

Subd. 3. Street Cleaning. Prior to commencement of grading, the subdivider shall enter into a contract with an unrelated third party to scrape and sweep the streets in the subdivision and on abutting streets from soil and silt deposited on the streets. At a minimum, scraping and sweeping shall take place on a weekly basis. The City shall be furnished a copy of the contract. The contract shall further provide that the City may order cleaning of the streets and that the subdivider shall pay the cost. If the subdivider fails to do so, the City may draw on the subdivider's financial guarantee with the City and use it to provide payment for the cleaning.
Subd. 4. Enforcement:

A. The City may issue a stop work order halting all development work and building construction for noncompliance with the erosion control plan.

B. The City may draw down the posted financial guarantee and perform any work necessary to achieve compliance with the erosion control plan. The City will endeavor to give the subdivider advance notice of such action.

C. The subdivider shall pay to the City an administration fee of $500 for each violation of the erosion control plan. If the subdivider does not promptly pay the fee, the City may draw upon the posted financial guarantee to pay it. (Ord. 2008-08, 3/25/2008)

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Section 528 - Park Dedication

528.01. Purpose and Findings.

Subd. 1. Minnesota Statutes Section 462.358, Subd. 2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash.

Subd. 2. The Council finds that:

A. The preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City. Further, the value and attractiveness of residential and commercial/industrial developments to landowners, developers, purchasers, employers, and employees is significantly enhanced by the presence of such parks and open space amenities.

B. New developments place a burden upon the City’s parks and open space system. New facilities must be developed concurrently with development in order to maintain the current level of service and the quality of the environment for all. Therefore, new developments shall be required to contribute toward the City’s park system in rough proportion to the relative burden they will place upon the park system, in order to maintain the existing level of service to the community.

C. Residential development of land creates approximately 90% of the need for park and recreational land and facilities within the City.

D. Commercial/industrial development of land creates approximately 10% of the need for park and recreational land and facilities within the City.

E. Development of land for schools creates additional demand on the City’s park and recreational land and facilities, to the extent that the school serves students who do not live within the City.

528.03. Dedication Required.

Subd. 1. At the time of subdivision, the developer shall dedicate land for public use as parks, playgrounds, recreation facilities, trails, or public open space, in an amount equal to the development’s proportional share of the City park system, as determined by this chapter. Any land dedicated shall be in a location and of a character consistent with and suitable for meeting the needs identified by the City’s Comprehensive Plan. Generally, land located within flood
plains or wetlands shall not be accepted to meet the proportional share of required land dedication. The City may consider accepting ownership of these lands without giving credit for park dedication.

Subd. 2. If the Council determines that land is not needed in the area of the proposed subdivision, the City may alternatively require payment of an equivalent amount in cash. Any such cash payment shall be used for the acquisition and improvement of land for parks, playgrounds, trails, or public open space, or as otherwise provided by statute. The cash fee payment in lieu of land dedication is set by Chapter X. (Ord. 2007-03, 1/23/2007; Ord. 2004-33, 12/14/2004; Ord. 2005-36, 11/29/2005; Ord. 2006-19, 6/27/2006; Ord. 2007-03, 1/23/2007, Ord. 2007-06, 2/13/2007)

Subd. 3. If the Council determines that land is needed in the development, but in a lesser amount than the required proportionate share, the Council may require payment of cash in lieu of land dedication based on a pro-rata share of the land dedication that otherwise would be required.

Subd. 4. The dedication requirements based on the development’s proportional share of the City park system are presumptively appropriate. A developer may request a deviation from the presumptive requirements based upon the anticipated impact of that particular subdivision. The request must be made to the Council as part of an application for final plat approval.

528.05. Calculation of Proportional Share.

Subd. 1. Residential Development. A residential development’s proportional share is the per capita residential share multiplied by the number of residents expected in the development.

Subd. 2. Commercial/Industrial Development. A commercial or industrial development’s proportional share is the per capita commercial/industrial share multiplied by the number of employees expected in the development.

Subd. 3. Schools. A school’s proportional share is the per capita residential share multiplied by the number of students expected to attend the school who live outside of the City.

528.07. Land Dedication/Payment of Fees. Dedication of land and/or payment of park dedication fees shall be as follows:

Subd. 1. Land Dedication. When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area(s) to be dedicated. Such lots or outlots shall be deeded to the City prior to the issuance of any building permits within the plat. The developer shall be responsible for finished grading and ground cover and construction of trails in all lands to be dedicated to the City. No credit toward the required dedication shall be given for this work, except that credit for the cost of improvements to trails included in the City’s adopted trail plan may be given.
Subd. 2. **Cash Fee.** When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:

A. For residential developments, the fee shall be paid prior to the City’s release of the signed final plat mylars for recording with Hennepin County. The exception is that in the case of multiple-family residential developments where the site plan review occurs after the time of final plat approval, the fee shall be paid prior to the issuance of any building permits.

B. For commercial and industrial developments and schools, the fee shall be paid prior to issuance of any building permits within the subdivision. A pro-rated portion of the fee may be deferred if the subdivider proposes to construct significantly less square footage than the site supports, provided that any remaining fees shall be paid if and when additional square footage is constructed on the site in the future.

C. In plats that include outlots for future development, the subdivider may pay to the City 1) the development’s proportional share for the entire subdivision including the outlots, or 2) the development’s proportional share excluding such outlots, provided that the park dedication requirement shall be satisfied when such outlots are replatted.

*(Ord. 2003-15, 6/10/2003)*
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Section 530 - Tree Preservation

530.01. Findings and Purposes.

Subd. 1. The Council recognizes that preservation and replanting of trees is important on new development sites in order to maintain a healthy and desirable community. The Council also recognizes that a certain amount of tree loss is an inevitable consequence of the urban development process. The Council finds that these tree preservation regulations help to establish a balance between an individual’s rights to develop his or her property, and the needs of the community to protect all aspects of the natural environment and to provide housing, services, and employment opportunities within the City.

Subd. 2. The purposes of these tree preservation regulations include, but are not limited to, 1) prevention of soil erosion and sedimentation, 2) improved air quality, 3) reduced noise pollution, 4) energy conservation through natural insulation and shading, 5) control of the urban heat island effect, 6) increased property values, 7) protection of privacy by maintaining and establishing buffers between conflicting land uses, and 8) providing habitat for wildlife.

530.03. Scope. The regulations contained in this section shall apply to all properties involving 1) a preliminary plat application received after August 15, 1995, or 2) a lot division application resulting in the creation of one or more new development parcels, received after August 15, 1995. The City does, however, strongly encourage preservation of healthy trees on all properties within the City. (Ord. 2009-08, 5/12/2009)

530.05. Removal Threshold.

Subd. 1. Developments in residential districts may remove or disturb up to 50% of the total inches of significant trees. Any removal or disturbance beyond this threshold shall require reforestation or restitution.

Subd. 2. Developments in non-residential districts may remove or disturb up to 75% of the total inches of significant trees. Any removal or disturbance beyond this threshold shall require reforestation or restitution.

Subd. 3. For developments in mixed use districts that include both residential and non-residential uses, the developer of any lot that solely contains residential use may remove or disturb up to 50% of the total inches of significant trees on such lot. The developer may remove or disturb up to 75% of the significant trees on the remainder of the site. Any removal or disturbance beyond these thresholds shall require reforestation or restitution. (Ord. 2012-06, 2/28/2012)

530.07. Reforestation/Restitution Requirement. If a development exceeds the allowable removal or disturbance threshold specified in Section 530.05 above, the subdivider shall either reforest appropriate areas within the site (or outside the site if appropriate locations within the
site are not available) or pay restitution, or provide a combination thereof, as directed by the City. For each one (1.0) tree inch that is removed or disturbed beyond the threshold, the subdivider shall replant 1.25 inches of new trees or provide the City with $125 in restitution. (Ord. 2006-05, 2/07/2006; Ord. 2013-12, 4/23/2013)

530.09. **Tree Inches Not Counted.** The tree inches of significant trees to be removed for water quality treatment ponds, public trails or sidewalks, and rights-of-way for arterial and major collector roadways shall be exempt from the calculation of total significant tree inches on a development site.

530.11. **Tree Survey/Preservation Plan.** A tree survey and tree preservation plan shall be submitted with all preliminary plat applications, and with all lot division applications involving the creation of one or more new development parcels. The tree survey and tree preservation plan shall be prepared and signed by a registered surveyor or forester not less than two years prior to submission of a complete application for preliminary plat approval, and shall provide the following information:

A. Location, diameter, and species of all significant trees on the site.

B. Identification of which significant trees are 1) to be protected, preserved, or undisturbed, 2) to be removed or disturbed, and 3) exempt from the calculation (under Section 530.09). (Ord. 2006-05, 2/07/2006)

C. Areas proposed to be designated as natural preserves where all natural vegetation, including significant trees, will be protected and preserved (refer to Section 811 of the City Code—Natural Preserves—for information requirements).

D. Proposed disturbance zones, as identified by cross-hatching or gray-colored shading on the plan.

E. Location and dimensions of building pads, construction zone for each lot, and proposed street layout and grading contours of the site.

F. Proposed locations and details of tree protection fencing to be installed for all trees to be preserved.

G. Calculation of removed or disturbed significant tree inches on the site (excluding exempt tree inches) divided by the total significant tree inches on the site (excluding exempt tree inches).

530.13. **Reforestation/Restitution Plan.**

Subd. 1. If the amount of significant tree inches to be removed or disturbed exceeds the specified threshold, the subdivider shall provide a reforestation plan, or a calculation of restitution, or a combination thereof.
Subd. 2. A reforestation plan shall be prepared and signed by a registered landscape architect or forester and shall comply with the following criteria:

A. The plan shall indicate the location and diameter or height of all trees to be planted.

B. No more than 1/4 of the trees to be planted may be from any one species, unless recommended by the City Forester.

C. Plantings shall be of similar vegetation as found on the site, with a preference for plantings designated as native to the site.

D. The minimum planting size for deciduous trees shall be 2.5 inches in diameter, and the minimum planting size for coniferous trees shall be six feet in height, except that up to 15% of the required tree inches may be of ornamental species of a lesser size, provided the required number of replacement inches is maintained.

E. Installation of trees shall follow the City’s standard tree planting details as provided in the City’s Engineering Guidelines. (Ord. 2010-02, 2/23/2010)

F. Trees to be planted shall be from certified nursery stock as defined and controlled by Minnesota Statutes Sections 18.44 through 18.61, the Plant Pest Act.

Subd. 3. Replacement trees shown on a reforestation plan may count toward the trees required by the City’s landscaping regulations.

Subd. 4. Restitution shall be paid to the City in cash prior to the City’s release of the signed final plat mylars for recording, or prior to approval of a minor subdivision. Any restitution paid shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City.

530.15. Staff Review. The tree preservation plan and any related reforestation plan or calculation of restitution shall be reviewed and evaluated by the City Forester. The City Forester may make recommendations for adjustment of locations of structures, roadways, utilities, and for replanting and other elements that may be necessary to enhance tree preservation and reforestation efforts.

530.17. City Action. A tree preservation plan and reforestation plan, including the designation of any natural preserves, shall be considered for approval or denial by the Council as part of the review of a preliminary plat. (Ord. 2011-06, 2/22/2011)

530.19. Amendments. A tree preservation plan and reforestation plan may be amended after it has been approved. The Zoning Administrator shall have authority to approve amendments, except that a change resulting in removal of more than ten percent of the
significant tree inches that were shown as preserved on a Council approved tree preservation plan shall require further review by the Council. As part of any amendment to a tree preservation plan, the required reforestation and/or restitution shall be increased or reduced as appropriate. Requests for amendments shall be submitted prior to removal of any trees shown as preserved on an approved plan. Amendment of a Natural Preserve shall be governed by Section 811 of the City Code.

530.21. **Financial Guarantee.** Following approval of the tree preservation plan, but prior to issuance of a grading permit or building permit if no grading permit is required, the subdivider shall provide a financial guarantee, as follows:

Subd. 1. A cash escrow or letter of credit to guarantee the tree preservation plan, and the reforestation plan if applicable. The guarantee shall be part of the development contract for projects including public improvements, or shall be part of a site improvement performance agreement (SIPA) if no public improvements are proposed.

Subd. 2. The amount of the financial guarantee shall be calculated as follows: 25% of the total significant tree inches shown as preserved that are located within 15 feet of a disturbance zone multiplied by $125 per inch, plus 100% of the total tree inches required by the reforestation plan, if applicable, multiplied by $125 per inch. The minimum financial guarantee shall be $1,000. The amount of the financial guarantee shall be maintained at the calculated level until such time as 1) all trees on the site (preserved trees and new reforestation trees) have survived a winter season, which is defined as the period 31 October through 30 April for the purpose of this section, and 2) the City has inspected the site and authorized a reduction or release.

530.23. **Inspection and Enforcement of Tree Preservation Plan.**

Subd. 1. Prior to removal of any trees and prior to issuance of a grading permit, or prior to commencement of any grading operations if no grading permit is required, or prior to issuance of a building permit if no grading operations are required, all sites shall be staked and fenced for tree preservation pursuant to the approved tree preservation plan. A copy of the approved tree preservation plan shall be submitted with an application for a grading permit, or with an application for a building permit if no grading permit is required. Such tree preservation plan shall also indicate any reforestation trees to be planted on the site. Upon staking of the site and installation of the tree protection fencing, but prior to issuance of any permits or commencement of any grading operations, the subdivider shall contact the City Forester to schedule an inspection of the staking and fence installation on the site. No permits shall be issued, nor shall any grading operations commence, without first receiving authorization by the City Forester. Tree protection fencing shall remain in place until after the certificate of occupancy is issued for the building on the site.

Subd. 2. Upon completion of the preliminary site grading operations, but prior to any further issuance of permits upon the site, the subdivider shall contact the City Forester to schedule a second inspection of the site to verify the preservation of trees, as shown on the approved tree preservation plan. No additional permits shall be issued within the plat until a fine
of $150 per inch is paid for the disturbance of all significant tree inches that have not been protected, but were shown as protected on the approved tree preservation plan. Any such fines collected shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City.

Subd. 3. Prior to issuance of a certificate of occupancy for an individual lot (if within a subdivision), the subdivider (or builder if different from the subdivider) shall contact the City Forester to schedule a final tree preservation inspection to verify the preservation of trees and the planting of any reforestation trees, as shown on the approved tree preservation plan. This required inspection shall be made at least five working days before the certificate of occupancy is requested. Prior to issuance of a certificate of occupancy, a fine of $150 per inch shall be paid for the disturbance of all significant tree inches that have not been protected, but were shown as protected on the approved tree preservation plan. Any such fines collected shall be placed in the Community Planting Fund and shall be used for reforestation projects in the City. (Ord. 2014-13, 1/25/2014)

Section 532 - Official Maps

532.01. **Purpose.** Land that is needed for future street purposes and as sites for other necessary public facilities and services is frequently diverted to non-public uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. It is the purpose of this ordinance to provide a uniform procedure for the proper use of official maps as authorized by the Minnesota Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.36.

532.03. **Official Map Defined.** “Official map” as used in this ordinance means a map adopted in accordance with this ordinance showing existing streets, proposed future streets, and the area needed for widening of existing streets of the City. An official map may also show the location of existing and future land and facilities within the City. An official map may cover the entire City or any portion of the City.

532.05. **Initiation of Proceedings.** Proceedings for adoption, amendment, or repeal of an official map or any part thereof may be initiated by 1) the City’s Planning Division; 2) a recommendation of the Planning Commission; or 3) action by the Council.

532.07. **Reference to Planning Commission.** Every proposed official map or change in a map shall be referred to the Planning Commission for advice and recommendation thereon, and such recommendation shall be submitted to the Council within 45 days after reference to the Planning Commission along with the report of the Commission on the effect of the proposal on the comprehensive plan of the City. If no recommendation is received by the Council from the Planning Commission within 45 days after reference of the proposal to the Commission by the Council, the Council may take such action as it may deem proper upon the proposal without further action by the Planning Commission.

532.09. **Notice and Hearing.**

   **Subd. 1. Notice.** Upon receiving the recommendation of the Planning Commission or after 45 days from the submission of the proposal to the Planning Commission without a recommendation from the Commission, the Council may call a public hearing on the proposal. A notice of the time, place, and purpose of the hearing and a description of property to be included in the mapped streets and public grounds shall be published in the official newspaper at least 10 days prior to the date of the hearing. At least 10 days prior to the hearing the City Clerk shall also mail a copy of the notice to each owner of land situated within or abutting any street or other public ground shown on the official map. For purposes of this notice the owners shall be determined by the records of the County Auditor and the notice shall be addressed to the last known address as shown by the Auditor’s records. Failure to serve any such notice shall not invalidate the proceedings.
Subd. 2. **Hearing.** At the time and place specified in the notice, the Council shall hear evidence and arguments concerning the proposal. The hearing may be continued from time to time without further notice. The Council may direct the Planning Commission to conduct a hearing and following the hearing to report its recommendation to the Council.

532.11 **Preparation and Filing of Maps.** The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall be made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor. After enactment of any ordinance adopting an official map or amending or repealing a previous official map ordinance, a certified copy of the official map or section to which the ordinance relates together with an attached copy of the ordinance shall be filed with the County Recorder.

532.13 **Effect.** After an official map has been adopted and filed, the issuance of building permits by the City shall be subject to the provisions of this ordinance. The City shall deny every application for a permit to construct a new building or structure or expand an existing building or structure within any area designated on the official map for street or other public purposes. Whenever any street or highway is widened or improved or any new street is opened, or any interest in lands for other public purposes is acquired by the City, the City is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the City any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the City to acquire such interest without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.

532.15 **Appeals.** Whenever a building permit is denied pursuant to this ordinance, the Board of Appeals and Adjustments shall, upon appeal filed with it by the owner of the land, grant a permit for building in an area designated on the official map for a street or other public purpose in any case in which the Board of Appeals and Adjustments finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which the area designated for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit is granted, or (b) that balancing the interest of the City in preserving the integrity of the official map and of the comprehensive City plan and the interest of the property owner in the use of his property and in the benefits of ownership, the grant of such permit is required by considerations of justice and equity. The Board of Appeals and Adjustments shall hold a public hearing upon the appeal after notice of the hearing has been published in the official newspaper once at least 10 days before the hearing. If the Board of Appeals and Adjustments authorizes the issuance of a permit, it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted. If the Board of Appeals and Adjustments authorizes issuance of a permit, the Council or other Board or Commission having jurisdiction shall have six months from the date of the decision of the Board of Appeals and Adjustments to institute proceedings to acquire such land or interest therein, and
if no such proceedings are started within that time, the City shall issue the permit if the application otherwise conforms to local ordinances.

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CHAPTER VI

PUBLIC HEALTH

Section 600 - Garbage and Rubbish Disposal

600.01. Prohibitions. Subdivision 1. Garbage Accumulation. It is unlawful for any person to fail to dispose of Garbage which may be or may accumulate upon property owned or occupied by such person in a sanitary manner as required by this Section.

Subd. 2. Rubbish Accumulation. It is unlawful to accumulate or permit to accumulate for whatever time period, any Rubbish, whether indoors or outdoors, on any property in the City which might constitute a nuisance by reason of appearance, odor, sanitation, the possibility of littering neighboring properties, the danger of fire or other type of hazard or to otherwise fail to dispose of Rubbish as required by this Section.

Subd. 3. Yard Waste Accumulation. It is unlawful to accumulate or permit to accumulate for whatever time period, any Yard Waste on any property in the City which might constitute a nuisance by reason of appearance, odor, or sanitation, or to otherwise fail to dispose of Yard Waste as required by this Section. It is also unlawful to do any of the following:

A. Mow grass in such a manner that grass clippings are deposited in a street, street gutter, catch basin, sidewalk, or trail.

B. To rake, blow, or otherwise deposit leaves in a street, street gutter, catch basin, sidewalk, or trail.

C. For a property owner or tenant to deposit or to allow to accumulate soil, leaves, grass clippings, branches, and other yard waste in a street, street gutter, catch basin, sidewalk or trail abutting their property.

(Ord. 2002-23, 6/11/2002)

600.03. Intentionally Left Blank.

600.05. Use of Licensed Collectors. Persons desiring to make use of the services of licensed collectors may do so by notifying such collector and paying the fees provided for in this Section.

600.07. License Required for Collectors. Subdivision 1. General Rule. It is unlawful for any person to collect Garbage or Recyclable Materials without having first secured from the Council a license so to do.
Subd. 2. License Required for Collectors. Any person desiring a license shall make application for the same to the City Clerk upon a form prescribed by the City. The application shall set forth:

A. The name and address of the applicant;

B. A list of the equipment which the applicant proposes to use in such collection;

C. The place or places to which the Garbage is to be hauled;

D. The manner in which collected matter is to be disposed of;

E. The portion of the City in which collections are to be made; and

F. A detailed description of the manner in which the applicant intends to separately collect and haul away Yard Waste, the manner in which the applicant intends to account for the amount of such Yard Waste and the method by which the applicant will inform its customers of the Yard Waste collection program.

Subd. 3. Surety Bond Required. If the application is approved by the Council, the applicant shall deposit with the City Clerk a surety bond in form satisfactory to the City Attorney in the penal sum of $1,000 conditioned upon the faithful and continuous provision of the collection service specified by the Council and under the conditions imposed by the laws of the City and the lawful orders, rules and regulations of the Health Officer. If such surety bond is approved by the Council, the City Clerk shall issue and deliver the license.

Subd. 4. License Fee. The license fees are set forth in Chapter X.

Subd. 5. Duration of Licenses; Expiration Date. The license shall be for a period of one year, and shall expire on January 1 of each year.

600.09. Duties of Collector; Equipment; Collection. Each licensed garbage collector shall provide a covered tank or wagon, so constructed that the contents will not leak or spill there from, in which all Garbage collected shall be conveyed to the place designated in the application. The wagon or conveyance used shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley or public place longer than is reasonably necessary to collect Garbage.

600.11. Service Charges; Manner of Payment. The expense of collection shall be paid to the collector monthly, by the owner, agent, occupant, or tenant of the premises from which such Garbage is collected, and such fee shall be full compensation for his services in such collection but in no case shall the fee charged for such collection exceed maximum sums set by the Council, provided that if the tenant or occupant of the property fails to pay said expense, the owner shall be liable therefore to the collector. The collector may refuse to make collection from
any premises when the fees provided for herein are not paid within 30 days from the date when due. The collector shall notify the Health Officer and the Police Chief of the discontinuance of such service to any premises within two days after service is discontinued.

600.13. Weekly and Semi-Weekly Collections. Each licensed collector shall make collections, in that portion of the City in which the collector is licensed to collect, weekly from residences and semi-weekly from hotels, restaurants, boarding houses, etc.

600.15. Garbage Disposal; Duties of Householder, Occupant or Owner. Every householder or occupant of any dwelling house, boarding house, restaurant or any place of business, having Garbage to dispose of, shall provide for the disposal of such Garbage in a sanitary and environmentally sound manner and shall provide one or more fly tight containers sufficient to receive all garbage which may accumulate between the times of collection. Each container shall be provided with a bail or handles and a tight fitting cover. All Garbage and Rubbish accumulating between the times of collection shall be placed in the garbage containers. Garbage containers shall be kept at or near the back door or in or near the garage of the building using the same or at the rear of the property if there is any alley and shall be accessible to collectors at all reasonable times.

600.17. Rubbish Disposal; Duties of Householder, Occupant or Owner. Every householder or owner, occupant or tenant of any premises who does not otherwise dispose of Rubbish in a sanitary and environmentally sound manner, shall contract with a licensed collector to collect and dispose of Rubbish and shall place all Rubbish in a tight container and make such container available to collectors as required under this Chapter.

600.18 Dumpster. Subdivision 1. Single-Family, Two-Family, and Townhome Dwellings. Dumpsters, bag dumpsters, and other rubbish containment containers (excluding standard trash and recycling bins used in conjunction with normal household operations) are permitted to be located outside for not more than 30 days within any one-year period, unless being utilized in conjunction with an active building permit for a temporary service such as a construction or remodeling project benefitting the premises.

Subd. 2. Uses Other than Single-Family, Two-Family, and Townhome Dwellings. Dumpsters, bag dumpsters, and other rubbish containment containers (excluding those used in conjunction with normal business operations that are located within permanent dumpster enclosures approved on a site plan) are permitted to be located outside for not more than 30 days within any one-year period, unless being utilized in conjunction with an active building permit for a temporary service such as a construction or remodeling project benefitting the premises.

(Ord. 2014-13, 1/25/2014)

600.19 Rubbish Disposal; Duties of Licensed Collectors; Service Charges. Each licensed collector shall collect and haul away once each month to such place as may be designated by the Health Officer, all such Rubbish from premises located within the area in which he is authorized to collect Garbage. The collector may charge for such service to the owner or occupant of the premises an amount not to exceed a rate per bushel for such Rubbish removed as set by the
Council. The rate charged by the collector shall vary with the volume or weight of the Rubbish collected. The rate charged to an owner or occupant who recycles shall not be greater than the rate charged to nonrecyclers.

600.20. **Yard Waste; Duties of Householder, Occupant or Owner.** Every householder or owner, occupant or tenant of any premises who does not otherwise dispose of or compost Yard Waste in a sanitary and environmentally sound manner, shall contract with a licensed collector to collect and dispose of Yard Waste and make such Yard Waste available to collector as required under this Chapter.

600.21. **Yard Waste; Duties of Licensed Garbage Collectors.** Each licensed collector shall separately collect, and haul away Yard Waste. Each licensed collector shall haul the Yard Waste to a compost site approved by the City Manager and shall keep an accurate accounting of the amount of such Yard Waste. Each licensed collector shall submit a written report to the City Manager detailing the amount of such Yard Waste that has been collected and delivered for composting during the preceding license period.

600.22. **Yard Waste; Composting.** Subdivision 1. General Rule. Every householder or owner, occupant or tenant of any premises who composts Yard Waste shall do so in an environmentally sound manner, and shall meet the standards set forth in this Section. Composting shall be allowed only on properties where there is located a single-family detached dwelling, business, educational facility, institutional or non-profit use, or property operated by the City as an essential service. *(Ord. 2012-06, 2/28/2012)*

    Subd. 2. **Containment Structure.** All composting materials shall be contained in a structure constructed of durable material such as rot resistant wood, block, sturdy metal fencing, or in commercially fabricated compost bins designed to contain composting material. Unless the composting structure is a commercial product particularly manufactured for composting purposes, the composting structure shall be no smaller than three feet by three feet by three feet but shall not exceed five feet in width, 12 feet in length and five feet in height.

    Subd. 3. **Containment Structure Location.** Composting containment structures shall be at least 40 feet from any inhabited building not owned by the generator of the compost material, six feet from any City park or trail and shall otherwise be located in compliance with the Zoning Ordinance requirements for accessory structures.

    Subd. 4. **Materials Allowed in Containment Structure.** Only acceptable materials generated from the legal boundaries of the site of the containment structure shall be allowed into the containment structure. "Acceptable materials" as used herein means plant material consisting of grass clippings, leaves, weeds, small twigs (1/4 inch diameter or less), evergreen cones and needles, wood chips, raw fruit and vegetable food scraps, herbaceous garden debris and commercial ingredients (mixed into the composting material) specifically designed to speed or enhance decomposition. *(Ord. 2002-15, 3/26/2002)*

    Subd. 5. **Containment Structure Maintenance.** Standard compost management techniques shall be employed to enhance rapid biological degradation of the material without
producing objectionable odors, including aeration, adding moisture, and providing a balance of composting materials.

600.23. Rubbish Disposal; Construction Rubbish. Building permittees or their contractors shall provide an enclosure or container of sufficient size at each construction location and deposit all construction related rubbish therein. Construction personnel shall properly dispose of all construction related material and Rubbish in order to prevent littering of the construction site or adjacent areas. In addition, the City encourages source separation and recycling of untreated lumber, cardboard, drywall, asphalt roof shingles and concrete and brick. (Ord. 2003-16, 6/10/2003)

600.25. Recycling Collection. Subdivision 1. Collection Services Contract; Rules. The City may contract with one or more licensed collectors or haulers for the collection, removal and disposal of some or all types of Recyclable Materials from some or all types of properties in the City. The Council may adopt additional rules not inconsistent with this Section as necessary for the collection, removal, and disposal of Recyclable Materials, including but not limited to rules governing the days and hours of collection, the types of Recyclable Materials to be collected, the manner in which Recyclable Materials must be prepared for collection, the recycling containers to be used, the location of recycling containers for collection, and the types of properties to be provided recycling collection services.

Subd. 2. Recycling Services Fee. The Council may establish by resolution a fee for recycling collection services.

Subd. 3. Billing. The recycling services fee is payable by the owner, lessee, or occupant of each dwelling unit or property to which the services are made available under the City's contract with a licensed collector or hauler. The recycling services fee will be shown as a separate charge on the utility bill for the dwelling unit or property and is payable in the manner established by this Code for utility bills.

Subd. 4. Amount Due After Due Date. An amount equal to 10% of the unpaid current month service charges shall be added to each account which is not paid by the due date as specified in the billing notice. (Ord. 94-25, 12/19/94)

Subd. 5. Assessment of Unpaid Bills. The Administrative Services Director must annually certify all delinquent accounts to the City Manager, who must prepare an assessment roll providing for assessment of the delinquent amounts against the respective properties served. The City Manager must deliver the assessment roll to the Council for adoption on or before October 31st of each year. Such action may be optional or subsequent to taking action to collect delinquent accounts.

Subd. 6. Reporting Requirements. Any licensed collector of Recyclable Materials must submit periodic reports as required by the City Manager describing the amount and type of recycling materials collected from multiple family dwellings and the location of such collection.
600.27. Scavenging of Recyclable Materials Prohibited. Subdivision 1. Prohibited Conduct. It is unlawful for a person to collect, remove, or dispose of Recyclable Materials after the materials have been placed or deposited for collection, unless the City Manager or the City's contractor has authorized the person to do so.

Subd. 2. Recycling Programs Not Restricted. Nothing in this Subsection restricts the right of any person to give or sell Recyclable Materials to any lawfully operated recycling program or the right of any authorized recycling program to lawfully operate within the City, subject to such other licenses or other regulations as may be required by law.

Subd. 3. Penalty. A violation of this Subsection is a Misdemeanor.

600.29. Required Recycling Services; Multiple Family Dwellings. Subdivision 1. Definitions. For purposes of this subsection, the following terms have the meanings indicated:

A. "Multiple family dwellings" means a building or a portion thereof containing nine or more dwelling units.

B. "Designated recyclables" means the following recyclable materials: aluminum recyclables, can recyclables, glass recyclables, paper recyclables, plastic bottle recyclables, and corrugated cardboard.

C. "Aluminum recyclables" means disposable containers fabricated primarily of aluminum, commonly used for soda, beer, or other beverages.

D. "Can recyclables" means all disposable containers fabricated primarily of metal or tin.

E. "Glass recyclables" means unbroken jars, bottles, and containers which are primarily used for packing and bottling of various matter.


G. "Plastic bottle recyclables" means all disposable bottles fabricated from plastic.

H. "Corrugated cardboard" means cardboard material with double wall construction and corrugated separation between walls.

I. "Collection" means the aggregation of recyclable materials from the place at which it is generated and includes all activities up to the time when the waste is delivered to the facility designated by the owner of the multiple family dwelling.
Subd. 2. **Collection Services Required.** The owner of a multiple family dwelling must make available to the occupants of all dwelling units on the premises services for the collection of designated recyclables. The collection services must be available on the premises and must be provided on a regularly scheduled basis. The owner and owner's employees may provide the collection services personally, or the owner may contract with a collector, licensed under this section to provide the services.

Subd. 3. **Recycling information Required.** The owner of a multiple family dwelling must provide information to the occupants of each dwelling unit which notifies the occupants of the availability of collection services, describes the procedures required to prepare the designated recyclables for collection, and identifies the dates and times of collection.

Subd. 4. **Container Requirements.** The owner of a multiple family dwelling must provide containers for the collection of designated recyclables and must maintain the containers in a clean and sanitary condition. The containers must be sufficient in number and size to meet the demands for recycling services created by the occupants. The owner must replace stolen or broken containers and purchase additional containers as needed. Containers must be placed in a location on the premises which permits access for collection purposes but which does not obstruct pedestrian or vehicular traffic and must comply with the Zoning Ordinance.

Subd. 5. **Transportation and Disposal.** Upon collection by the owner, owner's employees, or licensed collector, that person must deliver the designated recyclables to a recyclable material processing center, an end market for sale or reuse, or to an intermediate collection center for later delivery to a processing center or end market. It is unlawful for any person to transport for disposal or to dispose of designated recyclables in a solid waste disposal facility. Designated recyclables must be transported in a covered vehicle so that the recyclables do not drop or blow onto any public street or private property during transport.

Subd. 6. **Anti-scavenging.** It is unlawful for any person other than the owner or owner's authorized employees or contractor to collect, remove, or dispose of designated recyclables after the materials have been placed or deposited for collection.

Subd. 7. **Annual Report.** Each owner of a multiple family dwelling must file an annual report with the City on a form to be provided by the City’s Transit/Solid Waste Manager. The report must contain, at a minimum, the following information:

A. Name of owner;

B. Address of multiple family dwelling;

C. Number of dwelling units;

D. Description of collection services made available to occupants, including location of containers, date and time of collection and whether collection services are provided by owner, owner's employees, or a licensed collector;
E. Description of methods used to inform occupants of availability of services, including a copy of any notice sent to occupants or posted on the premises and a record of the dates such notice was sent and locations posted;

F. Name and address of licensed collector, if any, who provides collection services.

Subd. 8. Penalties for Violation. Violation of this subsection is a Petty Misdemeanor. A fourth or subsequent violation of this subsection is a Misdemeanor.

Subd. 9. Exception. This subsection does not apply to the extent that, under this Code, the Council contracts to provide recycling collection services to some or all multiple family dwellings.

(Ord. 2011-29, 10/25/2011)
Section 605

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Section 610

(This section was repealed by Ordinance No. 2011-29, 10/25/2011)
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Section 615

(This section was repealed by Ordinance No. 2017-22, 10/10/2017)
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CHAPTER VII
PUBLIC UTILITIES
Section 700 - Franchises

700.01. Existing Franchises. Franchises to various public and private utilities in existence on the date of adoption of this Code, shall be unaffected by the adoption of this Code, and are on file, as originally adopted by the City, in the office of the City Clerk. Nothing in this Section is to be construed as modifying, amending or abridging any term or condition of any such franchises.

700.03. Generally. Franchises shall be required, granted and renewed in accordance with the terms of Chapter 10 of the Charter and this Code. The City may own and operate utilities in accordance with the terms of Chapter 11 of the City Charter.

700.05. CATV Franchise. Subd. 1. Adoption By Reference. The Northwest Suburban Joint Cable Commission Communications Ordinance, dated September 14, 1981, adopted by the Northwest Joint Cable Communications Commission is adopted by reference as provided in Minnesota Statutes, Section 238.08, as amended. The ordinance herein adopted by reference is a franchise ordinance governing the operation of a cable communication system in the City of Plymouth by Northern Cablevision Northwest, Inc.

Subd. 2. Administration. The City Manager is responsible for the administration and enforcement of the ordinance adopted by reference in Subdivision 1.

Subd. 3. Violation. A violation of the ordinance adopted by this Section is a violation of this Code.


(Ord. 2018-18, 9/25/2018)
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Section 705 - Regulation of Public and Private Sewers and Drains

705.01. **Definition.** For purposes of this Chapter VII, the term "Inspector" means a person duly authorized, including the Building Official, to inspect and approve the installation of building sewers and their connection to the public sewer system.

705.03. **Certain Deposits Unlawful.** It is unlawful to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City or in any area under its jurisdiction, any human or animal excrement, Garbage or other objectionable waste which ordinarily would be regarded as Sewage or Industrial Wastes.

705.05. **Certain Discharges Unlawful.** It is unlawful to discharge to any natural outlet within the City, or in any area under its jurisdiction, any Sewage, Sanitary Sewer, Industrial Waste, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Section.

705.07. **Certain Sewage Facilities.** Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of Sewage.

705.09. **Certain Facilities Required - Owner's Duties.** Subdivision 1.

Toilet Facilities; Public Streets. The owner of any house, building or property used for human occupancy, employment, recreation or other similar purpose situated within the City and abutting 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, is hereby required to install suitable toilet facilities therein at the owner’s expense. In the event an individual sewage treatment system requires modification or repair and in the further event that a Public Sanitary Sewer is located within 100 feet of the property line, the owner of such property shall be required to connect to the Public Sewer. Connections to Public Sanitary Sewer facilities must be made within 24 months from and after the 1st day of January next following the date on which a special assessment for such Sanitary Sewer facilities to the particular property is adopted by the Council. If the owner of any property fails or refuses to connect to Public Sanitary Sewer facilities, the City may provide for the installation of such facilities and charge the cost thereof against the property as a special assessment in accordance with the provisions of Minnesota Statute Section 412.221, as amended. In addition, the owner shall be responsible for maintenance of the sewer line that lies between the Public Sewer and the building. (Ord. 2010-02, 2/23/2010)

Subd. 2. Toilet Facilities; No Sewer Available. Where a public sanitary or combined sewer is not available, the Building Sewer shall be connected to an Individual Sewage Treatment System complying with all requirements of Section 710 of this Code.

Subd. 3. Abandonment of Private Systems. When a Public Sewer becomes available to a property served by a Sewage Treatment System and a direct connection is made to the Public
Sewer in compliance with this Section, any septic tanks, cesspools and similar Individual Sewage Treatment Systems shall be abandoned in accordance with Section 710 of this Chapter and filled with suitable material. *(Ord. 2010-02, 2/23/2010)*

Subd. 4. **Failure of Individual Sewage Treatment Systems.** When a Public Sewer is available to a point within 100 feet of a piece of property where an Individual Sewage Treatment System has failed to function properly, such sewage system serving a structure must be abandoned and the premises served shall be connected to the public sanitary sewer system once the determination of failure has been made by the Inspection Division and within fifteen (15) days from date which notice of correction has been sent to the owner of the property by the Inspection Division. *(Ord. 98-35, 11/04/98)*

705.13. **Permit Required for Building Sewers.** Subdivision 1. General Rule. No person shall uncover, make any connections with or opening into, or use, alter, or disturb any Public Sewer or appurtenances thereof without first obtaining a written permit therefor from the City.

Subd. 2. **Fees.** The fees for permits and inspections pursuant to this Section are set forth in Chapter X. *(Ord. 98-35, 11/04/98; Ord. 2011-29, 10/25/2011)*

705.15. **Installation Costs; Indemnification.** All costs and expense incident to the installation, connection, and maintenance of the sewer line lying between the Public Sewer and the building shall be borne by the owner. The owner or the person installing the Building Sewer for the owner shall indemnify the City pursuant to Subsection 705.13, from any loss or damage that may directly or indirectly be occasioned by the installation. *(Ord. 2010-02, 2/23/2010)*

705.17. **Separate and Independent Sewers Required; Exceptions.** A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another or on an interior lot and no private Sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer. Other exceptions will be allowed only by special permission granted by the Building Official.

705.19. **Use of Existing Building Sewers.** Existing Building Sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this Section. The Building Sewer shall be constructed in accordance with the provisions of the Minnesota State Plumbing Code.

705.21. **Artificial Lifting Required in Certain Buildings; Certain Equipment Prohibited.** In any buildings in which a Building Drain is too low to permit gravity flow to the Public Sewer, Sanitary Sewage carried by such drains shall be lifted by approved artificial means and discharged to the Building Sewer. No water operated sewage ejector shall be used.
705.23. **Inspection and Connection of Building Sewers; Notice; Supervision.**
The applicant for the Building Sewer shall notify the Building Official when the Building Sewer is ready for inspection and connection to the Public Sewer.

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

705.27. **Approved Connections; Types; When Used.** Subdivision 1. Approved Connections, Approved types of commercial and industrial service connections are Type 1 and Type 2 as specified in this subsection.

Subd. 2. **Type 1; Vitrified Clay Wye Branches Installed in the Main Sewer at the Time of Construction.** Connections to existing wye branches shall be made with an approved type of joint material of the bituminous type or an approved compression coupling. The connection shall be completely watertight. No connection shall be allowed to any damaged wye branch. If damage occurs during the making of the connection, the wye branch shall be taken out of the main sewer by the plumber and replaced either by another undamaged wye or by straight vitrified clay pipe. If straight pipe is used in the replacement, other approved connection methods shall be used. Concrete encasement of the wye branch, connection joint, or any other part of the connection shall not be deemed watertight and shall not be allowed as a method of repairing a damaged joint. House service connections may be made with any material authorized by the Building Code. Such pipe must be connected to the building drain at its point of exit from the building unless heavy duty cast iron pipe is already in use from the building to the septic tank or cesspool, in which case the connection may be made at the septic tank or cesspool. When a service connection is placed across peat or other unstable soil having a depth in excess of four feet, bridging using four foot lengths of 2" x 6" planks should be placed three feet on center under the service pipe. In the event that the peat or other unstable soil is four feet or less in depth, then such peat or other unstable soil must be removed and a stabilized base be placed to the pipe invert.

Subd. 3. **Type 2; Connections of the Saddle Type Installed in the Main Sewer.** Connection of this type shall be made in a smooth 3 round hole, machine-drilled into the main sewer pipe. The fitting used in the connection shall be made in such a manner as to insure that no protrusion of the fitting into the main sewer pipe shall result. The connector shall fit perfectly the contour of the inside of the Sanitary Sewer and shall be specifically designed to fit the particular size main sewer pipe into which the connection is made. The machine-drilled hole shall be of such size to provide 1/8 inch clearance between the outside of the fitting and the hole. The space thus provided shall be completely filled with joint material. The space between the shoulder of the fitting and the face of the main sewer pipe shall be 1/8 inch thick and this space shall also be completely filled with joint material. The joint material used for the Type 2 house service connection shall be completely waterproof and shall be capable of withstanding any condition of stress or strain likely to be encountered in normal Sanitary Sewer construction or maintenance. Concrete encasement will not be considered waterproof. The fitting shall be manufactured of either cast aluminum alloy or vitrified clay pipe and shall be
capable of receiving all normally used types of pipe for house service connections. The Type 2 fitting and drilling machine herein described shall be of the type manufactured by Smith & Loveless, Division - Union Tank Car Company, Lenexa, Kansas, or an approved equal.

Subd. 4. Alternate Use of Type 1 and Type 2 Connections. Type 1 connections may be used in existing Sanitary Sewers when wye branches previously installed are readily and conveniently available. If existing wye branches cannot be found readily and are not located properly for providing the needed service, Type 2 connections shall be made. When new Sanitary Sewers are constructed, Type 1 connections may be made in cases where the connection to the house is made during construction and before backfilling of the sanitary main sewer trench. No new branches shall be installed and covered up for future use. Type 2 connections shall be made in all cases where house services are installed subsequent to construction and backfilling operations.

705.29. Certain Uses of Sewers Prohibited. It is unlawful to discharge or cause to be discharged to any Public Sewer, any harmful waters of wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in the sewers, damage or hazard to structures, equipment and personnel of the sewerage works, or other interferences with the proper operation of the sewage works. Violation of this Subsection is a misdemeanor. (Ord. 95-36, 6/20/95)

705.31. Approval Required for Admission in Sewers of Harmful or Objectionable Materials. The admission into the Public Sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Building Official, who may prescribe limits on the strength and character of these waters and wastes. Where necessary, in the opinion of the Inspector, the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the Public Sewer. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said inspector and of the state board of health and no construction of such facilities shall be commenced until said approval is obtained in writing. Preliminary treatment facilities provided for any waters or wastes, shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

705.33. Control Manholes: When Required; Use. When required by the Building Official, the owner of any property served by a Building Sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the Building Sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with standard methods for the examination of water and sewage approved by the Minnesota Department of Health, and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

705.35. (Repealed) (Ord. 98-35, 11/04/98)
705.37. **Tampering with Municipal Sewage Works.** It is unlawful to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal Sewage Works.

705.39. **Power and Authority of Building Officials.** The Building Official and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling, and testing, in accordance with the provisions of this Section.

705.41. **Notice of Violation; Time to Cease Violations.** Any person who violates any provision of this Section shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Failure to comply with a notice given pursuant to this Subsection is a misdemeanor. No notice is required for the prosecution of a violation of Subsection 705.29, as amended.

705.43. **Certification as to Assessments.** No permit shall be issued to tap or connect with any Sewer of the City, either directly or indirectly, from any lot or tract of land unless the City Clerk shall have certified:

A. That such lot or tract of land to be served by such connection or tap has been assessed for the cost of construction of the Sewer with which the connection is made; or

B. If an assessment has been levied for such construction cost, that proceedings for levying such assessments have been or will be commenced in due course; or

C. If no assessment has been levied and no assessment proceedings will be completed in due course, but a sum equal to the portion of the cost of constructing the Sewer which would be assessable against said lot or tract, as certified by the Finance Division, has been paid to the City.

705.45. **Liability for Damages Caused by Violation.** Any person violating any of the provisions of this Section is liable to the City for any expense, loss or damage incurred by the City by reason of such violation.

(Ord. 98-35, 11/04/98; Ord. 2011-29, 10/25/2011)
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Section 710 - Regulation of Individual Sewage Treatment Systems

710.01. Permits. No person shall install, alter, repair, extend, or abandon any individual sewage treatment system in the City without first applying for and obtaining a permit from Hennepin County as may be required pursuant to County Ordinance No. 19, Individual Sewage Treatment Systems. (Ord. 2000-22, 5/23/2000; Ord. 2010-02, 2/23/2010)

710.04-710.08 (Sections were repealed by Ordinance 2000-22, 5/23/2000)

(Ord. 2011-29, 10/25/2011)
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Section 715 - Sanitary Sewer System

715.01. Definitions; Use of Terms. Subdivision 1. General Rule. Unless specifically provided otherwise, terms used in this Section classifying or describing various types of uses upon which rates or charges are imposed have the meanings given them by the Zoning Ordinance of the City Code.

715.03. Accounts; How Kept. All accounts shall be kept on the books of the Finance Division by the house and street number and under the account number assigned thereto and the name of the owner or of the person signing the application for service. All bills and notices sent out by the Finance Division shall be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application therefor with the Finance Division. Any error or change in any address shall be promptly reported to the Finance Division.

715.05. Service Charge Imposed. A charge is hereby imposed upon every establishment served by the sanitary sewer system of the City either directly or indirectly, for the use of the facilities of the sewer system and for connection therewith, which charge shall be as hereinafter provided in Subsection 715.07. All charges for use of the City's sewer system shall be due on the date specified by the Finance Division for the respective account and shall be delinquent thereafter. It shall be the duty of the Finance Division to endeavor to promptly collect delinquent accounts. For good cause shown, the Administrative Services Director may, in appropriate circumstances, adjust the amount due on such accounts. Annually all delinquent accounts shall be certified to the City Manager who shall prepare an assessment roll providing for assessment of the delinquent amounts against the respective properties served. This assessment roll shall be delivered to the Council for adoption on or before October 31st of each year. Such action may be optional or subsequent to taking action to collect delinquent accounts. (Ord. 94-25, 12/19/94)

715.07. The sanitary sewer rates are set forth in Chapter X. (Ord. 2007-06, 2/13/2007)

(Section 715.07 deleted by Ordinance No. 2007-27, 11/13/2007)

715.09. Billing. It is hereby made the duty of the City Manager to render to the owners, lessees or occupants of non-residential properties monthly bills and bi-monthly bills (every two months) for residential properties for the amount of the sewer charge hereinafore set forth. The funds received from the collection of the sewer charges shall be kept separate from the general or other revenues of the City and when so collected shall be placed in the appropriate special funds. (Ord. 94-25, 12/19/94)

715.11 Time for Connection. All properties must connect to the municipal sewer system within two years after such service becomes available.
715.13. **Property Assessments.** Subdivision 1. Certification of Payment. No permit shall be issued to connect with any sewer main of the City either directly or indirectly from any lot or tract of land unless the Finance Division has certified:

A. That such lot or tract of land, or portion of lot or tract, to be served by such connection has been assessed for the cost of construction of the sewer main with which the connection is made, or

B. If no assessment has been levied for such construction cost, that proceedings for levying such assessment have been or will be commenced in due course, or

C. If no assessment has been levied, and no assessment proceedings will be completed in due course, but a sum equal to the portion of cost of construction of the sewer main which would be assessable against said lot or tract as certified by the Finance Division has been paid to the City.

Subd. 2. Connection Fee. If no such certificate can be issued by the Finance Division, no permit to connect to any sewer main shall be issued unless the applicant pays an additional connection fee equal to the portion of the cost of construction of the main which would be assessable against the lot or tract to be served by such connection, which will be determined by the City upon the same basis as an assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost is determined upon the basis of the uniform charge which may have been or which shall be charged for similar connection with said main determined on the basis of the total assessable cost of the main allocated on a frontage basis. Any sum received by the City under this Subsection shall be deemed to have been assessed for the improvement to the same extent as other similarly served and situated tracts.

715.15. **Damages; Waiver of Claim.** Any person using the sewer system of the City, whether as owner, lessee, or occupant of any land, building, or premises served by such sewers shall be deemed to waive any claim or cause of action for damages claimed against the City as a result of the backing up of sewers in any basement in the City not intentionally caused by the deliberate act of some employee or agent of the City.

(Ord. 95-36, 6/20/95)

715.17. **Sewer Connection Charges.**

Connection Charge. Sanitary Sewer Residential Equivalent Connection (REC) charges are established by the City to finance central system costs: sewer trunks, force mains and pumping stations, and similar improvements.

A. Before connecting to the City sewer system, City sewer connection charges based upon the number of units shall be paid. If, after the initial connection charges are paid, additional building permits or new sewer
connections are made, or when an increase of wastewater flow into the municipal sanitary sewer system is determined by the Metropolitan Council, charges shall be recalculated and any additional charges shall be paid. The City connection charges per unit are set forth in section 1015 of the City Code.

B. The number of (REC) units shall be computed as follows:

1. All residential properties shall be assigned one unit per dwelling unit.

2. Reductions.

   a. Apartments and condominiums (four or more units) shall be computed as 80% of a unit if there is no plumbing for laundry facilities within each dwelling unit.

   b. Multi-dwelling public housing units (four or more units) or publicly subsidized low income units under any government program shall be computed as 75% of a unit equivalent for that type of housing if there is no garbage disposal or dishwasher. An additional 20% reduction applies if there is no plumbing for laundry facilities in each unit.

3. Other buildings and structures shall be assigned one sewer unit as being equivalent to 72,000 gallons of sewage flow per year. The number of sewer availability charge (SAC) units determined by the Metropolitan Council will be used to determine the number of (REC) units for various public, commercial, industrial, and institutional facilities.

C. The City connection charges shall be paid to the City before a building permit or sewer connection permit is issued. The Council may assess the City connection charges on any dwelling or building when the installation of the City utility system is made after the construction of the dwelling or building. The rate of interest shall be set by the Council.

D. In addition to the City connection charge, the user shall also pay the sewer availability charge as determined by the Metropolitan Council. The Metropolitan Council sewer availability charge shall be paid to the City before a building permit, or permit for sewer and water connections is issued.

E. City sanitary sewer connection charges shall be deposited in the Sewer Utility Trunk System Expansion Fund.

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Section 720 - City Water System

720.01. Definitions; Use of Terms. Subdivision 1. General Rule. Unless specifically provided otherwise, terms used in this Section classifying or describing various types of uses upon which rates or charges are imposed have the meanings given them by the Zoning Ordinance of the City Code.

720.03. Accounts; How Kept. All accounts shall be kept on the books of the Finance Division by the house and street number and under the account number assigned thereto and the name of the owner or of the person signing the application for service. All bills and notices sent out by the Finance Division shall be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application therefor with the Finance Division. Any error or change in any address shall be promptly reported to the Finance Division.

720.05. Service Charge Imposed. A charge is hereby imposed upon every establishment served by the water supply system either directly or indirectly, for the use of the facilities of the water system and for connection therewith, which charge shall be as hereinafter provided in subsection 720.17. All charges for use of the City’s water supply system shall be due on the date specified by the Finance Division for the respective account and shall be delinquent thereafter. It shall be the duty of the Finance Division to endeavor to promptly collect delinquent accounts. For good cause shown, the Administrative Services Director may, in appropriate circumstances, adjust the amount due on such accounts. Annually all delinquent accounts shall be certified to the City Manager who shall prepare an assessment roll providing for assessment of the delinquent amounts against the respective properties reserved. This assessment roll shall be delivered to the Council for adoption on or before October 31st of each year. Such action may be optional or subsequent to taking action to collect delinquent accounts. (Ord. 94-25, 12/19/94)


720.09. Billing. It is hereby made the duty of the City Manager to render to the owners, lessees or occupants of non-residential properties monthly bills and bi-monthly bills (every two months) for residential properties for the amount of the water charge hereinabove set forth. The funds received from the collection of the water charges shall be kept separate from the general or other revenues of the City and when so collected shall be placed in the appropriate special funds.

720.13. Property Assessments. Subdivision 1. Certification of Payment. No permit shall be issued to tap or connect with any water main of the City either directly or indirectly from any lot or tract of land unless the Finance Division shall has certified:
A. That such lot or tract of land, or portion of lot or tract, to be served by such connection or tap has been assessed for the cost of construction of the water main with which the connection is made, or

B. If no assessment has been levied for such construction cost, that proceedings for levying such assessment have been or will be commenced in due course, or

C. If no assessment has been levied, and no assessment proceedings will be completed in due course, but a sum equal to the portion of cost of construction of the water main which would be assessable against said lot or tract as certified by the Finance Division has been paid to the City.

Subd. 2. Connection Fee. If no such certificate can be issued by the Finance Division, no permit to tap or connect to any water main shall be issued unless the applicant pays an additional connection fee equal to the portion of the cost of construction of the main which would be assessable against the lot or tract to be served by such tapping connection, which will be determined by the City upon the same basis as an assessment previously levied against other property for the main. If no such assessment has been levied, the assessable cost is determined upon the basis of the uniform charge which may have been or which shall be charged for similar tapping or connection with said main determined on the basis of the total assessable cost of the main allocated on a frontage basis. Any sum received by the City under this Subsection shall be deemed to have been assessed for the improvement to the same extent as other similarly served and situated tracts.

720.15. Damages; Waiver of Claim. Any person using the water system of the City, whether as owner, lessee, or occupant of any land, building, or premises served by such water shall be deemed to waive any claim or cause of action for damages claimed against the City as a result of a water leak not intentionally caused by the deliberate act of some employee or agent of the City.

720.17 Special Connections. Where a connection is made to an automatic sprinkler-system, stand pipe for standby service only, or a fire hydrant on private property, meters or detector check valves must be installed on such services as required by the City. Should it be found that water not metered is used through a fire connection for any purpose other than the extinguishing of fire upon the premises, the owner and occupant will be notified, and if such improper conditions are not corrected within 10 days, the water will be shut off until proper adjustments are made and the owner shall be subject to the penalties as provided in this ordinance.

720.19. Discontinuance of Service for Violations. Subdivision 1. Violation of Ordinances. Water service may be shut off by the City at any stop box connection whenever:

A. The owner or occupant of the premises served, or any person working on any pipes or equipment thereon which are connected with the municipal water
system has intentionally violated any of the requirements of this Code relating to the water supply system, or connections therewith.

B. Any charge for water, service, meter, or any other financial obligations imposed on the present or former owner or occupant of the premises served, by the provisions of this Code, is unpaid.

C. Fraud or misrepresentation by the owner or occupant in connection with an application for service.

Subd. 2. Discontinuance of Service Where Share of Cost of Construction Has Not Been Paid. Water service shall be shut off by the City at the stop box connection when it is determined that a sum equal to the portion of the cost of constructing mains and laterals attributable to the parcel or property as determined by assessment proceedings or pursuant to the provisions of Subsection 720.13 has not been paid or is not in the process of being paid in regular installments.

Subd. 3. Deficiency of Water and Shutting Off Water. The City is not liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting off the water for the purpose of making repairs or connections, or from any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting; or in making repairs or construction of new works, water may be shut off at any time and kept shut off so long as necessary.

Subd. 4. Turning On Water. No person, except an authorized City employee, shall turn on any water supply at the stop box without permission from the City. Permission will not be given unless the house number, as given by the City, is prominently displayed. The City reserves the right to turn off any water supply if the house number is not displayed after a written notice has been sent to the owner as appearing on its books.

Subd. 5. Discontinuance of Water Source; Notice and Hearing. An order to terminate water service, except in the case of an emergency, under this Subsection shall be preceded by not less than 10 days written notice to the owner or occupant to whom the water bill is given in the ordinary course of business, and given in the manner prescribed by the City. The notice shall state the reason for the proposed termination, the date on which it shall take effect, and that the owner or occupant may appeal to the City Manager for a determination that the decision to terminate the service was properly made on the basis of a violation of this subsection. The City Manager shall on appeal resolve the dispute, and he may dismiss the order to terminate the service, modify it in any way deemed necessary, or order the service terminated in the manner stated in the notice. The decision of the City Manager shall be final.

720.21. Supply from One Service. No more than one house or building shall be supplied from one service connection except by special permission of the City. Whenever two or more parties are supplied from one pipe, connecting with the distribution main, each building or part of building must have a separate stop box and a separate meter.
720.23. **Tapping of Mains Prohibited.** No person except authorized persons or employees of the City shall tap any distributing main or pipe of the municipal water system, or insert stop-cocks or ferrules therein.

720.25. **Repair of Leaks.** It is the responsibility of the owner or occupant to maintain the service pipe from the curb box into the house or building. In case of failure upon the part of any owner or occupant to repair any leak occurring in his service pipe within 24 hours after verbal or written notice has been given by the City to the owner or occupant of the premises, the water will be shut off. When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of such notice.

720.27. **Abandoned Services; Penalties.** Subdivision 1. **Disconnection.** 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 main by the City, and all pipe and appurtenances removed shall be the property of the City.

Subd. 2. **Change to New Water Service.** When a new building is erected on the site of an old building, and it is desired to increase or change the old water service, no connections with the mains shall be given until all the old service shall have been removed and the main plugged.

720.29. **Water Meters.** Subdivision 1. **Water Meter Required.** Except for extinguishment of fires, no person except authorized City employees shall use water from the water supply system of the City or permit water to be drawn therefrom, unless the same be metered by passing through a meter supplied or approved by the City. No person shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any such meter or the action thereof, unless authorized by the City.

Subd. 2. **Maintenance, Repair and Replacement.** The City shall maintain and repair or replace all meters when rendered unserviceable through ordinary wear and tear. Where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expense caused by the City thereby shall be charged against and collected from the owner or occupant of the premises. Water service may be discontinued upon notice as provided in Subsection 720.19 until the cause is corrected and the charge collected.

Subd. 3. **City Property.** Water meters shall be and remain the property of the City and may be removed or replaced or changed as to size and type by the City whenever deemed necessary.

Subd. 4. **Access to Read Meters.** City employees delegated for that purpose shall have free access at reasonable hours of the day to all parts of every building and premises connected with the municipal water supply system for reading of meters and inspections. The City shall be authorized to make adjustments in water charges where in their opinion the amount billed is erroneous due to meter deficiency or other mistake.
Subd. 5. **Water Meter Setting.** Water meters shall be installed in accordance with the following rules:

A. The service pipe from the water main to the meter, when the same enters the building, shall be brought through the floor in a vertical position. The stop and waste valve shall be installed approximately 12 inches measured horizontally from the inside line of the basement wall, unless an alternate method is approved by the Water Department. A suitable bracket to support the meter in a proper vertical position and to prevent noise from vibration shall be provided.

B. All meter installations shall have a stop and waste valve on the street side of the meter. In no case shall there be more than 12 inches of pipe exposed between the point of entrance through the basement floor and the stop and waste. A stop and waste valve shall also be installed on the house side of the meter.

C. The meters shall be so installed as not to hinder reading and maintenance of same. Meter setting devices for 3/4" and 1" meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the house side stop and waste valve.

Subd. 6. **Repair of Leaks.** It is the responsibility of the owner or occupant to maintain the meter setters (horn).

Subd. 7. **Radio-Read Meters.** Installation of a radio-read capacity water meter shall be required on all structures served by the municipal water system. If a property owner does not authorize entry onto the property to allow installation of the meter within 60 days after the City requests entry, a surcharge fee as set forth in Chapter X will be applied. If a property owner fails to allow proper service of or tampers with either the meter or radio transmitter thereby interfering with proper meter reading and utility billing, a surcharge fee shall be applied as set forth in Chapter X, and the water usage shall be estimated based on past usage. In addition to the surcharge, the property will be responsible for payment of any usage in excess of the estimated usage. *(Ord. 2016-02, 1/12/2016)*

720.31. **Use of Fire Hydrants.** No person other than an employee of the City who is engaged in sprinkling or washing the public streets or flushing sewers shall operate fire hydrants or interfere in any way with the municipal water system without first obtaining authority to do so from the City.

720.33. **Private Water Supplies.** No water pipe of the municipal water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply. When such a connection is found, the City shall notify the owner or occupant to disconnect the same, and if not done immediately, the water supply shall be turned off forthwith. Before any new connection to the water system is permitted, the City shall ascertain that no cross-connection will exist when the new connection is made.
720.35. **Connections Beyond Municipal Boundaries.** In cases where water mains of the City have been or shall be extended to or constructed in any road, street, alley or public highway adjacent to or outside the corporate limits of the City, permits shall be issued to the owners or occupants of properties adjacent to, or accessible to, such water mains to tap and make proper water service pipe connections with such water mains of the City in conformity with and subject to all the terms, conditions and provisions of this Code. Water service rendered pursuant to this Subsection is subject to all provisions of this Code, and persons accepting such service shall thereby agree to be so bound and obligated.

720.37. **Restricted Hours for Sprinkling.** Subd. 1 **Water Emergency.** Whenever the Council shall determine that a shortage of water supply threatens the city, it may impose emergency regulations pertaining to city water use to protect the health and safety of the consumers as well as the general welfare:

A. During an emergency, restrictions for the use of City water may include, but are not limited to, the total prohibition of watering, sprinkling, or irrigation of lawn, grass, turf, plantings, car washing, air conditioning, or other uses specified therein.

B. Restrictions imposed during an emergency shall continue in effect until the end of the emergency and/or removed by the Council.

C. Notification of restrictions to City water use shall be given in such manner as the Council may determine, including but not limited to, newspaper articles, radio and television broadcasts stating the date on which the limitation is effective.

Subd. 2. **Annual Water Use Restrictions.** Sprinkling restrictions are in effect from May 1 to September 30 each year to conserve water resources and allow the City’s water system flexibility in meeting peak demands.

A. Any water customers with odd numbered addresses may water on odd calendar days and customers with even numbered addresses may water on even calendar days.

B. Water customers must manage and operate irrigation systems in good repair in such a fashion so as to avoid water waste due to misalignment or damage to the system.

C. City water cannot be used for the purposes of watering lawns, sod or seeded areas between 12:00 p.m. and 5:00 p.m. daily.

Subd. 3. **Exceptions.**

A. Vehicle washing and the watering of trees, shrubs, and flowers is exempt from the above restrictions only if conducted by a person holding a squeeze activated pistol type nozzle equipped with an automatic shutoff.
B. Watering of new landscaping, sod or seed within 30 days of installation except between 12:00 p.m. and 5:00 p.m. daily.

C. Watering from a source other than the city’s water supply. Under this exemption the City may inspect the property to ensure compliance.

D. Employees and agents of the City in such instances where lawn, turf, or grass used for playfields or areas owned or operated by the City require more frequent watering to prevent unreasonable damage thereto.

E. During intermittent periods when the outdoor watering system is used exclusively for residential recreational uses.

F. Homeowners associations and apartment complexes that provide a common irrigation system may water only every other day. They must apply for an exception from the City if they have this type of system.

G. Upon written request and approval by the Public Works Director and subject to such terms and conditions imposed by the Public Works Director with respect to approval, any person owning or operating a commercial or business enterprise whose economic well-being is dependent upon sprinkling, irrigation or watering of a lawn, grass or turf owned, leased or operated by it.

Subd. 4. Penalties.

A. Any water customer who shall cause or permit water to be used in violation of the provisions of this ordinance shall be given a warning by the City Manager as to such violation and thereafter successive violations shall be charged a penalty set by Chapter X (Section 1015.19 (k)) for each day of such violation, which charge or charges shall be added to the next water bill for the premises. Continued violations after such warning shall be cause for discontinuance of water service.


Connection Charge. Residential Equivalent Connection (REC) charges are established by the City to finance central system costs, representing trunk water mains, reservoirs, wells, pumping stations, treatment facilities, and similar improvements.
A. Before connecting to the City water system, City water connection charges based upon the number of units shall be paid. If, after the initial connection charges are paid, additional building permits or new water connections are made, or when an increase of waste water flow into the municipal sanitary system is determined by the Metropolitan Council, and the water source is from the City system, charges shall be recalculated and any additional charges shall be paid. The City connection charges per unit are set forth in section 1015 of the City Code.

B. The number of REC units shall be computed as follows:

1. All residential properties shall be assigned one unit per dwelling unit.

2. Reductions.
   a. Apartments and condominiums (four or more units) shall be computed as 80% of a unit if there is no plumbing for laundry facilities within each dwelling unit.
   b. Multi-dwelling public housing units (four or more units), or publicly subsidized low income units under any government program shall be computed as 75% of a unit equivalent for that type of housing if there is no garbage disposal and dishwasher. An additional 20% reduction applies if there is no plumbing for laundry facilities in each unit.

3. Other buildings and structures shall be assigned one water unit as being equivalent to 72,000 gallons of sewage flow per year. The most recent “Standard Criteria” published by the Metropolitan Council will be used to determine the number of REC units for various public, commercial, industrial, and institutional facilities.

C. The City connection charges shall be paid to the City before a building permit or water connection permit is issued. The Council may assess the City connection charges on any dwelling or building when the installation of the City utility system is made after the construction of the dwelling or building. The rate of interest shall be set by the Council.

D. City water connection charges shall be deposited in the Water Utility Trunk System Expansion Fund.

Section 725 - Storm Drainage Systems

725.01. Storm Water Utility Established. A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes, Section 444.075 from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

725.02. Definitions. Unless the context clearly indicates otherwise, the following words or phrases have the meanings given in this Subdivision.

A. MS4. Municipal Separate Storm Sewer System means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying Storm Water.

B. NPDES. The National Pollutant Discharge Elimination System (NPDES) is the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under sections, 307, 318, 402 and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342 and 1345.

C. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; refuse, rubbish, garbage, or litter; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter.

D. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

E. Residential Equivalent Factor (REF). One REF is defined as the ratio of the average volume of runoff generated by one acre of a particular land use to the average volume of runoff generated by 1/2 acre of typical single family residential land, assuming Soil Conservation Service (SCS) “Type B” soil conditions, during a standard 1 year rainfall event, as determined by the Public Works Director.

F. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

G. Storm Water Utility Rate. The charge to a typical 1/2 acre single family residential parcel shall be the storm water utility rate.
725.03. **REF for Land Uses.** Storm water drainage fees for single family (detached) and duplex parcels shall be on a per parcel basis. These fees shall be calculated by multiplying the REF by the storm water utility rate.

Storm water drainage fees for all other land uses shall be determined by multiplying the REF for the land use by the parcels' acreage and then multiplying the resulting product by the storm water utility rate. The REF values for various land uses are as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>REF</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Per Parcel</em></td>
<td></td>
</tr>
<tr>
<td>Single Family (Detached) &amp; Duplex</td>
<td>1.00</td>
</tr>
<tr>
<td><em>Per Acre</em></td>
<td></td>
</tr>
<tr>
<td>Multi-Family (Townhomes, Condominiums, and Apartments)</td>
<td>3.32</td>
</tr>
<tr>
<td>Commercial and Industrial</td>
<td>7.18</td>
</tr>
</tbody>
</table>

725.04. **Other Land Uses.** Land uses not listed in the foregoing table shall be evaluated individually based on the amount of impervious coverage and parcel size.

Golf courses and regional parks will have their fees based on the amount of run-off produced by the impervious area of each parcel, not the total parcel size.

725.05. **Storm Water Utility Rates.** The storm water utility rates are set by Chapter X. *(Ord. 2007-06, 2/13/2007)*

725.06. **Appeals – Single-Family and Duplex.** Appeals for single-family and duplex properties are generally not allowed. However, owners of single-family and duplex properties, with unique conditions or improvements (natural ponds, water quality ponds, drywells, minimal impervious coverage, etc.) may appeal their surface water fee. The City Manager may adjust the REF for these parcels of land (by up to 75 percent) based upon the demonstration of run-off volumes substantially different from the standards used by the City. Land use data, sufficient to determine storm water runoff, must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Fee adjustments shall not be made retroactively. Appeals of the City Manager’s determinations shall be made to the Council.

725.07. **Appeals – Other Properties.** The City Manager may adjust the REF for all parcels of land which are not single-family or duplex properties (by up to 75 percent) based upon the demonstration of run-off volumes substantially different from the standards used by the City. The area of parcels may also be reduced by the area of qualifying NURP ponds at normal water level. Land use data, sufficient to determine storm water runoff, must be supplied by the property owner(s) to demonstrate that a fee adjustment is warranted. Fee adjustments shall not be made retroactively. Appeals of the City Manager’s determinations shall be made to the Council.
725.08. **Incentives.** The Council may adopt, from time to time, by resolution an incentive program which would allow for the reduction of fees for individual parcels of land. The maximum reduction for any parcel shall be 20 percent.

725.09. **Exemptions.** The following land uses are exempt from storm water utility fees.

A. Public Rights-of-Way

B. Vacant Land (e.g., undeveloped land, agricultural land without a dwelling)

C. Railroad Rights-of-Way

D. Unoccupied Public Land (e.g., open space, parks without permanently staffed structures)

725.10. **Billing and Payment.** Storm water utility charges shall be computed and billed periodically with, and included as a charge on, bills issued by the City for water, sewer, recycling or streetlight services. If a parcel of land subject to the storm water utility charge is not served by other utilities, a separate bill shall be issued every two months for residential properties and every month for commercial properties.

725.11. (Repealed by Ord. No. 2018-18)

725.12. (Repealed by Ord. No. 2018-18)

725.13. **Establishment of Fund.** All fees collected for the storm water utility shall be placed in a fund for storm water purposes as permitted by Minnesota Statutes 444.075. *(Ord. 2001-17, 6/12/2001; Ord. 2002-34, 12/17/2002)*

725.14. **Prohibition of Illegal Discharges.** No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

A. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges (City Code Section 740), and street wash water.

B. Discharges or flow from firefighting, or other discharges as specified in writing by the City as being necessary to protect public health and safety.
C. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval from the City or State Agency has been granted for any discharge to the storm drain system.

725.15. Prohibition of Illicit Connections. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

A. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

B. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

C. Improper connections in violation of this ordinance must be disconnected and redirected at the owner or occupants cost, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.

D. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property, at the owner or occupant cost, upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City.

725.16 Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within five business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or
industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

725.17. **Enforcement.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to the enforcement actions outlined in Chapter XX. In the event the violation constitutes an immediate danger to public health or public safety, the City is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property at the owner’s expense.

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Section 730 - Street Lighting

730.01. **Street Lighting System.** Subdivision 1. The system consists of all street lighting, whether owned by the City or otherwise, for which the City purchases and supplies electrical energy from a public utility.

730.02. **Accounts.** All street lighting accounts shall be recorded within the Finance Division by the house, street number, and the name of the person or company responsible for payment. All bills and notices sent out by the Finance Division shall be sent to the person or company responsible for payment. Any error or change in any address shall be promptly reported to the Finance Division.

730.03. **Street Light Rates.** The street lighting rate structure will ensure rates are sufficient to support the full cost of each street light and provide a consistent and logical structure to all benefiting properties. The street light rates are set forth in Chapter X.

730.04. **Billing.** Street lighting charges will be reflected on the utility bill that occurs either monthly or bi-monthly depending on the area billing cycle of the property. If a property subject to the street light utility charge is not served by other utilities, a separate bill shall be issued and sent depending on the area billing cycle established by the City.

(Ord. 2011-29, 10/25/2011; Ord. 2012-20, 7/24/2012)
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Section 735 - Placement and Replacement of Underground and/or Overhead Utility Facilities

735.01. **Purpose.** The Council of the City believes it to be desirable and in the public interest to assure the orderly development of the City and provide for the safety and convenience of its inhabitants. To this end the Council believes that all existing overhead distribution system and transmission lines of electrical and communication utilities, excluding high voltage transmission lines of 15,000 volts or more, be eliminated wherever possible, and that distribution lines and systems used in the supplying of electricity as well as communication or similar association services be placed, constructed and installed underground.

735.03. **Underground Utilities System Defined.** "Underground Utilities Systems" shall include, but not be limited to, electric, communications, street lighting and cable television lines. The appurtenances and associated equipment of said systems such as, but not limited to surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system shall not be included in said definition and may be properly placed upon or above the ground, and that high voltage transmission lines of 15,000 volts or more shall not be included in this definition and may be placed above ground.

735.05. **Underground Electric and Communication Distribution Systems.** Subdivision 1. **Requirements.** In addition to any other requirement of the City Code, the provisions of this Subsection shall be applicable to the installation of electric and communication distribution systems of all utilities, excluding high voltage circuits and transmission lines of 15,000 volts or more.

Subd. 2. **Extensions.** Every permanent extension of any distribution lines, circuits and systems and any service lateral providing permanent electric power service; communication service or other associated utility services shall be installed underground when for:

A. Any new installation of buildings, signs, street lights or other structures where the service lateral is street fed;

B. Any new subdivision;

C. Any new development or industrial park containing new commercial or industrial buildings;

Subd. 3. **Replacements.** Any permanent replacement, relocation or reconstruction of any distribution line, circuit or system of any such utility and any service lateral shall be installed underground in those instances where the new line, circuit or system is more than 1,000 feet, when for or made in connection with street paving, street widening, public utility installation and other such projects. Such requirements may be waived by the Council after a report from the City Engineer that undergrounding is not required for one or more of the following reasons:
A. The placing of utilities underground would not be compatible with the existing or planned development;

B. The additional cost of burying such utilities would create an undue financial hardship; or

C. Topographical, soil or any other conditions make the underground installation unreasonable or impractical.

Subd. 4. **Effect on Existing Utility.** Whenever any part or portion of the distribution system of any such utility in an area or district of the City is now located underground, such part or portion shall remain underground and any replacement, relocation, reconstruction, repair and extension thereof shall be installed underground.

735.07. **High Voltage Circuits/Transmission Lines.** All high voltage circuits and transmission lines of 15,000 volts or more which are constructed in the City after obtaining approval of the City Engineer, if not feasible to be placed underground, shall be placed whenever possible on two-legged or single-pole structures of metal or wood unless the City Engineer approves of other structural techniques.

735.09. **Exception, Emergency or Unusual Circumstances.** Notwithstanding the provision of this Section, the City Engineer may grant special permission on such terms as he may deem appropriate in cases of emergency or other unusual circumstances, without discrimination as to any person or utility, to temporarily erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures for periods up to nine months. Said permits may be renewed for additional six month periods upon good cause shown. Upon a showing of unusual circumstances of permanent nature which cause extreme hardship, the Council may grant special permission to a person or utility to erect, construct, install, maintain, use or operate poles, overhead wires and associated structures within the City on a permanent basis.

735.11. **Liability and Claims.** All persons and companies providing electrical distribution and communications services under this Ordinance shall at all times save the City harmless from all damages arising from all accidents, injuries or any damage whatsoever that may be caused to any person or property due to the installation or use of any underground wiring, conduit or cables installed pursuant to the terms of this Ordinance and upon a ten day notice from the City shall appear and defend all suits for damages against the City as a result of any such accident, injury or damage.

735.13. **Application for Underground Space.** Persons or companies making application for spaces for underground facilities shall present their application and location drawings to the City Engineer clearly indicating the type of Underground Utility System to be used, whether the system is to be a joint system to include electric supply and communications facilities, and specifying the proposed start and duration of the construction and the part of the street needed for construction. When such system, plans and specifications have been approved by the City Engineer, applicants who are unable to show financial responsibility to the satisfaction of the City Engineer may be required to deposit with the City a sufficient sum to defray the cost of repaving that portion of the street used by them in case such paving is required.
735.15. **Issuance of Permit.** In accordance with Chapter VIII, the City Engineer shall then issue a permit for such applicant granting the right to enter upon such streets as may be necessary, designating that portion that such applicant may be permitted to use and the location of their underground facilities. Any question arising regarding the amount of space to be allowed any applicant or the location of their underground facility shall be determined by the City Engineer, and where a disagreement arises with reference to the City Engineer's decision, the said decision may be appealed to the City Council for final determination.

735.17. **Installation of Underground Facilities.** Underground facilities shall be located in the designated space as approved by the City Engineer. All excavations for the purpose of placing facilities underground shall be made in accordance with specifications as approved by the City Engineer. Periodic inspections of excavations and back-filling procedures will be conducted by representatives of the City Engineer to ensure adherence and compliance to specifications. The top of all duct and cable system structures shall be located at a sufficient depth in accordance with the National Electric Safety Code to protect the system from injury. All utility companies shall keep current records and prints of all underground facilities they own and operate. Such plats shall be available to all other utility companies and the City immediately upon request. In the repair, addition or change of any underground facilities, no person or company shall be permitted to interfere with the underground facilities of any other person or company, except so far as shall be necessary to make such repairs, additions, or changes. All such repairs, additions or changes shall be made in accordance with specifications approved by the City Engineer and the City Engineer shall be notified before work thereon is commenced. Conditions requiring emergency street opening and for repair may be handled at the discretion of the City Engineer and in accordance with Chapter VIII. All companies having underground facilities under provisions of this Ordinance shall begin such work at a time fixed by the City Engineer and shall proceed with the construction of the same following the time scheduling as ordered by the City Engineer.

735.19. **Street Lighting.** Where a new development, whether residential, commercial, or industrial, is established incorporating a street lighting system, that lighting system shall have underground wiring and the style approved by the City. The electrical service for the street lighting system shall be supplied to the area underground as authorized by the City Engineer.

735.21. **Existing Poles, Wires.** Nothing in this Ordinance shall be construed as prohibiting necessary repairs to any poles or wires properly in use within the City limits.

735.23. **Violations.** A person who violates the terms of this Section shall be guilty of a misdemeanor. The continued violation of the provisions of this Section shall constitute a separate offense for each day that such violation shall continue.
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Section 740 - Prohibiting Discharges into the Sanitary Sewer System

740.01. Purpose. The discharge of water from roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation into the City sewerage system results in flooding and overloading of the sewerage system. When this water is discharged into the sanitary sewer system it is treated at the sewage treatment plant. This results in very large and needless expenditures. The Council, therefore, finds it in the best interest of the City to prohibit such discharges.

740.02. Discharge Prohibited. Except as otherwise expressly authorized in this Section, no water from any roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building, or structure, or is connected to City storm sewer or discharge through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connections for altering the path of discharge, and if connected to the City storm sewer line, include a check valve and an air gap located in a small diameter structure as shown in the City's standard plates.

740.03. Disconnection. Before August 1, 1995, any person, firm, or corporation having a roof surface, groundwater sump pump, footing tile, or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect or remove same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner.

740.04. Inspection. Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow an employee of the City or a designated representative of the City to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the City inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this ordinance.

740.05. Future Inspections. Each sump pump connection identified will be reinspected periodically.

740.06. New Construction. All new dwellings with sumps for which a building permit is issued after August 1, 1995, shall have a pump and shall be piped to the outside of the dwelling before a certificate of occupancy is issued.
740.07. **Surcharge.** A surcharge of $100 per month is hereby imposed on every sewer bill mailed on and after October 1, 1995, to property owners who are not in compliance with this ordinance or who have refused to allow their property to be inspected to determine if there is compliance. All properties found during yearly reinspection to have violated this ordinance will be subject to the $100 per month penalty for all months between the two most recent inspections.

740.08. **Winter Discharge.** The City Manager is authorized to issue a permit to allow a property owner to discharge Surface Water into the sanitary sewer system. The permit shall authorize such discharge only from November 15 to March 15 and a property owner is required to meet at least one of the following criteria in order to obtain the permit:

A. The freezing of the surface water discharge from the sump pump or footing drain is causing a dangerous condition, such as ice buildup or flooding, on either public or private property.

B. The property owner has demonstrated that there is a danger that the sump pump or footing drain pipes will freeze up and result in either failure or damage to the sump pump unit or the footing drain and cause basement flooding.

C. The water being discharged from the sump pump or footing drain cannot be readily discharged into a storm drain or other acceptable drainage system.

Following 10 days written notice and an opportunity to be heard, the City Manager may require a property to discharge their sump pump into the sanitary sewer from November 15 to March 15 if surface water discharge is causing an icy condition on streets.

*(Ord. 95-36, 6/20/95)*
CHAPTER VIII

RIGHT-OF-WAY MANAGEMENT

Section 800 - Construction in Streets, Alleys and Public Grounds

800.01.  Findings, Purpose, and Intent. To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the City strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this section relating to right-of-way permits and administration. This section imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this section, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this section provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

This section shall be interpreted consistently with Minnesota Statutes Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and the other laws governing applicable rights of the City and users of the right-of-way. This section shall also be interpreted consistent with Minnesota Rules 7819.0050 – 7819.9950 where possible. To the extent any provision of this section cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This section shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

800.02.  Public Right-of-Way Regulations.

Subd. 1.  Application and Scope.  This Section shall apply exclusively to excavations and obstructions within public rights-of-way by any person.  It is unlawful to dig up, break, excavate, tunnel, drill, bore, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street, or to place, deposit or leave upon any street any earth, excavated material or other substances obstructing or tending to interfere with the free use of the street without an excavation permit.  (Ord. 2009-08, 5/12/2009)

Subd. 2.  Definitions.  The following words, terms and phrases, as used herein, shall have the following meanings:
Abandoned facility means: (1) a facility no longer in service or physically disconnected from any other facility that is in use or still carries service; and that is deemed abandoned by the owner of the facility.

Applicant means any public right-of-way user required to obtain a permit under this Section.

City means City of Plymouth, Minnesota.

City Engineer means the Plymouth City Engineer or his/her designee.

City Management Costs means the actual costs incurred by the City for public rights-of-way management, including, but not limited to, costs incurred in connection with the registration process, the excavation or obstruction permit process, the inspection of project work and restoration and enforcement and correction of non-complying project work, mapping of public right-of-way users and maintenance and regulation of public right-of-ways occupied by public right-of-way users.

Delay Penalty means the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

Degradation means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

Degradation Cost subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration as determined by the City at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

Degradation Fee means the estimated fee established at the time of permitting by the City to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

Director means the City of Plymouth Director of Public Works or his/her designee.

Emergency means a condition that (1) immediately endangers the life or safety of persons; (2) cause an immediate threat of significant loss or injury to property; or (3) requires immediate repair or replacement in order to restore service to customers.

Enroachment Agreement means an agreement between the City and a property owner that allows placement of an obstruction or structure in public right-of-way, as defined in this Section.

Equipment means anything tangible used to install, repair or maintain facilities in any public right-of-way.

Excavate or Excavation means to dig into or in any way remove or physically disturb or
penetrate any public right-of-way paved or ground surface, or any portion thereof.

*Excavation Permit* means a permit which is issued by the City authorizing the permittee to excavate in a public right-of-way as specifically described in the permit.

*Extension Permit* means a permit which is issued by the City authorizing additional calendar days to an excavation or obstruction permit.

*Facility or Facilities* means anything tangible, including equipment, which is required to provide utility services.

*Hole* means an excavation having a length that is equal to or less than the width of the public right-of-way for the section of the roadway where the work is occurring.

*Local Representative* means a person or designee of such person authorized by a public right-of-way user to accept service and to act and make decisions regarding matters within the scope of this Section on behalf of the public right-of-way user.

*Obstruct or Obstruction* means to place or the placement of any object in a public right-of-way, or to remove or the removal of an existing structure, or any portion thereof, from a public right-of-way that interferes with the free use of the public right-of-way.

*Obstruction Permit* means a permit which is issued by the City authorizing the permittee to obstruct a public right-of-way as specifically described in the permit.

*Patch or Patching* means a method of roadway surface replacement or restoration that consists of: (1) the compaction of the sub-base and aggregate base; and (2) the replacement, in kind, of the existing roadway surface for a minimum of two feet beyond the edges of the defined excavation in all directions.

*Permittee* means a person to whom an excavation or obstruction permit has been issued by the City under this Section.

*Person* means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

*Project or Project Work* means any activity, including construction, reconstruction, installation, maintenance, relocation, or replacement of any facility or a public right-of-way in which the facility is located and restoration of the public right-of-way that is regulated under this Section.

*Public Right-of-Way or Public Rights-of-Way* means the surface, air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, trail, avenue, boulevard, drive, court, concourse, bridge, tunnel, park, parkway, skyway, waterway, dock, bulkhead, wharf, pier, easement or similar property or waters within the City owned by or under control of the City, or dedicated or otherwise conveyed to the City for general public use. No reference herein to a "public right-of-way" shall be deemed to be a representation
or guarantee by the City that its interest or other right to control or use such property is sufficient to permit its use for the purpose of installing, operating and maintaining utility service facilities.

/Public Right-of-Way User/ means any person or entity which owns or controls a facility that is located, or is sought or intended to be located, in a public right-of-way including persons who have installation and maintenance responsibilities by contract, lease, sublease or assignment.

/Public Utilities Commission (PUC)/ means the organization with the powers and duties as outlined in Minnesota Statute 216A.

/Restore or Restoration/ means the process, including patching, by which a public right-of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before any project work.

/Restoration Cost/ means the amount of money paid to the City by a permittee to meet restoration requirements in accordance with plates 1 to 13 set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

/Service Lateral/ means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer’s premises. *(Ord. 2006-02, 1/10/2006)*

/Trench/ means an excavation in the roadway surface having a length that is equal to or in excess of the width of the roadway or sections of roadway where the work is occurring.

/Utility Service/ means services provided by: (1) a public utility as defined in Minnesota Statutes; (2) a telecommunications, pipeline, community antenna television, fire and alarm communications, water, sewer, electricity, light, heat, cooling energy, or power services including wind generation; (3) a corporation organized for the purposes set forth in Minnesota Statutes; (4) a district heating or cooling system; or (5) a cable communication system as defined in Minnesota Statutes.

Subd. 3. Franchises. The City may, in addition to the requirements of this Section, require any public utility or cable operator who has or seeks to have facilities or equipment located in any public right-of-way to obtain a franchise if allowed by state law.

Subd. 4. Registration Requirement.

A. Registration. As of the effective date of this Section, any public right-of-way user, which owns or controls a facility within any public right-of-way, or any portion thereof, shall register with the City. Registration shall be deemed completed upon the public right-of-way user submitting to the City a completed registration form furnished by the City and paying the registration fee. A right-of-way user is required to update its registration within 60 days of any change of the
information contained in a current registration statement. The City will require a five-year registration renewal at no cost. If the registration is allowed to lapse one year beyond the five-year renewal date, a new registration fee will be charged.

B. Transfer of Ownership or Interest. Whenever any public right-of-way user transfers, sells, assigns or otherwise conveys ownership or interest in facilities or equipment to another person, the registered public right-of-way user shall notify the City of the date of the conveyance and the name of the transferee within 30 days of the conveyance. Within 60 days of the conveyance a new registration fee must be paid.

C. Persons engaged in the following activities shall not be deemed to use or occupy the right-of-way, and shall not be required to register or obtain any permits or satisfy any other requirements under this chapter. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. Chap. 216D, Gopher One Call Law:

1. Planting or maintaining boulevard plantings, gardens or rain gardens in the area of the right-of-way between their property and the street curb. *(Ord. 2006-02, 1/10/2006)*

2. Persons installing private driveways, sidewalks, curb and gutter, or parking lots.


4. Federal, State, County, and City agencies.

5. Persons installing pet containment or sprinkler systems.

6. Contractors involved in City public improvement projects that are secured by performance bonds and/or liability insurance and where on-site inspection is performed by the City. A public improvement is defined by Minn. Stat. 429.021, Subd. 1 and Subd. 2. *(Ord. 2006-02, 1/10/2006)*

Subd. 5. Permit Requirement.

A. Permit Required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way or install any facilities, equipment, or improvements above, on, or beneath the surface of any right-of-way in the City or any property owned by the City without first having obtained the appropriate right-of-way permit from the City to do so. It is unlawful to dig up, break, excavate, tunnel, trench, drill, bore, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of
any street, or to place, deposit or leave upon any street any earth, excavated
material or other substances obstructing or tending to interfere with the free use of
the street without an appropriate permit therefor.

Any public right-of-way user, which owns or controls a facility within any public
right-of-way, or any portion thereof, on the effective date of this Section, that
subsequently excavates or otherwise obstructs any public right-of-way, or any
portion thereof, shall first obtain a permit therefor as required under this Section.

B. Permit Applications.

1. Applications for a permit must be completed by the public Right-
of-Way user. An application for a permit shall be on a form furnished by
the City and completed and submitted to the City with the following
information:

a. The applicant’s name; Gopher One-Call registration
certificate number; address; e-mail address; telephone number; and
facsimile number.

b. The local representative's name; address; e-mail address;
telephone number; facsimile number; and current information
regarding how to contact the local representative in an emergency.

c. The name, address and telephone number of the person(s)
or entities, other than the applicant, to perform the project work or
any portion thereof.

d. A certificate of insurance or self-insurance verifying the
coverage as required in this Section.

e. All mapping data and information in form and substance as
required in this section.

f. A detailed description and drawing to a scale as required by
the City of the proposed project and project work, including
identification of the obstructions to be placed, the size and depth of
any excavation, the schedule for commencement and completion
of the proposed project, and the location and size of any trees
impacted in the designated work area, and the location of any
utility lines in the area impacted.

C. Issuance of Permit. The City may deny a permit for the following reasons:

1. The applicant failed to fully comply with the application
requirements herein.
2. The time schedule for the project will conflict or interfere with a community exhibition, celebration, festival or any other similar community event in the area of the project.

3. The time schedule for the project conflicts with scheduled public improvement of the public right-of-way.

4. The proposed project violates a provision of this Code.

5. The proposed project is adverse to the public health, safety and welfare, by interfering with the safety and convenience of ordinary travel over the public right-of-way, or endangers the public right-of-way and its users based on one or more of the following factors:

   a. The extent of public right-of-way area available;

   b. The competing public service demands for the particular proposed area space in the public right-of-way;

   c. The availability of other feasible locations in the public right-of-way or in other public rights-of-way for the facility(s) or equipment of the permit applicant;

   d. The applicability of an ordinance or other regulation that affects the location of a facility or equipment in the public right-of-way;

   e. The applicant's prior compliance with the terms and conditions of its franchise, this Section and other applicable ordinances and regulations;

   f. The condition and age of the public right-of-way and the City's scheduled reconstruction thereof; and

   g. The costs of disruption to the public and damage to the public right-of-way balanced against any benefits to the public served by an expansion into additional parts of the public right-of-way for facilities or equipment.

Subd. 6. Conditions of Permit and Registration. All permits issued and all registrations made under this Section shall be subject to the following requirements:

A. All permits issued under this Section or a copy of the permit shall be conspicuously displayed or otherwise available at all times at the indicated project work site and shall be available for inspection immediately upon request by the Director.
B. If the obstruction or excavation of the public right-of-way begins later or ends sooner than the dates specified in the permit, the permittee shall promptly notify the Director.

C. Installation, placement, location, and relocation of equipment and facilities shall comply with all federal, state and local laws.

D. Public right-of-way restoration shall be in accordance with the restoration regulations set forth in this Section.

E. Installation of all underground utilities shall be in accordance with the underground utilities regulations set forth in this Section and all other applicable federal, state and local laws.

F. Precautions shall be taken as necessary to avoid creating unsafe or unsanitary conditions, and a permittee shall not obstruct a public right-of-way, except as expressly authorized by the permit, so as to hinder the natural free and clear passage of water through the gutters or other waterways. Personal vehicles of those doing work in the public right-of-way may not be parked within or next to a permit area, unless parked in conformance with City parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

G. Project operations and work shall be conducted in a manner so as to insure the least obstruction to and interference with present and continued use of the public right-of-way.

H. Precautions including appropriate signage shall be taken to assure the safety of the general public, employees, invitees and those who require access to abutting property.

I. The permittee shall notify abutting property owners with a 48-hour written notice prior to commencement of any project work that may disrupt the use of and access to the abutting property.

J. The permittee involved in underground projects shall register with Gopher State One Call and comply with the requirements thereof.

K. The permittee shall comply with the Uniform Traffic Manual for Traffic Control at all times during any project work and shall protect and identify excavations and work operations with barricade flags in the daylight hours and by warning lights at dusk and night.

L. The permittee shall comply with all conditions of the permit.

M. When any trail or drive has been cut, the appropriate signage must be kept
in place and maintained until restoration is complete.

N. The permittee shall provide proper trench protection as required by O.S.H.A. to prevent any cave-in; injury to property or persons; or enlargement of the excavation.

O. Excavations, trenches and jacking pits off the roadway surface area or adjacent to the roadway or curbing shall be sheathed and braced. When unattended, all excavations, trenches and jacking pits shall be protected to prevent erosion from surface drainage.

P. The permittee shall protect the root growth of significant trees as defined in Chapter 5 of the Code and shrubbery located within the public right-of-way and adjacent thereto. The permittee shall protect sprinkler systems, pet containment systems, and sod located adjacent to the public right-of-way.

Q. The permittee shall coordinate project work and installation of facilities in co-locations involving other public right-of-way users.

R. The permittee shall maintain access to all properties and cross streets during project work, including emergency vehicle access.

S. The permittee shall physically locate property lines abutting the project work. The permittee shall replace, with the services of a Minnesota-licensed surveyor, any property corners or monuments disturbed as a result of the project.

T. The permittee shall complete restoration of the public right-of-way in conformance with this Section.

U. No permittee, or any agent, subcontractor or employee thereof, shall use lugs (steel tracks) on any roadway surfaces.

V. The permittee shall remove daily all dirt or debris from sidewalks, trails, public and private roadway surfaces and curbs and gutters during project work.

W. The permittee shall obtain all other necessary permits, licenses and approvals, pay all required fees therefor and comply with all requirements of local, state and federal laws.

X. The permittee shall not do any work outside the project area as specified in the permit.

Subd. 7. County or State Right-of-Ways. Any public right-of-way user who is required to obtain any county or state permit for excavation or obstruction in any Hennepin County or Minnesota Department of Transportation right-of-way must provide notification of permitting to the City within one week of obtaining the permit but no less than 48 hours before the excavation
would begin.

Subd. 8. Installation of Underground Facilities within Public Right-of-Ways. The permittee shall comply with the following requirements when installing underground facilities:

A. Underground facilities shall, where reasonably possible, be installed outside the paved or surface area in areas with the least potential future conflict. If unable to install outside the surfaced area, the installation shall be as close to the edge of the roadway surface as possible to allow access thereto without unnecessarily disturbing paved areas of the roadway.

B. Public right-of-way alignment and grade shall be maintained.

C. Fiber facilities shall be buried in a proper conduit and at a depth of no less than three feet deep and no more than four feet deep; copper facilities below concrete or bituminous paved roadway surfaces shall be buried no less than three feet deep and no more than four feet deep, and all other copper facilities shall be buried no less than 30 inches deep and no more than four feet deep.

D. All underground facilities which cross streets or hard surfaced driveways shall be bored and installed in conduit when requested by the City. Gas mains and services do not need to be installed in conduit.

E. When using trenchless installation methods to cross an area where an existing utility is located or when directed by the City, the permittee shall excavate an observation hole to expose the existing utility prior to crossing such utility to ensure that existing utilities aren’t damaged. When an observation hole must be excavated in an existing pavement section, the pavement must be cut using the coring method. Saw cutting, jack hammering or any other means of excavating the observation hole shall be strictly prohibited without prior approval from the Director. (Ord. 2010-02, 2/23/2010)

F. If the project work involves an open cut, the permittee shall install visual tracers 18 inches over buried facilities. If other construction methods are used, substitute location methods may be used upon approval by the City.

G. During plowing or trenching of facilities, a warning tape shall be placed at a depth of 18 inches above copper cables with over 200 pairs and fiber facilities and a locating wire or conductive shield shall be installed above buried telecommunication facilities, except for di-electric cables.

H. Restoration of areas disturbed by facilities will include returning the right-of-way to the same condition that existed before excavation as per MN Rules 7819.1100. Subject to this standard, plates 1 to 13, shown in parts 7819.9900 to 7819.9950, indicate maximum limits of restoration methods and area requirements the local government unit can impose when a right-of-way user
excavates in the public right-of-way. The City and right-of-way user may agree to a lesser requirement. The right-of-way user is responsible for all of its work done in the public right-of-way, whether by employees, agents, or independent contractors. All levels of restoration include compaction of the materials placed in the excavation of the subgrade and aggregate base, plus pavement replacement, in kind. All work must be performed according to the City’s Engineering Guidelines and standard detail specifications. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and this chapter. (Ord. 2006-02, 1/10/2006)

I. All facilities shall be located so as to not interfere with existing and potential future traffic signals and signs.

J. Unless approved by the Director, all above ground appurtenances shall be located no closer than 10 feet to City hydrants, waterline valves, manholes, lift stations, catch basins; not in front of any City or private sign, monument or amenity for facilities or parks; and no closer than two feet from sidewalks and trails.

K. Underground facilities shall not be installed between a hydrant and an auxiliary valve.

L. Underground facilities shall not be installed within five feet of hydrants, waterline valves, lift stations, manholes or catch basins unless approved by the Director.

M. The location and installation of telecommunications facilities shall comply with the National Electric Safety Code, as incorporated by reference in Minnesota Statutes.

N. Trenchless Excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing in order to determine the precise location of marked underground utilities before excavating. In addition, permittees employing trenchless excavation methods, shall not install facilities at a depth greater than four feet below grade, unless specifically approved by the Director. (Ord. 2006-02, 1/10/2006; Ord. 2010-02, 2/23/2010)

Subd. 9. Supplement Permits or Permit Extension.

A. Limitation on Area. No permittee shall obstruct or excavate an area greater than that specified in the permit without first obtaining a new permit or permit extension from the City.
Subd. 10. Revocation of Permits.

A. Grounds for Revocation. The City may revoke a permit issued hereunder on the following grounds:

1. A material provision or condition of the permit or the Code was substantially breached.

2. A material misrepresentation in the application for a permit.

3. The permittee failed to maintain the required bonds or other security and insurance.

4. The permittee failed to complete the project work within the time specified in the permit unless the failure to complete work is due to reasons beyond the permittee’s control.

5. The permittee failed in a timely manner to correct work that does not conform to applicable standards, conditions, federal, state or local laws.

6. An evasion or attempt to evade any material provision of the public right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City.

B. Notice of Revocation. If the Director determines that grounds for revocation exists, the Director shall provide written notice to the permittee. If the permittee's violation is related to non-complying project work, the Director shall notify the permittee of the actions necessary to remedy such violation within a reasonable period of time or be subject to potential revocation of the permit. The Director may impose additional or revised conditions on the permit to mitigate or remedy the violation.

C. Right to Hearing by Council. In the event that the permittee fails to remedy the violation for which the Director gave the permittee notice, a revocation of permit hearing shall be held before the Council at the next available Council meeting. The purpose for the hearing shall be to determine whether any of the grounds for revocation as set forth herein exist against the permittee. No suspension or revocation shall take effect, until the permittee has been afforded a hearing as provided in this subparagraph. Such hearing shall be set by the Council upon written notice to the permittee served by U.S. Mail not less than 15 days prior to the hearing date, specifically stating the date, time and purpose.
thereof.

D. Revocation Costs. If a permit is revoked, the permittee shall reimburse the City for its reasonable costs (including restoration costs) incurred in connection with the revocation.

Subd. 11. Permit Fees. All permit fees shall be submitted to the City with the application. Permit fees shall be set to recover the City management costs and, where applicable, restoration costs. The permit fees shall be established by this ordinance and Chapter 10 of the Code. No permit fee shall be refundable. No permit fees shall be required for any obstruction or excavation permit issued to the City, although the City shall be allocated its full portion of the City management costs in calculating the permit fees. Except where an extension permit has been granted, the permittee shall, as a delay penalty, be required to obtain a new permit and pay the associated fee for failure to complete the project work under the initial permit within the required time period or pay the delay penalty per the right-of-way ordinance. Applicants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time. There shall be a single permit and permit fee for joint excavation and obstruction permit applications. Applicants must agree among themselves as to the portion each will pay and indicate the same on the application.


A. Timing. All project work under a permit shall be completed within the dates specified in the permit unless the project work could not be completed due to circumstances beyond permittee's control, including seasonal weather prohibitions or inclement weather. An extension permit at no charge will be issued by the City for these circumstances.

B. Restoration Costs. The permittee shall restore the public right-of-way and assume all costs therefor unless otherwise agreed upon. The right-of-way user shall remain responsible for replacing and compacting the sub-grade and aggregate base material in the excavation. The City, at its option, may choose to perform its own restoration including any paving. If the City performs the restoration pursuant to this paragraph, the permittee shall pay to the City all costs thereof within 30 days of billing. If following such restoration, the roadway surface, boulevard, sidewalk, curb or related infrastructure settles due to permittee's improper back-filling compaction or; the permittee shall, at its option, either correct the defect or pay to the City all costs associated with correcting the defective work within 30 days of billing. If the permittee restores the public right-of-way, the City may require, and the permittee shall provide at the time of application for the permit, a City specified type of security, in accordance with PUC rules, to cover the cost of repair and restoration. If within 24 months after completion of restoration of the right-of-way, the Director determines the right-of-way has been properly restored, the posted security will be released.

C. Standards. All restoration shall be in accordance with the standards and
materials specified by the City. The City shall maintain written procedures and standards for public right-of-way restoration, which shall comply with PUC standards. Subject to PUC rules, the City shall have the authority to prescribe additional restoration procedures and standards on a case-by-case basis based on the following considerations:

1. The number, size, depth and duration of the excavation, disruption or damage to the public right-of-way;

2. The traffic volume carried by the public right-of-way;

3. The character of the neighborhood surrounding the public right-of-way;

4. The pre-project condition of the public right-of-way;

5. The remaining life expectancy of the public right-of-way due to the project;

6. The costs of the restoration method in relation to the prevention of an accelerated depreciation of the public right-of-way that could result due to the project work in the public right-of-way; and

7. The likelihood that the particular restoration method would be effective in slowing the depreciation of the public right-of-way that would otherwise occur.

D. Duty to Correct Defects. The permittee shall guarantee the restoration of the public right-of-way for 24 months following its completion (12 months for turf establishment). During the 24-month period, the permittee shall, upon written notification from the City, correct all non-complying restoration work, using the method required by the City. The correction work shall be completed within 10 calendar days of the receipt of the notice from the City, not including days during which work cannot be done due to circumstances constituting force majeure or of unseasonable or inclement weather.

Subd. 13. Inspection.

A. Site Inspection. The permittee shall make the project work site available to the Director, and all others authorized by law, for inspection at all reasonable times during the execution and upon completion of the project work.

B. Inspection Findings and Requirements.

1. The Director may order the immediate cessation or modification of any project work which poses a serious immediate threat to the life, health,
safety or welfare of the public.

2. The Director may order the permittee to correct any project work to comply with the terms of the permit or other applicable standards, conditions or laws. The order shall state the violation, the terms of correcting the violation and that failure to correct the violation within the stated time limits shall be cause for revocation of the permit. If the violation is not corrected within the stated time limits, the Director may initiate revocation of the permit.

3. The Director may order the permittee to pay for any cost the City incurred for a project that posed a serious immediate threat to the life, health, safety or welfare of the public.

C. Notice of Completion. The permittee shall sign a certificate of project completion stating the completion date, identification of the installer and designer of record and certifying that the project work was completed in accordance with the requirements herein. Project completion date is the date the notice is received. Projects are subject to delay penalties until notification is received.


A. Emergency Exception. All persons with facilities in the public right-of-way shall include the City in its list of those to be notified immediately of any event regarding its facilities that may be considered as an emergency. Notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency, but shall apply for the necessary permits, pay the fees associated therewith and fulfill all requirements as set forth in this Section within 10 business days after the occurrence of the emergency. These permitting requirements shall not apply if the repair is made within the hole of the permitted excavator. (Ord. 2006-02, 1/10/2006)

B. If the City becomes aware of an emergency regarding facilities, the City will attempt to contact the local representative of each facility affected, or potentially affected by the emergency. The City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be assumed and paid by the owner of the facility, which occasioned the emergency.

Subd. 15. Mapping Data.

A. Information Required. All permittees shall provide “as built” mapping information in accordance with Minnesota Rules 7819.4000 and 7849.4100 and in a format acceptable to the City as follows:
1. The location of underground and above ground appurtenances of the equipment and facilities, identified by:

   a. Offsets from property lines, distances from the centerline of the public right-of-way and curb lines and/or other reference points as requested by the City; or

   b. Coordinates derived from the coordinate system being used by the City;

   c. Approximate depth of facilities.

2. The type, quantity and size of the equipment;

3. A dimensional description of aboveground appurtenances;

4. A legend explaining symbols, characters, abbreviations, scale and other data shown on the map; and

5. The location of any facilities that were abandoned in conformance with Minnesota Statutes.

6. Mapping to include restoration; and

7. Abandoned facilities that remain in place.

B. Submittal Requirements.

1. Within six months after the effective date of this Section, all public right-of-way users which own or control facilities within public right-of-ways within the City on the effective date of this Section shall submit detailed mapping including restoration data in accordance with this Subdivision for all facilities and equipment located within the public right-of-way. Following initial mapping, all right-of-way users shall submit detail mapping including restoration data by April 1st of every year for all new facilities located within public rights-of-way in the City during the preceding calendar year or certification that no new facilities were installed.

2. At the request of any public right-of-way user, information required by the City which qualifies as "trade secret" data under the Minnesota Data Practices Act shall be protected accordingly.

C. All permits issued for the installation or repair of Service Laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the Permittee’s use of appropriate means of establishing the horizontal
locations of installed Service Laterals, and the Service Lateral vertical locations in those cases where the Director reasonably requires it. Permittees or their subcontractors shall submit to the Director evidence satisfactory to the Director of the installed Service Lateral locations. Compliance with this paragraph and with applicable Gopher State One Call law and Minnesota Rules governing Service Laterals installed after December 31, 2005, shall be a condition of any City approval necessary for performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The Director shall reasonably determine the appropriate method of providing such information to the City. Failure to provide prompt and accurate information on the Service Laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending Permittee or its subcontractors.

(Ord. 2006-02, 1/10/2006)


A. Placement of Facilities Underground. Any new non-replacement facilities or equipment shall be located underground or contained within buildings or on other structures unless prohibited/restricted in accordance with all applicable federal, state or local laws. If it is not feasible due to the size of the facility, other provisions may be allowed with prior approval of the Director.

B. Corridors. The City may assign specific corridors within the public right-of-way, or portion thereof, as may be necessary for each type of facility. All permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facility at issue.

C. Limitation of Space. To protect the health, safety, and welfare of the City or when necessary to protect the public right-of-way and its current use, the City may prohibit public right-of-way users from a particular right-of-way after consideration of the public interest, the public's needs for the particular utility service, the condition of the public right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the public right-of-way, and future City plans for public improvements and development projects which

D. Relocation and Temporary Relocation for Construction of Facilities. A public right-of-way user shall promptly, and at its own expense, with due regard to seasonal working conditions, permanently remove and relocate any facility in the public right-of-way when it is necessary to prevent interference and not merely for the convenience of the City, in connection with: (1) a present or future City use of the public right-of-way for a public project; (2) the public health or safety; or (3) the safety and convenience of travel over the public right-of-way including temporary relocation for construction. The public right-of-way user shall restore any public rights-of-way in accordance with this Section. A right-of-way user is not required to remove or relocate its facilities from a right-of-way that has been vacated and in favor of a non-governmental entity unless and until
the reasonable costs to do so are first paid to the right-of-way user.

E. Damage to Other Facilities. Public right-of-way users shall be subject to all restoration requirements provided in this Section. Every public right-of-way user shall be responsible for the cost of repairing any facility it damages. This provision is intended to include costs for damages to boulevard amenities placed by adjacent property owners, (e.g. sprinkler systems, etc.).

F. Encroachment in Public Easements. Placement of any structure in public rights-of-way or on City property must comply with Section 21180 of the Zoning Ordinance. Placement of structures that have a foundation is prohibited in a public easement, unless the structure is exempted under Section 21180 of the Zoning Ordinance. The erection or placement of a structure without a foundation in a public easement requires an encroachment agreement application together with Council approval. The application shall include a written request for the encroachment(s), a description of the proposed structure or obstruction, a plan, drawing, or sketch that shows the proposed structure of obstruction, as well as the location of the easement(s) affected, and payment of an application fee as specified in Chapter X of the City Code. Applications shall be submitted to the City Engineer. Upon receipt of a completed application, the City Engineer will review the application and will consider factors such as the type and use of the existing easement(s), as well as the type and use of the proposed structure or obstruction, when making a decision to recommend approval or denial of the requested encroachment. If an approval recommendation is made, the applicant will be required to sign an Encroachment Agreement, prepared by the City, before the City Engineer’s recommendation is forwarded to the Council for consideration. If the Encroachment Agreement is approved by the Council, the Encroachment Agreement will be executed and recorded against the subject property of record.


A. Reservation of Right. If the City vacates a public right-of-way which contains the equipment or facilities of a public right-of-way user and the vacation does not require the relocation of the equipment or facilities, the City shall reserve, to and for itself and the public right-of-way user, the right to install, maintain and operate any equipment and facilities in the vacated public right-of-way and to enter upon such public right-of-way at any time for the purpose of reconstruction, inspecting, maintaining or repairing the same.

B. Relocation of facilities. If the vacation requires the relocation of the public right-of-way user's equipment or facility, and the vacation proceedings are initiated by the public right-of-way user or the City for a public project, the public right-of-way user shall pay the relocation costs. If the vacation proceedings are initiated by a person or persons other than the public right-of-way user or the City, the initiating person or persons shall pay the relocation costs.
C. Administration – Vacation of Right-of-Way and Easements.

1. Procedure. A request for vacation of a right-of-way or easement shall be filed in writing with the City Engineer. In the case of a request for vacation of a right-of-way, the written request shall be signed by a landowner directly abutting such right-of-way. In the case of a request for vacation of an easement, the written request shall be signed by a landowner of the property encumbered by such easement.

2. Filing. A written request to vacate a right-of-way or an easement shall be accompanied by the following:

   a. Information, both written and graphic, that describe the reason for, and location of, the proposed vacation;

   b. A fee as set forth in Chapter X;

   c. For requests involving the vacation of right-of-way, the applicant shall submit the addresses of all properties directly abutting the right-of-way to be vacated; and

   d. For requests involving the vacation of an easement, the applicant shall submit a legal description of the area to be vacated.


   a. Upon receipt of a complete vacation request, the City Engineer shall set a public hearing following proper notification.

   b. Notice of said hearing shall be published once in the official newspaper at least two weeks prior to the hearing, and shall be mailed to all landowners of property directly abutting the area to be vacated and to all utility companies serving the area (Ord. 2004-03, 1/13/2004).

   c. The City Engineer shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of the action to the Council.

   d. The Council shall consider possible adverse effects of the requested vacation. Its judgment shall be based upon (but not limited to) the following factors:

      1. The proposed action has been considered in relation to the specific policies and provisions of and has been
found to be consistent with the City’s Comprehensive Plan, including public facilities and capital improvement plans.

2. The proposed action meets the purpose and intent of this Chapter.

3. The proposed action has been considered in relation to the future needs of the City, utility companies and surrounding property owners.

e. The Council and City staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.

f. The applicant or a representative thereof may appear before the Council in order to present information and answer questions concerning the proposed request.

g. Upon receiving the report and recommendation of the City staff, the Council shall conduct the hearing, consider the request, and render its decision. The staff recommendation shall be entered in and made part of the permanent written record of the Council meeting.

h. Approval of a right-of-way or easement vacation shall require passage by a majority vote of the entire Council.

i. Whenever an application for a right-of-way or easement vacation has been considered and denied by the Council, a similar application for a vacation shall not be considered again by the Council for at least six months from the date of its denial.

Subd. 18. Indemnification and Liability.

A. Limitation of Liability. Upon the issuance of a public right-of-way permit, the City does not assume any liability (i) for injuries to persons, damage to property or loss of service claims by parties other than the registrant or the City, or (ii) for claims or penalties of any sort resulting from the installation, presence, maintenance or operation of equipment or facilities by registrants or permittees or activities of registrants or permittees.

B. Indemnification. A registrant or permittee shall indemnify, keep and hold the City, its officials, employees and agents, free and harmless from any and all
costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its equipment and facilities, or out of any activity undertaken in or near a public right-of-way, whether or not any act or omission complaint is authorized, allowed or prohibited by a public right-of-way permit. The foregoing does not indemnify the City for its own negligence except for claims arising out of or alleging the City's negligence in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition or purpose of a permit. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant, permittee or the City, and the registrant or permittee, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert on its own behalf.

If the registrant or permittee is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permittee may not settle the litigation without the consent of the City. Such consent will not be unreasonably withheld.

Subd. 19. Abandoned Facilities.

A. Notification. A public right-of-way user shall notify the City when facilities are abandoned. If an abandoned facility remains in place see Subd. 15 A. 5.

B. Removal of Abandoned Facilities. A right-of-way user shall notify the City when facilities are abandoned. A right-of-way user that has abandoned facilities in the right-of-way shall remove them from that right-of-way if required due to a conflict in conjunction with other right-of-way repair, excavation or construction, unless the Director waives this requirement.

Subd. 20. Appeal. A public right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; (4) believes relocation cost or City required relocation is unreasonable; or (5) objects to the fees imposed, (6) disputes a determination of the Director; may have the denial, revocation, relocation fee imposition, or decision reviewed by the Council upon written request. The Council shall act on a written request at its next available meeting. The decision by the Council shall be in writing and supported by written findings establishing the reasonableness of the decision. (Ord. 2006-02, 1/10/2006)

Subd. 21. Insurance. All certificate(s) of insurance required under this subdivision shall provide the following: (1) that an insurance policy has been issued to the applicant by an insurance company authorized to do business in the State of Minnesota having an “AM BEST” rating of A- (minus) and Financial Size Category (FSC) VII or better, (2) the City is a named insured on a primary and noncontributory basis and, (3) an umbrella may be used to supplement the limits to satisfy the policy limits required by the contract. A franchise agreement with the City may exempt a permittee from this subdivision. Minimum coverages are as follows:
Workers’ Compensation Insurance
$500,000 – Bodily Injury by Disease per employee
$500,000 – Bodily Injury by Disease aggregate
$500,000 – Bodily Injury by Accident

Commercial General Liability Insurance
$1,000,000 – per occurrence
$2,000,000 – annual aggregate
$2,000,000 – annual aggregate – Products/Completed Operations

The following coverages must be included in the commercial general liability policy:
Premises and Operations Bodily Injury and Property Damage
Personal and Advertising Injury
Blanket Contractual Liability
Products and Completed Operations Liability

Commercial Automobile Liability Insurance
$1,000,000 – per occurrence Combined Single Limit for Bodily Injury and Property Damage.

The following additional coverages must be included in the commercial automobile policy:
Owned, Hired, and Non-owned Automobiles.

(Ord. 2017-23, 11/28/2017)

800.03. Erosion onto Street or Highway.

Subd. 1. Prohibition. The owner of real property shall not allow any dirt, sand, silt, debris, or other illicit discharge (as defined by the Minnesota Pollution Control Agency) from the property to erode upon, or otherwise be deposited on public property including streets, highways, or trails, ponds, streams, wetlands, or storm sewers. If erosion does occur, the property owner or permittee shall be held liable for all cleanup costs, property damage, and the cost of installation of permanent or temporary erosion control measures (Ord.95-19, 3/21/95).

Subd. 2. Duties. It shall be the duty of any property owner or permittee to take appropriate erosion control measures to ensure that erosion from their property will not occur off site. Appropriate erosion control measures shall include, but are not limited to, sodding, silt fence, or hay bales.

Subd. 3. Notification Procedure. Any property owner or permittee violating this Section shall receive a written notice of violation by certified mail, return receipt requested, to the address of the owner of record of the violating property or permittee. Refusal to accept such notice shall not constitute a defense that the notice was not received. Notification shall include pertinent information regarding the nature of the violation, the possible costs and penalties, and a period of time in which to correct the violation.
Subd. 4. **Work Ordered by City.** If the property owner or permittee, after receiving written notice required in Subd. 3, fails to comply with the notification order within the time set forth in the notification, the City may have the work performed by a private contractor. Records shall be maintained by the City Engineer showing the cost of such work attributable to each separate lot and parcel and shall deliver such information to the City Clerk.

Subd. 5. **Assessment.** On or before September 1 of each year, the City Clerk shall list the total unpaid charges incurred under this Section against each separate lot or parcel to which they are attributable. The Council may then charge against the property responsible for the costs incurred and certify said costs as a special assessment under Minnesota Statutes Section 429.101, as amended, and other pertinent Statutes for certification to the Hennepin County Auditor for collection along with the current taxes. The Council, in its discretion, shall have the right to spread charges incurred under this Section into annual installments, not to exceed ten installments.

800.04. **Structures in Streets.** No person shall place, erect, or construct any structure in any street, boulevard, or right-of-way in the City if the structure causes or is likely to cause people to use, or play in, the traveled portion of the roadway. This section does not authorize construction of any structure that is otherwise prohibited by law.

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Section 803 - Small Wireless Facilities in the Right-of-Way

803.01. **Purpose and Findings.** The City desires high quality wireless services to accommodate the needs of residents and businesses. At the same time, the City strives to minimize the negative impacts that small wireless facilities can create. These negative impacts include, but are not limited to, interference with right-of-way user sight lines, impacts to right-of-way user circulation, incompatible aesthetics with the surrounding area, fall zone risk, clear zone risk, creating navigation obstacles, interference with future travel way expansion plans, interference with the delivery of other utility services, interference with storm water management facilities, and increased noise pollution.

To minimize these negative impacts, any person desiring to place a new wireless support structure in the right-of-way or collocate small wireless facilities on existing privately-owned wireless support structures in the right-of-way shall first obtain a small wireless facility permit from the City. Any person desiring to collocate small wireless facilities on existing wireless support structures owned or controlled by the City shall first enter into a standard small wireless facility collocation agreement. The purpose of these requirements is to comply with Minnesota Statutes Sections 237.162 and 237.163, while at the same time protecting the public health, safety, and welfare.

The City will consider impacts to the public health, safety and welfare when reviewing a small wireless permit application and a request to enter into a small wireless facility collocation agreement. The public health, safety and welfare can be best accommodated by locating small wireless facilities in the following order, which affords the greatest protection of the public:

1. Locate outside of the right-of-way.
2. Locate in the right-of-way on or adjacent to Principal Arterial, Other Arterial or Collector roads, as classified by the Metropolitan Council Functional Classification System.
3. Collocate on existing wireless support structures within the right-of-way.
4. Locate on a new wireless support structure within the right-of-way that replaces an existing wireless support structure of the same height.
5. Locate on a new wireless support structure within the right-of-way that replaces an existing wireless support structure whose height is less than or equal to 50 feet.
6. Locate on a new wireless support structure within the right-of-way whose height is similar to nearby structures.
7. Locate on a new wireless support structure within the right-of-way whose height is less than or equal to 50 feet.

The City will also consider factors such as aesthetic compatibility of the small wireless facility with surrounding structures, ability to eliminate underground, or screen ground-mounted equipment, dangers within the small wireless facility fall zone, distance of the small wireless
facility from roads, sidewalks, trails and bicycle lanes, and future roadway, pedestrian, bicycle, water, wastewater, and stormwater improvement plans for the site before issuing small wireless facility permit or entering into a standard small wireless facility collocation agreement.

803.02 Definitions.

City means the City of Plymouth, Minnesota.

City Management Costs means the actual costs incurred by the City for public rights-of-way management, including, but not limited to, costs incurred in connection with the registration process, the excavation, or obstruction, or small wireless facility permit process, the inspection of project work and restoration and enforcement and correction of non-complying project work, mapping of public right-of-way users and maintenance and regulation of public right-of-ways occupied by public right-of-way users.

Collocate or Collocation means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure that is owned privately or by a local government unit.

Director means the Plymouth Public Works Director or his/her designee.

Micro Wireless Facility means a small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

Public Right-of-Way or Right-of-Way means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

Small Wireless Facility means

(1) a wireless facility that meets both of the following qualifications:

   (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and

   (ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfers switches, cutoff switches, cable, conduit, vertical cable runs for connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or
(2) a micro wireless facility.

Telecommunication Right-of-Way User means a person owning or controlling a facility in the right of way, or seeking to own or control a facility in the right of way, that is used or intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minnesota statutes chapter 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minnesota statutes section 216B.02, a municipality, a municipal gas or power agency organized under Minnesota statute chapter 453 and 453A, or a cooperative electric association organized under Minnesota statutes chapter 308A, are not telecommunications right of way users for purposes of this chapter except to the extent these entities are providing wireless services.

Utility Pole means a pole that is used in whole or in part to facilitate telecommunications or electric service.

Wireless Facility means equipment at a fixed location that enables the provision of wireless services between user and equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. Wireless facility does not include: (1) wireless support structures, (2) wireline backhaul facilities, or (3) coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

Wireless Service means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522 clause (6).

Wireless Support Structure means a new or existing structure in a public right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the City.

Wireline Backhaul Facility means a facility used to transport communications data by wire from a wireless facility to a communications network.

803.03. Small Wireless Facility Permit. No person may place a new wireless support structure within the right-of-way or collocate a small wireless facility on an existing privately-owned wireless support structure in the right-of-way without first obtaining a small wireless facility permit from the City.

Subd.1. Permit Application and Fee. A written application for a small wireless facility permit shall be submitted to the Director on a form provided by the City. The applicant shall
pay an application fee in the amount set forth in Section 1015.27, Subd. 1. The application will be processed in accordance with the requirements of Minnesota Statutes § 237.163, Subd. 3c(b) and (c).

Subd. 2. Consolidated Permit Application. An applicant may file a consolidated permit application to collocate up to 15 small wireless facilities, provided that the small wireless facilities in the application:

A. are located within a two-mile radius;

B. consist of substantially similar equipment; and

C. are to be placed on similar types of wireless support structures.

Subd. 3. Permission from Owner. If the applicant seeks to collocate a small wireless facility on an existing wireless support structure, the applicant shall, at the time of application, provide the City with proof that it has obtained the necessary authority from the owner of the wireless support structure to collocate the small wireless facility on the structure.

Subd. 4. Issuance of Permit and Conditions. The Director shall issue the small wireless facility permit upon the Director’s determination that the applicant has satisfied the requirements of this Section, or shall provide written reasons for denial if the Director believes the requirements have not been satisfied within 90 days of receiving a completed application or any applicable extension of the 90-day deadline. If the City receives applications within a single seven-day period from one or more applicants seeking approval of permits for more than 30 small wireless facilities, the City may extend in writing the 90-day deadline imposed in state law by an additional 30 days. The Director may condition permit approval on compliance with the following:

A. Generally applicable and reasonable health, safety, and welfare regulations consistent with the City’s authority to manage its public right-of-way;

B. Reasonable accommodations for decorative wireless support structures or signs; and

C. Any reasonable restocking, replacement, or relocation requirements when a new wireless support structure is placed in the right-of-way.

In rendering a decision on a consolidated permit application, the Director may approve a permit for some small wireless facilities and deny a permit for others, but may not use denial of one or more permits as a basis to deny all the small wireless facilities in the consolidated application.

Subd. 5. Permit Denial. The Director may deny a small wireless facility permit if he or she reasonably determines that the applicant has not satisfied the requirements of this Section or
that approval of the permit would be contrary to generally applicable and reasonable health, safety, and welfare regulations. The City shall notify the applicant in writing documenting the basis for the denial within three business days of its decision to deny the permit. Upon denial, the applicant may cure the deficiencies identified by the City and resubmit its application. If the applicant resubmits the application within 30 days of receiving written notice of the denial, no additional filing or processing fee shall be required. The City shall approve or deny the revised application within 30 days after the revised application is submitted.

Subd 6. Permit Revocation.

A. Grounds for Revocation. The City may revoke a permit issued hereunder on the following grounds:

1. A material provision or condition of the permit or the Code was substantially breached.

2. A material misrepresentation in the application for a permit.

3. The permittee failed to maintain the required bonds or other security and insurance.

4. The permittee failed to complete the project work within the time specified in the permit unless the failure to complete work is due to reasons beyond the permittee’s control.

5. The permittee failed in a timely manner to correct work that does not conform to applicable standards, conditions, federal, state or local laws.

6. An evasion or attempt to evade any material provision of the permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City.

B. Notice of Revocation. If the Director determines that grounds for revocation exists, the Director shall provide written notice to the permittee documenting the basis for the revocation. The City must notify a telecommunications right-of-way user in writing within three business days of the decision to revoke a permit. If the permittee’s violation is related to non-complying project work, the Director shall notify the permittee of the actions necessary to remedy such violation within a reasonable period of time or be subject to potential revocation of the permit. The Director may impose additional or revised conditions on the permit to mitigate or remedy the violation.

C. Right to Hearing by City Council. In the event that the permittee fails to remedy the violation for which the Director gave the permittee notice, a
D. Revocation Costs. If a permit is revoked, the permittee shall reimburse the City for its reasonable costs (including restoration costs) incurred in connection with the revocation.

Subd. 7. Term. The term of a small wireless facility permit shall be equal to the length of time that the small wireless facility is in use, unless earlier revoked under this Section.

Subd. 8. Obstruction or Excavation. A small wireless facility permit holder whose approved work in the right-of-way involves obstruction or excavation of the right-of-way shall also obtain a right-of-way permit from the City.

Subd. 9. Requirements for New Wireless Support Structures. New wireless support structures that comply with the following requirements may be placed in the right-of-way after the issuance of a small wireless facility permit:

A. A new wireless support structure shall not exceed 50 feet above ground level, subject to the requirements of City Code Chapter 8, and shall be separated from other wireless support structures by a minimum of 600 feet.

B. Notwithstanding subsection A, a new wireless support structure that replaces an existing wireless support structure that is higher than 50 feet above ground level may be placed at the height of the existing wireless support structure, subject to the requirements of City Code Chapter 8.

C. The diameter of a new wireless support structure that replaces an existing wireless support structure shall not exceed the diameter of the existing wireless support structure by more than 50 percent.

D. Wireless facilities constructed in the right-of-way after May 31, 2017 shall not extend more than 10 feet above an existing wireless support structure in place as of May 31, 2017.

Subd. 10. Requirements for Small Wireless Facilities. A small wireless facility that complies with the following requirements may be located on a new wireless support structure within the right-of-way or collocated on an existing privately-owned wireless support structure within the right-of-way after issuance of a small wireless facility permit:
A. The small wireless facility shall have limited exposed cabling and mounting hardware. It shall also match the wireless support structure it is attached to in color and, as close as practicable, in material and design.

B. The small wireless facility shall not interfere with public safety wireless telecommunications.

C. Small wireless facilities in the right-of-way shall be removed and relocated at the City’s request and at no cost to the City when the Director determines that removal and relocation is necessary to prevent interference with: (1) present or future City use of the right-of-way for a public project; (2) the public health, safety, or welfare; or (3) the safety and convenience of travel over the right-of-way.

D. A small wireless facility attached to an existing wireless support structure shall not block light emanating from the wireless support structure and shall not otherwise interfere with the original use of the wireless support structure.

E. Ground-mounted equipment associated with the small wireless facility is prohibited unless the applicant can show that ground-mounted equipment is necessary for operation of the small wireless facility. If ground-mounted equipment is necessary, it shall comply with the provisions of City Code Chapter 8, and shall also meet the following standards:

1. Ground-mounted equipment shall be placed below grade unless not technically feasible;

2. Ground-mounted equipment shall not disrupt traffic or pedestrian circulation and shall not interfere with vehicle and pedestrian intersection sight lines;

3. Ground-mounted equipment shall not create a safety hazard;

4. If placed above grade, ground-mounted equipment shall be separated from the nearest ground-mounted equipment on the same block face by a minimum of 330 feet unless the equipment is placed underground, or unless waived by the Director;

5. If placed above grade, ground-mounted equipment shall be limited to three feet in height and 28 cubic feet in cumulative size.

Subd. 11. Exemptions. No small wireless facility permit is required to conduct the following activities in the right-of-way:
A. Routine maintenance of a small wireless facility;

B. Replacement of a small wireless facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced; or

C. Installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety codes. If any of the above activities will obstruct the right-of-way, the small wireless facility permit holder shall provide notification to the City at least 10 days in advance of such activity.

Subd. 12. Collocation on City-Owned Wireless Support Structure. No person may collocate a small wireless facility on an existing wireless support structure owned or controlled by the City without first entering into a Standard Small Wireless Facility Collocation Agreement with the City.

Subd. 13. New Structures. The erection in the public right-of-way of a new public utility structure to support wireless facilities other than small wireless facilities is prohibited, except where the Director determines there is a need for additional roadway lighting, emergency warning siren, or other infrastructure that must be supported by a public utility structure. Any new structure erected to support wireless facilities other than small wireless facilities allowed by the City under this paragraph and any associated or attached equipment must comply with the requirements of this Section.

Subd. 14. Other Wireless Facilities. A telecommunications right-of-way user who desires to place a new public utility structure or wireless facilities other than small wireless facilities in the right-of-way shall enter into a license agreement with the City for use of space that sets forth such terms and conditions as the City deems appropriate and shall obtain any necessary right-of-way permit.

(Ord. 2017-24, 11/28/2017)
Section 805 - Parks; Regulations

805.01. Park Regulations. Subdivision 1. Application. This Section applies to public parks described as park land, lake, stream, pond, trail, nature area, open space or recreation center and amenities within. It should also mean any other property owned, leased, used or controlled, wholly or partly by the City for parks and recreation use.

805.03. Park Hours. All public parks with the exception of community playfields will close at 10:00 p.m. each day and shall remain closed to the public until 6:00 a.m. on the next day. Community playfields will close at 10:30 p.m. No person shall be in, remain in, enter or drive in a public park during the hours when such park is closed except as authorized by the Parks and Recreation Department.

Subd. 2. Posting of Hours. The hours of operation of the parks shall be prominently posted by the Parks and Recreation Department in each park.

Subd. 3. Emergency. The Director of Public Safety may close any public park, parkway, beach or drive at any time, and for such period as deemed necessary, in order to protect or restore order or terminate or prevent breaches of the peace and order of the City. No person having been informed of such an order closing any such area shall remain in the area longer than is necessary to leave the closed area.

Subd. 4. Safety. The Director of Parks and Recreation or his/her designee may close any park due to safety, disaster, water quality or park conditions.

805.05. Activities permitted after closing of parks. The following activities may continue in parks after the parks have closed:

A. Use of an indoor ice arena.

B. Use of an indoor dome.

C. City-sponsored and City-supervised activities.

D. Activities permitted to any individual or group, company, association or organization which has applied for and received a permit from the Parks and Recreation Department for such activity/event from the City.

E. Activities of City personnel in the course of their official duties.

F. Activities where persons are traveling upon the established trails and paths of the parks.

G. Activities as approved by the Director of Parks and Recreation or his/her designee.
805.07. **After Hours Permits.** Application for the issuance of a permit to conduct activities in a park after closing hours shall be submitted to the City on the forms provided, at least two weeks prior to the date of the activity. Permits shall be issued if it appears that the applicant can comply with the City’s current regulations and will not interfere with the health, safety, welfare, morals and use of the park by the general public.

805.09. **Prohibited Acts; Regulations.** Subdivision 1. Application. The following prohibitions and regulations shall apply to all parks per Section 805.01.

   Subd. 2. **Vehicles.** This includes recreational vehicles, snowmobiles, golf carts, motorbikes, all-terrain vehicles, and all other vehicles. No person shall drive on or across parks, trails or areas maintained by the City, nor shall such vehicle or machine park on these areas, without first obtaining a permit from the Parks and Recreation Department unless operated by and for the City or other competent governmental authority.

   Subd. 3. **Parking.** No person shall park any vehicles in any place in a park except in designated parking areas without first obtaining a permit from the Parks and Recreation Department.

   Subd. 4. **Destruction of Property.** No person shall break, cut, mutilate, mark, deface, tamper with, injure, remove or carry away any tree, plant, flower, shrub, rock, soil, sand, fence, benches, tables, buildings, waste receptacle, fireplace, railing, paved material, waterline or other public utility part, monument, stake, post or other boundary marker, equipment or any other City property, either real or personal located in a park or parkland.

   Subd. 5. **Golfing.** No person shall engage in golfing practice other than with light plastic hollow balls and then only at areas designated for such practice.

   Subd. 6. **Camping.** Overnight camping is prohibited in City parks without first obtaining the written approval of the Parks and Recreation Department.

   Subd. 7. **Model Rockets and Aircraft.** Gas-powered model rockets and gas-powered aircraft may only be used in City parks with the permission of the Parks and Recreation Department at authorized times and locations. All debris must be properly disposed of following firing of the model rocket.

   Subd. 8. **Garbage or Trash.** No person shall throw, discharge, or otherwise place or cause to be placed in the park, storm sewer or drain any substance, matter or thing, liquid or solid; nor shall any person bring in or dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, waste, garbage, or any other trash, in any park or portion thereof in any park. All such garbage, trash or recycling shall be placed in the proper receptacles; where proper receptacles are not provided, all such garbage, trash or recycling shall be carried away from the park by the person responsible for its presence and shall be properly disposed of elsewhere.
Subd. 9. **Fires.** Fires are prohibited in City parks except in a metal grill. No person shall leave before the fire has been completely extinguished, and all garbage, trash and recycling have been placed in the receptacles provided. Where no receptacles have been provided, all garbage, trash and recycling shall be carried away from the park area and shall be properly disposed of elsewhere.

Subd. 10. **Firearms and Fireworks.** Except as otherwise permitted by law in this Code, no person shall within the limits of any park, fire or discharge any firearm, fireworks or any other explosive which explodes or sets off any squib, cracker, firecracker, or any other thing containing powder or other combustible or explosive material.

Subd. 11. **Hunting.** Only City authorized persons shall disturb, injure or destroy any bird or animal nest within the limits of any park, nor shall any person aim or discharge any air gun, sling shot, arrow or other weapon, or throw any stone or other projectile, at any bird or animal within any park, nor in any manner capture, kill or harm in any way any bird or animal therein.

Subd. 12. **Trapping.** Only City authorized persons shall set, lay, prepare or have in his possession any trap, snare, artificial light, net, bird line, ferret or any contrivance whatever, for the purpose of trapping, catching, taking or killing any bird or animal within any park.

Subd. 13. **Public Sales/Business Operations.** No person, group, association, business or organization shall within any park operate, expose or offer for sale, rent or hire any service, article, or thing. Exempted are those who have obtained a permit to operate from the Parks and Recreation Department. No person shall operate, announce, advertise, or call the public attention to any article or service for sale or hire in any way.

Subd. 14. **Posters; Advertisements.** No person shall post, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever in parks or on any public lands, highways or roads adjacent to parks without first obtaining a permit from the Parks and Recreation Department.

Subd. 15. **Group Activity/Special Event.** No organized group, association, or organization desiring to use park facilities for a particular purpose including, but not limited to, picnics, parties, theatrical or entertainment performances, may do so without first obtaining a permit from the Parks and Recreation Department.

Subd. 16. **Dogs and Cats.** Per Section 915.17, Subds. 1-3, dogs and cats are prohibited from running at large and per Section 915.19 must follow public nuisances code including picking up and properly disposing of feces. In instances where receptacles are not provided, waste shall be carried away from the park by the person responsible for its presence and shall be properly disposed of elsewhere.
Subd. 17 Additional Regulations. In order to protect public health, safety and welfare, and to preserve the property of the City, the Director of Parks and Recreation or his/her designee is authorized and directed to establish additional written regulation which shall define, in precise detail the procedures to be followed in the use of the parks.

805.11. Swimming Areas. Subdivision 1. Swim Area Closing. It is unlawful for any person to swim, wade or bathe in any lake or water except in designated areas from the hours of 8:00 p.m.–9:00 a.m.

Subd. 2. Lifeguards. No lifeguard is on duty except when a sign authorized by the Parks and Recreation Department states “Lifeguard on Duty.” All swim areas are swim at your own risk.

Subd. 3. Responsible Person. No person under age 11 may enter onto a beach or into adjacent water unless they are accompanied by a person 16 years of age or older.

805.13. Islands/Medians. Islands/medians shall be kept up, if dedicated to neighborhood associations, by those associations. The obligation of such associations to maintain islands/medians include, but are not limited to, the following: cutting grass, picking up litter, planting trees, weed removal and other such related matters as may be prescribed by resolution of the Council and per Section 807.

805.15. Docks. Subdivision 1. Policy and Purpose. The purpose of this Section is to allow owners of property abutting public parks who have installed or maintained docks, wharves, or similar structures on park property on or before July 1, 1987 to continue to use and maintain those structures, subject to the conditions and restrictions set forth in this section. It is the intention of the Council to phase out and eliminate the existence of such docks, wharves and similar structures as each such property abutting a public park is sold.

Subd. 2. Permit Required. No person shall construct, install, or maintain a dock, wharf or similar structure on park property or in public waters abutting park property without first obtaining a permit for such dock from the Director of Parks and Recreation or his/her designee. The annual permit fee is set forth in Chapter X.

Subd. 3. Application. Permits shall be issued only to those persons who, as of July 1, 1987, owned property abutting the park where the dock, wharf or similar structure is to be installed or maintained and had a dock, wharf or similar structure in place at such park as of that date. An application shall be accompanied by the permit fee and proof of liability insurance required by this section. The right to apply for a permit shall terminate when the applicant's abutting property is sold.

Subd. 4. Conditions and Restrictions. All permits shall be subject to the following conditions and restrictions:
A. The permit holder must at all times during the period of the permit maintain in force liability insurance naming the City as additional insured, in a minimum amount equal to the limits established by Minnesota Statutes, Section 466.04, as amended. The permit holder must notify the City immediately if the insurance is canceled or lapses for any reason. Failure to maintain said insurance shall result in automatic revocation of the permit.

B. The dock, wharf, or similar structure shall be posted at each end with a sign no less than 1' x 2' that states, in legible letters, "PRIVATE DOCK--KEEP OFF" and shall be secured at the end nearest the land by a chain, rope, or other security device that impedes access by the public.

C. The dock, wharf, or similar structure shall be equal in size, length, shape and construction to the dock, wharf, or similar structure the permit holder had in place at such park as of July 1, 1987. The permit holder shall maintain the dock, wharf, or similar structure in good repair during the term of the permit.

D. The permit holder must agree in writing to indemnify and hold harmless the City from any liability, including costs and attorney fees, for injuries to persons or property arising from the use of the dock, wharf, or similar structure.

Subd. 5. Transfers Prohibited. A permit under this Section may be issued only to an applicant as described in Subdivision 2 above and may not be transferred to a subsequent purchaser of the applicant's property or to any other person.

Subd. 6. Inventory. An inventory of the docks, wharves, or similar structures located on park property or in public waters abutting park property as of July 1, 1987 shall be kept on file in the office of the Parks and Recreation Department. The inventory shall include the name and address of the owner of each dock, wharf, or similar structure and a brief description of the size, length, shape, and construction of each said structure.

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807.01. **Purpose and Intent.** The purpose and intent of this Section is to establish minimum standards for vegetation management while recognizing a variety of landscapes within a community adds diversity and richness to the quality of life for all residents. Managed turf grass lawns are recognized as the dominant feature in the landscape, while the benefit from the variety, beauty, and practical value of diverse landscapes is also recognized. The City seeks to encourage each property owner to create and sustain their property in a state of good health and vigor, as opposed to one of neglect. It is the intent of this ordinance to require vegetated areas to be managed in ways that do not adversely affect human health or safety, or pose a threat to turf grass or landscape establishment.

807.02. **Definitions.** The following words and terms, wherever they occur in this Section, shall be interpreted as herein defined:

*Noxious Weeds* means and includes an annual, biennial, or perennial plants that the Commissioner of Agriculture has designated to be injurious to public health, the environment, public roads, crops, livestock, or other property pursuant to Minnesota Statutes § 18.79.

*Nuisance Vegetation* means and includes noxious weeds, prohibited plants, rank vegetation, turfgrass that exceeds eight inches in length, and trees or shrubs that impede travel or sight lines on a roadway, trail, or sidewalk.

*Prohibited Plants* means and includes: *articum minus* (common burdock); *amur anthus retroflexus* (pigweed); *rumex crispus* (curly dock); *abutilon theophrasti* (velvetleaf); *ambrosia spp* (ragweed); *kochia scoaria* (kochia); *melilotus officianalis* (sweetclover); *chenopodium album* (lamb's quarter); *barbarea vulgaris* (yellow rocket); and *erassica kaber* (wild mustard). For the purposes of this Section, *taraxacum spp* (common dandelion) or *glechoma hederacea* (creeping charlie) are not considered to be prohibited plants.

*Property* means and includes the land lying within the boundary of a lot or parcel, together with directly abutting boulevards (roadway rights-of-way) and directly abutting trail or sidewalk outlots. For purposes of this Section, if an abutting trail or sidewalk outlot lies between and abuts a roadway, the term “property” shall include the trail or sidewalk outlot and boulevard area extending to the nearest edge of the roadway, and if such abutting trail or sidewalk outlot abuts another property, the term “property” shall include the trail or sidewalk outlot area extending to the nearest edge of the trail or sidewalk.

*Rank Vegetation* means and includes uncultivated vegetation that generally grows at a rapid rate and is planned, unintentional, or accidental.

*(Ord. 2018-05, 3/13/2018)*

807.03. **Vegetation Length.** Except in a natural preserves as defined in Section 811 of the City Code and on property zoned Future Restricted Development (FRD) as defined in Section
21350 of the City Zoning Ordinance, the length of turf grass and/or rank vegetation may not exceed eight inches.

807.04. **Nuisance Vegetation.** Nuisance vegetation is prohibited. Property owners are responsible for eradication, removal, trimming, and/or maintenance of nuisance vegetation on their property, as defined in this Section. *(Ord. 2018-05, 3/13/2018)*

807.05. **Notification Procedure.** If a property, as defined in this Section, contains nuisance vegetation, the City shall notify the property owner by sending a letter by first class mail to the property owner or posting a notice on the property. The notice shall include pertinent information regarding the nature of the violation, method of correction and a deadline for correcting the violation. *(Ord. 2003-13, 5/27/2003; Ord. 2009-08, 5/12/2009; Ord. 2018-05, 3/13/2018)*

807.06. **Corrective Action by City.** If the owner of any property fails to comply with a notice, as provided for by Subd. 807.05, the City shall take corrective action necessary to abate the violation as provided by Section 810 of the City Code. Records shall be maintained by the weed inspector showing the cost of such work assessable to each separate lot and parcel and shall deliver such information to the City Clerk. *(Ord. 2003-13, 5/27/2003; Ord. 2009-08, 5/12/2009; Ord. 2018-05, 3/13/2018)*

807.07. **Hardship and Appeal.** Property owners shall be exempt from the requirements of this section if, as a result of circumstances beyond their control, the property owner is prevented from controlling the height of turf grass and/or rank vegetation on their property because of a hardship. A property owner may apply in writing to the Park and Recreation Director for a hardship determination. Hardship means that because of steep slopes or standing water it is not feasible to maintain the area. The Park and Recreation Director shall review the property and determine whether a hardship exists. The decision of the Park and Recreation Director may be appealed by the property owner to the Council by filing a written appeal within 10 days of the Park and Recreation Director’s decision. *(Ord. 2003-13, 5/27/2003; Ord. 2018-05, 3/13/2018)*

807.08. **Appeal Procedure.** A property owner disputing the decision of the weed inspector who receives a written notice to abate turf grass and/or rank vegetation over eight inches or nuisance vegetation shall submit their Notice of Appeal to the Park and Recreation Director within their notification period. The appeal shall include the contact information, specific nature of the appeal, a design plan and maintenance plan for the area at issue. The Park and Recreation Director shall review the property and determine whether turf grass and/or rank vegetation in excess of eight inches in length or nuisance vegetation exists. The decision of the Park and Recreation Director may be appealed by the property owner to the Council by filing a written appeal within 10 days of the Park and Recreation Director’s decision. *(Ord. 2018-05, 3/13/2018)*

807.09. **Obstructing City Employees.** No person shall obstruct the weed inspector, or assigned agents, in inspecting, cutting, removal, or eradication. Obstruction shall constitute a petty misdemeanor.
807.10. **Penalties for Violation.** A third violation and any subsequent violations of this section within a two-year period shall be a petty misdemeanor. *(Ord. 2003-13, 5/27/2003; Ord. 2018-05, 3/13/2018)*

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Section 810 - Assessable Current Services

810.01. Assessment for Current Service. On or before September 1 of each year, the City Clerk shall list the total unpaid special charges for the cost of:

1. Snow, ice, or rubbish removal from sidewalks;

2. Weed elimination from streets or private property;

3. Removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Sections 463.15 to 463.26;

4. Installation or repair of water service lines;

5. The trimming and care of trees and the removal of unsound trees from any street;

6. The treatment and removal of insect infested or diseased trees on private property;

7. The repair of sidewalks and alleys;

8. The operation of a street lighting system;

9. Inspections relating to a municipal housing maintenance code violation.

The Council may spread the charges against property benefited as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the Council may determine in each case.

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Section 811 - Natural Preserves

811.01 Purpose and Intent. It is the policy of the City to encourage preservation, including appropriate management, of natural areas within the community. To this end, the City will formally recognize areas within Plymouth where the City and/or a private property owner find it is beneficial to maintain the area in a natural state.

811.02 Definition of Natural Preserve. Publicly owned lands designated as park or open space or private properties approved by the City which are set aside to preserve, enhance, or recreate their natural characteristics and qualities. (Ord. 2008-08, 3/25/2008)

811.03 Procedures to Establish a Natural Preserve.

Subd. 1. Designation without platting or site plan approval. To request natural preserve designation, a property owner must submit a written application to the City. Lands that the Council finds have merit as natural preserves will be so designated by Council resolution. Ten days prior to Council action on a natural preserve, the City will mail notification of the pending action to all owners of property within 200 feet of the boundary of the property in question. An application for natural preserve designation must include the following:

A. Fee established by Section 1015 of this Code.

B. A property survey that identifies the area to be designated. Unless otherwise authorized by the Council as part of the approval process, a minimum of eight feet of maintained area (e.g. sodded or mulched) is mandatory between the proposed natural area and any lot line, building, parking lot or related drive aisle, or public roadway or trail.

C. A description of the existing and/or proposed vegetation types in the area. The vegetation in the area shall consist of native plant communities or native plantings, as approved by the City. The City will not designate areas as natural preserves that consist of previously graded area with little or no topsoil, which is simply overgrown with whatever vegetation will grow on the site. In addition, extreme slopes may be excluded from natural preserve designation due to inaccessibility or hardship in maintaining the slope.

D. A management plan. Lands designated as natural preserves shall be managed to ensure compliance with State Noxious Weed Laws. The applicant shall enter into a maintenance agreement for the natural preserve. The City may require financial surety for maintenance of the natural preserve.

E. If the proposed natural preserve would, or is intended to, re-create natural areas on a site (e.g., replacement of sod with native landscaping), the areas for natural preserve shall not exceed 50 percent of the vegetated area of the site.
Subd. 2. Designation as part of platting for site plan approval. If a property owner requests natural preserve designation in conjunction with a plat or site plan approval, the property owner shall follow the same requirements set forth in Subd. 1(b) through Subd. 1(f) above. However, approval of a natural preserve that is requested with the platting or site plan approval process will occur as part of the Council approval of the tree preservation plan or landscaping plan associated with such request rather than in a separate resolution. (Ord. 2008-08, 3/25/2008; Ord. 2009-08, 5/12/2009)

811.04 Duration. A natural preserve shall continue to exist until such time as the City determines that a property owner is not meeting the requirements outlined in this Section or until the property owner requests that the designation be removed from the property. If the City determines that a property owner is not meeting the requirements outlined in this Section, the natural preserve designation shall be revoked and the subject area(s) shall be sodded. (Ord. 2003-17, 6/10/2003; Ord. 2008-08, 3/25/2008)

(Ord. 2011-29, 10/25/2011)
Section 815

(This section was repealed by Ordinance No. 96-17, 7/10/96)
Section 820 - Sidewalk Maintenance

820.01. **Purpose.** The purpose of this section is to require owners or occupants of real property to maintain public sidewalks abutting their property to prevent a public nuisance affecting the safety of the general public.

820.03. **Requirements.**

A. It shall be unlawful for the owner or the occupant of real property to fail to remove snow and ice from public sidewalks abutting their property within 48 hours after the snow or ice has been deposited.

B. It is the responsibility of property owners abutting a sidewalk to keep the sidewalk in good repair.

C. This section shall not apply to sidewalks listed on the City's Trail and Sidewalk Snow Removal map. *(Ord. 95-50, 10/24/95; Ord. 2018-05, 3/13/2018)*

820.05. **Penalties.**

A. Any person who violates this section shall be guilty of a petty misdemeanor and shall be punished by a fine of up to $100.

B. A separate violation occurs each day that a violation hereunder continues.

*(Ord. 95-22, 4/18/95)*
CHAPTER IX

PUBLIC SAFETY

Section 900 - Homeland Security and Emergency Management

900.01. Purpose. Due to the possibility of large-scale emergencies, disasters, or catastrophic events resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes; or from terrorism, civil disorder, and hazardous materials accidents, proper plans and preparations are imperative for the City to prudently manage such events. General provisions for the common defense and protection of the public, its health and safety, and the preservation of lives, property and environment of the people of the City, it is hereby found and declared to be necessary to:

A. Establish a City Emergency Management Division responsible for planning and preparation for emergency government operations in time of emergencies, disasters, or catastrophic events.

B. Provide for the exercise of necessary powers during emergencies, disasters, or catastrophic events.

C. Provide for the rendering of mutual aid between the City and other political subdivisions with respect to carrying out of emergency management functions.

D. Comply with provisions of Minnesota Statutes § 12.25, which requires that each political subdivision of the State establish a local organization for emergency management.

E. Require the National Incident Management System (NIMS) to be utilized by the City in the event of all emergencies, disasters and unusual events, including those outlined in the United States Public Law 99-499, the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III), Emergency Planning and Community Right-To-Know and Homeland Security Presidential Directive 5 (HSPD 5).

900.03. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
Assistant Emergency Management Coordinator means the person assigned by the director to share responsibility with the Emergency Management Coordinator to ensure that the Emergency Operations Plan and Resource Manual is updated, the Emergency Operations Center is functional, the necessary staff are trained, the outdoor warning sirens are operational and NIMS requirements are sustained.

Catastrophic Event means any natural or manmade incident, including terrorism that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions. A catastrophic event could result in sustained national impacts over a prolonged period of time; almost immediately exceeds resources normally available to State, local, tribal, and private-sector authorities in the impacted area; and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened. All catastrophic events are Incidents of National Significance.

Continuity of operations (COOP) means an effort within individual departments to ensure continued performance of essential functions during a wide range of potential emergencies. This is accomplished through the development of plans, comprehensive procedures and provisions for alternate facilities, personnel resources, interoperable communications, and the preservation of vital records and databases.

Disaster means a situation that creates an actual or imminent serious threat to the health and safety of persons, or a situation that has resulted or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Emergency means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring.

Emergency Management means the preparation for, and the carrying out of, emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, from acute shortages of energy, or from incidents occurring at nuclear power plants that pose radiological or other health hazards. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency human services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, and other functions related to civilian protection, together with all other activities necessary or incidental to preparing for and carrying out these functions.

Emergency Management Coordinator means the person assigned by the director to ensure that the Emergency Operations Plan and Resource Manual is updated, the Emergency Operations Center is functional, the necessary staff are trained, the outdoor warning sirens are operational and NIMS requirements are sustained.
operational, NIMS requirements are sustained and carries out any other task delegated by the Emergency Management Director.

Emergency Management Director means the City’s Police Chief. The Emergency Management Director is responsible for the City emergency management program on behalf of the City Manager. The term “director,” when used in this ordinance, means the Emergency Management Director.

Emergency Management Division means the staff element and associated resources responsible for coordinating the City-level planning, mitigation, preparation, response, recovery and continuity of operations from emergencies, disasters and catastrophic events. This division coordinates with federal, state and other local jurisdictions relative to emergency management functions, disaster preparedness activities and ensures implementation of federal and state program requirements.

Homeland Security means the deterrence, prevention and preemption of, and defense against, aggression targeted at U.S. territory, sovereignty, population and infrastructure as well as the management of the consequences of such aggression and other domestic emergencies.

900.05. Emergency Management Division. There is hereby created within the City of Plymouth an Emergency Management Division, which shall be under the supervision and control of the City Manager. The Police Chief will be appointed by the City Manager to coordinate the division and implement all aspects of the plan.

900.07. Powers and Duties of the Director. Subdivision 1. The Director, or his/her designee, shall represent the City on homeland security and emergency management related issues. The Director shall have the responsibility for the organization, administration and operation of the Emergency Operations Plan.

Subd.2. The Director, or his/her designee, shall assess City personnel, its resources, planning measures and facilities deemed necessary to determine their adequacy for emergency management activities.

Subd.3. The Director, or his/her designee, shall prepare and maintain a comprehensive Emergency Operations Plan and shall present such plan to the Council for its approval. When the Council has approved the plan by resolution, it shall be the duty of the City departments and the Emergency Management Division to perform the duties and functions assigned by the plan as approved. The plan will be updated on an annual basis. The Director shall coordinate the emergency management activities of the City to the end that they shall be consistent and fully integrated with the emergency planning efforts of the federal, state, and county government. The Director shall coordinate City response to external requests for mutual aid for incidents beyond the scope of normal day-to-day emergency response operations.
Subd. 4. The Director, or his/her designee, shall ensure proper training and public information programs; initiate warranted alerts; and coordinate emergency exercises as necessary to ensure prompt and effective operation of the City’s Emergency Operations Plan.

Subd. 5. Each Department Director or designee, in cooperation with the Emergency Management Director, shall be responsible for the planning and programming of such emergency activities as found in the Emergency Operations Plan.

Subd. 6. The Director, or his/her designee, shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

Subd. 7. The Director, or his/her designee, shall prepare and submit required reports on homeland security and emergency management activities.

900.09. Declaration of a Local Emergency. Subdivision 1. A local emergency may be declared only by the Mayor or his/her legal successor. It shall not continue for a period in excess of three days except by or with the consent of the Council. Any order or proclamation declaring, continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the City Clerk.

Subd. 2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance there under.

Subd. 3. No other jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

900.11. Emergency Regulations. Subdivision 1. Whenever necessary to meet a declared emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with the applicable federal or state laws or regulations, with respect to the conduct of persons and the use of property during emergencies in the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

Subd. 2. Every resolution of emergency regulations shall be in writing, shall be dated, and shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the City Manager’s or City Clerk’s office shall be conspicuously posted at the front of city hall facility or other headquarters of the City or at such other places in the affected area as the Council shall designate in the resolution. By like resolution, the Council may modify or rescind any such regulation.

Subd. 3. The Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, which ever comes first. Any
resolution, rule or regulation inconsistent with the emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent such conflict exists.

Subd. 4. During a declared emergency, the City is, notwithstanding any statutory or charter provisions to the contrary, empowered, through the Council, acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchasing supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolution, publication of call for bids provisions of personnel laws and rules, provisions relating to low bids, and requirement budgets.

900.13. Emergency Management Declared Governmental Function. All functions under this ordinance and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he/she would be entitled under this chapter or under the worker’s compensation law, or under any pension law, or the right of any such person to receive any benefits or compensation under any act of Congress.

900.15. Authority at Emergency Scenes. Subdivision 1. The Police Chief and/or Fire Chief, or his/her designee, or the incident commander at the scene of an emergency involving the protection of public peace, health and safety, and to preserve lives, property and the environment, shall have the authority to direct such operations as may be necessary to limit or mitigate any and all such threats, or taking any other action necessary in the reasonable performance of duty. In the exercise of such power, the Police Chief and/or Fire Chief, or his/her designees, or the incident commander is authorized to prohibit any person, vehicle, vessel, aircraft or thing from approaching the scene and is authorized to remove or cause to be removed, towed, kept away from the scene any person, vehicle, vessel, aircraft or thing which may impede or interfere with the operations conducted by the City.

Subd. 2. The Police Chief and/or the Fire Chief, or his/her designees, or the incident commander at the scene of an emergency is authorized to place ropes, guards, barricades, or other obstructions across any street, highway, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the City to manage and/or control the situation.

Subd. 3. The Police Chief and/or the Fire Chief, or his/her respective designee or incident commander shall have the authority to order the evacuation of buildings, areas of a building or any area, public or private, of any kind or nature upon being informed and being reasonably satisfied that an emergency situation may exist wherein people’s health, welfare and general well-being are endangered or are likely to be endangered if the area is not evacuated. The evacuation orders of the Police Chief and/or the Fire Chief, or his/her designee or
incident commander shall remain in effect for a reasonable period of time to permit proper authorities time to secure the safety of the area.

Subd.4. It shall be a violation of this section for any person to fail to comply with a lawful order given by the Police Chief and/or Fire Chief, or his/her designees or incident commander when the Police Chief and/or Fire Chief or his/her designee or incident commander is acting under the authority of subdivision 1 of this section.

900.17. Mutual Aid. Subdivision 1. Each Department Director, or designee, in coordination with the Emergency Management Director, are authorized to respond to requests for mutual aid assistance in the form of City resources from any political subdivision within the state, agencies of the state, and federal agencies, for assistance within the state, and non-profit emergency response or relief organizations, pursuant to Minnesota Statute Chapter 12, provided the operational needs of the City are not compromised. The Emergency Management Director, in consultation with the City Manager, is authorized to respond to requests for mutual aid assistance in the form of City resources to government agencies outside of Minnesota.

Subd. 2. The Administrative Services Director shall prepare necessary documentation for recovery of City expenses incurred in response to mutual aid to the extent possible pursuant to federal and state statutes and mutual aid agreements. The City will bill for services rendered for mutual aid when response time exceeds 12 hours.

Section 905 - Fire Prevention Code

905.01. **State Fire Code.** Subdivision 1. **Minnesota State Fire Code Adopted.** The Minnesota State Fire Code as adopted pursuant to Minnesota Statutes, Section 299F.011 and as modified by Minnesota Rules, Chapter 7511, is hereby adopted as the fire code for the City. Every provision contained in the Minnesota State Fire Code, except as modified or amended by this Section, is hereby adopted and made a part of this Section as if fully set forth herein. *(Ord. 94-18, 10/17/94; Ord. 2002-30, 11/12/2002; Ord. 2003-22, 7/22/2003; Ord. 2007-22, 8/14/2007; Ord. 2016-21, 8/9/2016)*

Subd. 2. **Enforcement.** The Building Official serving the City, or the representative authorized by the Building Official, shall enforce the provisions of this Section.

Subd. 3. **Minnesota State Fire Code Definitions Applied to this Section.**

A. Wherever the word "jurisdiction" is used in the Minnesota State Fire Code, it shall be held to mean the City of Plymouth.

B. Wherever the word “municipality is used in the Minnesota State Fire Code, it shall be held to mean the City of Plymouth. *(Ord. 2003-22, 7/22/2003)*

C. Wherever the words “Fire Chief or Fire Code Official” are used in the Minnesota State Fire Code, it shall be held to mean the Building Official for the City of Plymouth or the Building Official's authorized designee. *(Ord. 94-18, 10/17/94; Ord. 2003-22, 7/22/2003; Ord. 2016-21, 8/9/2016)*

Subd. 4. **Amendments Made in the Minnesota State Fire Code.** The following sections of the Minnesota State Fire Code are amended as follows:

A. Section 503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be paved having a seven ton driving capacity.

B. Section 507.5.1 Exceptions:

1. For buildings other than those regulated by the International Residential Code equipped throughout with an approved automatic sprinkler system installed in accordance with NFPA 13 or NFPA 13R, the distance requirement shall be one fire hydrant within 50 feet of the Fire Department connection, and 400 feet for other fire hydrants.

C. In addition to the appendices to the International Fire Code adopted in the Minnesota State Fire Code, the following appendix of the International Fire Code is adopted as part of the fire code for the City:

D. Appendix B (Fire-Flow Requirements for Buildings)
905.03. **Inspection Authority.** Duly authorized officers of the City may enter upon private property for the purpose of operating and maintaining fire hydrants. Fire hydrants shall be inspected annually by the City, and an annual inspection fee established by the City Council shall be charged for this service. There shall be no charge for multi-residential property. *(Ord. 99-26, 11/2/99)*

905.05. **Fire Apparatus Access Road Signs.** When a fire lane or emergency access has been ordered to be established, it shall be marked by a sign bearing the words "No Parking - Fire Lane" or a similar message. When a fire lane or emergency access is on public property or a public right-of-way, the sign or signs shall be erected by the City, and when on private property, they shall be erected by the owner at his own expense within 30 days after he has been notified of the order. Thereafter, no person shall park a vehicle or otherwise occupy or obstruct the fire lane or emergency access lane. *(Ord. 2003-22, 7/22/2003)*

905.07. **Fees.** The Building Official is hereby authorized to charge a fee for all plan checks and inspection work relating to fire extinguishing systems in accordance with Chapter X of this Code. *(Ord. 2003-22, 7/22/2003)*

905.09. **Interference with Department.** It is unlawful to give or make or cause to be given or made, an alarm of a fire without probable cause or to neglect or refuse to obey any reasonable order of the Fire Chief at a fire, or to interfere with the Fire Department in the discharge of its duties.

905.11. **Tanks Containing Flammable or Combustible Liquid or Gas.** The Building Official is hereby authorized to charge a fee for all plan checks and inspections of work relating to the installation, modification, removal or abandonment of all tanks containing flammable or combustible liquids or gas in accordance with Chapter X of this Code. *(Ord. 94-18, 10/17/94)*

905.13. **Fire Protection Plan Required.** An electronic and reproducible "as built" and Pre-Plan Fire Protection Plan, which shall include all information stipulated by the City of Plymouth, shall be submitted to and approved by the City of Plymouth prior to the issuance of a Certificate of Occupancy for all developments, other than one and two family dwellings for which site plan approval is required by the Plymouth Zoning Ordinance. *(Ord. 94-18, 10/17/94; Ord. 2002-30, 11/12/2002; Ord. 2003-22, 7/22/2003; Ord. 2017-05, 2/28/2017)*

905.15. **Fires or Cooking Devices on Balconies or Patios.** Subdivision 1. **Prohibition.** No person may kindle, maintain or cause any fire or Open Flame Fire or store or use any Cooking Device, fuel, torch, or other heating or lighting equipment or flammable chemicals on any balcony above ground level or on any ground floor patio immediately adjacent to or within 15 feet of any unit in any structure containing two or more vertically stacked residential units.

Subd. 2. **Exception; Permitted Cooking Devices in Certain Structures.** Subdivision 1 does not apply to the storage or use of Permitted Cooking Devices on balconies or ground floor
patios that are constructed of noncombustible material on five or six sides. Fuel for a Permitted Cooking Device must be stored in compliance with Subdivision 1 of this Section.

Subd. 3. Exception; Permanent Natural Gas and Electrical Cooking Devices. Natural gas fired or electrically heated Cooking Devices that are permanently mounted, plumbed to the building’s natural gas supply or electrically connected to the building’s electrical service, not merely plug-ins, and which maintain a minimum clearance of 16 inches on the sides and back of the device may be installed on balconies and patios.

Subd. 4. Definitions. For the purpose of this Subsection, the following terms shall have these meanings:

A. "Cooking device" means any barbecue, rotisserie, roaster, oven or similar equipment used in food preparation.

B. "Open flame fire" means any burning of fuel, and includes any torch, flare, decorative light, fondue or other heating, burning, or lighting equipment or device having an open flame.

C. "Permitted cooking device" means a cooking device fueled by briquettes or electricity or a permanently mounted natural gas cooking device as described in subdivision 3 of this subsection.

(Ord. 2003-22, 7/22/2003; Ord. 2016-21, 8/9/2016)
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Section 910 - Swimming Pools

910.01. **Fencing Requirements.** Fencing or other effective means, including but not limited to walls or buildings, shall be provided to positively control all access to Private Residential Pools. Fencing shall meet the following criteria:

A. The fencing shall prevent the entrance of children and be without hand or foot holds that would enable a child to climb over it.

B. The fencing shall be at least five feet high and entrances shall be equipped with self-closing and self-latching gates capable of being locked.

910.03. **Nuisance Prohibited.** No person shall operate, maintain or permit any Swimming Pool that creates a nuisance by annoying, injuring or endangering the safety, health, comfort or repose of the public.

*(Ord. 2003-20, 07/08/2003)*
Section 915 - Animal Control

915.01. Definitions. Subdivision 1. For purposes of this Section, the terms defined herein have the meanings given them.

Subd. 2. "Owner" means any person owning, keeping, harboring or having custody of a dog or other animal within the City.

Subd. 3. “Public nuisance animal” means any animal to which any of the following conditions apply:

A. Animals that are found on any property against the wishes of the owner of the property;
B. An animal that damages the property of anyone other than its owner;
C. Animals that are dangerous animals;
D. Animals that cause unsanitary conditions of enclosures or surroundings as determined by the county health officer;
E. Animals that are diseased animals dangerous to human health;
F. Animals that bark excessively or make prolonged and disturbing noises interfering with the peace and quietude of the neighboring property; or
G. Animals that have been determined to be strays.

Subd. 4. “Stray” (used as a noun) means any unidentified and unattended animal which appears to not have an owner. (Ord. 2009-18, 11/10/2009)

Subd. 5 “Unprovoked” means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

Subd. 6. “Unreasonably disturb the peace and quiet” shall mean generally, but is not limited to, the creation of any noise by any Animal which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or premises where the Animal is being kept and which animal noise occurs repeatedly over at least a five–minute period of time with one minute or less lapse of time between each animal noise during the five–minute period.

915.03. Duty of Animal Owners to be Responsible Owners. It shall be the duty of every owner of any animal, or anyone having any animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from his or her animal’s
behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with.

915.05. **Enforcement Procedures.** The City shall designate animal control officers and/or licensed peace officers for the purpose of enforcing the provisions of this Chapter and State Law. Any person may call or deliver a complaint to an animal control officer, or a licensed peace officer stating the facts and circumstances of an alleged violation of this chapter.

The officer may investigate such complaint. If a violation occurs in the presence of the officer, a citation may be issued. If a violation did not occur in the presence of the officer but probable cause of a violation exists, all reports, witness statements, and evidence may be submitted to the Plymouth City Attorney’s office for a determination of whether a formal complaint should be issued. The officer may also issue a notice of the violation to the owner of the animal. Such notice of violation shall state the date and time of the issuance of the notice, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and a demand that the offense be abated within 48 hours after the issuance of the notice. If the person fails to abate the offense, then the officer may issue a citation to the person. The animal involved may also be subject to impoundment.

No person shall interfere with, hinder, or molest a City animal control officer or licensed peace officer enforcing this Chapter or State Law. No person shall seek to release any animal in the custody of a City animal control officer or licensed peace officer except as herein provided.

915.07. **Animal Pound.**

Subd. 1. **Animal Pound Authorized.** The Council may provide for a City animal pound, either within or outside the limits of the City.

Subd. 2. **Enforcement.** It shall be the duty of the Director of Public Safety together with the person or persons designated by the City as Animal Control Officers to enforce the provisions of this Section and to transport or cause to be transported to the City Pound any or all dogs or other animals kept within the City contrary to the provisions of this Section. The Animal Control Officer is authorized to issue tags and sign complaints against any person for violation of the provisions of this Section. *(Ord. 2001-08, 2/27/2001; Ord. 2018-18, 9/25/2018)*

Subd. 3. **Animals Subject to Impoundment.**

1. Any unrestrained or unidentified animal required to be restrained or marked for identification by this Chapter may be impounded. *(Ord. 2009-18, 11/10/2009)*

2. Any animal meeting the definition of a public nuisance animal as defined in this Chapter may be impounded.
3. Any animal involved in a biting incident may be impounded as outlined in Section 915.23.

4. Any animal which has been declared either Potentially Dangerous or Dangerous pursuant to this Chapter or State Law and has violated any of the restrictions placed upon the animal.

5. Any animal found to be not properly sheltered from cold, hot or inclement weather, not properly fed or watered, or provided with suitable food and drink in circumstances that threaten the life of the animal in accordance with Minnesota Statute 343.29, Subd. (1).

Subd. 4. Redemption of Impounded Animals. Any animal so impounded shall be kept for at least five days, or at least ten days in the case of quarantine or animal impounded under Minnesota Statute 343.29, Subd. (1), unless sooner reclaimed by the Owner thereof. The Owner of any impounded animal may reclaim the same by paying the impounding fee prescribed in Chapter X plus the cost of the keep of such animal in said pound and any penalties due and payable and upon exhibiting proof of license, if the animal is required to have a license under this Chapter.

Subd. 5. Disposing of Unclaimed Animals. Any animal not reclaimed within five days after being impounded may be disposed of by the pound keeper, provided that such animal has not bitten or been suspected of biting any person. Under Minnesota Statute 35.71, Subd. 3, at the end of the five–day period, all animals which remain unredeemed must be made available to any licensed institution which has requested that number of animals.

Subd. 6. Accounting by Pound Keeper. The pound keeper shall keep an accurate account of all animals received at the pound and of all animals killed, released or disposed of therefrom, and shall make a monthly accounting thereof to the City. All records required by Minnesota Statute 35.71 shall be kept by the pound keeper.

915.09. Vaccination Requirements. Every dog, cat, or ferret over six months of age, kept as a pet shall be vaccinated against rabies. Because of techniques and tolerances, species limitations, and public health implications, animal rabies vaccines shall be administered only by or under the supervision of a veterinarian. Any animal for a species for which no rabies vaccination is licensed for that species by the United States Department of Agriculture shall be considered unvaccinated for rabies, regardless of that animal’s vaccination history.

However, no dog or cat need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness, or other medical consideration; and such exception certificate is presented to the animal control officer within five days of such examination. The animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner’s property or a veterinary facility.
915.11. **Identification Required.** All dogs and cats are required to have some identification on them that would assist animal control in contacting the owner. Identification allowed under this subdivision include microchips, veterinarian issued rabies certificates, or any tags or collars with contact information and phone number(s) inscribed on it.

*(Ord. 2009-18, 11/10/2009)*

915.15. **Abandonment.** It is unlawful for any person to abandon a dog or other Animal within the City.

915.17. **Dogs and Cats Prohibited from Running at Large.** **Subdivision 1. General Rule.** No owner of a dog shall permit it to be At Large within the City. Every Owner of a dog or cat shall keep it Under Restraint at all times. Exceptions to this requirement are dogs are allowed within an open body of water, not ice, for training or exercise purposes as long as they are not within 300 feet of any public swimming area and are not found to be creating a nuisance as defined in this ordinance and dogs in an off-leash dog park operated by the City. *(Ord. 2003-11, 5/13/2003; Ord. 2013-09, 3/19/2013)*

**Subd. 2. Exemption.** Cats who are outdoor cats within the City at the time of adoption of this ordinance may be exempt from this section of the ordinance for the lifetime of the animal by meeting the following requirements. The owner must register the cat by December 31, 1998, the cat is required to be spayed/neutered, and the owners must agree to be responsible for any damage to property done by the cat and work with victim and police to ensure solution to the problem being created.

**Subd. 3. Exemption.** If a cat is unable to be trained to be indoors and the only other option for the cat is euthanasia and the owner produces documentation from a certified veterinarian proving such, the cat may be allowed outdoors. In this circumstance the cat is required to be spayed/neutered, and the owners must agree to be responsible for any damage done to property by the cat and work with the victim and police to ensure solution to any problem being created. *(Ord. 98-43, 12/16/98)*

915.19. **Public Nuisances; Abatement of Nuisance; Notice of Violation.** No Owner shall permit his or her Animal to damage or foul any lawn, garden or other property. An Owner shall have the responsibility of cleaning up any feces of the Animal and to dispose of such feces in a sanitary manner. The City has the authority to impound any animal creating such a nuisance. Any owner or any individual walking an Animal off their own property must carry means to dispose of feces. Lack of such means is prima facie evidence of intent to violate this section of the ordinance. *(Ord. 98-40, 11/18/98)*

915.21 **Animal Limits.** **Subdivision 1.** No person shall own, harbor, keep or have custody of more than four dogs and cats in combination, no more than two of which may be dogs over six months old on their property without having first secured a Multiple Animal License as required herein, except individuals involved in any animal–related business. Individuals
involved in the business of selling, boarding, breeding, treating, or grooming animals must receive a Kennel License. Animals which have been specially trained and certified to perform certain tasks such as for handicapped, police K-9s, search and rescue, and other designated working animals are not counted in this requirement, nor are animals that are part of any registered foster parent program.

Subd. 2. Duration of Multiple Animal Licenses. Multiple animal licenses shall be issued on an annual basis and shall be made for the whole or unexpired portion of the year ending on December 31 next following the effective date of the license.

Subd. 3. Multiple Animal License Fees. The license fees for multiple animal licenses shall be as provided in Chapter X.

Subd. 4. Late-License Penalty Fee. If the multiple animal license is obtained after an animal has been impounded then there shall be a penalty fee added to the regular license fee as provided in Chapter X. This fee shall be paid in addition to any animal licensing, impounding or boarding fees which shall be required prior to release of the animal. (Ord. 2009-18, 11/10/2009)

Subd. 5. Multiple Animal License. Individuals must make application for a multiple animal license on forms provided by the City and submitted to the Police Department. A license issued or to be issued by the City may be denied for any of the following reasons: (Ord. 2001-08, 2/27/2001)

A. Fraud, misrepresentation, or incorrect statement contained in the application.

B. Conviction of any crime, or misdemeanor, pertaining to the keeping or care of animals.

C. Failure to submit or pass an annual inspection of the premises to ensure the health, safety and welfare of the animals under the applicant’s care as well as the public in general.

Subd. 6. Issuance of Multiple Animal License. Licenses will be administratively approved. In the event of denial, a grievance process is established within the City. First appeal shall be reviewed by the Director of Public Safety and final appeal shall be reviewed by the Council. Applications that are denied will be advised of the entire appeal process available to them at the time of denial and the reason for denial. The application process shall be as follows:

A. Requests for licenses shall be filed with the Police Department on an official application form provided by the City. Such application shall be accompanied by a fee as set forth in the City Code. (Ord. 2001-08, 2/27/2001; Ord. 2009-18, 11/10/2009)
B. Applications for licenses shall be approved or denied within 30 days from the date of its official and complete submission unless a time waiver is granted by the applicant.

C. The designated staff person shall conduct a background check on the applicant(s) to determine whether there have been any convictions for any animal-related offenses by the applicant(s).

D. The City shall conduct an inspection of the premises to ensure the health, safety, and welfare of the animals under the applicant’s care as well as the public in general. The inspector shall ensure the animals are receiving proper food, water, exercise, and overall care by using State Statute 346.39 as a guideline.

E. Unless the applicant(s) has not met one or more of the previous listed criteria, the license shall be granted.

(Ord. 98-43, 12/16/98)

Subd. 7. Kennel License. No person shall conduct any business of selling, boarding, breeding, treating, or grooming animals without obtaining a kennel license. Kennel licenses shall be issued on an annual basis and shall be made for the whole or unexpired portion of the year ending on December 31 next following the effective date of the license. The fee for the kennel license shall be as provided in Chapter X.

915.23. Animal Bites. Subdivision 1. Notice. Whenever any person owning, possessing or harboring any dog or other Animal within the City shall learn that such Animal has bitten any human being, such person shall immediately notify an animal control officer or licensed peace officer with the City.

Subd. 2. Animal Bites.

A. Impoundment. Whenever an animal control officer learns that any human being has been bitten by a dog or other Animal in the City, they shall ascertain the identity of such animal and the person owning, possessing or harboring it, and shall immediately direct such person to forthwith impound such Animal for a period of 10 days after the bite occurred as herein required. Said officer may seek whatever legal process is necessary to enter private property to carry out this directive. The animal shall be impounded for the quarantine period with evaluation of the rabies vaccination history of the animal taken into account. The officer may allow the animal to be quarantined at home if the animal has been currently vaccinated against rabies and the owners agree to quarantine requirements. The officer may also allow the animal to be quarantined at any licensed veterinary facility with a report on the animal’s health to the City at the end of the quarantine. The officer may also determine to quarantine the animal at the City’s official pound facility.
B. **Dogs, Cats, and Ferrets.** If a dog, cat, or ferret has bitten a human being while on the premises of its Owner and said animal is currently licensed (if required) and vaccinated against rabies infection, the Animal Control Officer may permit the animal to be impounded upon the premises of its Owner provided that it is kept apart from members of the general public during such impoundment period. If the animal is not currently vaccinated against rabies, does not reside within the City, or the bite took place off the owner’s property, the Animal Control Officer may require the animal to be impounded at the City’s authorized pound or at a licensed veterinary facility with a report back at the end of quarantine.

C. **Fees.** The impoundment fee for any Animal that is impounded in the City pound a second time for biting a human being shall be double the regular impoundment fee provided elsewhere in this Code. The Animal Control Officer shall order and direct the transport of such Animal to the City pound. Any Animal so impounded shall be kept continuously so confined for a period of 10 days after the day the animal bit a human being.

Subd. 3. **Rabies; Inspection.** It shall be the duty of the Animal Control Officer to insure that every animal that has bitten a human being is inspected from time to time during its period of confinement to determine whether such Animal is infected with rabies. For this purpose, the Animal Control Officer shall have access at all reasonable hours to the premises where such Animal is kept. The period of confinement for such Animal shall be terminated only upon the express authorization of the Animal Control Officer following inspection and the completion of 10 day confinement period.

915.25. **Potentially Dangerous or Dangerous Declarations.** All cases involving bites or any other cases involving behavior considered to be potentially dangerous or dangerous by the Animal Control Officer will be reviewed by the Designated Hearing Officer for the City.

Subd. 1. **Determination of Potentially Dangerous.** After review of cases involving bites or other behaviors, the officer shall determine that a dog is Potentially Dangerous, if the officer believes, based upon the officer’s professional judgment that a dog has:

A. When unprovoked, inflicted bites on a human being or domestic animal on public or private property; or

B. When unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any private property, other than the dog owner’s property, in an apparent attitude of attack; or

C. A known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 2. **Notice of Potentially Dangerous Dog.** Upon a determination that a dog is potentially dangerous pursuant to Minnesota Statutes, Section 347.50, Subdivision 3, and this
Chapter, the City shall provide a Notice of Potentially Dangerous Dog to the owner of such dog by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be potentially dangerous and shall give the owner the potential restrictions under the order and their rights to a hearing on the matter.

Subd. 3. Determination of Dangerous Dog. After review of all information presented, the officer shall determine that a dog is a Dangerous Dog if the officer believes, based on the officer’s professional judgment, that the dog has:

A. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or

B. Killed a domestic animal without provocation while off the owner’s property; or

A. Been determined to be a potentially dangerous dog, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 4. Exemption. Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

A. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; or

B. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

C. Who was committing or attempting to commit a crime at the time.

Subd. 5. Notice of Dangerous Dog. Upon a determination that a dog is dangerous pursuant to Minnesota Statutes, Section 347.50, Subdivision 2, and this Chapter, the City shall provide a Notice of Dangerous Dog to the owner of such dog by personally serving the owner or a person of suitable age at the residence of such owner. The notice shall describe the dog deemed to be dangerous. The notice shall also inform the owner of the right to appeal the determination by requesting a hearing within 14 days after receipt of the notice. Immediately upon receipt of the notice, the owner shall confine the dog in a proper enclosure or shall muzzle the dog whenever outside. If no timely appeal is received by the City, the owner of the dangerous dog shall comply with the requirements set forth in Minnesota Statutes, including but not limited to the registration of the dangerous dog with the designated animal control authority of the location where the dog resides. The Hearing Officer shall make such order as the officer deems proper including, but not limited to, destruction of the Animal, if consistent with state and federal law, transfer of the Animal to a zoo or other facility, and reimbursement by the Owner of the reasonable costs of temporary impoundment and transportation of the Animal. After the Owner of an Animal is given notice and an opportunity for a hearing as provided in this
subsection, the Director of Public Safety is authorized to order the destruction or disposition of any Animal which is determined to be a Dangerous Animal. The Director of Public Safety may order the Animal Control Officer to take the Animal into custody for destruction in which case the Owner shall immediately make the Animal available to the animal control officer. *(Ord. 2001-08, 2/27/2001; Ord. 2009-18, 11/10/2009; Ord. 2018-18, 9/25/2018)*

Subd. 6. **Hearing.** If the owner timely appeals the determination of a potentially dangerous or dangerous dog, a hearing shall be scheduled as soon as possible for the owner and hearing officer’s schedules. The hearing officer shall receive evidence whether the dog should be declared potentially dangerous or dangerous. The Minnesota Rules of Evidence need not be strictly followed, and the records of the Animal Control Officer or licensed peace officer shall be considered without further foundation. After considering all evidence submitted, the Hearing Officer shall make written findings of fact and reach a conclusion whether the dog is a potentially dangerous dog or dangerous dog pursuant to Minnesota Statutes 347.50 and this Chapter. The findings and conclusions shall be made within 10 working days after the hearing and shall be personally served upon the owner or a person of suitable age at the residence of such owner. The decision of the Hearing Officer shall be final, but is appealable to a court of law. *(Ord. 2009-18, 11/10/2009)*

Subd. 7. **Regulation of Dangerous Dogs.** The Owner of any dog determined to be Dangerous after given opportunity for a hearing provided above shall be required to abide by the following regulations. The dog shall be registered as provided in Minnesota Statute 347.51; and the owner shall secure the proper liability insurance or surety coverage as required under Section 347.51, Subd. 2; and the Owner shall keep the dog in a proper enclosure, or if the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration. *(Ord. 2009-18, 11/10/2009)*

Subd. 8. **Dangerous Animal at Large.** A Dangerous Animal running at large shall be apprehended by the animal control officer or any licensed peace officer and if the Animal bears no identification which reasonably reveals its ownership, the officer shall impound the Animal until the quarantine period is completed. If the Animal has not been claimed, it shall be destroyed at the end of the quarantine period. If the Animal is claimed, upon payment of kennel fees, it shall be released to the person paying such fees, and the process shall proceed as in Subdivision 3.

915.27. **Trapping.** Subdivision 1. **Definitions.** For purposes of this Subsection, the term “Trap” means any mechanical device, snare, artificial light, net, bird line, ferret, hawk, vehicle or contrivance used to trap, catch, snare, kill or otherwise restrain the free movement of any non-domestic animals, wildlife or birds; and the term “trapping” means the setting, laying or otherwise using a trap to catch, trap, snare, kill or otherwise restrain the free movement of non-domestic animals, wildlife or birds.

Subd. 2. **Trapping Prohibited.** All Trapping in the City is prohibited except:
915.27, Subd. 2

A. On private property when the owner of such private property has expressly consented to allow Trapping thereon; and

B. Upon the issuance by the Director of Public Safety of a permit therefore after a showing that such Trapping is necessary to eliminate a nuisance. (Ord. 2001-08, 2/27/2001; Ord. 2018-18, 9/25/2018)

Subd. 3. Exceptions. The provisions of this section 915.27 do not apply:

A. To persons who employ a Live Trap on their private property to prevent an unsafe condition, or the waste or destruction of their property, when such persons have complied with applicable state laws;

B. To governmental officers who may in the course of their duties be required to use a Trap to catch, trap, snare, kill or otherwise restrain the free movement of any animal, wildlife or birds for humane or other authorized purposes; and

C. To teachers for school programs or to scientists intending to identify animals, wildlife or birds and then return them to their natural environment.

Subd. 4. Prohibition of Steel Jaw Leg–Hold Traps. No person shall set or use a steel jaw leg–hold or killer trap within the corporate limits of the City unless specifically authorized to do so by a governmental agency on that government’s property.

915.29. Wild Animals Prohibited. Subdivision 1. No person shall keep or allow to be kept anywhere in the City a Wild Animal, unless with an administrative permit as part of a bona fide institutional program as allowed in Section 21170.01, Subd. 5 of the City’s zoning ordinance. Any Animal Control officer or licensed peace officer shall be empowered to immediately impound any Wild Animal found within the City, and to seek whatever legal process is necessary to enter private property to carry out this directive. It is not a defense to allege that the Animal has been tamed or born and/or raised in captivity. (Ord. 2009-08, 5/12/2009)

Animals which are considered exotic or non-indigenous, although not in the definition of a wild animal as found in this ordinance and which have been found to create a nuisance as noted in this Chapter or by allowing such animal to run at-large off the owner’s property cannot be kept as pets within the City.

Subd. 2. Notice and Hearing. The same notice and hearing provisions set forth in Subsection 915.25, Subd. 2 and Subd. 5 shall apply with respect to the issue of whether an Animal is “wild.” The Director of Public Safety shall make whatever order as he/she deems proper including, but not limited to, destruction of the Animal, if consistent with state and federal law, transfer of the Animal to a zoo or other facility, and reimbursement by the owner of the reasonable costs of temporary impoundment and transportation of the Animal. (Ord. 2001-08, 2/27/2001; Ord. 2018-18, 9/25/2018)
915.31. In the event that the provisions of Section 915 of the City Code provide inadequate protection for human life or property, the Director of Public Safety shall be authorized to seek court order(s) requiring immediate seizure, impoundment, destruction, or testing of an Animal, or other relief as required in the interests of public health and safety. (Ord. 2001-08, 2/27/2001; Ord. 2018-18, 9/25/2018)

915.33. Farm Animals. The keeping of farm animals within the City is regulated in the City’s Zoning Ordinance. Refer to Section 21170.01.

(Ord. 98-24, 7/22/98; Ord. 98-43, 12/16/98; Ord. 2016-12, 4/26/2016)
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Section 920 - Drug Abuse and Control

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

920.03. **Transfer.** No person shall, for the purpose of violating or aiding another to violate any provision of this Section, intentionally possess, buy, sell, transfer possession, or receive possession of any glue containing the intoxicating substances defined in Subsection 920.01.

920.05. **Sale at Retail.** Retail establishments selling glue containing the intoxicating substances defined in Subsection 920.01 shall not sell such glue from a self-service display.

920.07. **State Drug Control Law Adopted.** Minnesota Statutes, Section 151.40, as amended, and Minnesota Statute Chapter 152, as amended, relating to prohibited drugs, are hereby adopted by reference and are as much a part of this Code as if fully set forth herein. A violation of the Statutes herein adopted is a violation of this Code.
Section 925 - Curfew

925.01. Ordinance Adopted by Reference. Hennepin County Ordinance No. 16, as amended, regarding juvenile curfew is hereby adopted by reference and made a part of this Code as if fully set forth herein.

(Ord. 98-29, 9/02/98; Ord. 99-18, 6/01/99)
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Section 930 - Use of Firearms

930.01. **General Rule.**

No person shall engage in hunting or shoot or discharge any firearm, air rifle, pellet gun, crossbow, bow, or any other weapon within the corporate limits of the City except as follows:

A. Persons duly authorized to act as law enforcement officers, or members of the military forces of the United States or the State of Minnesota in the discharge of their duties.

B. Persons engaged in target shooting, with inanimate objects as targets within a building or structure totally enclosed where the sound of the shooting or discharge will not be a nuisance to persons occupying adjacent property.

C. Persons engaged in target or trap shooting on target or trap shooting ranges licensed by the City.

D. Persons acting in self-defense when the use of firearms for that purpose would not be otherwise unlawful.

E. For the destruction of Animals, birds, or reptiles which are diseased, injured, dangerous or causing destruction to property by persons specifically authorized to do so by the City Manager.

F. Persons engaged in target shooting with bows and arrows, provided that such target shooting does not occur within 100 yards of any dwelling, place of business, school, religious institution or other structure likely to be occupied by people measured from the closest property line of the target range to the adjacent building. *(Ord. 2009-08, 5/12/2009)*

G. Persons engaged in the taking of Rough Fish by bow and tethered arrow pursuant to Subsection 930.05.

930.03. **Target and Trap Shooting.**

Subd. 1. **License Required.** No person shall either operate a target or trap shooting range, or permit target or trap shooting upon any property or premises owned or controlled by him or her, until a license has been granted by the Council pursuant to this section. The license shall expire on December 31 of each year.

Subd. 2. **Application.** The license application shall include the following information:

A. Name and address of property owner and operator of the target or trap shooting activities;

B. Street address and legal description of the property;
C. Site plan showing location of shooting facilities and area in which shooting will occur;

D. Detailed description of proposed activities, including estimated number of users and proposed hours of operation;

E. The environmental audit as required by Subdivision 3 herein; and

F. Such additional information as the City may request.

Subd. 3. Environmental Audit. An environmental audit in a form and by an entity acceptable to the City shall be included as part of the following applications:

A. All applications for licenses to permit activities commencing January 1, 1997 and every fifth year thereafter; and

B. The initial license application to commence or recommence trap or target shooting activities at a particular location, and every fifth year thereafter.

The environmental audit shall include an analysis of any existing or potential adverse environmental impacts resulting from the shooting activity, compliance or noncompliance with applicable federal or state regulations and techniques for minimizing adverse impacts.

Subd. 4. Conditions of Approval. Every license issued under this section is conditioned upon the activity complying with all applicable federal and state statutes and regulations. Additionally, the Council may impose such other conditions as it deems appropriate to protect the health, safety and welfare including, but not limited to, hours of operation, caliber of rifle or other firearm to be used and conditions to mitigate or prevent existing or future adverse environmental impacts.

Subd. 5. License Fee. The annual license fee is set forth in Chapter X.

(Ord. 95-51, 11/14/95)

930.05. Bow Fishing. Persons properly licensed by the State may take Rough Fish from public and private waters by bow and tethered arrow during the months allowed under State law from sunrise to sundown. The arrow shall be tethered by a line no more than 20 feet in length. Any person bow fishing shall always shoot the tethered arrow directly into the water. Fish, once taken, shall not be returned to any waters, nor shall fish of any kind be left on the banks of any waters or any public or private property. Persons bow fishing shall not trespass on private property. Persons shall not bow fish within 100 feet of any dwelling, place of business, school, religious institution or other structure likely to be occupied by people. Persons under the age of 12 shall be accompanied by a person of legal age. (Ord. 2009-08, 5/12/2009)

(Section 930.07 repealed by Ordinance No. 2011-29, 10/25/2011)
930.11. Civil/Criminal Liability. Nothing in this Section shall authorize the use of any firearms, air rifle, pellet gun, crossbow, bow, or other weapon in a manner which will endanger any human being or property, and no license or permit granted hereunder shall in any way relieve the person acting thereunder from civil liability for any damage resulting from such use. Violation of this section is a Misdemeanor. (Ord. 95-49, 10/24/95)

(Ord. 2011-29, 10/25/2011)
Section 935 - Improvised Explosive Device Threat/Emergency

935.01 Definitions.

Subd. 1. “Improvised Explosive Device” means a bomb constructed and deployed in ways other than in conventional military action. A homemade or make shift bomb.

Subd. 2. “IED Threat” means a bomb threat condition will exist when a suspected bomb/explosive device has been reported but not located.

Subd. 3. “IED Emergency” means a bomb emergency will exist when a suspected or actual bomb/explosive has been located or when a detonation occurs.

935.02 Evacuation of Buildings. The City Manager, Director of Public Safety, Fire Chief or an official designated by any of them, may order the evacuation of any building or area when there is probable cause to believe that an IED is in such building or area and when in the judgment of the official such evacuation is necessary to protect the health, safety and welfare of persons within such building or area. Upon the issuance of such an order, all persons within the building or area to be evacuated shall promptly comply with such order.

935.03 Bomb Threats. Subdivision 1. It is hereby declared to be unlawful for any person to threaten to discharge any IED or to detonate an IED any building or place or, as a hoax, to communicate or cause to be communicated the fact that an IED or other explosive device has been placed in any building or in any location whether specifically identified or not.

Subd. 2. It shall be unlawful for any person to knowingly permit any telephone or other means of communication under his/her control to be used for any purpose prohibited by Subdivision 1 hereof.

Subd. 3. It shall be unlawful for any person, as a hoax, to place or cause to be placed in any location any article with the intent to give the impression that such article possesses explosive capability.

(Ord. 2018-18, 9/25/2018)
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Section 940 - Open Burning

940.01. **Open Burning.** Except as otherwise permitted by this Section, no person shall start or allow any Open Burning on any property in the City without first having obtained an Open Burn Permit. *(Ord. 94-12, 7/11/94; )*

940.03. **Conditions Appropriate for Open Burn Permit Issuance.** The Fire Department may issue a Burning Permit for any of the following conditions or reasons:

   A. Fires set for the elimination of a fire hazard which cannot be abated by any other practical means.

   B. Fires purposely set for forest, prairie and game management purposes when no other alternative methods are practical.

   C. The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of parks, street, roadway, highway or railroad right-of-way and in accepted agricultural land management practices where chipping, composting, landscaping or other alternative methods are not practical.

   D. The disposal of diseased trees generated on site, diseased or infected nursery stock or diseased bee hives.

   E. Ground thawing for utility repair and construction.

940.05. **Regulations.** Subdivision 1. **Prohibited Materials.**

   A. No permit may be issued for the Open Burning of oils, petrol fuel, rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood, composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.

   B. No permit shall be issued for the Open Burning of hazardous waste or salvage operations, solid waste generated from an industrial or manufacturing process or from a service of commercial establishment, or building materials generated from demolition of a commercial or industrial structure, or discarded material resulting from handling, processing, storage, preparation, serving or consumption of food.

Subd. 2. **Location.** The location of the burning shall not be within 600 feet of an occupied residence other than those located on the property on which the burning is conducted, or an adequate distance as determined by the Fire Department. Also, the location shall not be within 50 feet of a structure or other combustible material on the property on which the burning is conducted, or an adequate distance as determined by the Fire Department.
The burning shall be conducted as far away as practical from any highway or public road and controlled so that a traffic hazard is not created.

Subd. 3. **Weather.** The prevailing wind at the time of the burning shall be away from nearby residences and must be less than 15 miles per hour.

Subd. 4. **Time.** Open burning is prohibited in the City at any time the fire danger level is at or above VERY HIGH as defined by the Minnesota Department of Natural Resources (DNR). Current fire danger levels can be found at the DNR website or as ordered by the Fire Chief.

Subd. 5. **Permit Period.** Permit period is as defined by the Fire Department.

Subd. 6. **Stumps.** No stumps are allowed in the burn.

Subd. 7. **Year Round Requirement.** Permits are required year round.

Subd. 8. **Open Burn Permit Holder Responsibility.** The holder of an approved Open Burn Permit shall be held responsible to the following:

A. The morning of the proposed burn, notifying the Fire Department of the proposed burn.

B. Prior to starting an Open Burn, confirming that no burning ban or air quality alert is in effect.

C. Having a valid permit in possession at the burn site at all times during the burn, available for inspection by the Police and/or Fire Department, DNR, Forest/Conservation Officer, or the City Forester.

D. Constant attendance by the permit holder or competent representative during a burn event.

E. Availability at the burn site of appropriate communication and fire suppression equipment as required by the permit or any fire safety plan approved by the City as part of the permit process.

F. Completely extinguishing the Open Burn fire before the permit holder or representative leaves the site and/or before dusk.

G. Incurring all costs resulting from the burn including, but not limited to, fire suppression, administrative fees, property damage, and personal injuries.

H. Complying with and implementing all general and special conditions under this Section and required by the permit. *(Ord. 94-12, 7/11/94)*
940.07 Procedure for Open Burn Permit Guideline. The procedure for issuing an Open Burn Permit shall be as follows:

A. Application for a Burning Permit shall be submitted to the Fire Department, on a form prescribed by the DNR and adopted by the City, at least seven days prior to the proposed date of the burn.

B. The Fire Department shall review the application to insure compliance with the provisions of this section and any applicable State laws and/or regulations.

C. The Fire Department shall inspect the proposed burn site on such occasions and at such time as is deemed necessary to adequately review the application. Submission of the application shall constitute authorization for the Fire Department to enter the premises for this purpose.

D. Within seven calendar days after receipt of the application, the Fire Department shall either grant or deny the application. (Ord. 94-12, 7/11/94)

E. The fee for an Open Burn Permit is set forth in Chapter X.

940.09 Denial of Open Burn Permit. Applications for a Burning Permit may be denied for any of the following reasons, which shall be set forth in writing:

A. The proposed fire or burn site does not meet the requirements of this section.

B. The Fire Department determines that there is a practical alternative method of disposal of the material.

C. The Fire Department determines that the fire would result in a pollution or nuisance condition.

D. The Fire Department determines that the burn cannot be safely conducted and no plan has been submitted to adequately address the safety concerns. (Ord. 94-12, 7/11/94)

940.11 Revocation of Open Burn Permit. An officer of the DNR or the Fire Chief may revoke any Burning Permit for appropriate reasons including, but not limited to:

A. A fire hazard exists or develops during the course of the burn.

B. Pollution or nuisance conditions develop during the course of the burn.

C. A reasonable, practical alternative method of disposal of the material exists.
D. Any of the conditions of the permit are violated during the course of the burn.  *(Ord. 94-12, 7/11/94)*

940.13. **Exemptions From Open Burn Permit Requirements.**  Subd. 1. **Training Fires.**  Fires purposely set under the supervision of the Fire Department for the instruction and training of fire fighting personnel shall be exempt from the prohibition of Section 940.01.

Subd. 2. **Camp/Recreational Fires.**  Camp and/or Recreational Fires meeting the conditions below do not require an Open Burning Permit:

A. **Camp/Recreational Fire Site Requirements:**  A Camp/Recreational fire shall be located within an area of no more than three foot diameter circle (measured from the inside of the fire ring or border), completely surrounded by non-combustible and non-smoke or odor producing materials, either of natural rock, cement, brick, tile or block of ferrous metal only and which area is depressed below ground, on the ground, or on a raised bed.  Permanent outdoor wood burning fireplaces shall also meet these requirements.  Camp/Recreation Fire sites shall not be located closer than 25 feet to any structure.

B. **Camp/Recreational Fire Burn Requirements:**  When a Camp/Recreational Fire is used for recreational purposes, it must comply with the following requirements:

1. The Fire is ignited with approved materials.

2. Only clean Wood or charcoal may be burned.  No burning of trash, leaves or brush is allowed.

3. Fire-extinguishing equipment, such as buckets with sand and/or dirt, shovels or garden hoses, are readily available.

4. The fire is constantly attended by a person knowledgeable in the use of fire extinguishing equipment and an attendant supervises the fire until the fire has been totally extinguished.

5. Respect is given to weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created.

6. Recreational fires are prohibited in the City at any time the fire danger level is at or above VERY HIGH as defined by the DNR.  Current fire danger levels can be found at the DNR website or as ordered by the Fire Chief.
C. Categories Not Included. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices and Burners are not defined as Camp or Recreational Fires.

Subd. 3. DNR-Permitted Fires. Fire training and permanent burn sites with DNR permits shall be exempt from the prohibition of Section 940.01.

940.15. Burning Ban or Air Quality Alert. No Camp/Recreational Fire or Open Burn will be permitted when the City or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert. (Ord. 94-12, 7/11/94)

940.17. Rules Adopted by Reference. Minnesota Statutes 88.01 to 88.22, 88.75, 88.76, as amended, and Minnesota State Fire Code, as amended, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein. (Ord. 94-12, 7/11/94; Ord. 2003-22, 7/22/2003)

940.19. Penalty. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor. (Ord. 94-12, 7/11/94)

(Ord. 2011-29, 10/25/2011; Ord. 2012-17, 5/08/2012)
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Section 945 - Child Endangerment

945.01. **General Rule.** A parent, legal guardian, or caretaker who causes or permits a child under the age of five (5) to remain unattended in a motor vehicle is guilty of child endangerment if:

A. Weather conditions present a threat to the child due to exposure to dangerous temperatures, air quality or lack of ventilation; or

B. The child’s physical environment within the motor vehicle constitutes a threat to the child’s safety; or

C. The child is left unattended for an unreasonable period of time considering the totality of the circumstances. A child left unattended for greater than three minutes constitutes prima facie evidence of child endangerment; or

D. The child is left unattended in a motor vehicle with unlocked doors with or without an open ignition; or

E. The motor vehicle containing the child is out of the direct view of the parent, legal guardian or caretaker.

For purposes of this ordinance, it is not a defense that the parent, legal guardian, or caretaker leaves within the vehicle another child under the age of 10 to supervise the child. A caretaker is anyone age 16 or older who assumes or has responsibility for the welfare of the child left in the motor vehicle.

945.03. **Penalty.** Any person who violates Section 945.01 is guilty of a misdemeanor, and upon conviction shall be punished by a fine and imprisonment consistent with the State law for misdemeanor crimes, plus reasonable prosecution costs.

*(Ord. 94-21, 11/21/94; Ord. 99-03, 1/19/99)*
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Section 950 - Solicitation of Underage Persons to Enter a Motor Vehicle

950.01. General Rule. Whoever solicits, invites, forces, commands, coerces, persuades, or attempts to persuade a person under 18 years of age or a person who the actor reasonably believes to be under the age of 18 years of age, to enter a motor vehicle, with intent to commit a crime, is guilty of a misdemeanor. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense.

(Ord. 95-26, 5/02/95; Ord. 2018-18, 9/25/2018)
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Section 955 - Graffiti Control

955.01. Purpose.

A. The Council finds that graffiti is an increasing problem in the City. The Council finds that quick removal of graffiti may assist in preventing encouragement of the defacement of property.

B. The Council further finds that graffiti creates a condition of blight which can result in the deterioration of property values and is inconsistent with the City’s property maintenance goals and aesthetic standards. In addition, unless graffiti is removed, other properties soon become the targets of graffiti.

C. The Council hereby declares its intention to minimize and to quickly remove graffiti to limit its adverse impact on City youth and neighborhoods. Graffiti is hereby declared to be a public nuisance and a public health and safety hazard for purposes of Minnesota Statutes, Section 429.101, Subd. 1(c) and Section 429.021, Subd. 1(8).

955.02. Definitions. For purposes of this section, the terms defined in this section shall have the following meaning ascribed to them.

“Graffiti” shall mean any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any surface of objects such as buildings, walls, fences, sidewalks, curbs, trees, rocks, or other permanent structures or objects on public or private property or the interior surfaces of those parts of buildings accessible to the general public and which have the effect of defacing the property.

955.03. Unlawful Conduct Regarding Creation of Graffiti. It shall be unlawful for any person to intentionally place graffiti on any surface or the interior surfaces of those parts of buildings structures or property accessible to the general public located on public or private property except with the permission of the person in lawful ownership or possession of such property and in accordance with the requirements of the City’s sign ordinance. (Ord. 2018-18, 9/25/2018)


A. A property owner may ask the City to remove graffiti from the owner’s property before being ordered to do so following the abatement procedure set forth in Subsections 955.05 through 955.08. If the City agrees to remove the graffiti, the City shall have the property owner or its designated agent sign a release of liability form and a consent form authorizing the City or its agents to enter onto the property. In the case of commercial property, the property owner
shall be liable for all costs incurred in removing the graffiti. In the case of residential property, the ability of the property owner to pay the costs will be assessed. To remove the graffiti, the City may use City employees, authorize a private contractor. The City will be responsible for costs incurred with cleanup on public property. If cleanup is provided by the City, the City may collect the costs as a special assessment pursuant to Minnesota Statutes, Section 429.101, Subd. 1(c) if the property owner fails to reimburse the City upon request. (Ord. 2018-18, 9/25/2018)

B. If an owner does not remove graffiti and does not ask the City to remove graffiti from the owner’s property before being ordered to do so, the City may remove the graffiti by following the abatement procedure set forth in Subsections 955.05 through 955.08 herein.

955.05. City Police to Identify.

A. Based upon information received from the public or upon police observation, the Police Department shall investigate and identify graffiti. After the police department has verified the existence of graffiti, the department shall send a letter to the property owner by certified mail or personal delivery, with affidavit of service, informing the property owner about the graffiti and requesting the removal of the graffiti within a reasonable period of time which shall be less than 30 days, based upon consideration of weather conditions and other relevant factors. The police department shall verify whether the graffiti has in fact been removed.

B. If the Police Department finds that the graffiti has not been removed within the time allotted, the department shall contact the City Clerk, who shall schedule a public hearing. The City Clerk shall notify the affected property owner of the hearing date, the preliminary findings that graffiti exists on the owner’s property, and that the Council may, after the hearing, order the removal of the graffiti by the property owner or the City; and, if the City has to remove the graffiti, the costs will be assessed against the owner’s property.

955.06. Hearing.

A. At a hearing before the Council, the Council shall receive evidence from the police department and from any other persons with knowledge as to the existence of graffiti. The property owner shall be entitled to be heard on all matters relating to graffiti and the process of removal. The existence of graffiti must be proven by a preponderance of the evidence.

B. If the Council finds that graffiti exists, the Council shall direct its removal in accordance with Subsections 955.07 and 955.08.

955.07. Notice to Owner.
A. In the event the Council finds that graffiti exists, the City Attorney shall mail a written order to the owner of the subject real property, addressed to the owner’s last known address. The written order shall:


2. Inform the owner that the Council has found graffiti exists on the owner’s property.

3. Request that the owner remove or obliterate the graffiti within a reasonable time as determined by the Council.

4. Inform the owner that a motion for summary enforcement of the order will be made to the District Court for Hennepin County unless corrective action is taken within the time allotted, or unless an answer is filed within 20 days from the date of service of the order. An answer to the order must be served in the manner of an answer in a civil action and must specifically deny such facts in the order as are in dispute.

B. Service of the Order. The written order shall be served upon the owner of record or the owner’s agent if an agent is in charge of the building or property, and upon the occupying tenant, if there is one, and upon all lienholders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon the owner by posting it at the main entrance to the building or upon the structure, and by four weeks published notice in the official newspaper of the City or any legal newspaper in the county.

C. Filing of Order. A copy of the order with proof of service shall be filed with the court administrator of the District Court for Hennepin County not less than five days prior to the filing of a motion for enforcement of the order.

D. Default. If no answer is served, the City may move the court for the enforcement of the order. If such motion is made, the court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the City may proceed with the enforcement of the order and specifically authorizing the City to enter the property to remove or abate the graffiti.

E. Contested Cases. If an answer is filed and served, further proceedings in the action shall be governed by the Rules of Civil Procedure for the District Courts. If the order is sustained following the trial, the court shall enter judgment and shall fix a time after which the graffiti must be removed in compliance with the original order as filed or modified by the court. If the order is not sustained, it shall be annulled and set aside. The court administrator shall
cause a copy of the judgment to be mailed forthwith to persons upon whom the original order was served.

F. Enforcement of judgment. If the owner of record fails to comply with the judgment by failing to remove the graffiti within the time prescribed, the City may enter the property and remove the graffiti as set forth in the judgment.

955.08. Costs to be Assessed.

A. In the event the City removes the graffiti, the costs of the removal may be a lien against the real estate on which the building or structure is located, or recovered by obtaining a judgment against the owner of the real estate on which the building or structure is located. A lien may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Sections 429.061 to 429.081, but the assessment is payable in a single installment.

B. The City shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses incurred in connection with its enforcement including filing fees, witness fees, expert witness fees, and traveling expenses incurred by the City from the time the order was originally made. The City shall report its action under the order with a statement of expenses incurred to the court for approval and allowance. The court shall, by its judgment, certify the deficiency in the amount so allowed to the City Clerk for collection.

955.09. Graffiti Abatement Civil in Nature. Subsection 955.07 or 955.08 relating to the abatement of graffiti shall not be treated as Misdemeanors nor shall they be criminal in nature.

955.10. Penalty. Any person who violates any provision of Section 955.03 is guilty of a Misdemeanor; and upon conviction thereof shall be punished by a fine and/or imprisonment consistent with State Law for Misdemeanor crimes, plus the costs of prosecution.

(Ord. 97-19, 9/03/97)
Section 960 - Public Peace and Safety

960.01. Findings and Purpose. The purpose of this Chapter of the Code is to prohibit certain conduct that is harmful to the health, safety, and welfare of the community and to prevent and abate nuisance conduct, events, characteristics or conditions and their deleterious effects on City neighborhoods by maximizing the means and methods by which public officers can efficiently and effectively enforce the law and by imposing and collecting service call fees from the owner or occupant, or both, of real property to which public officers are repeatedly called to respond to nuisance violations as set forth in this Chapter of the Code. The Council finds that excessive noise, disruption and other public nuisance activities are injurious to the public health, safety and welfare and interfere with the quiet enjoyment of life and property and that excessive nuisance service calls unduly divert law enforcement resources from general crime prevention and law enforcement. The excessive nuisance service call fee is intended as a cost recovery mechanism for excessive law enforcement services, over and above the cost of normal law enforcement services to the public, attributable to unabated nuisance conduct, conditions or characteristics occurring, maintained or permitted to exist on the private property. It is not intended to constitute punishment separate from or in addition to any criminal prosecution for the conduct underlying the nuisance or excessive nuisance service calls. Nothing herein is meant to limit constitutional rights under the federal or state constitution.

960.02 Definitions. When used in this Chapter, the following words, terms, and phrases shall have the following meanings, unless the context clearly indicates otherwise:

A. Abatement notice. Notice served upon property owner and interested party by the City Manager of law enforcement responses to two or more nuisance service calls within a 365-day period on property in which they have an interest pursuant to Section 960.03, subdivision 3, paragraph (c) of this Code.

B. Alcoholic beverage. Any beverage containing more than one-half of one percent alcohol by volume.

C. Clandestine lab site. Any structure of conveyance or outdoor location occupied or affected by conditions or chemicals typically associated with the manufacture of methamphetamine or any other unlawful manufacture of a controlled substance.

D. Disorderly house. Any residential property which disturbs, injures or endangers the peace, comforts, health, welfare, safety or character of the neighborhood or community. A residential property that has three or more verified nuisance service call incidents as set forth in Subsection I of this section within a 365-day period will be deemed a disorderly house.
E. False report to public officer. A report to any public officer that a violation of Code or state law has been committed, knowing that the conduct or conditions reported do not constitute a crime or that the report is false and intending that the public officer act in reliance upon the report.

F. Incident. Single behavioral incident as defined by Minnesota Statutes Section 609.035, as may be amended from time to time. In the case of property conditions or characteristics constituting a nuisance, a single behavioral incident constitutes those violations, the existence of which is the result of a single illegal objective or coincident errors of judgment.

G. Interested party. Any known lessee or tenant of the residential property or affected portion of the residential property; any known agent of an owner, any known management company.

H. Nuisance incident notice. Notice served upon property owner and interested party by the City Manager of a law enforcement response to a nuisance service call to property in which they have an interest pursuant to Section 960.03, Subdivision 3, paragraph (a) of this Code.

I. Nuisance service call. Public officer response to a verified incident of any activity, conduct or condition occurring on private property that is likely to unreasonably interfere with the quiet enjoyment of neighboring properties or the safety, health, morals, welfare, comfort, or repose of the residents therein, including without limitation:

1. Unlawful gathering, as defined in subsection (o) of this Section.

2. Disorderly conduct, as defined by Minnesota Statutes Section 609.72, as may be amended from time to time.

3. Assault, as defined by Minnesota Statutes Sections 609.221, 609.222, 609.223, 609.2231, and 609.224, as may be amended from time to time, excluding domestic assaults.

4. Public nuisance, as defined by Section 2010.01, Subdivision 1 of this Code or Minnesota Statutes Sections 609.74 - .745, as may be amended from time to time.

5. Noise in violation of Section 2025 of this Code.

6. Unlawful consumption of alcoholic beverages in violation of
Section 2005.15 of this Code.

7. The unlawful furnishing, sale, use, or possession of intoxicating liquor or non-intoxicating malt liquor in violation of Minnesota law or Chapter XII of this Code.

8. The possession or use of gambling devices or the conduct of any gambling in violation of Minnesota law.

9. Prostitution in violation of Minnesota law or acts relating to prostitution, or the conduct of unlicensed escort services, sexually oriented business or massage or massage services, in violation of Minnesota law or Chapters 615 and 1175 of this Code.

10. The unlawful sale, use, or possession of controlled substances as defined in Minnesota Statutes Section 152.02, as may be amended from time to time.

11. The unlawful sale or possession of small amounts of marijuana in violation of Minnesota Statutes 152.027, Subd.4.

12. The unlawful possession or use of drug paraphernalia in violation of Minnesota Statutes 152.092.

13. Indecent exposure in violation of Minnesota Statutes Section 617.23, as may be amended from time to time.

14. Unlawful use or possession of a firearm in violation of Minnesota law or Section 930 of this Code.

15. Failure to comply with dangerous dog requirements in violation of Section 915 of this Code or Minnesota Statutes Chapter 347.

16. Failure to comply with animal noise regulations in violation of Section 915 of this Code.

17. Failure to restrain a domestic animal in violation of Section 915 of this Code.

18. Cruelty to animals in violation of Minnesota law.

19. Excess number of domestic animals in violation of Section 915 of
20. Illegal possession of a wild animal in violation of Section 915 of this Code.

21. Unlicensed dog in violation of Section 915 of this Code.

22. Illegal open burning in violation of Section 940 of this Code.

23. Illegal refuse in violation of Section 600 of this Code.

24. Abandoned or junk vehicles in violation of Minnesota law.

25. Illegal exterior storage in violation of Section 21105.11 of the Zoning Ordinance.

26. Illegal parking or storage of recreational vehicles in violation of Section 21105.11 of the Zoning Ordinance.

27. Illegal parking or storage of vehicles in violation of Section 21105.11 of the Zoning Ordinance.

28. False report to public officer in violation of Section 960.03, Subdivision 2 of this Code.

29. Rental of a dwelling unit without a license or in violation of the conditions of licensure in violation of Section 410 of this Code.

30. Illegal home occupation in violation of Section 21145 of the Zoning Ordinance.

J. Private property. Any real property the legal ownership of which, as officially recorded by Hennepin County, is held by one or more natural persons, a partnership, including a limited partnership, a corporation, including a foreign, domestic or non-profit corporation, a trust, or any other organization, but not including the State of Minnesota or any of its political subdivisions, the federal government or any other governmental agency or entity. The existence of any public easement, right-of-way or other limited right of access on the property not, for the purpose of this Article of the Code, be deemed to transform private property to public property.

K. Property. Means a parcel or contiguous parcels of real property, including
buildings and other structures thereon owned by the same legal entity and under common management. In the case of multi-unit residential or commercial property, the term shall apply to the entire complex.

L. Public officer. A police officer, fire marshal or inspector, community service officer, building inspector, or code enforcement inspector, each of whom, for the purposes of this Article, shall be considered law enforcement officers.

M. Public place. An area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and buildings open to the general public, including those buildings in which food or drink is served or entertainment or lodging is provided.

N. Residential property. Any real property containing a structure suitable for affording shelter for human beings, including any appurtenant or connected structure, including trailers, mobile homes, multiple family dwellings, buildings containing multiple dwelling units, and any property situated within a residential zoning district.

O. Unlawful gathering. Any party or gathering where there is any of the following conduct or behavior:

1. The unlawful sale, furnishing, use, or possession of intoxicating liquor or 3.2 percent malt liquor in violation of Minnesota law and Chapter XII of this Code;

2. The unlawful sale, use, or possession of controlled substances as defined in Minnesota Statutes, Section 152.02, as may be amended from time to time;

3. The unlawful sale, use, or possession of tobacco-related products in violation of Minnesota law or Section 1150 of this Code;

4. Any conduct, activity or condition constituting a violation of Minnesota laws or this Code prohibiting or regulating prostitution, gambling, firearms, disorderly conduct, public nuisance, or permitting a public nuisance;

5. Any conduct or activities likely to disturb non-participating persons by:

   a. Noise of sufficient volume, or of such nature by virtue of its type, persistence, time of day or location, to disturb; the peace,
quiet, or repose of non-participating persons nearby in the manner and according to the standards set forth in Section 2025 of this Code;

b. Assaultive behavior;

c. Unlawful consumption of alcoholic beverages in violation of Section 2005.15 of this Code;

d. Urinating in public;

e. Public indecency or indecent exposure in violation of Minnesota Statutes Section 617.23, as may be amended from time to time.

P. Verified incident. An incident where there is a law enforcement response and a public officer, having completed a timely investigation, is able to find evidence of nuisance conduct, conditions or characteristics as set forth in Section 960.02(i) of this Code. It shall not be necessary that criminal charges be brought or convictions obtained relative to the incident. Multiple offenses verified during a single response shall count as one response for the purpose of imposing an excessive nuisance call service fee. Verified incidents shall be attributable separately to the source of the nuisance conduct, condition or activity, as follows:

1. The same tenant or lessee or persons acting in conjunction with or under the control the same tenant or lessee;

2. The same rental unit while occupied by the same tenant or lessee or within two or more rental units by the same tenant or lessee;

3. The property owner or persons acting in conjunction with or under the control of the property owner who either actively participated in the creation of the nuisance conduct, condition or characteristic or who knew or should have known of the ongoing nuisance conduct, condition or characteristic and failed to take reasonable steps to abate it.

Q. Verified incident follow-up. Where there has been a prior verified incident of property conditions or characteristics constituting a nuisance, each subsequent response to those same conditions or characteristics initiated by the City as follow-up during a course of remediation, shall not constitute an additional verified incident unless additional nuisance conditions or characteristics constituting additional incidents are found to exist.
960.03 Prohibited Conduct.

Public Nuisance Prohibited. Subdivision 1. Any person who shall knowingly commit, cause or create a public nuisance or permits a public nuisance condition to be created or placed upon or to remain upon any private property owned, under the control of, or occupied by that person, or any publicly-owned property, including tax-forfeited property under public control, shall be guilty of a misdemeanor. In addition, the City may enforce this Subsection by injunctive action or other appropriate civil remedy.

Disorderly House and False Report To Public Officer Prohibited. Subdivision. 2. It shall constitute a misdemeanor to do any of the following:

A. To keep, permit or be present in a disorderly house; as defined in Section 960.02(d) of this Code;

B. Be an owner or person in control of any residential property and to permit the building to be used as a disorderly house; or

C. To provide a false report to any public officer.

Excessive Nuisance Service Call. Subdivision 3.

A. Nuisance Incident Notice. Where the City Manager determines that public officers have been dispatched to private property on a nuisance service call as defined in section 960.02, I of this Code, the City Manager may issue a written nuisance incident notice to the owner of the property, and may provide a copy thereof to any other interested parties. The nuisance incident notice may be served upon the owner of said premises by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address determined by the most recent property tax records maintained by Hennepin County for said premises. The service of a nuisance incident notice, as provided herein, shall be prima facie evidence that the owner has knowledge of and has permitted subsequent conduct or behavior at said premises.

B. Contents of the Notice. The nuisance incident notice shall:

1. Identify the type and specific location of nuisance service call(s), including tenant or lessee names where applicable;

2. Summarize the evidence of the nuisance occurring on the property;

3. Provide the dates on which the nuisance calls for service were made and the dates of any prior responses by public officers to nuisance
incidents on the property; and

4. Warn the owner, occupant and persons in control of the property that future nuisance service calls may subject them jointly and severally to an excessive nuisance service call fee in the amount of $250 or more, up to $2,000, based upon the actual cost of the law enforcement response.

C. Abatement Notice. Where the City Manager determines that public officers have been dispatched to two or more nuisance service calls, as defined in Section 960.02(i) and counted pursuant to Section 960.02, P-Q of this Code, to the same property within a 365-day period, he or she shall cause a written abatement notice to issue to the owner of the property and interested party. The abatement notice may be served by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service. The service of an abatement notice, as provided herein, shall be prima facie evidence that an owner or interested party served has knowledge of and has permitted subsequent conduct or behavior at said premises.

D. Contents of the Abatement Notice. The Abatement Notice shall:

1. Identify the type and specific location of nuisance service calls, including tenant or lessee names, where applicable;

2. Summarize the evidence of the nuisance occurring on the property;

3. Provide the dates on which the nuisance service calls were made and the dates of any prior responses by public officers to nuisance incidents on the property; and

4. Warn the owner and interested parties that future nuisance service calls will subject them jointly and severally to an excessive nuisance service call fee in the amount of $250 or more, based upon the actual cost of the law enforcement response, up to $2,000, for each separate call. The costs of providing the excess law enforcement services shall include without limitation the gross salaries, including all fringe benefits and overhead paid to the public officers responding, the pro rata cost of all equipment, including vehicles and K-9 officers, and the cost of repairs to any City equipment or property damaged in responding to the nuisance service call. The civil penalty will issue in the manner set forth in Chapter XX of this Code and if left unpaid will be charged against the property and collected in the manner of a tax;

5. Advise the owner and interested parties that subsequent conduct in
violation of this Section of Code may also subject them jointly and severally to criminal charges punishable by up to a $1,000 fine and 90 days in jail for each separate violation.

E. **Imposition of Excessive Nuisance Service Call Fee.** Property owners, tenants and other persons having control over a property shall be jointly and severally responsible for nuisance incidents occurring thereon and individually responsible for payment of any Nuisance Service Call Fee issued to that party hereunder. Where an abatement notice was properly served upon the owner and interested party as set forth in Subsection C hereof each successive nuisance service call within the same 365-day period shall result in an administrative citation to that party in the amount of $250 or more based upon the actual cost of the law enforcement response, up to $2,000 for each separate call. The costs of providing the excess law enforcement services shall include without limitation the gross salaries, including all fringes, benefits and overhead paid to the public officers responding, the pro rata cost of all equipment, including vehicles and K-9 officers, and the cost of repairs to any City equipment or property damaged in responding to the nuisance service call. The civil penalty will issue in the manner set forth in Chapter XX of this Code and if left unpaid will be charged against the property and collected in the manner of a tax.

F. **Affirmative Defenses.** In the case of rental property, it shall constitute an affirmative defense to the issuance of an Excessive Nuisance Service Call fee by administrative citation that the property owner has commenced eviction proceedings against the tenant or tenants responsible for the nuisance conduct, conditions or characteristics. In the case of large public accommodations, it shall constitute an affirmative defense to the issuance of an Excessive Nuisance Service Call fee by administrative citation that the property owner or the owner’s property manager has entered into and complied with a memo of understanding with regard to security with the Police Department.

G. **Appeal.** Any party issued an Excessive Nuisance Service Call fee by administrative citation may appeal the citation by filing a written request for a hearing with the City Manager’s Office within 10 calendar days of the issuance of the citation. A hearing shall be held within 45 calendar days.

Section 965 - Dangerous Weapons and Facsimile Firearms

965.01. Definitions. When used in this Chapter, the following words, terms, and phrases shall have the following meanings, unless the context clearly indicates otherwise:

A. “Dangerous weapon” means any firearms, air gun or pellet gun, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

B. “Facsimile firearm” means any object which is a replica of an actual firearm, which substantially duplicates an actual firearm or which could reasonably be perceived to be an actual firearm, unless:

1. The entire exterior surface of such object is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern, or such object is constructed entirely of transparent or translucent materials which permit unmistakable observation of the object’s complete contents; and

2. Such object has a blaze orange extension that extends at least six millimeters from the muzzle end of the barrel of such object which is as an integral part of the object and is permanently affixed.

965.03. Minnesota Statutes Regulation. The provisions of the Minnesota Statutes regulating firearms and dangerous weapons and as they hereinafter may be amended, are incorporated into this section. It shall be a violation of this section for any person to engage in any conduct proscribed in the incorporated statutes.

965.05. Carrying of Dangerous Weapons and Facsimile Firearms Prohibited. It shall be unlawful for any person within the City to carry on or about his or her person or transport in any vehicle any dangerous weapon or facsimile firearm, except:

A. Any dangerous weapon or facsimile firearm being transported by a person not in a vehicle directly to or from or to and from his or her vehicle, in a secured container.

B. Transportation of any dangerous weapon or facsimile firearm in or upon
any motor vehicle in a secured container or in the locked trunk of such a vehicle.

The provisions of this section shall not be applicable to the transport of dangerous weapons or facsimile firearms by persons who are regularly engaged in the lawful manufacture, distribution or sale at retail or wholesale of dangerous weapons or facsimile firearms, or the agents of any of them while engaged in such business; to the carrying or transport of dangerous weapons or facsimile firearms by licensed, full-time peace officers, law enforcement officers, or military personnel while in the course of their duties; to persons holding a valid permit to carry a dangerous weapon acting within the scope of such permit; to any officer of a state adult correctional facility when on guard duty or otherwise engaged in an assigned duty; or to an owner or agent while he or she is present at a business place that he or she operates.

965.07. **Aiming Prohibited.** Except as authorized by law, the aiming of any dangerous weapon or facsimile firearm, whether loaded or unloaded, at or toward any human being, building or occupied vehicle is prohibited.

CHAPTER X

LICENSES AND PERMITS; PROCEDURES AND FEES

Section 1000 - General Provisions

1000.01. Policy and Purpose of Chapter. By the enactment of this Chapter, the City Council intends to establish to the maximum degree possible a uniform system for the issuance, revocation, suspension and renewal of licenses and permits for all activities for which licenses and permits are required by this Code. The Council also intends that fees for licenses and permits required by this Code shall be those set by this Chapter.

1000.03. Application of Chapter. Subdivision 1. General. Where a provision of this Code requiring a license or a permit contains no procedure for issuance, revocation, suspension, renewal or fee, the provisions of this Chapter apply.

Subd. 2. Other Provisions. Where a provision of this Code requiring a license or a permit contains procedures for its issuance, revocation, suspension, renewal or the procedure for a pro rata payment of a fee, such provisions prevail over this Chapter.

Subd. 3. Conflicts. Where a direct conflict exists between the amount of a license or permit fee set by any provision of this Code and a fee set by this Chapter, the fee set by this Chapter applies.
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Section 1005 - Licensing Procedures

1005.01. Licenses Required. It is unlawful for any person to engage in any trade, profession, business or privilege in the City for which a license is required by any provision of this Code without first obtaining a license from the City in the manner provided in this Section.

1005.03. Application. Application for a license is made to the City Clerk upon forms provided by the City. The applicant shall state the location of the proposed activity and such other facts as are required for or applicable to the granting of the license.

1005.05. License Fee and Term. The fees required for a license shall be paid at the office of the City Clerk before the granting of the license. A license is issued for one year, but if the application is made during the license year, the license shall be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Except as otherwise specifically provided, the license year shall be the calendar year. No part of the fee paid for any license shall be refunded except in the following instances upon application to the City Clerk within 20 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license because of:

A. Destruction or damage of the licensed premises by fire or other catastrophe;

B. The licensee's illness or death;

C. A change in legal status making it unlawful for the licensed business to continue.

(Ord. 95-42, 8/15/95)

1005.07. Bond and Insurance. Required bonds shall be in form satisfactory to the City Attorney, shall be executed by two sureties, or a surety company, and be subject to the approval of the City Manager and the Council. Where policies of insurance are required, the policies shall be approved as to substance and form by the City Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the City Clerk before the license is issued.

1005.09. Approval or Denial of Licenses. Where the approval of any City or state officer or the Council is required prior to the issuance of a license, the approval must be presented to the City Clerk before the license is issued. No license may be approved by any City officer or issued by the City Clerk if it appears that the conduct of the activity for which a license is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.
1005.11. **License Terms and Fees.** The license terms and fees are set forth in Chapter X.  
*(Ord. 95-42, 8/15/95)*

1005.13. **License Certificates.** License certificates shall show the date of issue, the activity licensed and the term of the license. They shall be signed by the City Manager and City Clerk, and be impressed with the City seal.

1005.15. **Exhibition of License Certificate.** A licensee shall carry their license certificate upon themselves at all times when engaged in the activity for which the license was granted. Where the licensed activity is conducted at a fixed place of business or establishment, the certificate shall be exhibited at all times in some conspicuous place on the premises. The licensee shall present the license certificate when applying for a renewal and upon demand of any police officer or authorized representative of the City.

1005.17. **Transfer of License.** Unless otherwise provided in this Code, no license shall be transferable without the authorization of the Council.

1005.19. **Renewal of License.** License renewals are issued in the same manner and subject to the same conditions as original licenses.

1005.21. **Revocation; Denial Suspension.** A license issued or to be issued by the City may be denied, suspended or revoked by the Council for any of the following causes:

A. Fraud, misrepresentation, or incorrect statement contained in the application for license, or made in carrying on the licensed activity.

B. Conviction of any crime, or misdemeanor, pertaining to license held or applied for, subject to the provisions of Minnesota Statutes, Chapter 364, as amended.

C. Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the City health authorities or other appropriate City official.

D. Expiration or cancellation of any required bond or insurance, or failure to notify the City within a reasonable time of changes in the terms of the insurance or the carriers.

E. Actions unauthorized or beyond the scope of the license granted.

F. Violation of any regulation or provision of this Code applicable to the activity for which the license has been granted, or any regulation or law of the state so applicable.
G. Failure to continuously comply with all conditions required as precedent to the approval of the license.

1005.23. Hearing. No license may be suspended or revoked, or an administrative fine levied on the licensee, until after a hearing is granted to the licensee. Such hearing to be held before the Council upon due notice to the licensee stating the time and place of such hearing, together with a statement of the violation alleged to be the cause for the revocation or suspension of the license. (Ord. 96-4, 2/21/96)

1005.25. Temporary Suspensions. The Council may temporarily suspend a license pending a hearing on revocation or suspension when in its judgment the public health, safety and welfare is endangered by the continuance of the licensed activity.

1005.27. Inspections. The City health authorities and other appropriate City officials may enter upon the premises where any licensed activity is being conducted for the purpose of inspection at any reasonable hour.

(Ord. 2011-29, 10/25/2011)
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Section 1010 - License Fees

1010.01. Fees. Subdivision 1. Fees Set. The fees for the various licenses required by this Code are set forth in this subsection under the headings listed for subdivisions 2 through 12.

<table>
<thead>
<tr>
<th>Type of License</th>
<th>Section Requiring License</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subd. 2. Amusements and Entertainments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusements</td>
<td>1100</td>
<td>$150</td>
</tr>
<tr>
<td>Bingo</td>
<td>1105</td>
<td>$250 Investigation fee $5 each occasion</td>
</tr>
<tr>
<td>Subd. 3. (Repealed, Ord. No. 80-06, Sec. 1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subd. 4. Health and Sanitation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garbage and Refuse Haulers</td>
<td>600</td>
<td>$125 1st vehicle plus $25 each additional vehicle</td>
</tr>
<tr>
<td>Subd. 5. Liquor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Liquor</td>
<td>1201</td>
<td></td>
</tr>
<tr>
<td>On-Sale</td>
<td></td>
<td>$8,240</td>
</tr>
<tr>
<td>Temporary On Sale per application</td>
<td></td>
<td>$50</td>
</tr>
<tr>
<td>Off-Sale</td>
<td></td>
<td>$380</td>
</tr>
<tr>
<td>Club</td>
<td></td>
<td>$300</td>
</tr>
<tr>
<td>Wine</td>
<td></td>
<td>$2,000</td>
</tr>
<tr>
<td>Liquor - Sunday</td>
<td></td>
<td>$200</td>
</tr>
<tr>
<td>Investigation Fee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>if conducted within the State of Minnesota</td>
<td></td>
<td>$500</td>
</tr>
<tr>
<td>if required outside the State of Minnesota, the charge shall be the actual costs not to exceed</td>
<td></td>
<td>$10,000</td>
</tr>
<tr>
<td>Operating Manager when done alone</td>
<td></td>
<td>$50</td>
</tr>
<tr>
<td>Culinary Classes On-Sale</td>
<td></td>
<td>$100</td>
</tr>
<tr>
<td>B. Consumption and Display</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular</td>
<td></td>
<td>$300</td>
</tr>
<tr>
<td>Non-profit</td>
<td></td>
<td>$150</td>
</tr>
<tr>
<td>C. 3.2 Percent Malt Liquor:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>On-Sale</td>
<td></td>
<td>$500</td>
</tr>
<tr>
<td>Off-Sale</td>
<td></td>
<td>$100</td>
</tr>
</tbody>
</table>
D. Brewer
   Brewpub Off-Sale $380
   Small Brewer Off-Sale $380
   Brewer Taproom $2,500
   Sunday Growler Off-Sale $50

E. Microdistillery
   Off-Sale $380
   Cocktail Room On-Sale $2,500


Subd. 6. Motor Vehicles

Motor Bike Rentals 1120 $150
Taxicabs 1145
   A. Each Cab $60
   B. Each Operator $25
   C. Transfer of Cab License $15


Subd. 7. Miscellaneous

A. Kennel License $75 with no prorating of license fee

B. Multiple Animal License $50 for first applications with inspection $15 for general renewals with no inspection

C. Late License Penalty $12

D. Impound fees Administrative fine plus $28/day actual boarding costs

   Administrative Fines:
   1st offense $33 (plus boarding)
   2nd offense $66 (plus boarding)
   3rd offense $99 (plus boarding)
   4th offense and each additional $150 (plus boarding)

E. Dangerous Dog License $500

F. Peddlers 1140 $10/day $30/week $60/month $300/six months

G. Trap Shooting Range 930 $110

H. Tobacco and Related Products 1150 $300
I. Fireworks, Selling Fireworks Only 1110 $350
J. Fireworks, Other Vendors 1110 $100


K. Sign Contractor Zoning Ordinance $75
L. Motorized Golf Cart Operator 1305 $25


M. Therapeutic Massage Licenses 1135 $75 annual license fee $150 investigation fee (new applications)
   Massage Therapist
   Therapeutic Massage Enterprise $300 annual license fee $300 investigation fee (new applications)

N. Sexually Oriented Business – Primary 1175 $5,000 annual license fee $1,000 annual license fee Actual costs, not to exceed $3,000
   On premises uses
   Off premises uses
   Investigation fee
   Sexually Oriented Business – Accessory No license fee

O. Hospitality Accommodations 435 $150 annual license fee $1,000 annual license fee $5,000 annual license fee
   Level I
   Level II
   Level III


Subd. 8. (This section was deleted by Ordinance No. 2004-31).

Subd. 9. Pawnbroker.

A. Pawnbroker License Fee $8,000

Investigation Fee

If conducted within the state of Minnesota $500
If conducted outside the state of Minnesota, actual costs not to exceed $10,000

Manager/New Manager, when done alone $50

**Billable Transaction Fee**
- Electronic billable transaction fee $1.50
- Manual billable transaction fee $2.50

*(Ord. 2002-11, 3/12/2002)*

**Subd. 10. Rental Dwellings.**

A. One Family Dwelling $150/3 years
B. Two Family Dwelling $225/3 years
C. Condominium Dwelling Unit $150/3 years
D. Three Family Dwelling $100
E. Four Family Dwelling $125
F. Five or More Family Dwelling $100 per Complex plus $6 per Rental Unit
G. Reinspection Fee $40 per Inspection


**Subd. 11. Gambling Investigation Fee.** $250. *(Ord. 2004-12, 7/27/2004)*

**1010.03. Penalty for Late Payment of License Fees.** Subdivision 1. No Penalty. No penalty for the late payment of any license shall be incurred by any licensee provided the owner or his agent makes application for the renewal of his existing license to the City Clerk and includes therein the payment of the required fee therefor prior to the expiration date of said license.

Subdivision 2. Penalty for Late Payment. Every person whose licensed trade, business, profession, activity or privilege is licensed by the City, other than one who has been closed down or who has not operated such activity in the City after the expiration of the licensing year, shall pay to the City Clerk the regular license fee and in addition thereto the following penalty for late application for a renewal license.

A. One to 14 days late, a 10 percent penalty, but not less than $10.
B. 15 to 30 days late, a 25 percent penalty, but not less than $15.

C. After expiration of 30 days from the due date, the activity for which a license is required shall cease and no new license or permit for such activity shall be considered until the owner of the business personally appears before the Council. If the new license or permit is approved, the fee shall consist of the amount set forth for new licenses and permits, plus the late penalty fee that was not paid for the old license.

Subd. 3. Late Payment of the License Fee with Penalty no Bar to Prosecution for Operating Without a License. The late payment of the license fee together with the penalty set forth herein is no bar to a prosecution by the City for operating any licensed trade, business, profession, activity, or privilege within the City without a license therefore.

(Ord. 98-39, 11/18/98; Ord. 2011-29, 10/25/2011)
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Section 1015 - Permit Procedures and Fees

1015.01. **Permits Required.** It is unlawful to conduct any activity in the City for which a permit is required by any provision of this Code without first obtaining the permit from the City in the manner provided in this Section.

1015.03. **Application for Permit.** Application for a permit is made to the City Manager on forms furnished by the City. The application shall contain information as to location, nature, extent and costs of the proposed structure, work, installation, activity, or other purpose, and other information which the Building Official or other duly authorized persons may require under this Code. The application shall contain a declaration that the facts and representations therein made are true and correct, which statement shall be subscribed to by the person or persons, or officers or agents of a corporation, applying for the permit. *(Ord. 2003-22, 7/22/2003)*

1015.05. **Granting of Permits.** Upon payment to the City by the applicant of the required fee for any permit, and upon approval of the Building Official, the permit shall be issued, except where Council approval is required, in which case the Building Official may issue the permit only after approval is granted by the Council.

1015.07. **Payment of Fees.** Subdivision 1. Payment. The permit fee and other fees and charges set forth in this Code shall be collected by the City before the issuance of any permit, except invoiced permits. The Building Official may not issue a permit until the fee has been paid.

   Subd. 2. **Double Fees.** If a person begins work of any kind for which a permit from the City is required without having secured the necessary permit therefore, either previous to or on the date of commencement of such work, he or she shall, when subsequently securing such permit, pay double the fee provided for the permit, and is subject to the penalty provisions of this Code. *(Ord. 2003-22, 7/22/2003)*

   Subd. 3. **Refunds.** Application fees may not be refunded unless the application is withdrawn prior to its referral to the Planning Commission or the Council. All refunds are subject to a 20% service charge.

   Subd. 4. **Refund of Permit Fees.** The City may refund fees for building, plumbing, mechanical, electrical, fire protection, fire alarm, sewer/water, grading, moving, sign and hood and duct cleaning permits on which no work has been done and no inspections have been made. Requests for refunds must be in writing, signed by the permit holder, and submitted within one year of permit issuance. The Building Official must approve each refund, and the City shall retain 20% of the permit fee. Plan check fees are not refundable. *(Ord. 2007-06, 2/13/2007)*

   Subd. 5. **Plan Review Fees.** The required plan review fees set forth in this chapter for building, fire protection, fire alarm, and electrical permits will be charged on all projects for which plans are submitted. *(Ord. 2007-06, 2/13/2007)*
1015.09. Permit Fees. The fees and charges for the various permits required by this Code are set forth in this Subsection.


Subd. 2. Fees.

(a) Plan Review Fees. Plan review fees required by this Section shall be:


25% of the permit fee for similar plans built from a master plan. The Building Official shall determine whether the plan is substantially similar to the master plan. For building permits, similar plans built from a master plan shall be in accordance with the provisions set forth in the Minnesota State Building Code (Ord. 2003-22, 7/22/2003; Ord. 2004-31, 11/23/2004)

(b) Permit Fees. The following schedule of permit fees shall remain effective until revoked by action of the Council.

<table>
<thead>
<tr>
<th>Total Valuation</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 to $500</td>
<td>$40</td>
</tr>
<tr>
<td>$501 to $2,000</td>
<td>$40 for the first $500 plus $2.25 for each additional $100 or fraction thereof, to and including $2,000.</td>
</tr>
<tr>
<td>$2,001 to $25,000</td>
<td>$73.75 for the first $2,000 plus $14.75 each additional $1,000 or fraction thereof, to and including $25,000.</td>
</tr>
<tr>
<td>$25,001 to $50,000</td>
<td>$413 for the first $25,000 plus $10.75 for each additional $1,000 or fraction thereof, to and including $50,000.</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
<td>$681.75 for the first $50,000 plus $7.50 for each additional $1,000 or fraction thereof, to and including $100,000.</td>
</tr>
<tr>
<td>$100,001 to $500,000</td>
<td>$1,056.75 for the first $100,000 plus $6 for each additional $1,000 or fraction thereof, to and including $500,000.</td>
</tr>
<tr>
<td>$500,001 to $1,000,000</td>
<td>$3,456.75 for the first $500,000 plus $5 for each additional $1,000 or fraction thereof, to and including $1,000,000.</td>
</tr>
</tbody>
</table>
$1,000,001 and up $5,956.75 for the first $1,000,000 plus $4 for each additional $1,000 or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge - two hours) $60 per hour*

2. Reinspection fees assessed $60 per hour* for each Inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour) $60 per hour*

4. Additional plan review required by changes, additions or revisions to plans (minimum charge - one-half hour) $60 per hour*

5. For use of outside consultants for plan checking and inspections, or both Actual costs**

* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.


1015.13. Plumbing Permit Fees. For the installation of any interior sanitary sewer systems, water systems, or repair or alterations of any interior sanitary sewer systems or water systems, and all plumbing systems. The fees are as follows:

(a) 2% of Job Cost, $45 minimum
(b) Lawn Sprinkling System $45
(c) Water Meter Fees:
   5/8”x3/4” Meter Setter $65
   ¾” Meter Setter $79
   ¾” Meter $278
   ¾” Meter and Setter $343
<table>
<thead>
<tr>
<th>Meter Type</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1” Meter Setter</td>
<td>$113</td>
</tr>
<tr>
<td>1” Meter</td>
<td>$352</td>
</tr>
<tr>
<td>1” Meter and Setter</td>
<td>$465</td>
</tr>
<tr>
<td>1½” Meter and Flanges</td>
<td>$604</td>
</tr>
<tr>
<td>2” Turbo Meter and Flanges</td>
<td>$1,073</td>
</tr>
<tr>
<td>3” Turbo II and Flanges</td>
<td>$1,203</td>
</tr>
<tr>
<td>4” Turbo II and Flanges</td>
<td>$1,788</td>
</tr>
<tr>
<td>2” Compound Meter and Flanges</td>
<td>$2,374</td>
</tr>
<tr>
<td>3” Compound Meter and Flanges</td>
<td>$2,836</td>
</tr>
<tr>
<td>4” Compound Meter and Flanges</td>
<td>$3,699</td>
</tr>
</tbody>
</table>


1015.15. (Repealed, Ord. No. 79-4, Sec. 1)


(a) For the installation of any central heating and/or air conditioning system, the fee shall be 1.5% of the estimated cost. The minimum fee shall be $100 for any such central system.

(b) For additional alterations or repairs to any central system, the permit fee shall be 1.5% of the estimated cost. The minimum permit fee shall be $45.

(c) For each appliance or piece of equipment regulated by the Code, but not classed in other appliance categories or for which no other fee is listed in this Code, the fee shall be 1.5% of the estimated cost. The minimum permit fee shall be $45.


1015.19. Water and Sanitary Sewer Permit Fees. Water and sanitary sewer permit fees are as follows:

(a) Residential Water Connection or Disconnection | $40 plus cost of meter
(b) Commercial Water Connection or Disconnection | 1% of Job Cost, $40 minimum plus cost of meter
(c) Residential Sewer Connection or Disconnection | $40
(d) Commercial/Industrial Sewer Connection or Disconnection | 1% of Job Cost, $40 minimum
(e) Alteration or Repair of any Private Underground Sewer or Water System | 1% of Job Cost, $40 minimum
(f) Commercial/Industrial Plan Review Fee for Inspection of Private Underground | $100
Utility Installation (when submittal documents are required)

(g) Water Turn-Off-/Turn-On Charge
   (1) Scheduled during regular business hours $40
   (2) Unscheduled during regular business hours $80
   (3) Outside regular business hours $160

(h) Curb box adjustment:
   Residential $35
   Commercial $70

(i) Industrial, Commercial, Public and Institutional Property, and Private Fire Hydrant Inspection Fee
   $35 per year each

(j) Reinspection Fee $15

(k) Violation of Water Sprinkling Ban $100 for each day of violation of Section 720.37

(l) City Sewer Connection Charge (REC) $522 per unit
(m) City Water Connection Charge (REC) $1,339 per unit
(n) City Water Area Charge $4,605 per acre
(o) City Sewer Area Charge $1,240 per acre


1015.21 Electrical Permit, Plan Review, and Inspection Fees. Electrical permit procedures and fees are as follows. It shall be unlawful for any person to perform work subject to the Building Code for which a permit is required without first obtaining a permit therefore from the City; such permits shall be issued by the City only to persons licensed as electrical contractors by the State and registered as such with the City, or to persons making application to do any such work wholly within a residence owned and occupied by the applicant, or who owns and will occupy the structure as a residence upon completions of construction, to whom the permit is to be issued and who shall be charged the following as permit fees:

(a) Residential Permits (One and Two-Family Dwellings)
   (1) Complete wiring on new construction $125 per unit
   (2) Upgraded electrical services and sub-panels $40
   (3) Wiring of additions, remodeling and rewiring $40 1st Room + $7 each additional room
   (4) Minor work only (furnace wiring, saver switches, garages, air conditioning, etc.) $40

(b) Multi-Family Permits
(1) Complete wiring on new construction
$50 per unit for first 12 units, $30 per unit thereafter

(2) Additions, remodeling and rewiring
Permit based on job cost as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 - $50,000</td>
<td>2.5% of value ($40 minimum fee)</td>
</tr>
<tr>
<td>$50,001 and over</td>
<td>$1,250 for first $50,000 plus .0075% of remaining balance</td>
</tr>
</tbody>
</table>

(c) Non Residential Permits
(1) Permit based on job cost as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 - $50,000</td>
<td>2.5% of value ($40 minimum fee)</td>
</tr>
<tr>
<td>$50,001 and over</td>
<td>$1,250 for first $50,000 plus .0075% of remaining balance</td>
</tr>
</tbody>
</table>

(d) Other
(1) Temporary service during construction
$30 (0-100 amps)
$50 (100+ amps)

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elevators and/or moving stairs</td>
<td>$25 per unit</td>
</tr>
<tr>
<td>Swimming pools and hot tubs</td>
<td>$50 each</td>
</tr>
<tr>
<td>Alarm system (120 volts only)</td>
<td>$40</td>
</tr>
<tr>
<td>Sign wiring</td>
<td>$30 per sign</td>
</tr>
<tr>
<td>Lighting fixture retrofit/replacement</td>
<td>$20 + $.50 per fixture</td>
</tr>
<tr>
<td>Exterior pole/building lighting</td>
<td>$30 + $1 per fixture</td>
</tr>
<tr>
<td>Additional inspections</td>
<td>$50 each</td>
</tr>
<tr>
<td>Plan Check Fees</td>
<td>.0015% of the job cost when value of work exceeds $50,000</td>
</tr>
</tbody>
</table>


1015.23. Grading Permit Fees.

<table>
<thead>
<tr>
<th>Total Cubic Yards</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 cubic yards or less</td>
<td>$35</td>
</tr>
<tr>
<td>51 to 100 cubic yards</td>
<td>$49</td>
</tr>
<tr>
<td>101 to 1,000 cubic yards</td>
<td>$49 for the first 100 cubic yard plus $23.50 for each additional 100 cubic yards or fraction thereof</td>
</tr>
</tbody>
</table>
1,001 to 10,000 cubic yards
$260.50 for the first 1,000 cubic yards plus $20.50 for each additional 1,000 cubic yards fraction thereof

10,001 to 100,000 cubic yards
$445 for the first 10,000 cubic yards plus $75 for each additional 10,000 cubic yards or fraction thereof

100,001 cubic yards or more
$1,120 for the first 100,000 cubic yards plus $43.75 for each additional 10,000 cubic yards or fraction thereof

1. Inspection outside of normal business hours
$60 per hour

2. Reinspection fees assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.
$60 per hour

3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)
$60 per hour or the total hourly cost to the City, whichever is the greatest

GRADING PLAN REVIEW FEES

<table>
<thead>
<tr>
<th>Total Cubic Yards</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 cubic yards or less</td>
<td>No fee</td>
</tr>
<tr>
<td>51 to 100 cubic yards</td>
<td>$35</td>
</tr>
<tr>
<td>101 to 1,000 cubic yards</td>
<td>$49</td>
</tr>
<tr>
<td>1,001 to 10,000 cubic yards</td>
<td>$62.25</td>
</tr>
<tr>
<td>10,001 to 100,000 cubic yards</td>
<td>$62.25 for the first 10,000 cubic yards plus $31 for each additional 10,000 cubic yards or fraction thereof</td>
</tr>
</tbody>
</table>
100,001 to 200,000 cubic yards

$341.25 for the first 100,000 cubic yards plus $19 for each additional 10,000 cubic yards or fraction thereof

200,001 cubic yards or more

$531.25 for the first 200,000 cubic yards, plus $12.75 for each additional 10,000 cubic yards

Other Fees

1. Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one-half hour)

$60*

*Or the total hourly cost to the City, whichever is greatest. This cost shall include supervisors, overhead, equipment, hourly wages, and fringe benefits of the employees involved.


1015.27. Subdivision 1. Right-of-Way Permit Procedures and Fees.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration Fee</td>
<td>$140</td>
</tr>
<tr>
<td>Excavation Permit Hole</td>
<td>$160</td>
</tr>
<tr>
<td>Excavation Permit Hole New Development</td>
<td>$80</td>
</tr>
<tr>
<td>Trench Base</td>
<td>$125</td>
</tr>
<tr>
<td>(plus $.40 per lineal foot over 100 feet) or</td>
<td></td>
</tr>
<tr>
<td>(plus $.20 per lineal foot over 100 feet new</td>
<td></td>
</tr>
<tr>
<td>development)</td>
<td></td>
</tr>
<tr>
<td>Obstruction Permit Fee</td>
<td>$40</td>
</tr>
<tr>
<td>Permit Extension Fee</td>
<td>$30</td>
</tr>
<tr>
<td>Delay Penalty ($10 additional for each day after three days)</td>
<td>$60</td>
</tr>
<tr>
<td>Small Wireless Facility Permit Fee</td>
<td>$160</td>
</tr>
<tr>
<td>Rent to occupy space on a City-owned wireless support structure $150 per small wireless facility per year</td>
<td></td>
</tr>
<tr>
<td>Maintenance associated with space occupied on a City-owned wireless support structure $25 per small wireless facility per year</td>
<td></td>
</tr>
</tbody>
</table>
Electricity used to operate a small wireless facility if not purchased directly from a utility:
- $73 per small wireless facility per month per radio node less than or equal to 100 max watts
- $182 per small wireless facility per month per mode over 100 max watts
- Actual cost per small wireless facility per month if greater than $73 per radio node less than or equal to 100 max watts, or greater than $182 per mode over 100 max watts

1015.29 Other Permit Fees and Charges. The fees and charges for other activities requiring a permit under this Code are set by this Subsection under the following headings:

<table>
<thead>
<tr>
<th>Type of Permit or Charge</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplicate Inspection Record Cards</td>
<td>$4</td>
</tr>
<tr>
<td>Fireworks Display</td>
<td>$200</td>
</tr>
<tr>
<td>Grave Opening Fee at Parkers Lake Cemetery</td>
<td>$300</td>
</tr>
<tr>
<td>Hood and Duct Cleaning</td>
<td>$75</td>
</tr>
<tr>
<td>Moving Fee</td>
<td>$150 per building</td>
</tr>
<tr>
<td>Open Burn Permit Fee</td>
<td>$100</td>
</tr>
<tr>
<td>Return Check Fee</td>
<td>$30</td>
</tr>
<tr>
<td>Signs Requiring Permits</td>
<td>Up to 32 square feet in size $50; 33 square feet to 64 square feet in size $70; 65 square feet to 96 square feet in size $90; Over 96 square feet $110</td>
</tr>
<tr>
<td>Street Excavation</td>
<td>$30</td>
</tr>
<tr>
<td>Tanks Containing Flammable or Combustible Liquid or Gas (installation, modification, removal, or abandonment or any under or above ground tank)</td>
<td>$75 per tank</td>
</tr>
<tr>
<td>Tents, Canopies, and Temporary Membrane Structures</td>
<td>$50 each</td>
</tr>
<tr>
<td>Special Event (on City park property)</td>
<td>Up to 500 participants $55; Over 500 participants $108</td>
</tr>
</tbody>
</table>

1015.31. Zoning and Subdivision Fees: Special Provisions. Subdivision 1. Scope and Application. This Subsection applies to applications made pursuant to Chapter 5 (Subdivision Regulations) and Chapter 21 (Zoning Ordinance) of this Code.
Subd. 2. Fees.

(a) Administrative Permit Fee – for Special/Temp. Outdoor Events: $50
(b) Administrative Permit Fee – Other $50 for residential uses,
$100 for all other uses
(c) Comprehensive Plan Amendment Fee: $200, plus $1,500 cash escrow*
   (Applicant must also pay separately for entire cost of traffic study, if required)
(d) Conditional Use Permit Fee: $400 for residential uses,
   $500 for all other uses,
   (Applicant must also pay separately for entire cost of traffic study, if required)
(e) Environmental Review Fee: $200, plus $4,000 cash escrow*
   (EAW, EIS, and AUAR) (Applicant must also pay separately for entire cost of traffic study, if required)
(f) Home Occupation License Fee: $100 for new applications,
   $35 for renewals
(g) Interim Use Permit Fee: $400 for residential uses,
   $500 for all other uses,
   $35 for renewals
(h) Natural Preserve Fee: $75 for 1-and 2-family lots,
   $150 for all other lots
(i) Planned Unit Development Fees:
   --PUD General Plan: $300, plus $2,000 cash escrow*
   --PUD Amendment to existing 1- or 2-family PUDs: $200
   --PUD Amendment (excludes 1-or 2-family PUDs): $300, plus $2,000 cash escrow*
   --PUD Final Plan: $150
   --Minor Plan Modification: $100
(j) Platting Fees:
   --Preliminary Plat---3 lots or fewer: $300, plus $2,000 cash escrow*
   --Preliminary Plat---4 or more lots: $300, plus $3,500 cash escrow*
   --Final Plat---3 lots or fewer: $200, plus $2,000 cash escrow*
   --Final Plat---4 or more lots: $300, plus $3,000 cash escrow*
(k) Pre-Application Sketch Review Fee: $200, plus $2,000 cash escrow*
(l) Site Plan Fees:
   --Major (new or amendment): $200, plus $2,000 cash escrow*
   --Minor (new or amendment): $200
   --Plan Modification: $100
(m) Vacation Fee: $450, plus $110 per new easement required
   (Rights-of-Way or Easements) to be recorded
(n) Encroachment Fee: $300
(o) Variance Fees:
--Noise Variance: $50 if for 3 days or fewer, $100 if for 4 days or more
--Subdivision Code Variance: $150
--Zoning Ordinance Variance: $200 for 1- and 2-family lots, $300 for all other lots

(p) Wetland Review Fees:
--Delineation Report: $100
--Reclassification Request: $100
--Wetland Replacement Plan: $300

(q) Zoning Amendment Fees:
--Map Amendment (Rezoning): $700
--Text Amendment: $300

*When multiple applications are applied for at the same time, the City collects one cash escrow in the amount of the largest escrow required for the overall proposal (e.g., a proposal that includes both a comprehensive plan amendment and a PUD general plan would require one cash escrow in the amount of $2,000).


Subd. 3. Zoning Letter Fee. A $50 fee will be charged for standard form zoning letters. A $100 fee will be charged for custom zoning letters (requiring research and documentation over and above the standard form). In either case, a single fee will be charged for requests affecting adjoining parcels in a single project and multiple fees will be charged for requests affecting individual parcels in separate projects. (Ord. 2007-06, 2/13/2007; Ord. 2012-17, 5/08/2012)

Subd. 4. Proposed Development and Land Use Action Announcement Sign Fees. A base fee of $165 will be charged for the installation and removal by the City of signs announcing proposed developments and land use actions as required by Section 21022.01 of the Zoning Ordinance. This fee shall be in addition to the established planning application fee set forth in Subd. 2. The base fee will cover the cost of the installation of one development sign. For each additional sign required, an additional $50 fee shall be paid. (Ord. 98-39, 11/18/98; Ord. 2003-18, 6/10/2003; Ord. 2011-29, 10/25/2011)

Subd. 5. Cash Fee Payment in Lieu of Land Dedication. Undeveloped land value shall be used to determine the cash payment required in lieu of land dedication up to a maximum cash payment of $8,000 per dwelling unit for residential development, or $8,000 per acre for commercial/industrial development or schools (based on the acreage after wetlands, areas below the 100-year flood elevation, and areas below the ordinary high water level of lakes and
1015.33. Utility Fees. Sanitary Sewer, water, storm water utility fees are as follows:

(a) Sanitary Sewer Utility Fees.


(2) Volume Charge. A charge of $3.78 per one thousand gallons of sewage discharged into the City's sanitary sewer system shall be made to each sanitary sewer account except for qualified senior citizens for whom a charge of $3.40 per one thousand gallons will apply. For purposes of this section, an individual must meet the following criteria for the qualified senior citizen discount to apply: (1) the individual must be 62 years of age or older; (2) the property must be homesteaded; and (3) the individual’s name must appear on the bill. Seniors in a multi-unit building will also be eligible for a senior discount if the bylaws, or other governing documents for the building, require that at least one tenant/owner in each unit be at least 62 years of age. No new enrollment will be accepted into this program beginning 2015. For residential customers, the volume of such sewage discharge shall be based upon the actual amount of water consumed during the appropriate two month billing, in the period of December through February. For non-residential customers, the volume of such sewer discharge shall be based upon the actual water consumed by the account each month. Alternatively, non-residential customers may have their volumes of sewer discharge based on actual sewage flows or calculated sewage flows if sewer usage or sewer deduct meters are installed. In instances where there is no metered water service to an account or the account history is inadequate, the volume of sewer usage shall be that used for similar classes of property similarly situated. Alternatively, residential customers who desire to have the volume of sewer discharge based on average winter water usage may install a water meter to meter their well water usage. (Ord. 96-27, 11/20/96; Ord. 97-6, 4/16/97; Ord. 98-15, 5/6/98; Ord. 2002-31, 11/26/2002; Ord. 2003-08, 3/25/2003; Ord. 2004-27, 11/9/2004; Ord. 2005-32, 11/29/2005; Ord. 2007-06, 2/13/2007; Ord. 2007-07, 3/27/2007; Ord. 2007-31, 12/11/2007; Ord. 2008-29, 12/9/2008; Ord. 2009-20, 12/8/2009; Ord. 2012-02, 1/24/2012; Ord. 2013-04, 1/8/2013, Ord. 2014-07, 1/28/2014; Ord. 2015-05, 1/27/2015; Ord. 2016-10, 3/8/2016; Ord. 2017-06, 2/28/2017; Ord. 2018-07, 4-10-2018)
(b) **Water Rates.** The rate due and payable to the City by each water user within the City for water taken from the water supply system shall be as follows:


**Volume Charge-Separately Metered Commercial, Industrial, Public and Institutional Irrigation.** A charge of $2.26 per one thousand gallons of waters shall be made to each separately metered commercial, industrial, public and institutional irrigation account. In those instances where there is no adequate water meter history, the measure of usage shall be that used for similar classes of property similarly situated. *(Ord. 2009-20, 12/8/2009; Ord. 2012-02, 1/24/2012; Ord. 2013-04, 1/8/2013; Ord. 2014-07, 1/28/2014; Ord. 2015-05, 1/27/2015; Ord. 2016-10, 3/8/2016; Ord. 2017-06, 2/28/2017; Ord. 2018-07, 4-10-2018)*

(3) Demand Charge. The following monthly charge shall be made to every Commercial, Industrial, Public and Institutional water account to reflect the water demand the establishment can place upon the system.

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1/2&quot;</td>
<td>$52.30</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$78.45</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$163.44</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$261.52</td>
</tr>
<tr>
<td>6&quot; and over</td>
<td>$523.05</td>
</tr>
</tbody>
</table>


(4) Stopped or Faulty Meter. In case the meter is found to have stopped or to be operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously.

(5) Water Availability Charge. A water availability charge at the rate of $2.27 per month is due and payable by the owner of each lot or parcel of land which has municipal water service available if such lot or parcel is not connected to the municipal water system; provided, this charge is not due if there is no building or other structure on such lot or parcel. (Ord. 2004-26, 11/09/2004; Ord. 2005-34, 11/29/2005; Ord. 2007-06, 2/13/2007; Ord. 2008-29, 12/9/2008; Ord. 2009-20, 12/8/2009; Ord. 2012-02, 1/24/2012; Ord. 2013-04, 1/8/2013; Ord. 2014-07, 1/28/2014; Ord. 2015-05, 1/27/2015; Ord. 2016-10, 3/8/2016; Ord. 2017-06, 2/28/2017; Ord. 2018-07, 4-10-2018)

(c) Radio-Read Meter Surcharge Fees.
(1) A $100 per month surcharge shall be applied on the water bill for failing to authorize entry onto property to allow the installation of a radio-read meter within 60 days after requested entry.

(2) A $100 per month surcharge shall be applied and the water usage shall be estimated based on past usage if a property owner fails to allow proper service of, or tampers with either the meter or radio transmitter, thereby interfering with proper meter reading and utility billing.

(Ord. 2016-02, 1/12/2016)

(d) Storm Water Utility Rate.


(e) Solid Waste Recycling Rate.

The solid waste recycling rate is $2.50 per month and shall be charged to all single-family residential parcels and any multi-family dwellings under 16 units. (Ord. 2015-05, 1/27/2015; Ord. 2016-10, 3/8/2016; Ord. 2017-06, 2/28/2017; Ord. 2018-07, 4-10-2018)

(f) Unpaid Charges for Utility Fees.

An amount equal to 10 percent of the unpaid current service charges shall be added to each account which is not paid by the due date as specified by the Finance Division. If charges are not paid by due date after a billing is issued, the City shall certify the amount due, together with interest and penalties, to the County Auditor to be collected with other real estate taxes on the parcel.


1015.35. Street Light Utility Fees.

Residential Street Light Rate $3.25/month

Commercial Street Light Rate $3.25/month multiplied by a rate factor of five for each street light benefiting the property

(Ord. 2012-20, 7/24/2012)
(This page left blank intentionally)
<table>
<thead>
<tr>
<th>Facility</th>
<th>Dates Available</th>
<th>Reservations Available</th>
<th>Times</th>
<th>Residents</th>
<th>Non-Residents</th>
<th>Plymouth Non-profit</th>
<th>Corporate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bass Lake Shelter</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Half Day rental</td>
<td>Jan. 1 - Dec 31</td>
<td>90 days prior to date</td>
<td>9a-2p or 4p-9p</td>
<td>$ 80</td>
<td>$ 105</td>
<td>$ 64</td>
<td>N/A</td>
</tr>
<tr>
<td>Full Day Rental</td>
<td>Jan. 1 - Dec 31</td>
<td>90 days prior to date</td>
<td>9a-9p</td>
<td>$ 140</td>
<td>$ 175</td>
<td>$ 112</td>
<td>N/A</td>
</tr>
<tr>
<td>Damage Deposit</td>
<td></td>
<td></td>
<td></td>
<td>$ 200</td>
<td>$ 200</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Parkers Lake Pavilion</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Half Day rental</td>
<td>Jan. 1 - Dec 31</td>
<td>90 days prior to date</td>
<td>9a-2p or 4p-9p</td>
<td>$ 100</td>
<td>$ 125</td>
<td>$ 80</td>
<td>N/A</td>
</tr>
<tr>
<td>Full Day Rental</td>
<td>Jan. 1 - Dec 31</td>
<td>90 days prior to date</td>
<td>9a-9p</td>
<td>$ 160</td>
<td>$ 195</td>
<td>$ 128</td>
<td>N/A</td>
</tr>
<tr>
<td>Damage Deposit</td>
<td></td>
<td></td>
<td></td>
<td>$ 200</td>
<td>$ 200</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Parkers Lake North Picnic Shelter</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Half Day rental</td>
<td>May-October</td>
<td>January 1st</td>
<td>9a-2p or 4p-9p</td>
<td>$ 80</td>
<td>$ 103</td>
<td>$ 64</td>
<td>N/A</td>
</tr>
<tr>
<td>Full Day Rental</td>
<td>May-October</td>
<td>January 1st</td>
<td>9a-9p</td>
<td>$ 140</td>
<td>$ 175</td>
<td>$ 112</td>
<td>N/A</td>
</tr>
<tr>
<td>Damage Deposit</td>
<td></td>
<td></td>
<td></td>
<td>$ 100</td>
<td>$ 100</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Hilde Performance Center</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly Rate</td>
<td>April 15-</td>
<td>February 1</td>
<td>8a-11p (2 hr. min.)</td>
<td>$ 165</td>
<td>$ 205</td>
<td>$ 132</td>
<td>N/A</td>
</tr>
<tr>
<td>Damage Deposit</td>
<td>October 15</td>
<td></td>
<td></td>
<td>$ 500</td>
<td>$ 500</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Canoe &amp; Kayak Racks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parkers Lake, Medicine Lake, Mooney Lake</td>
<td>May 1-Oct 14</td>
<td>April 1</td>
<td></td>
<td>$ 49</td>
<td>$ 69</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Dock Permits</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yearly Fee</td>
<td>Jan. 1 - Dec 31</td>
<td></td>
<td></td>
<td>$ 25</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
## Park Facilities

<table>
<thead>
<tr>
<th>Facility</th>
<th>Dates Available</th>
<th>Reservations Available</th>
<th>Times</th>
<th>Residents</th>
<th>Non-Residents</th>
<th>Plymouth Non-profit</th>
<th>Corporate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Fields and Rink Hourly Rate</td>
<td>Year Round</td>
<td>N/A</td>
<td>Varies</td>
<td>$ 31</td>
<td>$ 31</td>
<td>$ 31</td>
<td>N/A</td>
</tr>
<tr>
<td>Outdoor Fields and Rink Daily Rate</td>
<td>Year Round</td>
<td>N/A</td>
<td>Varies</td>
<td>$ 127</td>
<td>$ 127</td>
<td>$ 127</td>
<td>N/A</td>
</tr>
<tr>
<td>Outdoor Courts Hourly Rate</td>
<td>April-October</td>
<td>N/A</td>
<td>Varies</td>
<td>$ 10</td>
<td>$ 10</td>
<td>$ 10</td>
<td>N/A</td>
</tr>
<tr>
<td>Field/Rink Lights Hourly Rate</td>
<td>Year Round</td>
<td>N/A</td>
<td>Varies</td>
<td>$ 30</td>
<td>$ 30</td>
<td>$ 30</td>
<td>N/A</td>
</tr>
<tr>
<td>Field Set Up Fee</td>
<td>Mid April-Mid October</td>
<td>N/A</td>
<td>Varies</td>
<td>$ 40</td>
<td>$ 40</td>
<td>$ 40</td>
<td>N/A</td>
</tr>
<tr>
<td>Attendant Hourly Rate</td>
<td>Year Round</td>
<td>N/A</td>
<td>Varies</td>
<td>$ 16</td>
<td>$ 16</td>
<td>$ 16</td>
<td>N/A</td>
</tr>
<tr>
<td>Artificial Turf Field Hourly Rate</td>
<td>Mid April-Mid October</td>
<td>N/A</td>
<td>Varies</td>
<td>$ 52</td>
<td>$ 52</td>
<td>$ 52</td>
<td>N/A</td>
</tr>
<tr>
<td>Artificial Turf Field Daily Rate</td>
<td>Mid April-Mid October</td>
<td>N/A</td>
<td>Varies</td>
<td>$ 216</td>
<td>$ 216</td>
<td>$ 216</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Millennium Garden

<table>
<thead>
<tr>
<th>Facility</th>
<th>Dates Available</th>
<th>Reservations Available</th>
<th>Times</th>
<th>Residents</th>
<th>Non-Residents</th>
<th>Plymouth Non-profit</th>
<th>Corporate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday-4 hour time block</td>
<td>May 1-Sept 30</td>
<td>Res.-18 months prior</td>
<td>8a-9p</td>
<td>$ 310</td>
<td>$ 430</td>
<td>$ 310</td>
<td>$ 365</td>
</tr>
<tr>
<td>Saturday-4 hour time block</td>
<td>May 1-Sept 30</td>
<td>Res.-18 months prior</td>
<td>8a-9p</td>
<td>$ 365</td>
<td>$ 485</td>
<td>$ 365</td>
<td>$ 420</td>
</tr>
<tr>
<td>Sunday-4 hour time block</td>
<td>May 1-Sept 30</td>
<td>Res.-18 months prior</td>
<td>8a-9p</td>
<td>$ 300</td>
<td>$ 420</td>
<td>$ 300</td>
<td>$ 355</td>
</tr>
<tr>
<td>Damage Deposit</td>
<td></td>
<td></td>
<td></td>
<td>$ 500</td>
<td>$ 500</td>
<td>$ 500</td>
<td>$ 500</td>
</tr>
<tr>
<td>Police Officer (Hourly)</td>
<td></td>
<td>Must be on duty during events with alcohol</td>
<td></td>
<td>$ 60</td>
<td>$ 60</td>
<td>$ 60</td>
<td>$ 60</td>
</tr>
<tr>
<td>Facility</td>
<td>Dates Available</td>
<td>Reservations Available</td>
<td>Times</td>
<td>Residents</td>
<td>Non-Residents</td>
<td>Plymouth Non-profit</td>
<td>Corporate</td>
</tr>
<tr>
<td>----------</td>
<td>----------------</td>
<td>-----------------------</td>
<td>-------</td>
<td>-----------</td>
<td>--------------</td>
<td>----------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Full Plymouth Room Hourly Rate (2 hour minimum)</td>
<td>M-W</td>
<td>2 months in advance</td>
<td>8a-9p</td>
<td>$ 85</td>
<td>$ 110</td>
<td>$ 85</td>
<td>$ 100</td>
</tr>
<tr>
<td>Full Plymouth Room Hourly Rate (2 hour minimum)</td>
<td>TH</td>
<td>Res.-18 months prior Non-Res.-15 months prior</td>
<td>8a-9p</td>
<td>$ 85</td>
<td>$ 110</td>
<td>$ 85</td>
<td>$ 100</td>
</tr>
<tr>
<td>Full Plymouth Room Daily Rate</td>
<td>F</td>
<td>Res.-18 months prior Non-Res.-15 months prior</td>
<td>10a-midnight</td>
<td>$ 800</td>
<td>$1,105</td>
<td>$ 800</td>
<td>$1,045</td>
</tr>
<tr>
<td>Full Plymouth Room Daily Rate</td>
<td>Sat &amp; Holidays</td>
<td>Res.-18 months prior Non-Res.-15 months prior</td>
<td>10a-midnight</td>
<td>$1,015</td>
<td>$1,330</td>
<td>$1,015</td>
<td>$1,215</td>
</tr>
<tr>
<td>Full Plymouth Room Daily Rate</td>
<td>Sun</td>
<td>Res.-18 months prior Non-Res.-15 months prior</td>
<td>10a-10p</td>
<td>$ 585</td>
<td>$ 885</td>
<td>$ 585</td>
<td>$ 770</td>
</tr>
<tr>
<td>Half Plymouth Room &amp; Black Box Hourly Rate (2 hour minimum)</td>
<td>M-Th</td>
<td>2 months in advance</td>
<td>8a-9p</td>
<td>$ 75</td>
<td>$ 100</td>
<td>$ 75</td>
<td>$ 90</td>
</tr>
<tr>
<td>Quarter Plymouth Room &amp; Fireside Hourly (2 hour minimum)</td>
<td>M-Th</td>
<td>2 months in advance</td>
<td>8a-9p</td>
<td>$ 50</td>
<td>$ 75</td>
<td>$ 50</td>
<td>$ 60</td>
</tr>
<tr>
<td>Plymouth Room Damage Deposit</td>
<td></td>
<td></td>
<td></td>
<td>$ 500</td>
<td>$ 500</td>
<td>$ 500</td>
<td>$ 500</td>
</tr>
<tr>
<td>Meeting/Conference Rooms Hourly Rate (2 hour minimum)</td>
<td>M-Su</td>
<td>2 months in advance</td>
<td>8a-9p</td>
<td>$ 30</td>
<td>$ 50</td>
<td>$ 30</td>
<td>$ 40</td>
</tr>
<tr>
<td>Alcove Hourly Rate</td>
<td>M-Su</td>
<td>Res.-18 months prior Non-Res.-15 months prior</td>
<td>8a-10p</td>
<td>$ 50</td>
<td>$ 75</td>
<td>$ 50</td>
<td>$ 60</td>
</tr>
<tr>
<td>Alcove-10 hour time block</td>
<td>M-Su</td>
<td>Res.-18 months prior Non-Res.-15 months prior</td>
<td>8a-10p</td>
<td>$ 400</td>
<td>$ 500</td>
<td>$ 400</td>
<td>$ 450</td>
</tr>
</tbody>
</table>
### Meeting/Conference/Alcove Damage Deposits

<table>
<thead>
<tr>
<th>Facility</th>
<th>Dates Available</th>
<th>Reservations Available</th>
<th>Times</th>
<th>Residents</th>
<th>Non-Residents</th>
<th>Plymouth Non-profit</th>
<th>Corporate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
</tr>
</tbody>
</table>

### Facility

- Plymouth Creek Center
- Plymouth Ice Center
- Plymouth Creek Center Fieldhouse

#### Plymouth Creek Center

<table>
<thead>
<tr>
<th>Wireless Microphone</th>
<th></th>
<th>$50</th>
<th>$50</th>
<th>$50</th>
<th>$50</th>
</tr>
</thead>
<tbody>
<tr>
<td>LCD Projector &amp; Screen</td>
<td></td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>Flip Chart</td>
<td></td>
<td>$10</td>
<td>$10</td>
<td>$10</td>
<td>$10</td>
</tr>
<tr>
<td>TV &amp; DVD</td>
<td></td>
<td>$15</td>
<td>$15</td>
<td>$15</td>
<td>$15</td>
</tr>
</tbody>
</table>

#### Plymouth Ice Center

*Effective September 1*

<table>
<thead>
<tr>
<th>Hourly Rate</th>
<th>Sept-March</th>
<th>$210</th>
<th>$210</th>
<th>$210</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Rate</td>
<td>April-August</td>
<td>$180</td>
<td>$180</td>
<td>$180</td>
<td>N/A</td>
</tr>
</tbody>
</table>

#### Plymouth Creek Center Fieldhouse

*Effective September 1*

<table>
<thead>
<tr>
<th>Full Field Prime Time Hourly Rate</th>
<th>November-April</th>
<th>August</th>
<th>6-10:30p (M-F) 7:30a-10:30p (Sa, Su, Hol)</th>
<th>$325</th>
<th>$340</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Half Field Prime Time Hourly Rate</td>
<td>November-April</td>
<td>August</td>
<td>6-10:30p (M-F) 7:30a-10:30p (Sa, Su, Hol)</td>
<td>$175</td>
<td>$185</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Full Field Non-Prime Time Hourly Rate</td>
<td>November-April</td>
<td>August</td>
<td>7:30a-6p (M-F)</td>
<td>$295</td>
<td>$315</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Half Field Non-Prime Time Hourly Rate</td>
<td>M-F</td>
<td>August</td>
<td>7:30a-6p (M-F)</td>
<td>$155</td>
<td>$165</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Open Play Rate per child</td>
<td>November-March</td>
<td>N/A</td>
<td>Vary</td>
<td>$4</td>
<td>$5</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Facility Manager has the authority to adjust an hourly fee within 48 hours of a potential rental date if the field is still available for rent.
*State sales tax will be added to all rates contained in Section 1016.

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Section 1017 - Providing Information to the Public and Other Miscellaneous Fees

1017.01. Fees. The following fees are hereby established:

- Zoning Ordinance $10
- Zoning Ordinance CD $5
- Zoning Map $5
- Zoning Ordinance or City Code annual revision service $15
- City Code (complete code book with tab dividers) $50
- Comprehensive Plan Book (2 vol. set) $100
- Wetland Map $5
- Land Use Guide Plan Map $5
- Wetland Buffer Sign $5.10
- ½ Section Map and Plans/Plats 24 x 36 $.50
- Partial Plans $.75
- Large Plans/Maps 36 x 40 $1
- 11 x 17.5 Section Plat Book $20
- 17x22 Street Maps $.25
- 22x34 Street Maps $.50
- 36x90 Street Maps $1
- Aerial Maps $10
- Topography Maps $5/acre
- Colored copies $1/copy
- List of All Property Owners in the City:
  - Printout $30
  - Electronic Media $1
  - Labels $160
- Partial List of Property Owners in City:
  - Printout $15
  - Electronic Media $1
  - Labels $80
- Electronic media of Engineering Guidelines $20
- Electronic Media Actual cost
- List of commercial utility accounts:
  - Printout $5
  - Labels 12
  - Electronic Media $1
- Videotapes/Audiotapes: $20 our tape; $15 their tape

Agendas, minutes, and current staff reports for Council and all boards and commissions are free. For other items not listed above, the first 50 copies are free and $.25 per page thereafter.
Section 1018 - Police and Fire Fees

1018.01. Fees. The following Police and Fire fees are hereby established:

   Fingerprinting   $10/person
   Weekly Listing of Accidents $0.50/accident

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Section 1019 - Background Checks

1019.01. **Applicants for City licenses and certificates.**

Subd. 1. Purpose: The purpose and intent of this Section is to establish regulations that will allow law enforcement access to Minnesota’s Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

Subd. 2. Criminal History License Background Investigations: The Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on applicants for licenses and certificates within the City when required by the City Code including therapeutic massage enterprise, massage therapist, lawful gambling, peddler, solicitor, pawnbroker, and liquor licenses.

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the Council, the City Clerk, or other City staff involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for a license on the basis of the applicant’s prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor. If the City rejects the applicant’s request on this basis, the City shall notify the applicant in writing of the following:

A. The grounds and reasons for the denial.

B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.

C. The earliest date the applicant may reapply for the license.

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

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CHAPTER XI

GENERAL PROVISIONS

Section 1100 - Amusements

1100.01. General Rule. It is unlawful to maintain or operate a theatrical performance, stage show, motion picture, drive-in theater, or amusement park in the City without a license therefor.

1100.03. Amusements Defined. The terms "theatrical performances," "stage show," "moving pictures," "drive-in theaters," and "amusement parks" mean forms of entertainment to which two or more persons are invited to view an exhibition of acting or the screen projection of motion pictures with accompanying sound broadcasting, or the furnishing of rides to the public, for a profit or in the course of a business enterprise, and are referred to in this Section as "Amusements."

1100.05. Exceptions. Nothing contained in this Section shall prevent unlicensed theatrical presentations and motion pictures by religious and educational non-profit associations or corporations within the confines of a church or religious education edifice or within a public school building, where the presentation is sponsored by religious, educational or non-profit groups.

1100.07. License. Subdivision 1. Required; Term. No Amusement shall be erected, maintained or operated within the City without a license therefor having been obtained from the Council by the owner or proprietor thereof. The license shall expire on the 31st day of December next following the date of issue.

   Subd. 2. License; Application Fees. Application for an Amusement license must be made in writing to the City Clerk on forms provided by the City. The license, if granted, is valid only for the specific Amusement days, dates and times as identified in the application. Amusement schedule revisions require subsequent Council approval. The license fee is set forth in Chapter X and is payable in advance. (Ord. 95-42, 8/15/95)

1100.09 Duties of Licensee. The operator or owner of a licensed Amusement shall conduct the Amusement in a lawful manner, in compliance with all regulations and statutes of the State of Minnesota and this Code. He or she shall not maintain any nuisance or noise on said premises, and shall at all times keep the premises clean, allow no trash, paper cups, papers or wrappers to be scattered on said premises; no bottles, bottle caps or metallic articles to be deposited or allowed to lay on the driveways, parking areas and walkways on the premises of the Amusement. No intoxicating liquors or any immoral conduct or practices shall be allowed on the premises. Sufficient parking facilities shall be made available to adequately take care of all
patrons, and no motor vehicles shall be allowed to stop or park on the shoulders of the public highway in the immediate vicinity of the premises.

1100.11. Liability Insurance. Each Amusement licensee shall file with the City Clerk a certificate of insurance indicating that the licensee has a policy of public liability insurance to protect the public and in such amounts as the Council may require. Failure to provide such insurance or to keep it continuously in effect is grounds for revocation of the license.
Section 1105 - Lawful Gambling

1105.01. Purpose. The purpose of this Ordinance is to regulate and control the conduct of gambling, to insure integrity of operations, and to provide for the use of net profits only for lawful purposes. *(Ord. 2003-02, 1/28/2003)*

1105.02. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 349, are hereby adopted and made a part of this Ordinance as it set out in full. *(Ord. 2003-02, 1/28/2003)*

1105.03. Lawful Gambling. There shall be no gambling in the City except as authorized pursuant to the provisions of Minnesota Statutes, Chapter 349, and the rules adopted pursuant to the authority contained in the statutes. Gambling shall be operated in accordance with the terms and conditions specified in this division, other applicable Plymouth City Ordinances and state and federal laws and regulations. *(Ord. 2003-02, 1/28/2003)*

1105.04. City Permit Required. Except for an organization licensed by the Board, no person may conduct a gambling event which would otherwise be allowed pursuant to the exclusions and exemptions set forth in Minnesota Statute 349.166, without first securing a permit from the City and paying a permit fee in the amount of $100. *(Ord. 2003-02, 1/28/2003)*

1105.05. City Approval Required. Subdivision 1. Premises Permit. No person may conduct a gambling event within the City, without first securing a premises permit from the Board, with a resolution from the Council approving the premises permit. The Owner of the premises for which a premises permit is issued must comply with the requirements of Minnesota Statute 349.18 in renting or using the premises for lawful gambling. *(Ord. 2001-08, 2/27/2001; Ord. 2003-02, 1/28/2003)*

Subd. 2. Bingo Hall License. No person may lease a facility to more than one organization to conduct bingo without the Council first approving by resolution, a current and valid bingo hall license issued by the Board. *(Ord. 2001-08, 2/27/2001; Ord. 2003-02, 1/28/2003)*

A. On premises licensed for the sale of intoxicating liquor, non-intoxicating liquor or wine, or on premises having club licenses pursuant to Minnesota Statutes, Chapter 340, as amended, or Chapter XII of this Code.

B. On premises that are not owned or leased by the applicant.

C. If the activity conducted on the premises is not a lawful use of the property in accordance with the applicable provisions of state law and the regulations and ordinances of the City.

D. If there are delinquent real estate taxes or special assessments payable with respect to the premises.
E. If the applicant fails to provide the City with any relevant information requested by the City.

F. If the applicant has not been in existence for at least three years or does not have at least 30 active members as of the date of the application.

G. If, in the judgment of the Council, the conduct of bingo on the premises will adversely affect the public health, safety or welfare.

1105.06. Application/Reporting Regulations/Investigation. Subdivision 1. Each organization licensed to conduct lawful gambling in the City shall complete the City’s investigation form, submit copies of all state gambling application forms, all records and reports required to be filed within the State Gambling Control Board pursuant to Minnesota Statues, Chapter 349, and the rules and regulations promulgated thereunder, and submit any additional information required by the City.

Subd. 2. Any organization leasing premises for the conduct of lawful gambling shall, upon request from the City, file with the City a copy of the lease within one week after execution of the lease. The lease shall not provide for rental payments based on a percentage of receipts or profits from lawful gambling.

Subd. 3. Upon receipt of an application for a premises permit or bingo hall license or renewal thereof, the Police Chief shall review the application and make a recommendation to the City Council. As part of the investigation, the Police Chief shall obtain from the applicant or the board the data and background information submitted by the applicant as part of the state licensing and premises permit application. The Police Chief shall also obtain other information received by the board pertaining to the eligibility and qualifications of the licensed organization to conduct or continue to conduct lawful gambling at the premises specified in the application.

Subd. 4. Every gambling event in the City conducted by an organization under state license shall be open to inspection by the City and the County Sheriff’s Department.

Subd. 5. The City may inspect, at any reasonable time without notice or search warrant, all records of a licensed organization required to be maintained by the State Gambling Control Board.

(Ord. 2003-02, 1/28/2003)

1105.07 Local Investigation Fee. An investigation fee in the amount set forth in Chapter X is imposed on organizations or bingo halls applying for or renewing a license to conduct lawful gambling or operate a bingo hall.


1105.08. Notice, Approval or Disapproval of Premises Permits. Subdivision 1. Notice. The Board shall notify the Council pending application or renewal for a premises permit or
bingo hall license. The applicant shall cooperate fully with the City in supplying all information provided for in this ordinance. The Council shall determine whether the organization meets all the criteria provided for in this Ordinance necessary to approve a premises permit or bingo hall license.

Subd. 2. Approval or Disapproval. Each pending application for a premises permit or bingo hall license shall be approved or disapproved by resolution of the Council within 60 days of receipt of a complete application.

(Ord. 2003-02, 1/28/2003)

1105.09. Authorized Organizations. An organization shall not be eligible to conduct lawful gambling in the City unless it meets the qualifications in Minnesota Statute 349.16, Subd. 2, and also meets at least one of the following conditions:

Subd. 1. The physical site for the organization’s headquarters or the registered business office of the organization is located within the City at least two years immediately preceding application for a license; or

Subd. 2. The organization owns real property within the City and the lawful gambling is conducted on the property owned by the organization within the City; or

Subd. 3. The physical site where the organization regularly holds its meetings and conducts its activities, other than lawful gambling and fund raising, is within the City and has been located within the City for at least two years immediately preceding application for a license.

Subd. 4. The organization is a fire relief organization that provides fire protection services to the City.


1105.10. Qualifications. The Council shall not adopt a resolution approving a premises permit or bingo hall license from any applicant:

Subd. 1. Which has an officer, director, or other person in a supervisory or management position, who:

A. Has ever been convicted of a felony;

B. Has ever been convicted of a crime involving gambling;

C. Is not of good moral character and repute;
D. Has ever been convicted of (i) assault, (ii) a criminal violation involving the use of a firearm, or (iii) making terroristic threats; or

Subd. 2. Which owes or which has an officer, director, or other person in a supervisory or management position, who owes delinquent local, state or federal taxes, or is delinquent on any other City bill.

(Ord. 2003-02, 1/28/2003)

1105.11. Location Criteria for Premises Permits and Bingo Hall Licenses. All organizations applying for a premises permit or bingo hall license must meet criteria set forth herein relating to location of lawful gambling activities.

Subd. 1. An organization may conduct lawful gambling only on premises it owns or leases, except as authorized by Minnesota Statute 349.18.

Subd. 2. Gambling in the City may be conducted only in the licensed organization’s hall where it has its regular meetings or in a licensed on-sale liquor, wine and beer establishment.

Subd. 3. No location shall be approved unless it complies with the applicable zoning, building, fire and health codes of the City and other regulations contained in this Ordinance.

Subd. 4. Area Prohibited. Except for a premises permit issued to a fraternal organization for a location at which the fraternal location has been since on or before 1975, no premises permit shall be issued for any location within 500 feet of any dwelling (residence), school or religious institution. The distance shall be measured from the edge of a free standing building or tenant space of a business in a multi-tenant building to the nearest point of the parcel or lot upon which the residence, school, or place of worship is located. (Ord. 2009-08, 5/12/2009; Ord. 2013-01, 1/8/2013)


1105.12. Distribution of Proceeds. Subdivision 1. Each organization licensed to conduct gambling within the City shall contribute to a fund administered and regulated by the City, for distribution by the City for purposes authorized under Minnesota Statute 349.213, Subd. 1, an amount equal to 10% of the organization’s net profits derived from lawful gambling. For purposes of this Section, net profits are profits less amounts expended for allowable expenses. Payments to the fund shall be calculated for quarterly periods ending on the last days of March, June, September and December of each year. Quarterly installment payments shall be submitted together with verifiable supporting documentation, not later than the twentieth day of the month following the end of the quarterly period.

Subd. 2. Each organization conducting lawful gambling within the City must expend 75% of its lawful purpose expenditures on lawful purposes conducted or located within the trade area of the City, which shall be limited to the corporate limits of the City or any municipality
contiguous to the City. This section applies only to lawful purpose expenditures of gross profits derived from lawful gambling conducted at premises within the City. Annually, each organization must file with the City a report prepared by an independent certified public accountant documenting compliance with this Section. In addition, each organization must submit a report to the City each January listing all lawful purpose expenditures from January 1 through December 31 of the preceding year.  


The report shall identify the name of the entity to whom the check was written, the City location of the recipient and the amount of the donation.

(Ord. 2003-02, 1/28/2003)

1105.13. Penalties. Subdivision. 1. Violation. Violation of any provision of this Ordinance shall be a misdemeanor. Nothing in this Ordinance shall preclude the City from enforcing this Ordinance by means of any appropriate legal action. Additionally, a violation of this Chapter shall be reported to the Board and a recommendation shall be made for suspension, revocation or cancellation of an organization’s license.

Subd. 2. Suspension and Revocation. Any permit may be suspended or revoked for any violation of this Ordinance. A permit shall not be suspended or revoked until the procedural requirements of Subsection C have been complied with, provided, that, in cases where probable cause exists as to an ordinance violation, the City may temporarily suspend upon service of notice of the hearing provided for in Subsection C. Such temporary suspension shall not extend for more than two weeks.

Subd. 3. Procedure. A permit shall not be revoked until notice and an opportunity for a hearing have first been given to the permittee. The notice shall be personally served and shall state the ordinance provision reasonably believed to be violated. The notice shall also state that the permittee may demand a hearing on the matter, in which case the permit will not be suspended until after the hearing is held. If the permittee requests a hearing, one shall be held on the matter by the Council at least one week after the date on which the request is made. If, as a result of the hearing, the Council finds that an ordinance violation exists, then the Council may suspend or terminate the permit.

(Ord. 2003-02, 1/28/2003)

1105.14. Enforcement Responsibility. Nothing in this ordinance shall be construed to require the City to undertake any responsibility for enforcing compliance with Minnesota Statutes, Chapter 349, other than those provisions related to the issuance of premises permits as required in Minnesota Statute 349.213, as may be amended from time to time.

(Ord. 2003-02, 1/28/2003)
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Section 1110 - Fireworks

1110.01 Sale of Fireworks. It is unlawful to sell fireworks in the City in violation of Minnesota Statutes 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.

1110.03 Definition. For the purposes of this Section “legal fireworks” is defined to mean conformance with Minnesota Statute 624.20.

1110.05 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; and, information sufficient to demonstrate compliance with National Fire Protection Association (NFPA) Standard 1124, or to prove that the premises will be exempted from that standard.

1110.07 Processing Application. The application must be filed with the City Clerk together with the license fee. Following an inspection of the premises proposed to be licensed, the City Manager shall issue the license if the conditions for license approval are satisfied and the location is properly zoned. If the City Manager denies the license application, the applicant may, within 10 days, appeal the decision to the Council.

1110.09 Conditions of License. The license shall be issued subject to the following conditions:

A. The license is non-transferable, either to a different person or location.

B. The license must be publicly displayed on the licensed premises.

C. The premises are subject to inspection by City employees including police officers during normal business hours.

D. The sale of legal fireworks must be allowed by the zoning ordinance and must comply with all zoning ordinance requirements including signs.

E. The premises must be in compliance with the State Building Code, State Fire Code, and NFPA Standard 1124.

1110.11 License Period and License Fee. Licenses shall be issued for a calendar year. The license fee is set forth in Chapter X. License fees shall not be prorated.
1110.13 **Revocation of License.** Following written notice and an opportunity for a hearing, the City Manager 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 12 months. If the City Manager revokes a license, the license holder may within 10 days appeal the decision to the Council.


1110.15 **Permit for Display of Fireworks.** A permit authorized by Minnesota Statutes Section 624.22 for the supervised display of fireworks shall not be issued to allow the display of fireworks Sunday through Thursday after 8:00 p.m. from the day following Labor Day through June 1.

**Notification Requirements.** All properties within 5,000 feet of the property where the fireworks will be displayed shall be notified by mail no later then 10 days from the date of the display. Proof shall be provided as part of the permit process.

**Exemptions.** Fireworks displays done as part of a City of Plymouth function shall be exempt from this Ordinance.

Section 1115

(This section was repealed by Ordinance No. 2011-29, 10/25/2011)
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Section 1120 - Motor Bicycle/Motor Scooter Rentals

1120.01. **License Required.** No person shall engage in the Motor Bicycle business within the City without a state license therefor and a license issued under this Section.

1120.03. **License Period; License Fee.** Each Motor Bicycle License shall be issued for one calendar year from January 1st to December 31st, and the fee therefor is fixed by Chapter X. *(Ord. 95-42, 08/15/95)*

1120.05. **Applications; Forms; Approval by Council.** Applications for Motor Bicycle License shall be made to the City Clerk on forms furnished by the City and shall be subject to the approval of the Council.

1120.07. **Insurance Required; Liability Limits; Required Provisions.** Each person applying for a Motor Bicycle license shall accompany his or her application with an insurance policy in force with an insurance company authorized to do business in the State of Minnesota, which policy must be in force for the entire license year or the remaining portion thereof calculated from the date of the application. Each policy shall insure the applicant, his or her lessees, renters and bailees using applicant's motorcycles or motor scooters, against loss in the sum of at least $50,000 for injury or death of any one person in any one accident and $100,000 per injury to or death of two or more persons in any one accident and $5,000 because of damage to or destruction of property in any one accident all resulting from the negligent ownership, operation, use or defective condition of any Motor Bicycle or motor scooter belonging to applicant. Every such policy of liability insurance shall contain an endorsement to the effect that such policy shall cover operators and passengers of Motor Bicycles and motor scooters leased or rented to minors and further, that the City shall be notified by letter addressed to the City Clerk thereof at least five days prior to the cancellation of any of such policies of insurance.

1120.09. **Listing of Rental Vehicles.** Each person applying for such a license shall accompany the application with a list of the vehicles which applicant proposes to use for rental or lease, which list shall describe such vehicles by make, year and serial number. Any replacement of such equipment made by any licensee in the course of the license year shall be reported to the City Clerk within five days of such replacement.

1120.11. **Conditions of License.** Subdivision 1. **Drivers License.** The licensee shall not rent or lease a Motor Bicycle or motor scooter to any person, except if such person shall have a valid Minnesota driver's license in his possession and subject to the limitations as prescribed thereon.

Subd. 2. **Inspection.** All vehicles shall be kept in good operating condition by the licensee, and the City employees may make periodic inspections of such vehicles. All such vehicles shall be numbered and shall be marked so as to be easily identifiable as rented vehicles.

Subd. 3. **Instruction.** The licensee, his agents or employees, shall explain the operation of such Motor Bicycles or motor scooters including the controls, pedals, gears, and brakes of the particular vehicle to be used by each person leasing or using the same prior to the time when it is
operated by such person. The licensee shall call the attention of the lessee or bailee to the high
degree of maneuverability of a Motor Bicycle or motor scooter and the lack of protection to the
driver thereof if the vehicle is upset.

Subd. 4. Hours. No rental of motor scooters and Motor Bicycles shall be permitted by
any licensee between the hours of 9:00 p.m. and 8:00 a.m. on any day.

1120.13. Investigation of Business Location. The Director of Public Safety shall cause an
investigation to be made of the traffic conditions prevailing in the immediate vicinity of
applicant’s proposed place of business and make a report thereof to the Council. Particular
attention shall be given to such traffic conditions on weekends and holidays.

1120.15. Regulation of the Operation of Motor Scooters and Motor Bicycles. Subdivision
1. Operation. No person operating a Motor Bicycle within the City shall:

A. Allow any passenger to ride on such rented vehicle.

B. Operate any such vehicle while standing on same or perform any trick
riding or operate in any manner other than in a customary manner for operating
such vehicle.

C. Operate any such vehicle upon any sidewalk in the City.

D. Operate any such vehicle upon any public street or public highway within
the City abreast of any other person riding or propelling a bicycle, Motor Bicycle
or motor scooter.

Subd. 2. Traffic Rules. Every person operating a motor scooter or Motor Bicycle within
the City shall observe all traffic rules and regulations applicable thereto, shall not make U turns,
shall signal for all turns, ride at the extreme right hand side of the street or highway, and shall
pass to the left when overtaking other vehicles and pedestrians that are slower moving.

(Ord. 2018-18, 9/25/2018)
Section 1125

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(This section was repealed by Ordinance No. 2011-29, 10/25/2011)
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Section 1135 - Therapeutic Massage

1135.01. Purpose. The purpose of this section of the City Code is to prohibit massage businesses and services to the public except those licensed as therapeutic massage enterprises and massage therapists pursuant to this section. The licensing regulations prescribed herein are necessary in order to protect businesses that are operating legitimate enterprises, to prevent criminal activity and to protect the health and welfare of the community. The purpose of this section is not to impose restrictions or limitations on the freedom of protected speech or expression.

1135.03. Findings of the City Council. The City Council makes the following findings regarding the need to license therapeutic massage enterprises and therapists and to prohibit all other types of massage businesses and services to the public:

A. Persons who have a bona fide and standardized training in therapeutic massage, health, and hygiene can provide a legitimate and necessary service to the general public.
B. Health and sanitation regulations governing therapeutic massage enterprises and therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.
C. License qualifications for the restrictions on therapeutic massage enterprises and therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.
D. Massage services provided by persons with no specialized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.
E. Massage businesses which employ persons with no specialized and standardized training can tax City law enforcement services because such businesses are more likely to be operated as fronts for prostitution and other criminal activity than operations established by persons with standardized training.
F. The training of professional massage therapists at approved institutions is an important means of ensuring the fullest measure of protecting the public health, safety, and welfare.

1135.05. Definitions. The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise:

**Approved Institution.** An educational institution holding approved status with the United States Department of Education, Minnesota Office of Higher Education, or by any state licensing board.

**Approved Program.** A professional massage program or educational institution approved by the Commission on Massage Therapy Accreditation (COMTA) or the National Accrediting Commission of Career Arts and Sciences (NACCAS).
Clean. The absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.

Good Repair. Free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Issuing Authority. The Public Safety Director, or his or her designee.

Massage. Any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

Massage Therapist. An individual who practices or administers massage to the public who can demonstrate to the issuing authority that he or she:

1. Has current insurance coverage of $1,000,000 for professional liability in the practice of massage;
2. Has completed 500 hours of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from a program or institution that has been approved by the issuing authority or who has successfully passed the National Certification Examination for Therapeutic Massage and Bodywork. These training hours must be authenticated by a single provider through a certified copy of the transcript of academic record from the school issuing the training, degree or diploma. In the event the accredited program or accredited institution is no longer in existence, in the sole discretion of the City, a certified copy of the transcript of academic record may be accepted directly from the applicant with an affidavit stating said transcript of academic record is authentic. The certified copy of the transcript of academic record must contain the applicant’s name, last address of the institution at the time of closing, and reflect the 500 hours of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice as required.

Operate. To own, manage or conduct, or to have control, charge or custody over.

Person. Any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

Therapeutic Massage Enterprise. An entity which operates a business which hires and/or contracts only licensed massage therapists to provide therapeutic massage to the public. The owner/operator of a therapeutic massage enterprise need not be licensed as a massage therapist if he
or she does not at any time practice or administer massage to the public. A therapeutic massage enterprise may employ other individuals such as cosmetologist and estheticians, and these individuals are not required to have a massage therapist license as long as they are not providing therapeutic massage to the public.

1135.07. License Required.

A. **Therapeutic Massage Enterprise License.** It shall be unlawful for any person or entity to own, operate, engage in, or carry on, within the City, any type of massage services to the public for consideration without first having obtained a therapeutic massage enterprise license from the City pursuant to this section. The issuing authority shall issue therapeutic massage enterprise licenses in such a manner that the number of therapeutic massage enterprise licenses shall not exceed 15.

B. **Massage Therapist License.** It shall be unlawful for any individual to practice, administer, or provide massage services to the public for consideration within the City without first having obtained a massage therapist license from the City pursuant to this section.

1135.09. Exceptions. A therapeutic massage enterprise or therapist license is not required for the following persons and places:

A. Persons duly licensed or registered by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, or professional practices licensed or registered by this state and regulated by a governmental body with a board where concerns and complaint could be directed, registered nurses and nurses who work under the direction of such persons, provided the massage is administered in the regular course of the medical business as it prepares the patient for a medical procedure or complements a medical procedure previously performed on the patient and not provided as part of a separate and distinct massage business. Any duly licensed or registered person or professional practices that offers any form of massage without a direct link to a medical procedure must obtain a massage license.

B. Persons working solely under the direction and control of a duly licensed or registered person by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, podiatry, dentistry or a medical professional license under State Statutes Chapters 147 and 148, as they may be amended from time to time.

C. Persons duly licensed by this state as beauty culturists or barbers, provided such persons do not hold themselves out as giving massage treatments and provided the massage by beauty culturists is limited to the head, neck, hand to elbow, and foot to knee and the massage by barbers is limited to the head and neck.

D. Places licensed or operating as a hospital, nursing home, senior care facility, hospice, sanitarium or group home or other health care office, clinic, or facility established for the hospitalization or care of human beings provided the massage is administered only to the residents or patients of the facility as part of their care and not provided as a part of a separate service.
E. Students of an approved institution who are performing massage services in the course of a clinical component of a program of study, provided that the students are performing the massage services at the location of the institution provided the students are limited to performing massage therapy only on owners or staff of licensed massage enterprises and not on members of the public.

F. Individuals performing massage services as part of a wellness event/expo where such event will not be more than three days in length. Written notice must be provided to the issuing authority and must include dates, times, and location(s) of such event.

1135.11. License Applications. All applications for therapeutic massage enterprise and massage therapist licenses issued under this section shall be made on forms prescribed by the City. Application forms are required to be fully completed along with requested supporting documentation.

1135.13. Terms, License Fees, Renewal of License, and Denials.

A. **Terms of licenses.** The term of a therapeutic massage enterprise license is one year. If an enterprise submits an application any time during a calendar year, the term shall expire December 31 of the year of issuance, with the remainder of the year at a pro rata fee, with any unexpired fraction of a month being counted as one month. The term of a massage therapist license is one year from the date of issuance.

B. **License fees.** License fees, investigation fees, and late fees are set forth in Chapter X of this code. No investigation fee shall be refunded.

C. **Renewal of licenses.** An application for renewal of an enterprise or individual license shall be made in the same manner as the original application.

D. **New and Renewal Applications that are denied.** The issuing authority will notify applicant if their new or renewal application has been denied based upon the results of the background investigation. The applicant may appeal the denial to the City Manager, or his or her designee, within 30 days of the date of the notice. A hearing will be scheduled within 10 days after service of the notice of appeal upon the City Manager, or his or her designee. At the conclusion of the hearing, or as soon as thereafter as practicable, the City Manager, or his or her designee, may order:

1. That the denial by the issuing authority be affirmed.
2. That the denial by the issuing authority be reversed and the license be issued.

1135.15. License Application Verification and Consideration.
A. **Therapeutic massage enterprise license.** All applications shall be referred to the issuing authority and such other City departments as the City Manager, or his or her designee, shall deem necessary for verification and investigation of the facts set forth in the application. The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver’s license history inquiry on the applicant. The issuing authority is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History Information system in accordance with BCA policy, as well as any additional investigation, including but not limited to contacting other state agencies. In addition, all applications must include results of comprehensive national criminal background checks from a background investigative provider approved by the City for all massage therapists performing massage therapy at the therapeutic massage enterprise location. The national criminal background check is to be obtained and paid for by the therapeutic massage enterprise licensee upon signed release from massage therapists. Upon completion of investigation, the issuing authority shall grant or deny the license.

B. **Massage Therapist License.** The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry, background check, and/or a driver’s license history inquiry on the applicant. Massage therapists who will be working at a City of Plymouth licensed therapeutic massage enterprise must include with their application a copy of the national criminal background check as required in Section 1135.15, Subd. A. Upon completion of investigation, the issuing authority shall grant or deny the application.

1. **Photo Identification Cards.** Photo identification cards shall be issued by the issuing authority to individuals receiving a massage therapist license. Each person licensed as a massage therapist shall have the photo identification card readily available upon request.

1135.17. **Persons Ineligible for License.**

A. **Therapeutic massage enterprise license.** No therapeutic massage enterprise license shall be issued to a person who:
1. Is not 18 years of age or older at the time the application is submitted to the issuing authority;
2. Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes 364.03, Subd. 2, as it may be amended from time to time, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota Statutes 364.03, Subd. 3, as it may be amended from time to time.
3. Has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was denied, revoked or suspended within the last five years of the date the license application is submitted to the issuing authority;
4. Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;
5. Is not of good moral character or repute;
6. Is not the real party in interest of the enterprise;
7. Has knowingly misrepresented or falsified information on a license application at any time;
8. Cannot meet the definition of therapeutic massage enterprise in Section 1135.05 of this code;
9. Is the spouse of a person who massage related license has been denied, suspended, or revoked in the past five years;
10. Allowed a license to expire or surrendered a license, unless, at the sole discretion of the City, a license application is submitted for consideration. The application shall be treated the same as an application for a new license, subject to all ordinance regulations and review.

B. Massage therapist license. No massage therapist license shall be issued to a person who:

1. Is not 18 years of age or older at the time the application is submitted to the issuing authority;
2. Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes 364.03, Subd. 2, as it may be amended from time to time, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota Statutes 364.03, Subd. 3, as it may be amended from time to time;
3. Whether the applicant has had an interest in a corporation, partnership, association, enterprise, business or firm, a massage license that was denied, revoked or suspended within the last five years of the date the license application is submitted to the issuing authority;
4. Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;
5. Is not of good moral character or repute;
6. Has knowingly misrepresented or falsified information on the license application at any time;
7. Cannot meet the definition of massage therapist in Section 1135.05 of this code;
8. Allowed a license to expire or surrendered a license, unless, at the sole discretion of the City, a license application is submitted for consideration. The application shall be treated the same as an application for a new license, subject to all ordinance regulations and review.

1135.19. Locations Ineligible for Therapeutic Massage Enterprise License.

A. **Delinquent taxes.** No therapeutic massage enterprise shall be licensed if such enterprise is located on property in which taxes, assessments or other financial claims to the state, county, school district, or city are due and delinquent. In the event a suit has been commenced under Minnesota Statutes 278.01 through 278.13, questioning the amount or validity of taxes, the City Manager may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one year after becoming due.
B. **Zoning.** No therapeutic massage enterprise shall be licensed if the location of such enterprise is not in conformance with Chapter 21 of this code unless such enterprise is a legal, nonconforming use.
C. **Building, fire, and code compliance violations.** No therapeutic massage enterprise shall be licensed if the location of such enterprise is not in compliance with State Building and Fire Codes in addition to this code.
D. **Separate entrance.** No therapeutic massage enterprise shall be licensed if the location of such enterprise does not have a separate, distinct, front-facing entrance. A separate, distinct, front-facing entrance for an entire building is required for enterprise locations within multiple suites.
E. If the massage therapy license of two or more massage therapists employed by the therapeutic massage enterprise have been revoked within a twelve month period for twelve months following the revocation of the second massage therapist license, the location may not be used as a therapeutic massage enterprise and a therapeutic massage enterprise license may not be issued or renewed for that location.

1135.21. License Restrictions.

A. **Posting of licenses.** Therapeutic massage enterprise license issued must be posted in a conspicuous place on the premises for which it is used. A person licensed as a massage therapist shall have readily available at all times that therapeutic massage services are rendered, the photo identification card issued by the issuing authority.
B. Licensed premises. A therapeutic massage enterprise license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered or extended, the licensee shall inform the issuing authority within 10 business days. It shall be the continuing duty of each licensee to inform the issuing authority within 10 business days of any change in the information or facts required to be furnished on the application for license and failure to comply with this section shall constitute cause for revocation or suspension of such license. A massage therapist license shall entitle the licensed therapist to perform massage at a licensed therapeutic massage enterprise, at the place of residence of the massage therapist, or at an office, business, or institution. Hotel and motel guest rooms, residential dwellings (with exception of written doctor’s order per Section 1135.09), motor vehicles, and trailers are prohibited.

C. Transfer of license prohibited. The license issued is for the person or 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.

D. Employment of unlicensed massage therapists prohibited. No therapeutic massage enterprise shall employ or contract any person to perform massage who is not licensed as a massage therapist under this section, unless the person is specifically exempted from obtaining a massage therapist license in Section 1135.09 of this code.

E. Coverage of genitals during massage. The licensee shall require that the person who is receiving the massage shall completely cover at all times genitals and breasts with non-transparent material or clothing.

F. Massage therapist dress/uniform requirements. Any massage therapist performing massage shall at all times be dressed professionally, including short sleeved shirts, skirts and shorts no shorter than three inches above the knees, no cleavage showing, nails trimmed and neat, hair pulled back and closed-toe shoes.

G. Effect of license suspension or revocation. No licensee shall solicit business or offer to perform massage services while under license suspension or revocation by the City.

H. Massage of certain body parts prohibited. At no time shall the massage therapist intentionally massage or offer to massage the penis, scrotum,mons veneris, vulva, vaginal area or breasts of a person.

I. Restrictions regarding hours of operation. No therapeutic massage enterprise shall be open for business, nor will any massage therapist offer massage services, before 7:00 a.m. or after 10:00 p.m. any day of the week. No customers or patrons shall be allowed to remain upon the licensed premises after 10:00 p.m. and before 7:00 a.m. daily. Support activities such as cleaning, maintenance and bookkeeping are allowed outside of business hours.

J. Inspections. In light of the high risk of involvement with illegal conduct an establishment providing massage therapy poses to the general public, the issuing authority, City inspectors and the City police department shall have the right to enter and inspect the licensed premises during the hours in which the licensed premises is open for business to ensure compliance with all provisions of this
Any search of the licensed premises are subject to reasonableness standards as recognized by the courts; search warrants will be secured when applicable. Any entry into a private residence will require either consent, exigent circumstances, or a search warrant. With reasonable notice, the business records of the licensee, including income tax returns, shall be available for inspection during the hours in which the licensed premises is open for business. The licensee is subject to a $250 fee for a third inspection, if orders to correct are issued to the licensee and those orders are not corrected upon re-inspection. Licenses shall be granted only to establishments which can meet the safety and sanitary requirements of the City and of the building code regulations of the City and State.

K. Posting of rates. A licensed therapeutic massage enterprise must post their rates for service in a prominent place in the entrance or lobby of the business.

L. Illegal activities. In addition to the license restrictions set forth in this section, any advertising by a licensee or representative of licensee of any potential unlawful, misleading or erotic conduct at the licensed establishment shall be prohibited. A licensee under the section shall be strictly responsible for the conduct of the business being operated in compliance with all applicable laws and ordinances, including the actions of any employee or agent of the licensee on the licensed premises.

M. Restrictions involving minors. No person under the age of 18 shall be permitted at any time to be in or on the licensed premises as a customer, guest, or employee, unless accompanied by his/her parent or guardian.

N. Food preparation. Food preparation on site shall only occur in locations specifically designed for that purpose and with proper building permits having been obtained. Food preparation is limited to use for employees during breaks during their regular shift.

O. Habitation. A licensed therapeutic massage enterprise shall not contain sleeping quarters or living spaces of any kind intended for habitation, including but not limited to beds, cots, or mattresses.

P. Alcoholic beverages. Per State Statute 340A.401, no person may directly or indirectly, on any pretense or by any device, sell, consume, barter, keep for sale, charge for possession or otherwise dispose of alcoholic beverages onsite. Intoxicating alcoholic beverages does not include alcohol used in direct conjunction with massage therapy such as in cleaning.

Q. Change of address. A licensed massage therapist shall inform the issuing authority of any change in residence address, or a change in the address of where massage therapy is practiced, 30 days prior to such change.


A. Toilet room requirements. A licensed therapeutic massage enterprise shall be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet room shall be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet room shall be kept clean and in good repair and shall be adequately lighted.
B. **Paper/linen requirements.** A licensed therapeutic massage enterprise shall provide single-service disposal paper or clean linens to cover the massage therapy table or chair on which the patron receives the massage; or in the alternative, if the massage therapy table or chair on which the patron receives the massage is made of material impervious to moisture, such massage therapy table, chair shall be properly sanitized after each massage.

C. **Washing of hands required.** The licensed massage therapist shall wash his or her hands and arms with water and soap, anti-bacterial scrubs, alcohol, or other disinfectants prior to and following each massage service performed.

D. **Door latches and locks.** Doors on massage therapy rooms shall not be locked or capable of being locked. Locks, latches or other devices intended to secure a door so as to prevent it from being opened by any person from either side of the door with or without a key cannot be present on any doors of rooms intended for massage therapy.

E. **Equipment.** All modalities shall be performed on a raised massage therapy table or chair; no bed, mattress, or other similar type equipment shall be allowed onsite except for a mat similar to those used in yoga.

F. **Prohibited Modalities.** Modalities involving work performed on the floor or requiring a massage therapist to stand on a massage therapy table, including but not limited to Shiatsu are strictly prohibited unless completely clothed an massage therapist is certified in Shiatsu or other modality by an approved institution or program.

1135.25. Sanctions for License Violations.

A. **Suspension or revocation.** The issuing authority may suspend or revoke a license issued pursuant to this section for:

1. A violation related to fraud, misrepresentation, or false statement contained in a license application or a renewal application.
2. A violation related to fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.
3. Any violation of this section of the code or state law.
4. A violation by any licensee or individual that is directly related to the occupation or business licensed as defined by Minnesota Statutes 364.03, Subd. 2.
5. Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public, or after repeated complaints received regarding conduct of business practices or method of solicitation.
6. If the owner, manager, lessee or any of the employees are found to be in control or possession of an alcoholic beverage, a narcotic drug or controlled substance on the premises, other than drugs which may be purchased over the counter without a prescription or those for which the individual has a prescription.

7. If the holder of a therapeutic massage enterprise license fails to maintain with the City a current list of all employees of such licensed premises.

8. Neither the charging of a criminal violation nor a criminal conviction is required in order for the Director of Public Safety to suspend or revoke a license.

9. In the event of multiple massage enterprise locations, any license suspension/revocation shall apply to any and all massage enterprise locations.

B. Appeal process for suspension or revocation. The licensee may appeal a license suspension or revocation to the City Manager, or his or her designee, within 30 days of the license being suspended or revoked by the issuing authority. A hearing will be scheduled within 10 days after service of the notice of appeal upon the City Manager, or his or her designee. At the conclusion of the hearing, or as soon as thereafter as practicable, the City Manager, or his or her designee, may order:

1. That the suspension or revocation by the issuing authority be affirmed.
2. That the suspension or revocation by the issuing authority be reversed or modified.

C. Penalties. Any person or entity violating the provisions of this section is guilty of a misdemeanor under Minnesota law and shall be punished by a fine or by imprisonment, or both. Each violation of this section shall constitute a separate offense. Conviction of violation of this section, while not required, may be grounds for the suspension or revocation of any license issued under this section.

D. Ability to reapply after revocation. The holder of a therapeutic massage enterprise license or massage therapist license may not reapply for a new license for a period of five years if their license is revoked under this section.

E. Ability to reapply after denial. The applicant for a massage enterprise license or massage therapist license may not reapply for a license for a period of five years if the applicant’s license has been previously denied by the City or another governmental entity for any reason.

F. Previous license infractions. In the event there is a license infraction or a pending citation involving a licensed establishment and/or a licensed massage therapist, the issuing authority may, at their option, chose to not to take action on any license or renewal application until such infraction or pending citation has been resolved. The applicant for a massage enterprise license or massage therapist license may not reapply for a license for a period of five years if the licensee is convicted of any violation of the ordinance.

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Section 1140 - Solicitors and Peddlers

1140.01. License Required. No Peddler or Solicitor shall sell or offer for sale any goods, wares, or merchandise, or services within the City unless a license therefor shall first be secured as provided in this Section. The non-refundable license fee is set forth in Chapter X. Any Peddler or Solicitor dealing with merchandise of any kind to be delivered to customers in Minnesota directly from points outside of Minnesota shall be exempt from the payment of the license fee. (Ord. 2017-15, 7/25/2017)

1140.03. Conditions Governing License. Application shall be made with the City Clerk of the City at least five days prior to the date when the activity to be carried on it to commence. Persons applying must file with the City Clerk an accurate sworn statement in writing, on a form furnished by the City Clerk, giving the following information:

A. Name and physical description of the applicant;

B. Complete home and local address of the applicant and the local address from which proposed sales will be made;

C. A brief description of the nature of the business and the product or services involved;

D. If employed, the name and address of the employer, together with credentials therefrom, establishing the exact relationship;

E. The dates and hours of the day during which the activity will be carried on;

F. The source of supply of any goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said registration is filed and the proposed method of delivery;

G. A statement as to whether or not the applicant has been convicted of any crime, or misdemeanor or violation of any municipal ordinance of any municipality other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;

H. The last municipalities, not to exceed five, where the applicant carried on business immediately preceding the date of the application and the address from which such business was conducted in those municipalities;

1140.05. Exemptions. This Section does not apply to persons engaged in the following activities:

A. Selling personal property at wholesale to dealers in such articles;
B. Selling newspaper subscriptions;

C. Soliciting money, donations, or financial assistance for an organization that is religious, political, nonprofit, or educational in nature; or taking orders for goods sold by a political, religious, educational, or nonprofit organization, or selling or distributing literature or merchandise for which a fee is charged or solicited on behalf of such an organization;

D. Calling upon householders in connection with a regular route service for the sale and delivery of perishable daily necessities of life such as bakery products and dairy products; this exception does not relieve such person of the duty of compliance with any other applicable provision of this Code;

E. Calling upon householders at the request of said householders.

(Ord. 2010-22, 12/14/2010)

1140.07. Proof of License. Upon receipt of a complete application, the City Clerk shall transmit the same to the Director of Public Safety for approval. Every license shall bear the written approval of the Director of Public Safety. Within five days after such approval, the City Clerk shall provide the applicant with a written certificate showing proof of licensing. Such proof of licensing shall have one copy of the registrant's photograph attached to the same, and shall be exhibited by the licensee upon request of any police officer or of any person in the City who is being contacted by the licensee in pursuance of the licensee’s activity. (Ord. 2018-18, 9/25/2018)

1140.09. License Non-transferable. No license is transferable from one individual to another. Each individual shall be separately licensed where more than one individual is involved in the same type of activity even though associated with the same organization.

1140.10. Persons working for or assisting licensee. The licensee shall also supply the information required in Section 1140.03 of this article for all persons working for or assisting the licensee and pay the fee for each person.

1140.11. Identification. All solicitors and peddlers must wear some type of identification conspicuously showing their name and the organization for which they are soliciting or peddling, in addition to their City issued license certificate when conducting the business or activity required to be licensed under this chapter, and must wear or display on their outermost clothing the certificate of licensure provided by the City. (Ord. 2018-18, 9/25/2018)

1140.12. Licensure Control. The certificate of licensure issued by the City is the property of the City, and must be returned to the City within seven days after the expiration date of the license. Failure to do so may result in prosecution and will result in the denial of any future license application for 12 months.
1140.13. **Practices Prohibited.** No Peddler or Solicitor shall conduct business in any of the following manners:

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

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

C. Entering upon any residential premises for the purpose of carrying on the licensee’s or registrant’s trade or business between the hours of 8:00 p.m. and 9:00 a.m. of the following day, unless such person has been expressly invited to do so by the owner or occupant thereof.

D. Calling attention to his business or to his merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise in areas zoned for residential use.

E. No Peddler or Solicitor shall harass, intimidate, abuse, or threaten a person or continue to offer merchandise for sale to any person after being told not to do so by that person.

F. Walking on or about any side or rear yard to attempt to make contact at any point other than the main point of entrance or front door of the residence.

G. Not observing the no solicitation signs posted at a residence or business as defined in Section 1140.15.


1140.14. **Duration of License.** Each license shall be valid only for the period that has been applied for per Chapter X.

1140.15. **Exclusion of Peddlers and Solicitors.** Any person who wishes to exclude Peddlers or Solicitors from premises occupied by him may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice:

"Peddlers and Solicitors Prohibited"

Such placard shall be at least 3 3/4 inches long and 3 3/4 inches wide and the printing thereon shall not be smaller than 48 point type. No Peddler or Solicitor shall enter in or upon any premises or attempt to enter in or upon any premises where such placard or sign is placed and maintained notwithstanding the fact that he may have obtained a solicitation certificate or solicitation credentials, as the case may be, under the provisions of this Section. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.
1140.17. **Suspension and Revocation.**

A. Any license may be temporarily suspended by the City Manager or revoked by the Council for a violation of any of the following:

1. Fraud, misrepresentation, or incorrect statements on the application form;

2. Fraud, misrepresentation, or false statements made during the course of the license activity;

3. Conviction of any offense for which granting of a license could have been denied under this chapter;

4. Violation of any provision of this chapter; or

5. Conducting the 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 public.

B. **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 violation(s) and inform the licensee of the licensee’s 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, the business address provide on the license application.

C. **Hearing.** Upon receiving the notice provided in subsection B of this section, the licensee shall have the right to request a hearing. If no request for a hearing is received by the City within 10 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 hearing is requested within the required time, a hearing shall be scheduled within 20 days from the date of the request. The Police Chief shall be the hearing officer and shall render a decision. The decision of the chief is final unless the licensee within five days appeals the decision to the Council.

D. **Emergency.** If, in the discretion of the Director of Public Safety, imminent harm to the health or safety of the public may occur because of the actions of a peddler or solicitor licensed under this chapter, the Director of Public Safety may immediately suspend the person’s license and provide notice of the right to hold a subsequent public hearing as prescribed in subsection B of this section.

E. **Appeals.** Any person who license is suspended or revoked under this section shall have the right to appeal that decision in court.
1140.19. **Compliance with Zoning.** Transient Produce Merchants shall comply with provisions of the Plymouth Zoning Ordinance. Compliance with the Zoning Ordinance location, information, and plan requirements shall be verified in writing by the Community Development Director.

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Section 1145 - Taxicabs

1145.01. Definitions. Subdivision 1. For purposes of this Section, the terms defined in this Subsection have the meanings given them.

Subd. 1. "Street" means any street, alley, avenue, court, bridge, lane or public place in the City.

Subd. 2. "Operator" means any person owning or having control of the use of one or more Taxicabs used for hire upon the Streets or engaged in the business of operating a Taxicab within the City.

1145.03. License Required. No person shall operate or permit a Taxicab owned or controlled by that person to be operated as a vehicle for hire upon the Streets without having first obtained a license from the City Clerk, provided that any Taxicab licensed to operate in any other municipality of this state may carry passengers from said municipality where so licensed to any place or point within the City and may receive passengers for carriage to such municipality where so licensed, but owners and drivers of such vehicles shall not be permitted to solicit business in the City or otherwise operate a Taxicab on the streets, without being licensed under the provisions of this Section.

1145.05. Application for License; Form; Oath; Contents. An application for a license shall be filed with the City Clerk upon forms supplied by the City. The application shall be verified under oath and shall contain the following information:

A. The name and address of the applicant.

B. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.

C. The experience of the applicant in the transportation of passengers.

D. The number of vehicles to be operated or controlled by the applicant and the location of proposed open stands and call box stands.

E. The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.

F. Such further information as the City Manager may from time to time require.
G. A statement covering each vehicle to be so licensed giving the full name and address of the owner; the class and passenger-carrying capacity of each vehicle for which a license is desired; the length of time the vehicle has been in use; the make of car; the serial number and the state license number; whether the same is mortgaged; also the holder of legal title to said motor vehicle if other than the applicant; or whether said vehicle is leased, licensed, or under any form of contract permitted to be used and operated by some other person than the one holding legal title thereto, and what person, firm or corporation collects the revenues from the operation of said Taxicab and pays the expenses of operating the same.

1145.07. Issuance of License; Contents; Criteria. Subdivision 1. If the City Manager finds that the applicant is fit, experienced, responsible and willing and able to perform such public transportation and to conform to the provisions of this Section and the rules promulgated by the City Manager, the City Clerk shall issue a license covering each vehicle so licensed, and stating the name and address of the applicant, the number of vehicles authorized under said license and the date of issuance; otherwise, the application shall be denied.

1145.09. Indemnity Bond or Liability Insurance Required; Amount; Filing. No license shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Minnesota and acceptable to the City for each vehicle authorized in the amount of $350,000 combined single limit. Such policy must be endorsed to show the City as an additional insured and the City shall receive advance notice of not less than 30 days of the cancellation of coverage. Copies of such policy shall be filed in the office of the City Clerk.

1145.11. License Fees; Amount; Period. No license shall be issued or continued in operation unless the holder thereof has paid the annual license fee set forth in Chapter X for each vehicle operated by the holder. The license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by proper authority and applicable to said holder of the vehicle or vehicles under holder's operation and control.

1145.13. Certificates Non-Transferable Without Consent of City Manager. No license may be sold, assigned, mortgaged, or otherwise transferred without the consent of the City Manager.

1145.15. Suspension or Revocation of License; Grounds; Notice; Hearing. A license issued under the provisions of this Section may be revoked or suspended by the City Manager if the holder thereof has:

A. Violated any of the provisions of this Section.

B. Discontinued operations for more than 60 days.

C. Violated any laws of the City or the laws of the United States or the State of Minnesota, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.
Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard by the City Manager.

1145.17. Names of Operators to be Furnished; Driver's License Required. Prior to the commencement of operation, the holder of the license shall furnish to the City Clerk the names of all persons who will be operating Taxicabs for the license holder. Each such person shall be the holder of a valid driver's license issued by the State of Minnesota.

1145.19. Investigation of Operators; Taxicab Driver's License Required. The Police Department shall conduct an Investigation of each such person named as an Operator and a report of such investigation shall be furnished to the City Manager together with the recommendation of the Police Chief as to whether or not such persons should be permitted to operate Taxicabs within the City. Upon a finding by the City Manager that such persons are to be permitted to operate Taxicabs within the City, the City Clerk shall issue a Taxicab driver's license to such persons upon the payment of the fee set forth in Chapter X. The license shall be valid for the calendar year in which issued and must be renewed at the commencement of each subsequent calendar year. It is unlawful for any person to operate a Taxicab within the City for or on behalf of any license holder without having a valid Taxicab driver's license in his or her possession. (Ord. 2001-08, 2/27/2001)

1145.21. Equipment and Maintenance of Taxicabs. The City Manager shall direct the performance of a thorough and careful examination of each Taxicab before a license is granted for its operation. The results of such examination shall be reported to the City Clerk. No Taxicab shall be licensed which does not comply with the following:

A. It must be in a thoroughly safe condition for the transportation of passengers.

B. It must be clean and of good appearance and well painted.

C. Such other examinations and tests of licensed Taxicabs as may be ordered by the City Manager from time to time as he or she may deem advisable.

1145.23. Identifying Designations and Insignias on Taxicabs; Requirements; Approval; Violations. Each licensed Taxicab shall bear on the outside of each rear door, in painted letters not less than four inches nor more than eight inches in height, the name of the owner. The Taxicab may bear an identifying design approved by the City Manager. No vehicle may be licensed as a Taxicab whose color scheme, identifying design, monogram, or insignia to be used thereon shall in the opinion of the City Manager conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this Section, in such a manner as to be misleading or tend to deceive or defraud the public. If after a license has been issued for a Taxicab hereunder, the color scheme, identifying design, monogram, or insignia thereof is changed so as to be, in the opinion of the City Manager, in conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license covering such Taxicab or Taxicabs shall be suspended or revoked.
1145.25. **Taximeters Required; Specifications; Operation; Inspection.** Taxicabs shall be equipped with Taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the Taximeter shall be illuminated. The Taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism, and shall be sealed at all points and connections which, if manipulated, would effect their correct reading and recording. The Taximeter shall have thereon a flap to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag of such Taximeter into a non-recording position at the termination of each trip. Taximeters shall be subject to inspection from time to time by the Police Department. Any inspector or other officer of said department is hereby authorized either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating the Taxicab to cease operation, and the Taxicab may not be operated until the Taximeter is repaired and in the required working condition.

1145.27. **Rates and Rate Cards.** Every Taxicab operated under a license shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers.

1145.29. **Failure to Pay Legal Fare Unlawful.** It is unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

1145.31. **Open Stands and Call Box Stands.** No open stands or call box stands may be maintained by any licensee upon any street within the City.

1145.33. **Duties of Persons Engaged in Taxicab Business.** Any person engaged in the Taxicab business in the City operating under a license shall render an overall service to the public desiring to use Taxicabs. Holders of licenses shall maintain a central place of business and keep the same open for such hours of each day as the Council may direct for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so and if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefor. It is unlawful for any holder of a license to refuse to accept a call anywhere in the corporate limits of the City at any time when such holder has available cabs, or to fail or refuse to give over-all service.

*(Ord. 2011-29, 10/25/2011)*
Section 1150 - Tobacco and Related Products

1150.01. Purpose and Intent. Because the City recognizes that tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance is intended to regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, and to protect minors and young adults against the serious effects associated with use and initiation.

The City also recognizes that the use of tobacco products has devastating health and economic consequences. Tobacco use is the foremost preventable cause of premature death in America. It causes half a million deaths annually and has been responsible for 20.8 million premature deaths in the U.S. over the past 50 years since the first Surgeon General’s report on smoking in 1964. This leads to more than $300 billion in health care and lost worker productivity costs each year. In Minnesota, smoking was responsible for $3.39 billion in excess medical expenditures and the deaths of 6,312 individuals in 2014. The City further recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users. An estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a tobacco-related illness if prevalence rates to not change. National data show that about 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use. Electronic delivery device use among minors has recently tripled and high among youth. Young minds are particularly susceptible to the addictive properties of nicotine. As a result, approximately 3 out of 4 teen smokers end up smoking into adulthood. In 2015, the Institute of Medicine concluded that raising the minimum legal sales age for tobacco products nationwide will reduce tobacco initiation, particularly among adolescents aged 15 to 17, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12 percent decrease in smoking prevalence. The Institute of Medicine also predicts that raising the minimum legal sales age for tobacco products nationwide to 21 would result in 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for those born between 2000 and 2019, and would result in near immediate reductions in preterm birth, low birth weight, and sudden infant death syndrome. In making these findings, the City Council accepts the conclusions and recommendations of the U.S. Surgeon General reports, “E-cigarette Use Among Youth and Young Adults” (2016), “The Health Consequences of Smoking—50 Years of Progress” (2014) and “Preventing Tobacco Use Among Youth and Young Adults” (2012); a BlueCross BlueShield of Minnesota report, “Health Care Costs and Smoking in Minnesota: The Bottom Line” (2017); the Institute of Medicine in their study, “Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products” (2015); the Centers for Disease Control and Prevention in their studies, “Tobacco Use Among Middle and High School Students—United States, 2011–2015,” and “Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997”; and of the following scholars in these scientific journals: Xin Xu et al., Annual Healthcare Spending Attributable to Cigarette Smoking: An Update, Am. J. Prev. Med. 48(3): 326-33 (Mar. 2015); Giovino GA, “Epidemiology of Tobacco Use in the United States,” Oncogene (2002) 21, 7326-40; Khuder

1150.02. Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Subd. 1. Cigar. Any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

Subd. 2. Child-Resistant Packaging. Packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

Subd. 3. Compliance Checks. The system the City uses to investigate and ensure that those authorized to sell tobacco-related products are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of persons under the age of 21 as authorized by this ordinance. Compliance checks shall also mean the use of persons under the age of 21 who attempt to purchase tobacco-related products for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco-related products.

Subd. 4. Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery device also includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

Subd. 5. Individually Packaged. The practice of selling any tobacco product wrapped individually for sale. Individually wrapped tobacco products shall include but not be limited to single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.
Subd. 6. **Indoor Area.** All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

Subd. 7. **Loosies.** The common term used to refer to a single or individually packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term loosies does not include individual cigars with a retail price, before any sales taxes, of more than $2 per cigar.

Subd. 8. **Moveable Place of Business.** Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Subd. 9. **Nicotine or Lobelia Delivery Product.** Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. Nicotine or Lobelia Delivery Products do not include any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Subd. 10. **Person.** One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation; a trust; a political subdivision of the state; or any other business organization.

Subd. 11. **Retail Establishment.** Any place of business where tobacco-related products, are available for sale to the general public. The phrase shall include but not be limited to grocery stores, convenience stores, restaurants, and drug stores.

Subd. 12. **Sale.** Any transfer of goods for money, trade, barter or other consideration.

Subd. 13. **Self-Service Merchandising.** Open displays of tobacco-related products in any manner where any person shall have access to tobacco-related products without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the tobacco-related product between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the product between the clerk and the customer.

Subd. 14. **Smoking.** Inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product. Smoking also includes carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

Subd. 15. **Tobacco or Tobacco Products.** Any product containing, made from, or derived from tobacco that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, or any
component, part, or accessory of a tobacco product including, but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; snus; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco does not include any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for medical purposes, and is being marketed and sold solely for such an approved purpose.

Subd. 16. Tobacco-Related Devices. A pipe, rolling papers, ashtray, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking of tobacco or otherwise ingesting of. Tobacco-related devices includes components of tobacco-related devices which may be marketed or sold separately.

Subd. 17. Tobacco-Related Product. Any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, as those terms are defined in this section.

Subd. 18. Vending Machine. Any mechanical, electric or electronic, or other type of device which dispenses tobacco-related products or tobacco-related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase tobacco-related products.

1150.03. License.

Subd. 1. License Required. No person shall sell or offer to sell any tobacco-related product without first having obtained a license to do so from the City.

Subd. 2. Application. An application for a license to sell, tobacco-related products, shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the City Council for action at its next regularly scheduled City Council meeting. If the City Clerk shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 3. Action. The City Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council shall approve the license, the City Clerk shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant’s right to appeal the City Council’s decision.

Subd. 4. Term. All licenses issued under this section shall be valid for one calendar year from the date of issue except that initial licenses shall expire on December 31 of the year they are issued.
Subd. 5. Revocation or Suspension. Any license issued under this Section may be revoked or suspended as provided in Section 1150.12.

Subd. 6. Transfers. All licenses issued under this Section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the City Council.

Subd. 7. Moveable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this Section.

Subd. 8. Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

Subd. 9. Renewals. The renewal of a license issued under this Section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.

Subd. 10. Issuance as Privilege and Not a Right. The issuance of a license issued under this Section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Subd. 11. Smoking. Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. This includes, but is not limited to, smoking for the purpose of sampling tobacco-related products.

Subd. 12. Age Verification. Licensees shall verify by means of government-issued photographic identification that the purchaser of tobacco-related products is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older shall not constitute a defense to a violation of this subsection.

Subd. 13. Signage. Notice of the legal sales age and the age verification requirement shall be posted at each location where tobacco-related products are offered for sale. The required signage, which will be provided to the licensee by the City, shall be posted in a manner so that it is clearly visible to anyone who is considering or making a purchase.

1150.04. License Fee; Term; Date. The fee for a license is set by Chapter X.

1150.05. Prohibited Acts.

A. It shall be a violation of this Section for any person to sell or offer to sell any tobacco-related product:

1. To any person under the age of 21 years.

2. By means of any type of vending machine.
3. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco-related product, and whereby there is not a physical exchange of the tobacco-related product between the licensee, or the licensee’s employee, and the customer.

4. By means of loosies.

5. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.

6. In the form of liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not child-resistant. Upon request, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

7. By other means, to any other person, on in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.

1150.06 Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this Section:

   Subd. 1. Illegal Sales. It shall be a violation of this Section for any person to sell or otherwise provide any tobacco-related product, to any person under the age of 21.

   Subd. 2. Illegal Procurement. It shall be a violation of this Section for any person to purchase or otherwise obtain those items on behalf of a person under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce a person under the age of 21 to illegally purchase or otherwise obtain or use any tobacco-related product.

1150.07 Basis for Denial of License. Grounds for denying the issuance or renewal of a license under this Section include but are not limited to the following:

   1. The applicant is under the age of 21 years.

   2. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco-related products.
3. The applicant has had a license to sell tobacco-related products revoked within the preceding 12 months of the date of application.

4. The applicant fails to provide any information required on the application, or provides false or misleading information.

5. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

1150.08. Self-Service Sales. It is unlawful for a licensee under this Section to allow the sale of tobacco-related products by any means whereby the customer may have access to those items without having to request the item from the licensee or the licensee’s employee and whereby there is not a physical exchange of tobacco-related products between the licensee or his or her clerk and the customer. All tobacco-related products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

1150.09. Responsibility. All licensees under this Section shall be responsible for the actions of their employees in regard to the sale of tobacco-related products, on the licensed premises, and the sale of an item by an employee shall be considered a sale by the license holder. Nothing in this Section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Section, state or federal law, or other applicable law or regulation.

1150.10. Compliance Checks and Inspections. All licensed premises shall be open to inspection by the City policy or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with persons over the age of 15 years but less than 21 years to enter the licensed premise to attempt to purchase tobacco-related products. Persons under the age of 18 that are engaged by the City to enter licensed premises for these compliance checks shall do so only with the written consent of their parents or guardians. Person under the age of 21 used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. Persons under the age of 21 used for compliance checks shall not be guilty of unlawful possession of tobacco-related products when those items are obtained as a part of the compliance check. No person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the person’s age, and all persons under the age of 21 lawfully engaged in a compliance check shall answer all questions about the person’s age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.
1150.11. **Exceptions and Defenses.** Nothing in this Section shall prevent the providing of tobacco-related products to a person under 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this Section for a person to have reasonably relied on proof of age as described by state law.

1150.12. **Violations.**

A. **Misdemeanors.** Any person who violates this ordinance shall be guilty of a Misdemeanor unless the violation has a specific penalty designated by state law. (Ord. 97-15, 7/23/97)

B. **Administrative Civil Penalties; Individuals.** An individual who sells tobacco-related products to a person under the age of 21 years shall be subject to an administrative penalty of $50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before the Chief of Police or his/her designee. A decision that a violation has occurred must be in writing. (Ord. 2001-29, 8/14/2001; Ord. 2017-23, 11/28/2017)

C. **Administrative Civil Penalties; Licensee.** If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 21 years, the licensee shall be subject to an administrative penalty as follows:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Minimum (State)</th>
<th>Presumptive Penalty (City)</th>
<th>Maximum (City/State)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Violation</td>
<td>$75 and/or 0 days suspension</td>
<td>$500 fine and 5-day suspension stayed</td>
<td>$2,000 and/or 60-days suspension</td>
</tr>
<tr>
<td>2nd Violation (within 24 mos)</td>
<td>$200 and/or 0 days suspension</td>
<td>$750 fine and 5-day suspension</td>
<td>$2,000 and/or 60-days suspension</td>
</tr>
<tr>
<td>3rd Violation (within 24 mos)</td>
<td>$250 and/or 7 days suspension</td>
<td>$1,000 fine and 10-day suspension</td>
<td>$2,000 and/or 60 days suspension</td>
</tr>
<tr>
<td>4th Violation (within 24 mos)</td>
<td>None listed</td>
<td>Revocation</td>
<td>Revocation</td>
</tr>
</tbody>
</table>

(Ord. 2011-11, 4/26/2011)

D. **Defense.** It is a defense to the charge of selling tobacco-related products to a person under the age of 21 years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in Minnesota Statute section 340A.503, subdivision 6, paragraph (a).

Section 1155 - Alarm Systems

1155.01. **Statement of Policy.** Subdivision 1. The Council of the City deems it necessary to provide for the special and express regulations of Alarm Systems which are designed to signal the presence of a hazard requiring urgent attention and to which the Police Department or Fire Department personnel are expected to respond, in order to protect the public health, safety and welfare. *(Ord. 2001-08, 2/27/2001)*

Subd. 2. The purpose of this ordinance is to encourage Alarm Users to maintain the operational reliability and proper use of Alarm Systems and to reduce or eliminate False Alarms.

Subd. 3. This ordinance governs systems intended to summon police and/or fire response, requires registration, establishes fees, provides for penalties for violations, and establishes a system of administration. *(Ord. 2018-18, 9/25/2018)*

1155.03. **Registration and Exemptions.** Subdivision 1. **Registration.** Every Alarm User shall be required to register each Alarm System on the Alarm User's premises on a form provided by the City. The form shall contain all information the City deems necessary to administer this system. In commercial or multi-housing situations, it shall also include key holder information.

Subd. 2. **Exemptions.** The provisions of this Section are not applicable to audible alarms affixed to automobiles.

1155.05. **New Alarm Systems/Users.** When a new registration for a new system or new user is received by the Police or Fire Department, they will be granted a 30 day new user period in which alarms will not be chargeable. In the event a system problem is found which will take more time to correct; this period may be extended with written notification of the problem and anticipated correction time by the monitoring company. *(Ord. 2001-08, 2/27/2001)*

1155.07. **Registrations Non-Transferable; Duration.** Alarm User registrations are not transferable from one person to another or from one location to another.

1155.09. **Prohibitions.** Subdivision 1. **Alarm Systems Utilizing Taped or Prerecorded Messages.** No person may install, monitor, or use and possess an operative alarm which utilizes taped or prerecorded messages which deliver a telephone alarm message to the police or fire department.

1155.11. **System Operation and Maintenance.**

Subd. 1. An Alarm User shall:

A. Maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarm Dispatches; and
B. Designate a representative to respond to the Alarm System’s location within one hour when notified by the city to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide security for the premises; and

C. Not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.

(Ord. 2018-18, 9/25/2018)

Subd. 2. An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than 10 minutes after being activated or 15 minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609.

Subd. 3. Any business providing alarm monitoring services shall be responsible for:

A. Reporting alarm signals.

B. Attempting to verify every alarm signal, except a duress, hold-up, or fire alarm activation before requesting a police/fire response to an alarm signal.

C. Communicating verified cancellations of Alarm Dispatch Requests to the City in a prompt fashion.

D. Ensuring that all Alarm Users are given adequate training on the proper use of equipment.

1155.13. Fees. Subdivision 1. The following is the fee schedule for false alarms:

<table>
<thead>
<tr>
<th>Each Calendar Year</th>
<th>Residential</th>
<th>Commercial/multi-housing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Police</td>
<td>Fire</td>
</tr>
<tr>
<td># of false alarm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st alarm</td>
<td>0</td>
<td>$100</td>
</tr>
<tr>
<td>2nd alarm</td>
<td>0</td>
<td>$200</td>
</tr>
<tr>
<td>3rd alarm</td>
<td>$50</td>
<td>$200</td>
</tr>
<tr>
<td>4th alarm</td>
<td>$50</td>
<td>$200</td>
</tr>
<tr>
<td>5th alarm</td>
<td>$50</td>
<td>$200</td>
</tr>
<tr>
<td>6th alarm</td>
<td>$50</td>
<td>$200</td>
</tr>
<tr>
<td>7th alarm</td>
<td>$50</td>
<td>$200</td>
</tr>
<tr>
<td>Subsequent alarms</td>
<td>$50</td>
<td>$200</td>
</tr>
</tbody>
</table>

Subd. 2. Determination of False Alarm. There shall be a designated individual that reviews all alarms to determine if chargeable. Acts of nature such as high winds, lightening, or power outages that cause alarms to malfunction shall not be considered chargeable. (Ord. 2018-18, 9/25/2018)
Subd. 3. False Fire Alarm Charges. Fire alarm system fees on false fire alarms determined to be chargeable will be rescinded if the alarm holder provides certification that the system has been serviced or repaired. Verification of alarm system maintenance or service must be made in written format on a supplied “Alarm Activation Report” and provided within seven working days of alarm activation or notice thereof. If verification of alarm system maintenance or service is not received within seven working days, the appropriate charge for that alarm will be assessed per 1155.13 Subd. 1. If verification remains outstanding, a $50 fine will be assessed each seven business days until written verification is received in the Plymouth Fire Department Administrative office.  

(Ord. 2018-18, 9/25/2018)

Subd. 4. Outstanding Balances. False alarm fees must be paid within 30 days after receiving written notice from the City that the fee is due. If an alarm user has an outstanding balance due to the City at the end of the year, they have until February 15 to pay such balance. If not paid by the 15th, they will not reset to zero and will not be eligible for free alarms for that calendar year. The only exception to this would be if the outstanding alarm balance is being formally appealed as follows.  

(Ord. 2013-14, 5/14/2013)

1155.17. Right to Notice and Appeal. Subdivision 1. Notice. Written notice shall be sent to all Alarm Users notifying them of all false alarm responses to the premises and their status as a chargeable fee. The Alarm User has the right to request an informal hearing before the City Manager to appeal the decision; and, the right to appeal the Police Chief’s and/or Fire Chief’s decision to the Council.  

(Ord. 2001-08, 2/27/2001)

Subd. 2. Appeal. Anyone aggrieved by a decision of the City Manager to fee an Alarm User may appeal that decision to the Council by filing a written request for an appeal with the City Clerk. The written request must be filed within 10 days after the decision from which the appeal is taken.  

(Ord. 2001-08, 2/27/2001)

1155.19. Penalties. Subdivision 1. Any Alarm User who fails to register an alarm system after being given notice and ample opportunity is guilty of a petty misdemeanor.

Subd. 2. Any person who fails to pay any fees levied after given opportunity to appeal, is guilty of a petty misdemeanor.


1155.23. Unpaid Fees. Any fee required under this Section which is not paid within the time required herein shall be certified to the County Auditor for collection with property taxes as an unpaid service charge.  

(Ord. 2013-14, 5/14/2013)
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Section 1160 - Pawnbrokers

1160.01. Purpose.

The Council finds that the use of services provided by pawnbrokers potentially provides an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen property easily and quickly. The Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The purpose of this Section is to prevent pawn businesses from being used as facilities for the commission of crimes and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the City.

To help the Police Department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this Section also implements and establishes the required use of the Automated Pawn System (APS).

1160.02. Definitions.

The following words and terms when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

ACCEPTABLE IDENTIFICATION: Acceptable forms of identification are a current valid Minnesota driver’s license, a current valid Minnesota identification card, or a current valid photo driver’s license or identification card issued by another state or province of Canada.

BILLABLE TRANSACTIONS: Every reportable transaction conducted by a pawnbroker, except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee’s possession is a billable transaction.

ISSUING AUTHORITY: The City of Plymouth.

LICENSEE: The person, corporation, partnership, or association to whom a license is issued under this Section, including any agents or employees of the person, corporation, partnership, or association.

MINOR: Any natural person under the age of 18 years.

PAWNBROKER: A person who loans money on deposit or pledge of personal property or other valuable thing; who deals in the purchasing of personal property or other valuable thing on condition of selling that same...
back again at a stipulated price; or who loans money secured by chattel mortgage or on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this Section shall be applicable. Any bank, savings and loan association, or credit union shall not be deemed a pawnbroker for purposes of this Section.

PERSON:

Any one or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the state; or any other business organization.

REPORTABLE TRANSACTION:

Every transaction conducted by a pawnbroker in merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended, redeemed or voided, is a reportable transaction except:

A. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.

B. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

1160.03. License Required.

No person shall exercise, carry-on, or be engaged in the trade or business of pawnbroker within the City unless such person is currently licensed under this Section. Persons engaged in the business of pawnbroker on the effective date of this Section must receive a license within 60 days or cease doing business.

1160.04. Application Content.

In addition to any information that may be required by the County pursuant to Minnesota Statute 471.924, every application for a license under this Section shall be made on a form supplied by the City and shall contain the following information:

A. If the applicant is a natural person:
1. The name, place, and date of birth, street resident address, and telephone number of the applicant;

2. Whether the applicant is a citizen of the United States or a resident alien;

3. Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used;

4. The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statute 333.01;

5. The street addresses at which the applicant has lived during the preceding five years;

6. The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five years;

7. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for which convictions were had;

8. The physical description of the applicant;

9. If the applicant is married:
   a. The name, place, and date of birth, and street address of the applicant's current spouse;
   b. The type, name, and location of every business or occupation in which the applicant's current spouse has been engaged during the preceding five years;
   c. The names and addresses of the employers or partners of the applicant's current spouse for the preceding five years;
   d. Whether the applicant's current spouse has ever been convicted of any felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for which convictions were had.
B. If the applicant is a partnership:

1. The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in Subpart (A) of this Subsection;

2. The name(s) of managing partner(s) and the interest of each partner in the pawnbroker business;

3. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statute 333.01, a certified copy of such certificate shall be attached to the application.

C. If the applicant is a corporation or other organization:

1. The name of the corporation or business form, and if incorporated, the state of incorporation;

2. A true copy of the Certificate of Incorporation, Articles of Incorporation, or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statute 303.06, shall be attached;

3. The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all information concerning each manager, proprietor, or agent required in Subpart (A) of this Subsection;

4. A list of all persons who control or own an interest in excess of 5% in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in Subpart (A) above.

D. For all applicants:

1. Whether the applicant holds a current pawnbroker license from any other governmental unit and whether the applicant is licensed under Minnesota Statute 471.924;

2. Whether the applicant has previously been denied or had revoked or suspended, a pawnbroker license from this or any other governmental unit;

3. The names, street resident addresses, business addresses and telephone numbers of three individuals who are of good moral character and who are not related to the applicant or not holding any ownership in the
premises or business, who may be referred to as to the applicant’s and or manager’s character;

4. The location of the business premises;

5. The legal description of the premises to be licensed;

6. The location at which the applicant’s business records are maintained;

7. If the applicant does not own the licensed premises, a true and complete copy of the executed lease;

8. Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid;

9. Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans or design are on file with the City Building/Inspections Department, no plans need be submitted with the issuing authority;

10. The applicant’s hours of operation, on-site management and parking facilities;

11. An executed data practices advisory and consent form authorizing the release of criminal history information;

12. Such other information as the Council or issuing authority may require.

E. Manager/New Manager. When a dealer places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application prior to the effective date or the change. The manager shall be subject to the investigation required by this Section, and to the investigation fee required by Chapter X, which shall be paid in advance.

The designation of a new manager shall not cause the license to become invalid before a decision is rendered, provided proper notice and application are made by the applicant. A proposed new manager shall be referred to as the interim manager. In the event an interim manager is rejected, the licensee shall designate another interim manager and make the required application within 15 days of the decision. If a proposed manager is rejected, the decision may be appealed to the Council
by filing a written notice of appeal with the City Clerk within 10 days after being notified of the rejection.

1160.05. Application Execution.

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

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

1160.06. Application Verification.

All applications shall be referred to the Police Department for verification and investigation of the facts set forth in the application. Within 60 days after receipt of a complete application, the Police Department shall make a written report and recommendation to the Council as to issuance or non-issuance of the license. The Council may order and conduct such additional investigation as it deems necessary. If additional investigation is necessary, the applicant shall pay the City the cost of the additional investigation. The license shall not be issued until any additional investigation costs are paid.

1160.07. Application Consideration.

A. The Council shall conduct a hearing on the license application within 30 days following receipt of the Police Department's report and recommendation regarding the application. At least 10 days in advance of the Council hearing on an application, the issuing authority shall cause notice of the hearing to be published in the official newspaper of the City, setting forth the day, time, and place of the hearing; the name of the applicant; the premises where the business is to be conducted; and the type of license which is sought. The hearing shall also be preceded by 10 days mailed notice to all owners of property located within 500 feet of the boundaries of the property where the business is to be conducted. At the hearing, opportunity shall be given to any person to be heard for or against the granting of the license. Additional hearings on the application may be held if the Council deems additional hearings necessary. After the hearing or hearings on the application, the Council may, in its discretion, grant or deny the application within 30 days after the close of the hearing...

B. If an application is granted for a location where a building is under construction or not ready for occupancy, the license shall not be delivered to the licensee until a certificate of occupancy has been issued for the licensed premises.
1160.08. Renewal Application.

A. All licenses issued under this Chapter shall be effective from the date of approval by the Council. All licenses expire December 31 of each year. An application for the renewal of an existing license shall be made prior to the expiration date of the license and shall be made in such form as the issuing authority requires. If, in the judgment of the Council, good and sufficient cause is shown by the applicant for the applicant's failure to submit a renewal application before the expiration of the existing license, the Council may, if the other provisions of this Section are complied with, grant the renewal application.

B. A license under this Section may not be renewed:

1. If the Council determines that the licensee has failed to comply with the provisions of this Section in preceding license years;

2. If the licensee or, if the licensee does not manage the establishment, the manager of the licensed premises is not a resident of Minnesota on the date the renewal takes effect;

3. If in the case of a partnership, the managing partner or other person who manages the establishment is not a resident of Minnesota on the date the renewal takes effect;

4. If in the case of a corporation, or other organization, the manager, a proprietor, or agent in charge of the establishment is not a resident of Minnesota on the date the renewal takes effect;

5. The time for establishing residence in Minnesota may for good cause be extended by the Council.

1160.09. Fees.

A. Investigation Fee. An applicant for any license under this Chapter shall pay the City in advance at the time an original application is submitted, a nonrefundable investigation fee to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this Section. The investigation fee is set forth in Chapter X.

B. License Fee.

1. The annual license fee is set forth in Chapter X. The license fee shall be paid annually, to be determined pro-rata from the date of issuance of the license.
2. The annual license fee shall be paid in full before the license is effective.

3. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be 90 days after approval of the license by the Council or upon the date the building is ready for occupancy, whichever is sooner.

4. When a new license application is submitted as a result of incorporation by an existing licensee and the ownership, control, and interest in the license are unchanged, no additional fee shall be required.

C. Billable Transaction Fees: Licensees shall pay a monthly transaction fee on all billable transactions. Such fee shall be due and payable within 30 days. Failure to timely pay the billable transaction fee shall constitute a violation of this Section.

1160.10. Bond Required. At the time of filing an application for a license, the applicant shall file a bond in the amount of $10,000 with the City. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the City Attorney. The bond must be conditioned that the licensee shall observe all ordinances of the City and all laws in regulation to the business of pawnbroker, and that the licensee will account for and deliver to any person legally entitled thereto any articles which may have come into the possession of the licensee as pawnbroker, or in lieu thereof such licensee shall pay the person or persons the reasonable value thereof. The bond shall contain a provision that it may not be cancelled without 30 days advance written notice to the licensing authority.

1160.11. Persons Ineligible for a License.

A. No license under this Section shall be issued to an applicant who is a natural person if such applicant:

1. Is a minor at the time the application is filed;

2. Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statute 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a pawnbroker as prescribed by Minnesota Statute 364.03, Subd. 3;

3. Is not of good moral character or repute; or

B. No license under this Section shall be issued to an applicant that is a partnership if such applicant has any general partner or managing partner:
1. Who is a minor at the time the application is filed;

2. Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statute 364.03, Subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a pawnbroker as prescribed by Minnesota Statute 364.03, Subd. 3;

3. Who is not of good moral character or repute; or

C. No license under this Section shall be issued to an applicant that is a corporation or other organization if such applicant has any manager, proprietor, or agent in charge of the business to be licensed:

1. Who is a minor at the time the application is filed;

2. Who has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statute 364.03, Subd. 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a pawnbroker as prescribed by Minnesota Statute 364.03, Subd. 3;

3. Who is not of good moral character or repute; or


A. Records Required. At the time of any reportable transaction other than renewals, extensions or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the Police Department:

1. A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

2. The purchase price, amount of money loaned upon, or pledged therefor.

3. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.

4. Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee’s records. Transaction identifiers must be consecutively numbered.
5. Full name, current residence address, current residence telephone number, date of birth and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes and color of hair.

6. The identification number and state of issue from an acceptable form of identification.

7. The signature of the person identified in the transaction.

8. The licensee must also take a color photograph or color video recording of:

   a. Each customer involved in a billable transaction.

   b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed. If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the Director of Public Safety, or the director's designee, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three months, and furnish it to the Police Department upon request.

9. Digitized photographs. Effective 60 days from the date of notification by the Police Department licensees must fulfill the color photograph requirements in Subsection 1160.12 A. (8) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from
required video recordings, this provision does not alter or amend the requirements in Subsection 1160.12. A. (8).

10. Renewals, extensions and redemptions. For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

B. Disposition of Articles.

1. When an article of pawned or pledged property is redeemed from a licensee, the records shall contain an account of such redemption with the date, interest charges accrued, and the total amount for which the article was redeemed.

2. When an article of purchased or forfeited property is sold or disposed of by a licensee and the licensee receives $100 or more in the payment thereof, the records shall contain an account of such sale with the date, the amount for which the article was sold, and the full name, current address, and telephone number of the person to whom sold.

C. Inspection of Records. The records must at all reasonable times be open to inspection by the Police Department or department of licenses and consumer services. Data entries shall be retained for at least three years from the date of transaction. Entries of required digital images shall be retained a minimum of 120 days.

D. Daily Reports to Police. Licensees must submit every reportable transaction to the Police Department daily in the following manner:

1. Licensees must provide to the Police Department all information required in Section 1160.12 A. (1) through (6) and other required information, by electronically transferring it from their computer to the Automated Pawn System. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the Police Department daily.

2. Billable Transaction Fees. Licensees will be charged for each billable transaction reported to the Police Department.

3. If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the Police Department printed copies of all reportable transactions along with the video tape(s) for
that date, by 12:00 p.m. the next business day;

4. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports as detailed in Section 1160.12. D. 3, and must be charged a $50 reporting failure penalty, daily, until the error is corrected; or

5. If the problem is determined to be outside the licensee's system, the licensee must provide the required reports in Section 1160.12. D. 3, and resubmit all such transaction via modem when the error is corrected.

6. If a licensee is unable to capture, digitize or transmit the photographs required in Section 1160.12. A. 9, the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the Police Department upon request.

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

8. Section 1160.12. D. (3) through (5) notwithstanding, the Police Department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

E. **Receipt Required.** Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three years. The receipt must include at least the following information:

1. The name, address and telephone number of the licensed business.

2. The date and time the item was received by the licensee.

3. Whether the item was pawned or sold, or the nature of the transaction.

4. An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

5. The signature or unique identifier of the licensee or employee that conducted the transaction.
6. The amount advanced or paid.

7. The monthly and annual interest rates, including all pawn fees and charges.

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

9. The full name, current residence address, current residence telephone number, and date of birth of the pledger or seller.

10. The identification number and state of issue from an acceptable form of identification.

11. Description of the pledger or seller including approximate sex, height, weight, race, color of eyes and color of hair.

12. The signature of the pledger or seller.

13. All printed statements as required by Minnesota Statute 325J.04, subdivision 2, or any other applicable statutes.

F. Redemption Period. Any person pledging, pawning or depositing an item for security must have a minimum of 120 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 120 day holding period, items may not be removed from the licensed location except as provided in Section 1160.14 (A). Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the police license inspector. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with Section 1160.12. A. (10).

G. Holding Period. Any item purchased or accepted in trade by a licensee must not be sold or otherwise transferred for 30 days from the date of the transaction. An individual may redeem an item 72 hours after the item was received on deposit, excluding Sundays and legal holidays.

H. Police Order to Hold Property.

1. Investigative Hold. Whenever a law enforcement official from any agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in
writing by the originating agency within 72 hours and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to hold/confiscate is issued, pursuant to Section 1160.12. H. (2), whichever comes first.

2. **Order to Hold.** Whenever the Director of Public Safety notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the Police Chief. The order to hold shall expire 90 days from the date it is placed unless the Director of Public Safety determines the hold is still necessary and notifies the licensee in writing.

3. **Order to Confiscate.** If an item is identified as stolen or evidence in a criminal case, the Director of Public Safety may:

   1. Physically confiscate and remove it from the shop, pursuant to a written order from the director, or

   2. Place the item on hold or extend the hold as provided in Section 1160.12. H. (2), and leave it in the shop.

When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

When an order to hold/confiscate is no longer necessary, the Director of Public Safety shall so notify the licensee.

I. **Inspection of Items.** At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities as authorized in Section 1160.12 (O), during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this chapter or other applicable laws.

J. **Label Required.** Licensees must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the Police Department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.
K. **License Display.** A license issued under this Section must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application.

L. **Responsibility of Licensee.** A licensee under this Section shall be responsible for the conduct of the business being operated and shall maintain conditions of order. The conduct of agents or employees of a licensee, engaged in performance of duties for the licensee, shall be deemed the conduct of the licensee.

M. **Gambling.** No licensee under this Section may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice, slot machines, roulette wheels, punchboards, blackjack tables, or pinball machines which return coins or slugs, chips, or tokens of any kind, which are redeemable in merchandise or cash. No gambling equipment authorized under Minnesota Statutes, Chapter 349, may be kept or operated and no raffles may be conducted on the licensed premises and/or adjoining rooms. The purchase of lottery tickets may take place on the licensed premises as authorized by the director of the lottery pursuant to Minnesota Statutes, Chapter 349A.

N. **Penalty for Property Owner.** It is unlawful for any person who owns or controls real property to knowingly permit it to be used for pawn brokering without a license.

O. **Premises.** All property deposited, left, pledged, pawned, or held for sale must be stored in an enclosed facility and may not be stored outside of the premises. The City may, however, permit the licensee to designate one off premises locked and secured facility in which the licensee may store only cars, boats, and other motorized vehicles. The licensee shall permit immediate inspection of the facility at any time during business hours by the City. All provisions in this section regarding record keeping and reporting shall apply to oversized items. All property shall be stored in compliance with zoning and/or fire regulations and in an orderly manner. The premises shall also be equipped with an operational security alarm.

1160.13. **Restricted Transactions.**

A. **Hours of Operation.** No pawnbroker shall keep the pawnbroker business open for the transaction of business on any day of the week before 7:00 a.m. or after 10:00 p.m.

B. **Minors.** A pawnbroker shall not purchase or receive personal property on deposit or pledge from any minor.

C. **Incompetent Persons.** A pawnbroker shall not purchase or receive personal property on deposit or pledge from any incompetent person.
D. **Prohibited Goods.** No licensee under this Section shall accept any item of property which contains an altered or obliterated serial number or "Operation Identification" number or any item of property whose serial number has been removed.

E. **Security Interest.** No licensee nor any agent or employee of a licensee shall purchase, accept, or receive any article of property knowing, or having reason to know, that the article of property is encumbered by a security interest. For the purpose of this section, “security interest” means an interest in property which secures payment or other performance of an obligation.

F. **True Owner.** No licensee nor any agent or employee of a licensee shall purchase, accept, or receive any article of property, from any person, knowing, or having reason to know, that said person is not the true and correct owner of the property.

G. **Proper Identification.** No licensee nor any agent or employee of a licensee shall purchase, accept, or receive any article of property, from any person, without first having examined an acceptable form of identification.

H. **Payment by Check.** Payment of more than $250 by a licensee for any article deposited, left, purchased, pledged or pawned shall be made only by a check, draft, or other negotiable or non-negotiable instrument which is drawn against funds held by a financial institution. This policy must be posted in a conspicuous place in the premises.

I. **Restrictions on Sale.** A pawnbroker shall suspend for one year, any business transaction with any person who has sold and/or forfeited on six previous occasions articles for which the person received $25 or more per transaction within a single six month period.

1160.14.

A. **Premises.** Any licensee shall, at all times during the term of the license, allow the Police Department to enter the premises, where the licensee is carrying on business, including all off-site storage facilities as authorized in Section 1160.12 (O), during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the articles and records therein to locate goods suspected or alleged to have been stolen and to verify compliance with this Section or other applicable laws. No licensee shall conceal any article in his possession from the Police Department.

B. **Inspection by Police or Claimed Owner.** All articles of property coming into the possession of any licensee shall be open to inspection and right of examination of any police officer or any person claiming to have been the owner thereof or
claiming to have had an interest therein when such person is accompanied by a police officer.

1160.15. Conduct of Persons on Licensed Premises.

A. Property of Another. No person may pawn, pledge, sell, leave, or deposit any article of property not their own; nor shall any person pawn, pledge, sell, leave, or deposit the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, leave, or deposit any article of property in which another has a security interest; with any licensee.

B. Minors. No minor may pawn, pledge, sell, leave, or deposit any article of property with any licensee.

C. Proper Identification. No person may pawn, pledge, sell, leave or deposit any article of property with any licensee without first having presented an acceptable form of identification.

D. Required Signage. All licensees shall by adequate signage and separate written notice inform persons seeking to pawn, pledge, sell, leave, or deposit articles of property with the licensee of the foregoing requirements.

1. For the purpose of this Subsection, “adequate signage” shall be deemed to mean at least one sign of not less than four square feet in surface area, comprised of lettering of not less than ¾ of an inch in height, posted in a conspicuous place on the licensed premises and stating substantially the following:

TO PAWN OR SELL PROPERTY:

YOU MUST BE AT LEAST 18 YEARS OF AGE.

YOU MUST BE THE TRUE OWNER OF THE PROPERTY.

THE PROPERTY MUST BE FREE OF ALL CLAIMS AND LIENS.

YOU MUST PRESENT VALID PHOTO IDENTIFICATION.

VIOLATION OF ANY OF THESE REQUIREMENTS IS A CRIME.

2. For the purpose of this Subsection, “separate written notice” shall be deemed to mean either the receipt, as required in Section 1160. 12. (E), or a printed form, incorporating a statement to the effect that the person pawning, pledging, selling, leaving, or depositing the article is at least 18 years of age; is the true owner of the article; and that the article is free of all claims and
liens; which is acknowledged by way of signature of the person pawning, pledging, selling, leaving, or depositing the article.

E. **False Identification.** No person seeking to pawn, pledge, sell, leave, or deposit any article of property with any licensee shall give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor present a false driver’s license or identification card; to any licensee.

F. **General Restrictions.** No pawnbroker licensed under this Section shall:

1. Lend money on a pledge at a rate of interest above that allowed by law;

2. Knowingly possess stolen goods;

3. Sell pledged goods before the time to redeem has expired;

4. Refuse to disclose to the City, after having sold pledged goods, the name of the purchaser or the price for which the item sold; or

5. Make a loan on a pledge to a minor.

1160.16. **Restrictions Regarding License Transfer.**

Each license under this Section shall be issued to the applicant only and shall not be transferable to any other person. No licensee shall loan, sell, give, or assign a license to another person.

1160.17. **Suspension or Revocation of License.**

A. The Council may suspend or revoke a license issued under this Section upon a finding of a violation of:

1. Any of the provisions of this Section;

2. Any state statute regulating pawnbrokers; or

3. Any state or local law relating to moral character and repute.

B. A revocation or suspension by the Council shall be preceded by written notice to the licensee and a public hearing. The written notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the pawnbroker. The notice may be served upon the pawnbroker personally or by United States mail addressed to the most recent address of the business in the license application.
1160.18. **Penalty.**

Violation of any provision of this Section shall be a misdemeanor.

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Section 1165 - Trains

1165.01. Limitations on Use of Whistles. It shall be unlawful for any railroad company, train engineer, fireman, or other person employed by any railroad company, to sound or blow the whistle or horn of a locomotive between the hours of 10:00 p.m. and 7:00 a.m. within that area of the City west of Highway 169 and east of Larch Lane and north of County Road 9, except at times when there is a clear and present endangerment of life or property.

1165.02. Extension of Prohibition Area. The limitation set forth in Section 1165.01 shall automatically extend to adjacent crossings to the west of the prohibition area set forth in Section 1165.01 when such crossings are equipped with gates and flashing lights.

1165.03. Penalties. Violation of the provisions of this Section is a misdemeanor.
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Section 1170

(This section was repealed by Ordinance No. 2011-29, 10/25/2011)
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Section 1175 - Sexually Oriented Businesses

1175.01 Purpose and Intent. Subdivision 1. It is the purpose of this Section is to regulate Sexually Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the City, to guard against the inception and transmission of disease, and to establish reasonable and uniform regulations. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

Subd. 2. The Council further finds that experience from other cities demonstrates that Sexually Oriented Businesses conducted in private by members of the same or the opposite sex, and employing personnel with no specialized training, are susceptible to operation in a manner contravening, subverting or endangering the health, safety and welfare of members of the community by being the sites of acts of prostitution, illicit sex, and occasions of violent crimes, thus requiring close inspection, licensing, and regulation.

1175.03. Classification. Subdivision 1. The following are classified as Sexually Oriented Businesses:

A. Sexually Oriented Arcades;

B. Sexually Oriented Bookstores, Sexually Oriented Video Stores, Sexually Oriented Stores;

C. Sexually Oriented Cabarets;

D. Sexually Oriented Conversation/Rap Parlors;

E. Sexually Oriented Massage Parlors;

F. Sexually Oriented Motels;

G. Sexually Oriented Motion Picture Theaters;

H. Sexually Oriented Saunas;

I. Sexually Oriented Theaters;

J. Escort Agencies;

K. Nude Model Studios; and

L. Sexual Encounter Centers.
Subd. 2. Section 21195.03, Subd. 3 of the City Code states that these uses are subject to the regulations and requirements as specified in this Section.

1175.05 License Required. Subdivision 1. A Sexually Oriented Business may not be operated without a valid license, issued by the City for the particular type of business. A Sexually Oriented Business existing on the date of the enactment of this Section must obtain a license within 90 days or close doing business.

Subd. 2. An application for a Sexually Oriented Business license must be made on a form provided by the City Clerk. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with market dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who must comply with Subsection 1175.31 of this Section shall submit a diagram meeting the requirements of that Section.

Subd. 3. An application shall be considered complete if it includes the information required in this subsection. The applicant shall be qualified according to the provisions of this Section. The application shall be notarized. The application shall include the information called for in subsections (a) through (g) as follows:

A. The full true name and any other names used in the preceding five years.

B. The current business address.

C. Either a set of fingerprints suitable for conducting necessary background checks pursuant to this Section, or the applicant's Social Security Number, to be used for the same purpose.

D. The name, business location, legal description, business mailing address and phone number of the proposed Sexually Oriented Business.

E. Written proof of age, in the form of either a copy of a birth certificate and current photo, a current driver's license with picture, or other picture identification document issued by a governmental agency.

F. The issuing jurisdiction and the effective dates of any license or permit held by the applicant relating to a Sexually Oriented Business, and whether any such license or permit has been denied, revoked, or suspended, and if so, the reason or reasons therefore.

G. The name and address of the statutory agent or other agent authorized to receive service of process.
The information provided pursuant to subsections (a) through (g) shall be supplemented in writing by certified mail, return receipt requested, to the City Clerk within 10 working days of a change of circumstances which would render the information originally submitted false or incomplete.

Subd. 4. The applicant must be qualified according to the provisions of this Section and the premises must be inspected and found to be in compliance with the law by the Fire Department and Building Official.

Subd. 5. If a person who wishes to operate a Sexually Oriented Business is an individual, the individual must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10% or greater interest in the business, and each officer, director, general partner, or other person who will participate directly in decisions relating to management of the business must sign the application for a license as applicant. Each applicant must be qualified under Section 1175.07 and each applicant shall be considered a licensee if a license is granted.

1175.07 Issuance of License. Subdivision 1. Upon the filing of a completed application for a Sexually Oriented Business license, the City shall issue a Temporary License to the applicant, which Temporary License shall expire upon the final decision of the City to deny or grant the license.

Subd. 2. The City Manager shall either issue a license, or issue a written notice of intent to deny a license, to the applicant within 30 days after receipt of an application. The City Manager shall approve the issuance of a license unless one or more of the following is found to be true:

A. An applicant is under 18 years of age.

B. An applicant is delinquent in the payment to the City of taxes, fees, fines, or penalties assessed against him or her or imposed upon him or her in relation to a Sexually Oriented Business.

C. An applicant has failed to provide information required under subsection 1175.05 or which is necessary for issuance of the license or has falsely answered a question or request for information on the application form.

D. An applicant has been convicted of a violation of a provision of this Section within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

E. The premises to be used for the sexually oriented business have not been approved by the fire department and the building official as being in compliance with applicable laws and ordinances.

F. The license fee required by this Section has not been paid.
G. An applicant or the proposed establishment is in violation of or is not in compliance with this Section.

H. An applicant has been convicted of a crime:

1. Involving any of the following offenses:
   a. Prostitution or sex trafficking as described in Minnesota Statute 609.321;
   b. Solicitation, inducement of promotion of prostitution as described in Minnesota Statute 609.322;
   c. Other prohibited acts relating to prostitution as described in Minnesota Statute 609.324;
   d. Obscenity as described in Minnesota Statute 617.241;
   e. Sale, dissemination, distribution, display or exhibition of harmful materials to minors as described in Minnesota Statutes 617.293 and 617.294;
   f. Sexual performance by a child as described in Minnesota Statute 617.246;
   g. Dissemination or possession of child pornography as described in Minnesota Statutes 617.246 and 617.247;
   h. Indecent exposure as described in Minnesota Statute 617.23;
   i. Criminal sexual conduct as described in Minnesota Statutes 609.342, 609.343, 609.344, and 609.345;
   j. Criminal sexual predatory conduct as described in Minnesota Statute 609.3453;
   k. Incest, as described in Minnesota Statute 609.365; or
   l. Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses:

2. for which:
a. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

b. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

I. The proposed Sexually Oriented Business would or does not comply with the City's Zoning Ordinance.

Subd. 3. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant. For purposes of this Section, "conviction":

A. Means a conviction or a guilty plea; and

B. Includes a conviction of any business entity for which the applicant had, at the time of the offense leading to the conviction for a crime designated under this Section, a management responsibility or a controlling interest.

Subd. 4. An applicant who has been convicted of an offense listed in Section 1175.07, Subd. 2(h)(1) may qualify for a Sexually Oriented Business license only when the time period required by Section 1175.07, Subd. 2(h)(2) has elapsed.

Subd. 5. The license, if granted, shall state the name of the person or persons to whom it is granted, the expiration date and the address of the Sexually Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Sexually Oriented Business so that it may be easily read at any time.

1175.09 License Fees; License Investigation Fees. The annual fee for a Sexually Oriented Business license shall be set by resolution of the Council. The investigation fee for the purpose of issuing a license shall be set by resolution of the Council. In the event that the license is denied upon application, the license fee shall be refunded; however, no part of the license investigation fee shall be returned to the applicant. No part of the annual license fee shall be refunded if the license is suspended or revoked.

1175.11 Inspection. Subdivision 1. An applicant, operator, or licensee shall permit law enforcement officers and any other federal, state, county or city agency in the performance of any function connected with the enforcement of this Section, normally and arguably conducted by such
agencies to inspect the premises of a Sexually Oriented Business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

Subd. 2. A person who operates a Sexually Oriented Business or their agent or employee commits an offense if the person refuses to permit a lawful inspection of the premises as required under this subsection at any time it is occupied or open for business.

Subd. 3. The provisions of this section do not apply to areas of a Sexually Oriented Motel which are currently being rented by a customer for use as a permanent or temporary habitation.

1175.13 Expiration of License. Subdivision 1. Each renewal license shall be issued for a maximum period of one (1) year. All licenses expire on December 31 of each year. Each license may be renewed only by making application as provided in subsection 1175.05. Application for renewal shall be made by October 1. No renewal application received after October 1 shall be considered by the Council unless it determines good and sufficient cause is shown by the Applicant for failure to file a timely renewal application, the Council may, if other provisions of the Section are complied with, grant the application.

1175.15 Suspension. The City Manager may suspend a license for a period not to exceed 30 days following written notice and an opportunity for the licensee to be heard if the City Manager determines that a licensee or an employee of a licensee has:

A. Violated or is not in compliance with this Section;

B. Refused to allow an inspection of the Sexually Oriented Business premises as authorized by this Section;

C. Knowingly permitted unlawful gambling by any person on the sexually oriented business premises;

1175.17. Revocation. Subdivision 1. The City Manager shall issue a written statement of intent to revoke a Sexually Oriented Business license if a cause of suspension in Section 1175.15 occurs and the license has been suspended within the preceding 12 months.

Subd. 2. The City Manager shall issue a written statement of intent to revoke a Sexually Oriented Business license if the City Manager determines that:

A. Licensee gave false or misleading information to the City during the application process;

B. Licensee or operator has knowingly allowed possession, use, or sale of controlled substances on the premises;

C. Licensee or operator has knowingly allowed prostitution on the premises;
D. Licensee or operator knowingly operated the Sexually Oriented Business during a period of time when the Licensee's license was suspended;

E. Licensee has been convicted of an offense listed in Section 1175.07, Subd.2(h)(1) for which the time period required in Section 1175.07, Subd.2(h)(2) has not elapsed;

F. On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 1175.07, Subd.2(h)(1), for which a conviction has been obtained, and the person or persons were employees of the Sexually Oriented Business at the time the offenses were committed;

G. Licensee or operator has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the licensed premises. The term "sexual contact" shall have the meaning as it is defined in Minn. Stat. § 609.341, Subd. 11(b). This subsection shall not apply to a Sexually Oriented Motel, unless the licensee knowingly allowed sexual activities to occur either (i) in exchange for money, or (ii) in a public place or with public view; or

H. Licensee is delinquent in payment to the City for ad valorem taxes, local lodging tax, or other taxes or fees related to the Sexually Oriented Business.

Subd. 3. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

Subd. 4. Subsection 1175.17, Subd. 2(g) does not apply to Sexually Oriented Motels as a ground for revoking the license unless the Licensee or operator knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

Subd. 5. When, after the notice and hearing procedure described in Subsection 1175.19, the City Manager revokes a license, the revocation shall continue for one year and the licensee shall not be issued a Sexually Oriented Business license for one year from the date revocation became effective, provided that, if the conditions of Section 1175.19, Subd. 2 are met, a Provisional License shall be granted pursuant to that Section. If, subsequent to revocation, the City Manager finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Section 1175.17, Subd. 2(g), an applicant may not be granted another license until the appropriate number of years required under Section 1175.07, Subd. 2(h) (2) have elapsed.

1175.19. Hearing; License Denial, Suspension, Revocation; Appeal. Subdivision 1. If the City Manager determines that facts exist for denial, suspension, or revocation of a license under this Section, the City Manager shall notify the applicant or licensee ("respondent") in writing of the intent to deny, suspend, or revoke the license, including the grounds therefore, by personal delivery
or by certified mail. The notification shall be directed to the most current business address on file with the City Manager. Within five working days of receipt of such notice, the respondent may provide to the City Manager, in writing, a response that shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked. Within three days of the receipt of respondent's written response, the City Manager shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding.

Subd. 2. Within 10 working days of the receipt of respondent's written response, the City shall conduct a hearing on respondent's appeal of the City Manager's decision. The Council may appoint a committee of the Council or an independent hearing officer to hear the matter, report findings of fact and a recommendation for disposition to the Council. Hearings on the appeal shall be open to the public and the licensee or applicant shall have the right to appear and be represented by legal counsel and to offer evidence in its behalf. At the conclusion of the hearing, the Council shall make a final decision. If a response is not received by the City in the time stated or, if after the hearing, the City finds that grounds as specified in this Section exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final five days after the City sends, by certified mail, written notice that the license has been denied, suspended, or revoked. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.

If the Council finds that no grounds exist for denial, suspension, or revocation of a license, then within five days after the hearing, the City Manager shall withdraw the intent to deny, suspend, or revoke the license, and shall so notify the respondent in writing by certified mail of such action and shall contemporaneously issue the license.

Subd. 3. Any decision of the Council shall be a final appealable order and the applicant or licensee ("aggrieved party") may seek prompt judicial review of such administrative action in any court of competent jurisdiction.

Subd. 4. The filing of an appeal stays City Manager's action requiring, denying, suspending or revoking a license until 60 days after a final decision by the Council, to provide the aggrieved party sufficient time to appeal the Council's decision to a court of competent jurisdiction. If the aggrieved party appeals the Council's decision within the 60 days provided, the stay shall be extended until a final judicial decision is rendered in the matter.

Subd. 5. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement of the denial, suspension, revocation, or licensure requirement, the City shall immediately issue the aggrieved party a Provisional License. The Provisional License shall allow the aggrieved party to continue operation of the Sexually Oriented and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement.

Subd. 6. The Council may condition denial, suspension, revocation, or non-renewal of a license upon appropriate terms and conditions.
1175.21  **Transfer of License.** A licensee shall not transfer a license to another, nor shall a licensee operate a Sexually Oriented Business under the authority of a license at any place other than the address designated in the application.

1175.23  **Additional Regulations for Escort Agencies.** Subdivision 1. An escort agency shall not employ any person under the age of 18 years.

   Subd. 2. A person commits an offense if that person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

1175.25  **Additional Regulations for Nude Model Studios.** Subdivision 1. A nude model studio shall not employ any person under the age of 18 years.

   Subd. 2. A person commits an offense if he or she appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

1175.27.  **Additional Regulations for Sexually Oriented Theaters and Sexually Oriented Motion Picture Theaters.** Subdivision 1. A person commits an offense if he or she knowingly allows a person under the age of 18 years to appear in a state of nudity in or on the premises of a Sexually Oriented Theater or Sexually Oriented Motion Picture Theater.

   Subd. 2. It is a defense to prosecution under Subdivision 1 of this section if the person under 18 years was in a restroom not open to public view or persons of the opposite sex.

1175.29  **Additional Regulations for Sexually Oriented Motels.** Subdivision 1. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is a Sexually Oriented Motel as that term is defined in this Section.

   Subd. 2. A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a Sexually Oriented Business license, he or she rents or sub rents a sleeping room to a person and, within 10 hours from the time the room is rented, he or she rents or sub rents the same sleeping room again.

   Subd. 3. For purposes of Subdivision 2 of this section, the terms "rent" or "sub rent" mean the act of permitting a room to be occupied for any form of consideration.

1175.31  **Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos.** Subdivision 1. A person who operates or causes to be operated a Sexually Oriented Business, other than a Sexually Oriented Motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
A. Upon application for a Sexually Oriented Business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The City Manager may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

B. The application shall be sworn to be true and correct by the applicant.

C. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City Manager.

D. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

E. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

F. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection E remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection A of this section.

G. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at the floor level.
H. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.

I. No viewing room may be occupied by more than one person at any time.

J. No licensee shall allow openings of any kind to exist between viewing rooms or booths.

K. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

L. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist and shall cover or repair all openings or holes within 24 hours.

M. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

N. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within 48 inches of the floor.

Subd. 2. A person having a duty under Subsections A through N of Subdivision 1 commits a misdemeanor if the person knowingly fails to fulfill that duty.

1175.33. General Restrictions for Conduct within a Sexually Oriented Business. Subdivision 1. All performers, dancers, and persons appearing in a semi-nude condition or 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 six feet from all patrons, customers, or spectators and shall dance or provide such entertainment on a platform intended for that purpose, which shall be raised at least two feet from the level of the floor on which patrons or spectators are located.

Subd. 2. No dancer, performer, or person while semi-nude or 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 knowingly or intentionally touch any spectator or patron or the clothing of any spectator or patron.

Subd. 3. No customers, spectator, or patron of a licensed facility shall directly pay or give any gratuity to any dancer or performer in a semi-nude condition and no dancer or performer in a semi-nude condition shall solicit or receive any pay or gratuity directly from any patron or spectator.
Subd. 4. No sexually oriented business, except for a Sexually Oriented Motel, may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and 12:00 p.m. on Sundays.

1175.35 Additional Regulations Concerning Public Nudity. It shall be a misdemeanor for a person to knowingly and intentionally, in a sexually oriented business, appear in a state of nudity or engage in specified sexual activities.

1175.37 Prohibition Against Children in a Sexually Oriented Business. No licensee, operator or employee shall knowingly allow a person under the age of 18 years on the premises of a sexually oriented business.

1175.39 Exemptions. It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:

A. By a proprietary school licensed by the State of Minnesota; a college, junior college, or university supported entirely or partly by taxation;

B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

C. In a structure:

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and

3. Where no more than one nude model is on the premises at any one time.

1175.41 Enforcement. A person who operates or causes to be operated a Sexually Oriented Business without a valid license or in violation of this Section is subject to a suit for injunction as well as prosecution for criminal violations. Any person violating a provision of this Section, upon conviction, is guilty of a misdemeanor. Each day a Sexually Oriented Business so operates is a separate offense or violation.

1175.43 Severability. If any section, sentence, clause or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The Council hereby declares that it would have adopted the Section and each subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 1180 - Hotel Guest Registration

1180.01. Definitions. The following words and terms when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

A. “Hotel” means an operation furnishing sleeping or overnight stopping accommodations for transient guests, including recreational camping areas, cabin camps, bed and breakfasts, lodging houses, tourist rooms, motels, hotels, resorts, corporate lodging, or similar commercial establishments.

1180.02. Hotel Operator Duties. Subdivision 1. Guest Registration. Any proprietor, manager, owner, agent, or employee of a hotel must provide and keep an electronic or handwritten guest register for the registration of all guests, and every guest must be registered as provided in this Section. Upon the arrival of each guest, the operator of the hotel must require the guest to provide the name and home address of the guest and every person with the guest as a member of the party, and if the guest is traveling by motor vehicle, the make of the vehicle, registration number, and license plate number, including the name of the state or country issuing the plate. The registration information must be recorded in the guest register and kept in an accurate and orderly manner. The guest register must be retained for one year. Any person who intentionally violates this Section is guilty of a misdemeanor. (Ord. 2015-20, 7/28/2015)

1180.03. Guest Duties. Subdivision 1. Guest Registration. Each person arriving at a hotel who receives sleeping or overnight stopping accommodations must furnish to the operator the guest registration information required in Section 1180.02. Children under the age of 18 who are accompanied by a parent or legal guardian who registers are exempt from the registration requirements of this Section. The minimum hospitality accommodation standards per Section 435.21 of the City Code (Hospitality Accommodations) shall be required.

Subd. 2. Failure to Register. Any person who receives or uses hotel sleeping or overnight stopping accommodations and intentionally fails to provide registration information as required by Section 1180.02 is guilty of a misdemeanor.

Subd. 3. False Registration. Any person required to register at a hotel who intentionally presents false identification, provides a false or assumed name, or otherwise provides false guest register information is guilty of a misdemeanor.

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Section 1190 - Sexual Predator Residency Restriction

1190.01. Purpose and Intent. Subdivision 1. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Sexual offenders are likely to use physical violence and to repeat their offenses. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

Subd. 2. It is the intent of this chapter to serve the City’s compelling interest to promote, protect and improve the health, safety and welfare of its citizens by establishing areas around locations where children regularly congregate in concentrated numbers, wherein certain sexual predators are prohibited from establishing temporary or permanent residence.

1190.02. Definitions. Subdivision. 1. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Licensed Care Facility – A facility licensed by the State of Minnesota in which care, supervision and training for individuals.

B. Designated Offender – Any person who has been categorized as a Level III predatory offender under Minnesota Statutes Section 244.052, a successor statute, or a similar statute from another state.

C. Park, Playground or Open Space – Any land, including improvements operated by the city, county, or the Three Rivers Park District for the use by the general public as a recreational area, including passive open space.

D. Permanent Residence – A place where a person abides, lodges or resides for 14 or more consecutive days.

E. Places of Worship – A building or portion thereof, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

F. School – Any public or non-public educational institution that offers educational instruction to individuals.

G. Temporary Residence – A place, other than a person’s permanent residence, where a person abides, lodges, or resides for a period of 14 days or more in the aggregate during any calendar year or four or more consecutive or non-consecutive days during any month.
1190.03. **Residency Prohibition; Penalties; Exceptions.**

**Subd. 1. Residency Prohibition.**

A. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 1,500 feet of any school, licensed care facility, place of worship, park, playground or open space.

B. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the designated offender to the nearest outer property line of a school, licensed care facility, place of worship, park, playground or open space.

**Subd. 2. Penalties.** A person who violates this section shall be punished by a fine not exceeding $1,000 or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this section constitutes a separate violation.

**Subd. 3. Exceptions.** A designated offender residing within a prohibited area as described in Subd. 1. does not commit a violation of this section if any of the following apply:

A. The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute 243.166, 243.167, or successor statute, prior to the effective date of this section.

B. The designated offender was a minor when he or she committed the offense and was not convicted as an adult.

C. The school, licensed care facility, place of worship, park, playground or open space within 1,500 feet of the designated offender’s permanent residence or temporary residence was designated or opened after the designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute 243.166, 243.167, or successor statute.

D. The residence is also the primary residence of the designated offender’s parents, grandparents, siblings, spouse or adult children.

E. The residence is property owned by the Minnesota Department of Corrections.

*(Ord. 2017-19, 9/12/2017)*
CHAPTER XII

ALCOHOLIC BEVERAGES

1201.01. **State Law Provisions Adopted.** Except to the extent the provisions of this Chapter are more restrictive, the provisions of Minnesota Statutes, Chapter 340A, as amended, regarding the terms, licensing, consumption, sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor, malt liquor, and 3.2 percent malt liquor are adopted and made a part of this Chapter as if set out in full.

1201.03. **Definitions.** Subdivision 1. For the purposes of this Chapter, and in addition to those definitions contained in Minnesota Statutes, Chapter 340A, as amended, the terms used in this Chapter are defined as follows:

A. **Brewer:** The term “Brewer” means a person who manufactures malt liquor for sale.

B. **Brew Pub:** The term “Brew Pub” means a restaurant that holds an on-sale intoxicating liquor license in which malt liquor is brewed or manufactured for sale and consumption on tap on the premises where the malt liquor is brewed or for sale and personal consumption off the brewer’s premises.

C. **Display:** The term "Display" means the keeping, storing, or permitting to be kept or stored of an alcoholic beverage which has been poured, dispensed or has had its package seal broken on, in, or at any table, booth, bar or other area of a licensed premises accessible to the general public, except when the alcoholic beverage is stored in a normal storage area during non-sale hours.

D. **Interest:** The term "interest" as used in this Chapter includes any pecuniary interest in the ownership, operation, management or profits of a liquor establishment, but does not include bona fide loans; bona fide fixed sum rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business or selling or leasing merchandise, fixtures or supplies to such establishment; or any interest of five percent or less in any corporation holding a City liquor license. A person who receives monies, from time to time, directly or indirectly from a licensee in the absence of a bona fide consideration therefor and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fide," the reasonable value of the goods or things received as consideration for the payment of the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade any prohibitions under this Chapter shall be considered.
E. **Licensed Premises**: The term "Licensed Premises" is defined as the exact rooms and square footage in a compact and contiguous building or structure situated on the premises and any outdoor enclosed seating area contiguous to that building or structure as described in the license application. In the case of a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated.

F. **Microdistilleries**: The term “Microdistilleries” are businesses who provide samples of distilled spirits manufactured on their premises.

G. **Operating Manager**: The term "Operating Manager" as used in this Chapter means a person designated by the license holder who works full-time at the licensed premises and is in charge of day-to-day liquor sales.

H. **Properly Designated Officer**: The term "Properly Designated Officer" means and includes the Plymouth City Fire Inspector, the Plymouth City Building Official, and the Health Inspectors employed by Hennepin County or the State of Minnesota acting in the course of the scope of their employment.

I. **Restaurant**: The term “Restaurant” means a business under the control of a single proprietor or manager having a full service kitchen when, in consideration of payment, meals are regularly served at tables to the general public and which employs an adequate staff to provide the usual and suitable service to its guests.

J. **Underage Person**: The term "Underage Person" means a person who is under the legal drinking age as provided by Minnesota Statutes Chapter 340A.

K. **Theater**: The term “theater” means a building containing an auditorium in which live dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances.

1201.05. **Retail License Required**: Except as provided in Minnesota Statutes Chapter 340A, no person, may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the required license or permit. Holders of an on-sale intoxicating liquor license are exempt from the requirement that an on-sale 3.2 percent malt liquor license be obtained.

1201.07. **Types of Liquor Licenses**: Subdivision 1. The following types of licenses are issued under this Chapter:

A. **On-Sale Intoxicating Liquor License**: On-sale intoxicating liquor licenses shall be issued only to those establishments allowed under Minnesota Statutes 340A.404, Subd. 1. On-sale liquor licenses shall permit the sale of intoxicating liquor consumption on the licensed premises only.
B. **Off-Sale Intoxicating Liquor License.** Off-sale intoxicating liquor licenses may be issued to establishments allowed under Minnesota Statutes 340A.405, Subd. 1.

C. **Wine Licenses.** On-sale wine licenses may be issued for the sale of wine for consumption on the licensed premises only. An on-sale wine license may be issued only to a restaurant. The holder of an on-sale wine license who is also licensed to sell 3.2 percent malt liquors at on-sale is authorized to sell intoxicating malt liquors at on-sale without an additional license.

D. **On-Sale 3.2 Percent Malt Liquor License.** On-sale 3.2 percent malt liquor license may be issued to bona fide clubs, beer stores, restaurants, and hotels where food is prepared and served for consumption on the premises. On-sale 3.2 percent liquor malt liquor licenses shall permit the sale for consumption on the premises only.

E. **Off-Sale 3.2 Percent Malt Liquor License.** Off-sale 3.2 percent malt liquor licenses shall permit the sale of 3.2 percent malt liquor at retail in the original package for consumption off the premises only.

F. **On-Sale Sunday Liquor License.** On-sale Sunday liquor licenses may be issued to establishments holding an on-sale liquor license hereunder and to brewer taprooms and cocktail rooms. Malt liquor in growlers may be sold at off-sale on Sunday after 8:00 a.m.

G. **Temporary On-Sale Licenses.** Temporary on-sale liquor licenses may be issued to organizations and committees per Minnesota Statutes 340A.404, Subd. 10.

H. **Club Licenses.** Club licenses may be issued to clubs per Minnesota Statutes 340A.404, Subd. 1.

I. **Consumption and Display Permits.** Per Minnesota Statutes 340.414, Consumption and Display Permits may be issued to a business establishment or bottle club.

J. **Theater.** Liquor licenses may be issued to theatres per Minnesota Statutes 340A.404, Subd. 1.

K. **Culinary On-Sale License.** A limited on-sale intoxicating liquor license may be issued to a business who qualifies per Minnesota Statutes 340.4041.

L. **Brewer Taproom License.** Brewer taproom licenses shall be issued in accordance with Minnesota Statutes 340A.26.
M. Small Brewer Off-Sale License. Per Minnesota Statutes 340A.28, a license shall be issued for off-sale of malt liquor at a brewer’s licensed premises that been produced and packaged by the brewer.

N. Sunday Growler Off-Sale License. Per Minnesota Statutes 340A.28, a Sunday growler off-sale license shall be issued for off-sale of malt liquor at a brewer’s licensed premises that has been produced and packaged by the brewer on Sundays.

O. Brew Pub Off-Sale Liquor License. Brew pub off-sale liquor licenses shall be issued in accordance with Minnesota Statutes 340A.24.

P. Microdistilleries Off-Sale License. Per Minnesota Statutes 340A.22, Subd. 4, a license shall be issued for off-sale of distilled spirits that is produced and packaged by the distiller.

Q. Cocktail Room On-Sale License. Cocktail room licenses shall be issued in accordance with Minnesota Statutes 340A.22, Subd. 2.

R. Prohibited Licenses. The City may not issue on-sale licenses for exclusive liquor stores.


A. Renewal License. Renewal licenses shall be issued for a maximum period of one year. All licenses expire on January 31 of each year.

B. Intoxicating and 3.2 Percent Malt Liquor Licenses. All intoxicating liquor and 3.2 percent malt liquor licenses expire on January 31 of each year. If the application is made during the license year, the license shall be issued for the remainder of the year.

C. Temporary On-Sale License. Temporary on-sale licenses shall expire according to their terms.

D. Consumption and Display License. Consumption and display licenses shall expire on March 31 of each year.

1201.11. Retail License Fees. Subdivision 1.

A. Annual Fees. The annual fees for all licenses are set forth in Chapter X.

B. Prorated Fees. If a license application is made during the license year, the license shall be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month.
C. **Payment.** The fees for all liquor licenses must be paid in advance of their expiration date.

D. **Investigation Fees.** Investigation fees for all new applications are set forth in Chapter X. Investigation fees are non-refundable.

1201.13. **License Fee Refunds.** License fees shall be refunded per Minnesota Statutes 340A.408, Subd. 5.

1201.15. **Insurance.** All applicants or any type of intoxicating liquor, 3.2 percent malt liquor, or wine license, must, as a condition to the issuance of the license, maintenance of the license and renewal of the license, demonstrate proof of financial responsibility with regard to liability imposed by Minnesota Statutes 340A.801 to the City. The minimum requirements for proof of financial responsibility are set forth in Minnesota Statutes 340A.409. The sale of alcohol is prohibited if the required insurance is not in effect. Certificates of insurance required by this Section shall provide that the City must be given 10 days advance written notice of the cancellation of any insurance described in the certificate.

1201.17. **License Application.** A license applicant shall complete the application forms provided by the City and the Minnesota Commissioner of Public Safety.

1201.19. **Execution of Application.** If the application is by a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by a partnership, by one of the partners; if by an unincorporated association, by the operating officer or managing officer thereof. If the applicant is a partnership, the application, license, and insurance policy shall be made and issued in the name of all partners. It shall be unlawful to make any false statement in an application. Applications shall be filed with the City Clerk.

1201.21. **Renewal Application.** Applications for the renewal of an existing license shall be made at least 60 days prior to the date of the expiration of the license and shall state that everything in the prior applications remains true and correct except as otherwise indicated.

1201.23. **Criminal Background Investigations.** Subdivision 1. **Applications.**

   A. At the time of making an initial application, or renewal application, or request for a new Operating Manager, the applicant shall, in writing, authorize the Police Department to investigate all facts set out in the application and complete a personal background and criminal record check on the applicant and Operating Manager. The applicant shall further authorize the Police Department to release information received from such investigation to the Council.

   B. Should the Council deny the applicant's request for a license due, partially or solely, to the applicant's prior conviction of a crime, the Council shall notify the applicant of the grounds and reasons for the denial; the applicable complaint and grievance procedure as set forth in Minnesota Statutes, Section 364.06; the
earliest date the applicant may reapply for a license; and that all competent evidence of rehabilitation will be considered upon reapplication.

1201.25. Hearing Required for New Licenses. A public hearing for the issuance of a license for a new premises or applicant shall be preceded by 10 days published notice. In addition, the public hearing notice shall also be preceded by 10 days mailed notice to all owners of property located within 500 feet of the boundaries of the property on which the business that is the subject of the application is located. A public hearing is not required for temporary license applications.

1201.27. Information Considered for License Approval. Subdivision 1. The Council shall consider the following in addition to conformity with state statutes and city ordinances in determining whether a new or renewal license shall be approved:

A. Criminal background investigative report submitted by the Police Department;

B. Applicant is a convicted felon, has a driver’s license that was cancelled as inimical to public safety, and/or a pattern of alcohol-related offenses.

C. Information received through the public hearing process;

D. Whether the applicant has or will take affirmative action to minimize public safety problems commonly associated with on-sale liquor establishments, including but not limited to DWI drivers, illegal sale to minors, disturbing the peace, etc.;

E. Any other relevant information.

1201.29. Granting or Transfer of License. Subdivision 1.

A. Applicant. A license shall be issued to the applicant only.

B. Licensed Premises. Each license shall be issued only for the licensed premises.

C. Death of Licensee. In the event of the death of a person holding a license, the personal representative of that person shall be allowed to continue to operate the business within the terms of the license for a period not to exceed 90 days after the death of the licensee.

1201.31. Corporations, Partnerships, or Associations. Subdivision 1.

A. All corporations, partnerships, and associations must designate an Operating Manager. The Operating Manager must be a person working full-time at the licensed premises who is in charge of day-to-day liquor sales.
B. Licenses issued to corporations shall be valid only so long as there is no change in the officers or ownership interest of the corporation, as defined in this Chapter, unless such change is approved by the Council. The requirement concerning change in officers does not apply to corporations whose stock is traded on the New York or American Stock Exchanges.

C. Licenses issued to associations or partnerships shall be valid only so long as there is no change in the partnership or association, unless such change is approved by the Council.

D. Corporations, partnerships, or associations holding licenses shall submit written notice to the City Clerk of any changes described herein on or before 30 days prior to the effective date of any such change. Notwithstanding the definition of "interest" as defined in this Chapter, in the case of a corporation, the licensee shall notify the City Clerk when a person not listed in the application acquires an interest that, when combined with that of a spouse, parent, brother, sister, or child, exceeds five percent and shall give all information about said person as is required of a person pursuant to the provisions of this Chapter.

E. Corporations holding licenses shall submit written notice to the City Clerk of any change in Operating Managers prior to the effective date of such change. The written notice shall designate the new Operating Manager.

F. The designation of a new Operating Manager shall not cause the corporation’s license to become invalid before a decision is rendered by the City Manager, provided proper notice and application are made by the applicant. A proposed new Operating Manager shall be referred to as the interim Operating Manager. In the event an interim Operating Manager is rejected by the City Manager, the corporation shall designate another interim Operating Manager and make the required application within 15 days of the City Manager’s decision. If the City Manager rejects a proposed Operating Manager, the decision may be appealed to the Council by filing a written notice of appeal with the City Clerk within 10 days after being notified of the rejection.

1201.33. Persons Ineligible for License. Subdivision 1.

A. State Law. No license shall be granted to or held by any person per Minnesota Statutes 340A.402.

B. Operating Manager. No license shall be granted to a corporation that does not have an Operating Manager who is eligible pursuant to the provisions of this Chapter.

C. Real Party in Interest. No license shall be granted to a person who is the spouse of a person ineligible for a license under this Chapter or who, in the
judgment of the Council, is not the real party in interest or beneficial owner of the business operated, or to be operated, under the license.

D. Interest Defined. The term "interest" as used in this Section includes any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, but does not include: bona fide loans; bona fide fixed sum rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; or an interest of 10 percent or less in any corporation holding a city liquor license. A person who receives monies from time to time directly or indirectly from a licensee in the absence of a bona fide consideration therefor and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fide", the reasonable value of the goods or things received as consideration for the payment by the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade the prohibitions of this Section shall be considered.

E. Outstanding Debts. No license shall be granted or renewed for operation on any premises on which real estate taxes, assessments, or other financial claims of the City or of the State are due, delinquent, or unpaid. If an action has been commenced pursuant to the provisions of Minnesota Statutes 278, questioning the amount or validity of taxes, the Council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee.

1201.35. Conditions of Approval. At the time a license is issued pursuant to this Chapter, the Council may attach special conditions to the approval based upon the nature of the business, the location of the business, and verified complaints, if any, to protect the health, safety, welfare, and quietude of the community and ensure harmony with the location where the business is located. Violation of any of the conditions shall be grounds for revocation of the license.

1201.37. Distance from School. No liquor licenses issued in this Chapter, with the exception of temporary liquor licenses, may be granted within 500 feet of any school. The distance shall be measured from the freestanding parcel or lot upon which the business to be licensed is located or from the exterior wall of the approved area leased or owned by the business to be licensed within a shopping center to the nearest point of the parcel or lot upon which the school is located. The erection of a school within the prohibited area after the original license application has been granted shall not, in and of itself, render such premises ineligible for renewal of the license.

1201.39. Revocation or Suspension of License. Subdivision 1. The Council may suspend or revoke any license for the sale of alcoholic beverages for any of the following reasons:
A. False or misleading statements made on a license application or renewal, or failure to abide by the commitments, promises or representations made to the Council.

B. Violation of any special conditions under which the license was granted, including, but not limited to, the timely payment of real estate taxes, and all other charges.

C. Violation of any Federal, State, or local law regulating the sale of intoxicating liquor, 3.2 percent malt liquor, or controlled substance.

D. Creation of a nuisance on the premises or in the surrounding area.

E. That the licensee suffered or permitted illegal acts upon the licensed premises or on property owned or controlled by the licensee adjacent to the licensed premises, unrelated to the sale of intoxicating liquor or 3.2 percent malt liquor.

F. That the licensee had knowledge of illegal acts upon or attributable to the licensed premises, but failed to report the same to the police.

G. Expiration or cancellation of any required insurance, or failure to notify the City within a reasonable time of changes in the term of the insurance or the carriers.

1201.41. Hearing Notice. Revocation or suspension of a license by the Council shall be preceded by public hearing conducted in accordance with Minnesota Statutes Section 14.57 to 14.70. The Council may appoint a hearing examiner or may conduct a hearing itself. The hearing notice shall be given at least 10 days prior to the hearing, include notice of the time and place of the hearing, and state the nature of the charges against the licensee.


A. Purpose. The purpose of this Section is to establish a standard by which the Council determines the length of license suspensions and the propriety of revocations. Any licensee found to have violated this Chapter, or whose employee has violated this Chapter, will be charged as noted in the violation grid. These penalties are presumed to be appropriate for every case; however, the Council may deviate in an individual case where the Council finds that there exist substantial reasons making it more appropriate to deviate, such as, but not limited to, a licensee’s efforts in combination with the State or City to prevent the sale of alcohol to minors. When deviating from these standards, the Council will provide written findings that support the penalty selected.
B. **Minimum Penalties for Violations.** The minimum penalties for convictions or violations must be presumed as follows (unless specified, numbers below indicate consecutive days' suspension):

The following violations require revocation of the license on the first violation:

- Commission of a felony related to the licensed activity.
- Sale of alcoholic beverages while license is under suspension.
- Sale of intoxicating liquor where only license is for 3.2 percent malt liquor.

The following violations fall under the violation grid below for all liquor licenses:

- Failed to comply with any applicable statute, regulation or ordinance relating to alcoholic beverages.
- Sold alcoholic beverages to another retail licensee for the purpose of resale.
- Purchased alcoholic beverages from another retail licensee for the purpose of resale.
- Conducted or permitted the conduct of gambling on the licensed premises in violation of the law.

<table>
<thead>
<tr>
<th>1st Violation</th>
<th>2nd Violation within 36 months</th>
<th>3rd Violation within 36 months</th>
<th>4th Violation within 36 months</th>
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<tbody>
<tr>
<td>$500 and 5 days stayed suspension</td>
<td>$1,000 and 5 days suspension</td>
<td>$2,000 and 10 days suspension</td>
<td>Revocation</td>
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Any violation not listed in the previous information would be heard by the Council, and the Council would review all information and circumstances and determine a penalty with the maximum fine of $2,000 and/or 60-day suspension or determine if the license should be revoked.

First violations would be handled by an administrative hearing with the Director of Public Safety with the presumptive penalty given to license holders. License holders have the right to request a hearing before the Council if not in agreement with the presumptive penalty. The Director of Public Safety also has the right to request a hearing before the Council if he/she believes there exists substantial reason making it appropriate to deviate from the presumptive penalty. If the Director of Public Safety and licensee agree on the presumptive penalty, these will be reported to the Council in a staff report.
C. **Multiple Violations.** At a licensee's first appearance before the Council, the Council must act upon all of the violations that have been alleged in the notice sent to the licensee. The Council in that case must consider the presumptive penalty for each violation under the first appearance column in subsection (B) above. The occurrence of multiple violations is grounds for deviation from the presumed penalties in the Council's discretion.

D. **Subsequent Violations.** Violations occurring after the notice of hearing has been mailed, but prior to the hearing, must be treated as a separate violation and dealt with as a second appearance before the Council, unless the City Manager and licensee agree in writing to add the violation to the first appearance. The same procedure applies to a second, third, or fourth appearance before the Council.

E. **Subsequent Appearances.** Upon a second, third, or fourth appearance before the council by the same licensee, the Council must impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, the Council may consider the amount of time elapsed between appearances as a basis for deviating from the presumptive penalty imposed by this Section.

F. **Computation of Violations.** Multiple violations are computed by checking the time period of the three years immediately prior to the date of the most current violation.

G. **Other Penalties.** Nothing in this Section shall restrict or limit the authority of the council to suspend up to 60 days, revoke the license, impose a civil fine not to exceed $2,000, to impose conditions, or take any other action in accordance with law; provided, that the license holder has been afforded an opportunity for a hearing in the manner provided in this Chapter.

1201.45. **Retail Sales Regulations.** Subdivision 1. **Right of Inspection.**

A. Any Plymouth police officer or any properly designated officer displaying proper identification shall have the unqualified right to enter, inspect, and search the premises of any licensee hereunder without a warrant, during business hours or when owners, Operating Managers, or other employees are located on the premises.

B. The business records of the licensee, including Federal and State tax returns, shall be available for inspection by the City at all reasonable times upon written request.
1201.47. **Responsibility of Licensee.** Subdivision 1. **Orderly Conduct.** Every licensee shall be responsible for the conduct on the licensee's place of business including conduct and activity attributable to the business on property owned or controlled by the licensee. Every licensee shall also cooperate with the City in controlling activity attributable to the business in surrounding areas.

1201.49. **Hours of Operation.** The provisions of Minnesota Statutes Chapter 340A.504 with reference to the hours of sale are hereby adopted and made a part of this Chapter as if fully set out herein. Malt liquor in growlers may also be sold at off-sale on Sunday after 8:00 a.m.

1201.51. **Posting License.** The licenses shall be posted in a conspicuous place in the licensed establishment at all times.

1201.53. **Beverage Restrictions.** Subdivision 1.

A. No intoxicating liquor shall be sold or furnished or delivered to any obviously intoxicating person, or to any person to whom sale is prohibited by State law.

B. No person shall give, sell, procure or purchase intoxicating liquor to or for any person to whom the sale of intoxicating liquor is forbidden by law.

1201.55. **Building Changes.** Proposed enlargement or substantial alteration which changes the character of the establishment, or extension of premises previously licensed shall be reported to the City Clerk at or before the time application is made for a building permit for any such change. The enlargement, substantial alteration or extension shall not be allowed unless the Council approves an amendment to the license.

1201.57. **Guest Rooms of Hotels.** Subdivision 1. **Liquor Sales.** No sale of liquor shall be made to or in guest rooms of hotels unless:

A. Such sale accompanies and is incidental to the regular service of meals to guests therein;

B. The guest rooms and any meeting and/pool and outdoor seating areas are included as part of the licensed premises in the liquor application.

1201.55. **Persons under 21; Illegal Acts.** Illegal acts for persons under 21 per Minnesota Statutes 340A.503, are prohibited.

1201.57. **Prohibited Conditions.** Subdivision 1.

A. **Prostitution.** No licensee shall knowingly permit the licensed premises or any room in those premises or any adjoining building directly under the licensee's control to be used by prostitutes.
B. **Controlled Substances.** No licensee shall knowingly permit the sale, possession or consumption of controlled substances on the licensed premises in violation of state law.

C. **Gambling.** Gambling and gambling devices are not permitted on licensed premises, except for premises licensed for on-sale intoxicating liquor. State lottery tickets may be purchased and sold within licensed premises as authorized by the Director of the State Lottery.

D. **Nudity.** Subdivision 1. No licensee, owner, or manager of any liquor establishment licensed pursuant to this Chapter, shall permit or allow in such establishment any Nudity, Sadomasochistic Abuse, Sexual Contact or Sexual Excitement as defined:

1. “Nudity” means the showing or exposing of the post-pubertal human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of a post-pubertal female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the showing of covered male genitals in a discernibly erect or sexually excited state.

2. “Sadomasochistic Abuse” means scenes 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.

3. “Sexual Conduct” means acts of masturbation, sexual intercourse, or physical contact with a person’s unclothed genitals, pubic area, buttocks or, if such a person is female, her breast.

4. “Sexual Excitement” means the condition of the human male or female genitals or the breasts of the female when in a state of sexual stimulation or the sensual experience of humans engaging in or witnessing sexual conduct or nudity.

1201.59. **Samples.** Wine, liqueur, cordial, and distilled spirits samples are authorized per Minnesota Statutes 340A.510.

1201.61. **Social Hosts.** Subdivision 1. **Definitions.** For the purposes of this Section, the following terms have the meanings given:

A. “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
B. “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

C. “Gathering” means a group of three or more persons who have assembled or gathered together for a social occasion or other activity.

D. “Host” means to aid, conduct, sponsor, organize, supervise, control, or allow a gathering.

E. “Parent” means a person having the following relationship to a juvenile:
   1. A natural parent, adoptive parent, or step-parent;
   2. A legal guardian; or
   3. A person to whom legal custody has been given by order of a court.

F. “Person” means an individual, partnership, co-partnership, corporation, or an association of one or more individuals. “Person” does not include a city, county, or state agency.

G. “Premises” means any location, including a home, yard, farm, field, land, apartment, condominium, hotel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

H. “Underage person” means an individual under 21 years of age.

Subd. 2. Prohibited Acts.

A. It is unlawful for a person to host or allow a gathering on any premises if:
   1. The person knows that alcohol or alcoholic beverages will be present; and
   2. The person knows that an underage person will attend, or is likely to attend; and
   3. The person fails to take reasonable steps to prevent the possession or consumption of alcoholic beverages by an underage person; and
4. An underage person consumes an alcoholic beverage, or possesses an alcoholic beverage with the intent to consume it, at the gathering.

B. Examples of reasonable steps include:

1. Directing, on a one-time basis or as a standing order, that no consumption of alcohol and alcoholic beverages is allowed; or

2. Controlling access to alcohol or alcoholic beverages; or

3. Checking identification of attendees to determine age; or

4. Supervising the activities of underage persons at the gathering either in person or through a responsible adult.

C. A person is not criminally responsible under this ordinance if the person does not know that a gathering will occur, or does not know that alcoholic beverages will be present, or does not know that an underage person will be or is likely to be present. However, if a person has the knowledge specified in paragraph 1 above, a person who hosts a gathering does not have to be present at the gathering to be criminally responsible.

D. A person is criminally responsible for violating paragraph 1 above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

Subd. 3. Exceptions.

A. This Section does not apply to conduct of an underage person that is permitted by his or her parent and occurs in the parents’ household.

B. This Section does not apply to a legally protected religious observance.

C. This Section does not apply when an underage person is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

D. This Section does not apply to the holder of a liquor license issued under this Chapter, but it does apply to a person who hosts a gathering at such a liquor establishment.

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CHAPTER XIII

TRAFFIC, MOTOR VEHICLES AND OTHER VEHICLES

Section 1300 - Highway Traffic Regulation

1300.01. State Highway Traffic Regulation Act Adopted by Reference. Minnesota Statutes, Chapter 169, "The Highway Traffic Regulation Act", as amended, is adopted by reference and is as much a part of this Code as if fully set forth herein. Any violation of the statute herein adopted by reference is a violation of this Code.

1300.03. Definitions. For purposes of this Chapter, the terms defined in Minnesota Statutes Section 169.01, as amended, as adopted herein, have the meanings given by that Section.

1300.05. Application to Private Streets and Roads. This Chapter applies to private streets and roads freely used by the general public.

1300.07. Penalty. A violation of the provisions of this Chapter is a petty misdemeanor, except where otherwise provided by statute.
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Section 1305 - Streets; Traffic

1305.01. Emergency Street Closings. Subdivision 1. Reasons. In an emergency either the City Manager, Director of Public Safety, or the Fire Chief may close off any public street, alley, or area to any or all vehicular or pedestrian traffic, including parked cars and reroute any or all such traffic when in his discretion it appears that such an act is necessary to control or prevent a riot, to fight or prevent the spreading of a fire, to control or remove explosives, to repair electrical service, gas, water or sewer main, or to prevent damage to life, limb or property that might result from any traffic or other hazard.

Subd. 2. Procedure. The City Engineer, after obtaining the approval of the City Manager, may close off or prohibit vehicular traffic on any public street or alley or portion thereof in order to effect the orderly installation, repair, maintenance, or snow removal of any streets within the City. Prior to closing any street or alley, both the Fire and Police Department shall be notified.

Subd. 3. Temporary Closing. The Director of Public Safety, after obtaining the approval of the City Manager, may order the temporary closing off or the temporary designation of any one way traffic or reroute any or all vehicular traffic on any public street, alley or area when it appears to be necessary to control vehicular or pedestrian traffic or crowds resulting from any large public gathering, prior to, during and after any public or private convention, assembly, parade, carnival, circus, political rally or sports event where the use of any public street, park or other public property is necessary or incidental to the holding or convening of any of the foregoing activities.

Subd. 4. Barrier; Warnings. Any street or area may be closed to vehicular or pedestrian traffic or to parked cars at any hour by the stationing of a police or traffic officer at both ends of said street or area, who shall then direct traffic, or during the daylight hours by posting or erecting suitable signs, flags or barriers at both ends of the street or area so designated, stating the restriction imposed and by whose authority said restriction is imposed, or at night by the placing of suitable barriers and warning lights or flasher signals at both ends of the street or areas so designated. Drivers shall obey police and traffic officers and barriers, flags, signs, lights, or signals so placed.

Subd. 5. Emergency Traffic Restrictions. The City Manager may make and enforce necessary traffic control restrictions in time of emergency, provided that public notice of such restrictions be published or broadcast, or posted in at least two public places, and further, that any such restrictions be reviewed by the Council at the next duly called Council meeting, following the establishment of such emergency restrictions, at which time such restrictions may be continued or abandoned by resolution of the Council.

1305.02. Traffic Control. Subdivision 1. Traffic Officers Defined. For purposes of Subsections 1305.01, 1305.02 and 1305.03, "traffic officer" means:
A. The following persons employed by the City: A reserve officer as defined by Minnesota Statute Section 626.84, Subd. 1(e), as amended, at times and locations approved by the Director of Public Safety.

B. A community service officer, at times and locations approved by the Director of Public Safety.

C. A retired Plymouth police officer, licensed as a police officer by the Peace Officer Standards and Training Board, at times and locations approved by the Director of Public Safety.


Subd. 2. Authorization; Penalty. Police and traffic officers as defined in this Subsection are authorized to regulate traffic. Directions of a police or traffic officer take precedence over all traffic control devices. Willful failure or refusal to comply with a lawful order or direction of any police or traffic officer is a misdemeanor and is punishable in accordance with Chapter XX.

1305.03. Cutting Across Private Property. It is unlawful to disobey the instructions of any official traffic control device unless otherwise directed by a police or traffic officer, by driving into or across private property so as to obviate the need to comply with said traffic control device.

1305.05. Weight Limits; Seasonal Restrictions. Subdivision 1. Prohibition; Weight. It is unlawful to operate any vehicle or a combination of vehicles upon any public street, alley or highway within the City, between the dates set by the Commissioner of Transportation each calendar year where the gross weight on any single axle exceeds 10,000 pounds on paved roads or 8,000 pounds on gravel roads, except that this limitation does not apply to emergency vehicles of public utilities used incidental to making repairs to its plant or equipment within the City; nor to vehicles identified in Minnesota Statute Section 169.87, Subds. 2-6; nor shall this limitation apply to roads paved with concrete. (Ord. 2008-01, 1/08/2008)

Subd. 2. Council Action. The Council may by ordinance prohibit for cause shown therein the operation of vehicles upon any or all public streets or alleys within the City. The Council may also by ordinance impose restrictions as to the weight of vehicles to be operated upon any such streets or alleys, whenever such streets or alleys, by reason of deterioration, rain, snow or other climatic conditions may be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. The ordinance adopted shall designate the particular streets or alleys affected and shall set forth the prohibitions or restrictions imposed on such streets or alleys. (Ord. 2008-01, 1/08/2008)

Subd. 3. Posting of Signs. Upon the adoption of any prohibition or restriction as provided for in this Section, the City Engineer shall cause to be posted or erected, signs plainly indicating the prohibition or restriction at each end of the street or alley or that portion of any street or alley affected thereby, and the prohibition or restriction is effective until after such signs are so posted or erected.
Subd. 4. **Special Permits.** Any person desiring authority to move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum authorized by this Section or otherwise not in conformity with the provisions hereof, may make written application therefor to the City Engineer and upon good cause being shown therefor, the City Engineer may, in his/her discretion, issue such a permit. The application and permit shall specifically describe the vehicle or vehicles and loads to be moved, the public streets over which the same is to travel and the period of time for which the permit is granted. The City Engineer shall prescribe the conditions to govern the operation of such vehicle or vehicles and may require may require a permit fee, as well as a bond, or other security to compensate for any injury to any roadway or road structure. Every such permit shall be carried on the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer, official, or employee of the City. No person shall violate any of the terms or conditions of such special permit. (Ord. 2008-01, 1/08/2008)

Subd. 5. **Damage to Streets.** Any person driving any vehicle, object or contrivance upon any City street is liable for all damages which the highway or highway structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance in excess of the maximum weight authorized by and pursuant to the issuance of a special permit. When such driver is not the owner of such vehicle, object or contrivance, but is operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver are jointly and severally liable for any such damage. Such damage may be recovered in a civil action brought by the City.

Subd. 6. **Police Duties.** Any police officer having reason to believe that the weight of a vehicle and load is unlawful, is authorized to require the driver to stop and submit to a weighing of the same, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales, in the event such scales are within five miles. When any officer determines that the weight of any vehicle or the load thereon exceeds the maximum authorized he may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under the provisions of this Section. All materials so unloaded shall be cared for by the owner or driver of such vehicle, at the risk of such owner or driver. A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this Section, is guilty of a misdemeanor.

1305.07. **Turning.** Subdivision 1. **Restriction on Turns.** The Council by resolution may, whenever necessary to preserve a free flow of traffic or to prevent accidents, designate any intersection as one where the turning of vehicles to the left or to the right, or both, is to be restricted at all times or during specified hours. The City Engineer shall mark by appropriate signs any intersection so designated. No intersection on a trunk highway shall be so designated until the consent of the Commissioner of Highways to such designation is first obtained. No person shall turn a vehicle at any such intersection contrary to the directions on such signs.

(Ord. 2008-19, 6/10/2008)
1305.09. **Through Streets; One-Way Streets.** The Council by resolution may designate any street or portion of street as a through highway or a one-way roadway where necessary to preserve the free flow of traffic or to prevent accidents. The City Engineer shall post appropriate signs at the entrance of such street. No trunk highway shall be so designated unless the consent of the Commissioner of Highways to such designation is first secured.

1305.11. **Truck Restrictions.** The Council by resolution may designate streets on which travel by commercial vehicles is prohibited. The City Engineer shall erect appropriate signs on such streets. No person shall operate a commercial vehicle on such posted streets in violation of the restrictions stated.

1305.12. **Mufflers; Unnecessary Noise.** It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise. For purposes of this section, excessive or unusual noise shall mean: 1) distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value, or; 2) noise in excess of that permitted by Minnesota Statutes Section 169.69 as it may be amended from time to time, or; 3) noise in excess of that permitted by Minnesota Statutes Section 169.693 and Minnesota Rules parts 7030.1000 through 7030.1050 as they may be amended from time to time.

It shall be unlawful for any person operating any motor vehicle, other than a fire truck, to use a cutout, by-pass or similar muffler elimination device, or any transmission or engine retarding brake (commonly referred to or known as a Dynamic Brake, Jake Brake, Jacobs Brake, C-Brake, Paccar Brake), which either changes or uses the flow of exhaust or compressed air from the engine to reduce the speed of a motor vehicle.

*(Ord. 2003-05, 2/25/2003)*

1305.13. **Unreasonable Acceleration.** No person shall start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the City limits. Prima facie evidence of such unnecessary exhibition of speed shall be unreasonable squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by the tires of said vehicle or both.

1305.15. **Bicycle Lanes and Ways.** Subdivision 1. **Establishment.** Pursuant to the authority contained in Minnesota Statutes, Section 160.263, as amended, the marked and posted portions of the following public streets and roadways are hereby designated as bicycle lanes and ways:

A. County Road 24 between County Road 101 and the western border of Plymouth;

B. County Road 6 between County Road 101 and the western border of Plymouth;
C. Dunkirk Lane between Old Rockford Road and Rockford Road (County Road 9);

D. Vicksburg Lane between County road 6 and Gleason Lake Road;

E. County Road 15 between Vicksburg Lane and the southern border of Plymouth;

F. Juneau Lane between County Road 6 and 14th Avenue; 14th Avenue between Juneau Lane and Harbor Lane; Harbor Lane between 14th Avenue and 13th Avenue; 13th Avenue between Harbor Lane and Harbor Lane; Harbor Lane between the northernmost segment of 13th Avenue and the southernmost segment of 12th Avenue; 12th Avenue between Harbor Lane and Harbor Lane; Harbor Lane between 12th Avenue and the Luce Line Trail;

G. Pineview Lane between Northwest Boulevard (County Road 61) and Schmidt Lake Road;

H. Schmidt Lake Road between Pineview Lane and Nathan Lane;

I. Larch Lane between Schmidt Lake Road and Old Rockford Road;

J. 36th Avenue between Zachary Lane and Lancaster Lane;

K. Sunset Trail between Xenium Lane (County Road 61) and Zachary Lane (County Road 73)

L. Zachary Lane (County Road 73) between Sunset Trail and Ridgemount Avenue; and

M. Ridgemount Avenue between Vinewood Lane and Zachary Lane (County Road 73).

(Ord. 2011-06, 2/22/2011)

Subd. 2. Marking and Posting. Such bicycle lanes and ways shall be clearly designated by painted lines or such other physical separation as the City may from time to time specify and shall be posted with appropriate signs and markings.

Subd. 3. Use of Bicycle Lanes and Ways. Such bicycle lanes and ways shall be for the exclusive use of pedestrians, bicycles or other vehicles propelled by human power and may not be used by motorized vehicles except when said motorized vehicles are entering or leaving a street or highway, are parking where parking is permitted or are preparing for a turn as provided in Minnesota Statutes, Section 169.19, Subdivision 1, as amended.
1305.17. **Operation and Regulation of Motorized Golf Carts and ATVs.** Subdivision 1. **Operation.** Persons who are physically handicapped, as defined in Minnesota Statutes, Section 169.345, Subdivision 2, as amended, are authorized to operate motorized golf carts or ATVs on designated roadways and City trails or portions thereof within the City. *(Ord. 2006-18, 6/27/2006)*

Subd. 2. **Permit Required.** No person shall operate a motorized golf cart or ATV on a street or trail without obtaining a permit provided herein. *(Ord. 2006-18, 6/27/2006)*

Subd. 3. **Application.** Every application for a permit shall be made on a form supplied by the City and shall contain the following information:

A. The name and address of the applicant.

B. The nature of the applicant's physical handicap.

C. The roadways, trails or portions thereof on which the motorized golf cart or ATV will be operated.

D. The time of operation of the motorized golf cart or ATV.

E. Such other information as the City may require.

Subd. 4. **Permit Fee.** The annual permit fee shall be as set forth in Chapter X.

Subd. 5. **Term of Permit.** Permits shall be granted for a period of one year and may be renewed annually.

Subd. 6. **Conditions of Permit.** No permit shall be granted unless the following conditions are met:

A. The applicant must demonstrate that he is a physically handicapped person as defined in Minnesota Statutes, Section 169.345, Subdivision 2, as amended.

B. The applicant must submit a certificate signed by a physician that the applicant is physically able to safely operate a motorized golf cart or ATV on the roadways or trails designated, and a certificate from a drivers trainer instructor for the handicapped that the person has the skills and training necessary to operate the motorized golf cart or ATV safely. *(Ord. 2006-18, 6/27/2006)*

C. The applicant must provide evidence of insurance for liability coverage in the amount of $50,000 because of bodily injury to one person in any one accident, and $100,000 because of injury to two or more persons in any one accident, and $25,000 because of injury or destruction of property to others in any one accident.
Subd. 7. **Designation of Roadways and Trails.** The Director of Public Safety shall designate City roadways or portions thereof upon which motorized golf carts and ATVs will be permitted to operate. Signs shall be posted on such roadways to advise the public that the use of motorized golf carts and ATVs is permitted thereon. The Park and Recreation Director shall designate City trails or portions thereof upon which motorized golf carts and ATVs will be permitted to operate. *(Ord. 2001-08, 2/27/2001; Ord. 2006-18, 6/27/2006; Ord. 2018-18 9/25/2018)*

Subd. 8. **Times of Operation.** Motorized golf carts and ATVs may only be operated on designated roadways and trails from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet. *(Ord. 2006-18, 6/27/2006)*

Subd. 9. **Slow Moving Vehicle Emblem.** Motorized golf carts and ATVs shall display the slow moving vehicle emblem provided for in Minnesota Statutes, Section 169.522, as amended, when operated on designated roadways.

Subd. 10. **Crossing Intersecting Highways.** The operator of a motorized golf cart or ATV may cross any street or highway intersecting a designated roadway or trail. *(Ord. 2006-18, 6/27/2006)*

Subd. 11. **Application of Traffic Laws.** Every person operating a motorized golf cart or ATV under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of the Minnesota Statutes, as amended, except when those provisions cannot reasonably be applied to motorized golf carts or ATVs and except as otherwise specifically provided in Minnesota Statutes, Section 169.045, Subdivision 7, as amended.

Subd. 12. **Suspension or Revocation of Permits.** The Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this Section or Chapter 169 of Minnesota Statutes, as amended, or if there is evidence that the permittee cannot safely operate the motorized golf cart or ATV on the designated roadways.

Subd. 13. **Penalty.** Any person violating any of the provisions of this Subsection shall be guilty of a petty misdemeanor. *(Ord. 96-24, 10/02/96)*
Section 1310 - Parking Regulations

1310.01. General Rules. Subdivision 1. Parallel to Curb. Vehicles must be parked or stopped parallel with the edge of the roadway, headed in the direction of traffic, with the curb-side wheels of the vehicle within 12 inches of the edge of the roadway, and not closer than four feet to another vehicle parked at the curb.

Subd. 2. Where No Curb. Upon streets and highways not having a curb, a vehicle stopped or parked must be stopped or parked parallel with and to the right of the paved or improved or main traveled part of the street or highway.

Subd. 3. One-Way Roadway. On a one-way roadway, a vehicle must be parked with the front of the vehicle facing in the same direction on the one-way street as the traffic thereof is permitted to pass.

Subd. 4. Angle Parking. Upon those streets which have been marked or signed for angle parking, vehicles must be parked at the angle to the curb indicated by such marks or signs.

Subd. 5. Boulevard Defined. For the purposes of this Section, the term "Boulevard" means the area between the adjacent property line and the portion of a roadway improved for public traffic.

Subd. 6. Parking Defined. For purposes of this Section, the term "Park" includes the terms "stand", "standing", "stop" and "stopping".

1310.03. Parking Prohibited. Subdivision 1. Specified Places. A vehicle may not be parked, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the places specified in this Subsection. This Subsection does not apply to City vehicles while on official City business when it is reasonably necessary for the City vehicles to be parked in a manner that would otherwise be in violation of this subsection.

Subd. 2. State Law Provisions Adopted. Except to the extent the provisions of this Chapter are more restrictive, the provisions of Minnesota Statutes, Chapter 169.34 (prohibitions, stopping, and parking) are adopted and made a part of this Chapter as if set out in full. (Ord. 2018-18, 9/25/2018)

1310.05. Other Parking Restrictions. Subdivision 1. Disabled Vehicles. The provisions of this Section relating to stopping, standing and parking shall not apply to the driver of any vehicle which is disabled for a reasonable time while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.
Subd. 2. **No Parking Zones.** It is unlawful to stop, stand or park a vehicle, except as otherwise provided or unless directed to do so by a police officer, on any street or highway where the Council has established a No Parking Zone and such zone is marked by sign or yellow curb.

Subd. 3. **Off Street Parking.** It is unlawful to park a vehicle in any industrial, commercial or multiple or single dwelling area where off-street parking area or truck standing spaces are provided. Vehicles shall use designated area for parking, loading or unloading.

Subd. 4. **City Parks and Other Public Property.** No person shall stop, stand, or park a vehicle in any place in a public park or on other public property except in designated parking areas, or in violation of any official posted sign. *(Ord. 98-1, 1/07/98)*

Subd. 5. **Snow Emergency.** After a snowfall of at least 2.0 inches in the City, parking is prohibited on any public street or alley until and after that particular street or alley has been plowed and the snow removed to the curb line. It is unlawful to deposit snow or ice, plowed or removed from private property, onto the traveled portion of a street, alley or public way. *(Ord. 2018-19, 9/25/2018)*

1310.07. **Parking Times.** Subdivision 1. **General Rule.** A vehicle may not be parked within the City on any public street or alley for a continuous period of time in excess of 12 hours provided, however, that no vehicle may be parked or remain parked on any street between the hours of 2:00 a.m. and 5:00 a.m. except where such parking is required in response to a police, fire or medical emergency.

Subd. 2. **Trucks.** A truck may not be parked on any public street, avenue, alley, or other public way for a period more than necessary for loading or unloading in the due course of business but in no event for a period of longer than 30 minutes except where such truck is directly ancillary to ongoing building construction. Trucks parked under this provision are subject to Subdivision 1. For purposes of this Section, the term "truck" means a self-propelled motor vehicle not operated on rails, having a capacity of one and one-half tons or more, or any tractor or trailer or combination thereof.

1310.09. **Parking in Front of Public Buildings.** No person shall stop, park or leave standing any vehicle on any street in front of the entrance to, or exit from, any church, hospital, school, theater, dance hall, hotel or motel for the full width of such entrance or exit during the hours that such buildings are in use by the public. Upon approval by the Director of Public Safety, the owner of any such building used for any of such purposes shall cause to be placed at such entrance or exit one hour before such building is opened to public use proper, adequate and visible signs giving notice to the public that parking is prohibited during the hours of such public use. Such signs shall be removed when such public use of the building ceases. *(Ord. 2018-18, 9/25/2018)*

1310.11. **Tow away of Vehicles; Contractors.** Subdivision 1. **General Rule.** A vehicle parked in violation of this Code may be removed from any public street, alley or public way or grounds by any police officer or City official. The owner or driver of the vehicle shall be notified, if present or readily available, to remove the vehicle. Otherwise the vehicle may be
towed away to any garage, service station or other place of safekeeping and impounded as herein provided, to facilitate snow removal, street maintenance, the orderly flow of traffic, firefighting, or other lawful purpose. The owner shall pay the costs of such towing and storage. The removal of a vehicle by or under the direction of the police officer or other City official does not prevent the prosecution of a violation of this Section.

Subd. 2. Proposals for Towing Contractors. The City Manager shall solicit proposals from persons desiring to act as towing contractors for vehicles impounded under this Section, and the Council may, by resolution, accept the proposal.

Subd. 3. Contract and Bond. Contracts with towing contractors shall be for a period of not exceeding three years which shall set forth the fees to be paid and the services to be rendered by such contractors. No person shall act as towing contractor for the City before entering into such a written contract with the City, and filing with the City Clerk a bond in the sum of $10,000 which corporate surety, conditioned upon (1) the proper handling and safekeeping of impounded vehicles, accessories, and personal property during the period of impounding prior to delivery thereof to the City and the owner; (2) reimbursement to the City and owners for damage to or loss thereof; (3) to guarantee of payment to the City for fees due the City under the contract; and (4) guaranteeing the performance of said contract. The bond shall be approved by the City Attorney as to form and execution.

Subd. 4. Taking Possession, Towing and Release. The towing contractor shall take immediate possession of any vehicle duly ordered impounded and shall tow such vehicle to the impounding place. No such vehicle shall be released without authorization by the Director of Public Safety. (Ord. 2001-08, 2/27/2001; Ord. 2018-18, 9/25/2018)

Subd. 5. Towing and Storage Charges. The towing and storage charge in connection with the impounding of any vehicle shall not exceed the amount agreed upon in any current contract between the City and a duly appointed towing contractor. A true and correct copy of said contract shall be on file in the office of the Director of Public Safety and the City Clerk for public inspection and reference. The towing and storage charges shall include $5 per vehicle for clerical and administrative expenses of the City. The City shall bill the towing contractor on the first of each month for such expenses. Sums due the City for each vehicle shall be paid by the towing contractor to the Administrative Services Director within 10 days following the date of such bill, together with detailed records regarding all such service requests. (Ord. 2018-18, 9/25/2018)

Subd. 6. Charge When Owner Appears Before Towing. When a request has been made by the Police Department for the towing and impounding of a vehicle on account of a parking violation, and when the owner or operator thereof appears before such vehicle is in transit via towing equipment to the impoundment location, the tow truck operator shall release said vehicle to the owner or operator upon the payment of a service fee not to exceed $12. Upon the payment of such service fee the towing contractor shall give to the owner or operator of the vehicle a receipt for such payment which includes $5 for the City as provided in Subdivision 5.
Subd. 7. Towing Contractor to Notify Owner. The towing contractor shall give notice of the impounding of such vehicle to the owner of such vehicle as shown by the records of the Minnesota Division of Motor Vehicles by telephone immediately upon the receipt of such vehicle, if possible, and if it is not possible shall notify the owner by registered mail within 24 hours after the receipt thereof. The towing contractor shall ascertain the identity of all parties with a financial interest in every vehicle held for 10 days or more. The towing contractor shall notify all such parties in addition to the owner by registered or certified mail with return receipt requested of the continued impoundment of such vehicle within 15 days of its initial towing. The towing contractor shall keep a log showing all efforts made by telephone to contact the owner of such vehicle. The log, together with copies of all required written notices, shall be maintained by the towing contractor for a period of three years from the date of such call or written communication.

Subd. 8. Storage of Impounded Vehicles. Any vehicle directed to be impounded as herein provided, from the time it is taken possession of by the towing contractor and during the time it is impounded, and until the same is released to the owner or authorized representative as herein provided, shall be considered to be in the custody of the law. No work may be done thereon by the towing contractor, nor may the towing contractor permit anyone to do any work thereon except the impounding and storage thereof by the towing contractor until the vehicle has been released to the owner as herein provided. All such vehicles when ordered released by the Director of Public Safety shall be released without other charge except the impounding and storage fees herein provided. All vehicles which have been involved in criminal proceedings, and which are designated by the Police Department as being held for that reason, shall be held and stored in inside garages. Vehicles impounded for other reasons may be stored in inside garages or on designated parking lots. (Ord. 2001-08, 2/27/2001)

Subd. 9. Release Form. At the time of return of the vehicle, the towing contractor shall release the same by a release in writing which shall state the date of such release together with the charges enumerated thereon and the purpose for which such charges were made. Such release shall be made in one original and three copies, all of which shall be signed by the towing contractor and the person to whom such release is made. The towing contractor shall retain the original of such release and shall deliver one copy thereof to the owner of the vehicle and two copies to the Police Department. Of such two copies, the Police Department shall deliver one to the Administrative Services Director.

Subd. 10. Damaged Vehicles. The towing contractor may not solicit, directly or indirectly, the impounding or towing of vehicles under this section. This prohibition does not apply to privately ordered tows, provided that the towing contractor makes no implied or express representation that such tow is on the authority of the City or its ordinances. There are no impoundment or impoundment fees in the event of a disabled vehicle whose owner or authorized operator requests a tow to any location other than the premises of the towing contractor. Fees for such services are not regulated by this Code.

Subd. 11. Sale of Vehicle Where Owner Cannot be Identified. If any such vehicle is found or recovered under circumstances which do not give the Police Department or the towing contractor knowledge or means of inquiry as to the true owner thereof, the Police Department
shall immediately report such facts in writing to the City Manager, and the vehicle shall be disposed of as an abandoned vehicle pursuant to Section 1315 of this Code.

Subd. 12. Report of Police Officer. A police officer or other authorized person directing the impounding of an unoccupied or damaged vehicle shall prepare a written report of the description of such vehicle, which report shall, among other things, include the following: Make of car; license number, motor number; number of tires; tools and other separate articles of personal property; general description of the car with regard to condition, damaged parts, and such other information as may be necessary to describe adequately the vehicle and property delivered to the towing contractor. A copy of such report, signed by the officer or officers, shall be delivered to the towing contractor at the time of impounding. An original copy of report shall be kept on file in the Police Department. A copy shall be delivered to the Administrative Services Director.

Subd. 13. Liability and Property Damage Insurance. The towing contractor must carry, at his own expense, public liability, property damage, fire and theft, and public garage keepers' liability insurance in a good reliable insurance company licensed to do business in the State of Minnesota, and which shall include the City as a named insured, and all of which shall contain coverage in an amount of not less than $100,000 for injury to any one person and not less than $300,000 total injury in any one accident, and not less than $10,000 fire and theft, $25,000 for damage to property, and $5,000 garage keepers' insurance and shall furnish and file with the City Clerk a policy or certificate of such insurance of the insurer which shall contain a clause providing for a 10 day notice to the City before cancellation. If any bond or policy of insurance required herein is canceled, the towing contractor, before date of cancellation, shall furnish and file a similar new certificate. Failure to comply with the provisions hereof shall automatically suspend the contract as of the date of the cessation of any such bond or liability, property and fire insurance coverage. In the event of cancellation of any policy, the towing contractor shall not be authorized to act as towing contractor for the City unless and until he shall furnish and file a new bond or insurance policy or certificate evidencing insurance to replace the canceled policy.

1310.13. Certain Vehicles Declared a Public Nuisance. Any vehicle whether occupied or not that is found stopped, standing or parked in violation of this Code, or that is reported stolen, or that is found impeding firefighting, snow removal, or the orderly flow of traffic is hereby declared a public nuisance, and may be abated in the manner set forth. The City Manager, any police officer, or other duly authorized person may immediately order the vehicle to be removed and impounded in the manner provided in this Section, and the vehicle shall be surrendered to the duly identified owner thereof by the towing contractor only upon payment of the fees provided in this Section, which are declared to be the vehicle pound fees covering the same.

1310.15. Parking; Handicapped; Prohibition. No person shall park, obstruct, or occupy with a motor vehicle any parking space, on public or private property, designated and posted as parking space for handicapped persons pursuant to the State Building Code unless the vehicle has prominently displayed upon it an insignia or certificate issued by the Division of Motor Vehicles in the State Department of Public Safety pursuant to Minnesota Statutes, Section 169.345(3), as amended.
1310.16  **Handicapped Transfer Zones.** As allowed in Minnesota Statutes, Section 169.346 (2), it is unlawful for a person to park a motor vehicle in or obstruct access to an area designated by a local governmental unit as a transfer zone for disabled persons. The Council may designate areas on public or private property as transfer zones by resolution. These areas must be posted as such. These areas are designated for the unloading of disabled persons as long as the vehicle is attended and moved immediately after the unloading, and for access to curb cuts from authorized handicapped parking spaces. *(Ord. 2000-24, 6/27/2000)*

1310.17.  **Posting of Signs for Physically Disabled Parking.** The owner or manager of any property on which parking spaces or transfer zones are required to be reserved for physically disabled persons pursuant to this Code or State law must post a sign designating such parking spaces and/or transfer zones as reserved for physically disabled persons. The sign must contain the international symbol of access in white on blue indicating that the parking space or transfer zone is reserved for disabled persons with vehicles displaying the required certificate, license plate, or insignia and indicating that violators are subject to a fine of up to $200. The sign must be posted in a manner to make it visible from inside a vehicle parked in the space and must be kept clear of snow or other obstructions which block its visibility. Any owner or manager of property failing to post the sign required by this subsection shall be fined up to $200. Each day that a sign is not properly posted shall constitute a separate offense. *(Ord. 2000-24, 6/27/2000)*

*(Ord. 2011-29, 10/25/2011)*
Section 1315 - Sale of Unclaimed Motor Vehicles

1315.01. **Abandoned Motor Vehicle Law Adopted by Reference.** Minnesota Statutes, Sections 168B.01 through 168B.10, as amended, is hereby adopted by reference and is as much a part of this Code as if fully set forth herein. A violation of the statutes adopted herein by reference is a violation of this Code.

1315.03. **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section.

Subd. 1. "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Subd. 2. "Property" means any real property within the City which is not a street or highway.

1315.05. **Parking or Abandonment of Junk Cars Prohibited.** Subdivision 1. **General Rule.** No person shall park, keep, place, store or abandon any Junk Car or Vehicle on a public Street, Highway, roadway or alley within the City.

Subd. 2. **Time Limit.** No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any Junk Car to remain on such property longer than 96 hours and no person shall leave a Junk Car on any Property within the City for a longer period than 96 hours.

Subd. 3. **Exceptions.** This Section shall not apply to the following:

A. To a Vehicle in an enclosed building.

B. To a Vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operations of such business enterprise.

C. To a Vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or its agents.

1315.07. **Impounding of Junk Cars.** Subdivision 1. **Police Duties.** The Director of Public Safety is hereby authorized to remove or have removed any Vehicle left at any place within the City which reasonably appears to be in violation of this Section or is lost, stolen or unclaimed. *(Ord. 2018-18, 9/25/2018)*

Subd. 2. **Impounding.** The impounding of such Vehicle shall be in accordance with the provisions of this Section.
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Section 1320 - Driver's Licenses and Registration of Motor Vehicles


Subd. 2. Driver's License Law. Minnesota Statutes, Sections 171.01, 171.02, 171.03, 171.05., 171.08, 171.10, 171.11, 171.17; 171.18, 171.20, 171.22, 171.23 and 171.24, as amended, are adopted by reference and are as much a part of this Code as if fully set forth herein.

Subd. 3. Violations. A violation of the Statutes adopted herein by reference is a violation of this Code.
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Section 1325 - Snowmobile Regulations

1325.01. State Laws and Regulations Adopted by Reference. Subdivision 1. Snowmobile Law. The State Statutes regarding snowmobiles, Minnesota Statutes Section 84.81 et seq., as amended, are adopted by reference and are as much a part of this Code as if fully set forth herein. (Ord. 2000-32, 10/10/2000)

Subd. 2. Department of Natural Resources Rules. The State rules regarding snowmobiles, found in Minnesota Rules Chapter 6100, as amended, are adopted by reference and are as much a part of this Code as if fully set forth herein. (Ord. 2000-32, 10/10/2000)

Subd. 3. Violations. A violation of the Statutes or Rules herein adopted by reference is a violation of this Code.

1325.03. Additional Regulations. Subdivision 1. Purpose. In accordance with the authority granted by Minnesota Statutes, Section 84.87, as amended, the City enacts the additional regulations contained in this Subsection.

Subd. 2. Operation Prohibited. It is unlawful for any person to operate a snowmobile:

A. On public right-of-ways including but not limited to streets, sidewalks, and ditches, except designated snowmobile trails, as authorized by this section or resolution of the Council; (Ord. 94-17, 10/03/94; Ord. 2000-32, 10/10/2000)

B. On private property without lawful authority or written consent of the owner or occupant; (Ord. 94-17, 10/03/94; Ord. 95-6, 1/17/95)

C. On private property within 100 feet of any dwelling without lawful authority or written consent of the owner or occupant; (Ord. 95-6, 1/17/95)

D. On any publicly owned lands, including but not limited to cemeteries, school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority. Authorized areas in the City owned by the City shall be designated by Council resolution. (Ord. 2000-32, 10/10/2000)

Subd. 3. Operation Authorized. It is lawful for a person to operate a snowmobile:

A. On public frozen waters within the City limits, when access can be legally obtained, except within 50 feet of any ice skating rink or shoreline structure such as a dock or boathouse.
B. On any public property for rescue, emergency, or law enforcement purposes. *(Ord. 2018-18, 9/25/2018)*

Subd. 4. (Repealed by Ord. 2004-19, 8/24/2004)

Subd. 5. Towing. It is unlawful to tow any person or thing by snowmobile except by use of a rigid tow bar attached to the rear of the snowmobile.

Subd. 6. Speed. It is unlawful to operate a snowmobile at a speed greater than ten miles an hour when within 100 feet of any lakeshore (except in channels), fishermen, skaters, pedestrians, ice houses, skating rinks, and/or sliding areas. It is unlawful to operate a snowmobile at a speed greater than 10 miles an hour where the operation would conflict with the lawful use of property or would endanger other persons or property. It is unlawful to operate a snowmobile at a speed greater than 10 miles an hour on any residential road where snowmobile use is authorized.

Subd. 7. Dead-Man Throttle. It is unlawful to operate a snowmobile without a safety or so-called "dead-man" throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.

Subd. 8. Leaving Snowmobiles Unattended. Every person leaving a snowmobile in a public place shall lock the ignition, remove the key and take the same with him or her.

Subd. 9. Hours of Operation. Snowmobiles can only be operated within the City between the hours of 7:00 a.m. and 10:00 p.m.


1325.05. Authorized Rallies, Meets, Races and Gatherings. The Council may, upon application to it, authorize the holding of snowmobile rallies, meets, races and gatherings within the City. The application shall specify the dates, times and places of such rallies, meets, races and gatherings, the person or persons sponsoring such event, and a description of the activity to be allowed and permitted. No fee shall be charged for such authorization. The Council may waive any provision of Subsection 1325.03 in granting the authorization and may impose such conditions on the authorization as it deems necessary to protect the public safety. *(Ord. 2000-32, 10/10/2000)*
Section 1330 - Recreational Vehicles

1330.01. State Law Adopted. Minnesota Statutes, Sections 84.92 through 84.928 as now existing, or as hereafter amended are adopted by referenced and are as much a part of this Code as if fully set forth herein.

1330.03. Use of Recreational Motor Vehicles. Subdivision 1. Rules. It is unlawful for any person to operate or knowingly permit the operation of a Recreational Vehicle:

A. On the private property of another without lawful authority or consent of the owner of such property.

B. On public sidewalks, walkways or trails provided or used for pedestrian travel.

C. On or across park lands, ice skating rinks whether on lakes or flooded, nor shall such vehicles park on such area unless a permit to do so has been obtained from the City or unless such areas have been specially designated for such use.

D. On any publicly owned lands or frozen waters, including but not limited to school grounds, playgrounds, recreation areas and golf courses unless a permit has been obtained from the proper public authorities or unless such areas have been specially designated for such use.

E. While under the influence of alcohol, controlled substances, or a combination of both.

F. At a speed greater than reasonable and proper under all the surrounding circumstances.

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

H. In any cemetery.

I. In any planting or tree nursery in a manner which damages or destroys growing stock.

(Ord. 98-40; 11/18/98)

Subd. 2. All-Terrain Vehicles.

A. Except as provided in this subdivision, no person shall operate or knowingly permit the operation of an All-Terrain Vehicle upon any street or highway within the City, including any portion of the right of way.
B. Nothing in this subdivision shall be interpreted to prohibit the operation of an All-Terrain Vehicle on the outside slope of a trunk, county state-aid, or county highway within the City.

Subd. 3. Violation of Subdivisions 1E or G, or Subdivision 2, of this Subsection, is a Misdemeanor. Violation of any other provision of Subdivision 1 is a Petty Misdemeanor.
Section 1335 - Watercraft; Lakes and Waters

1335.01.  Boat and Water Safety Act and Rules Adopted.  Subdivision 1.  Minnesota Statutes, Chapter 86B, Water Safety, Watercraft, and Watercraft Titling and Boat and Water Safety Rules 6110.0100 - 6110.2300, as amended, are adopted by reference and are as much a part of this Code as if fully set forth herein.  A violation of the Statute or any Rule herein adopted is a violation of this Code.

Subd. 2.  Enforcement, emergency, resource management, and other governmental personnel or authorized contractors are exempted from this Section when performing official duties or authorized work.

1335.03.  Mooney Lake and Lost Lake: Special Provisions.  The following additional regulations and limitations are hereby imposed upon watercraft operated, placed or maintained in or upon Mooney Lake or Lost Lake:

A.  No person shall operate, place or maintain a watercraft which is propelled by an internal combustion engine having a size and power in excess of five horsepower.

B.  Each watercraft shall be equipped so as to direct its motor exhaust under water, or otherwise completely and effectively to muffle and silence the sound of the explosions of such motor.  No watercraft shall otherwise make any unnecessary noise in its operation.

C.  No person shall operate a watercraft between the hours of 8:00 p.m. and 8:00 a.m.

D.  No person in charge of or occupying a watercraft shall dump or throw garbage, paper, bottles, cans, refuse or debris into the lakes.

1335.05.  Hadley Lake: Special Provisions.  Subdivision 1.  Motor Boats Prohibited.  It is unlawful for any person to operate a motorized watercraft on Hadley Lake.

Subd. 2.  Debris.  It is unlawful for any person in charge of or occupying a boat on Hadley Lake to dump or throw garbage, paper, bottles, cans, refuse or debris into Hadley Lake.

1335.07.  Pike Lake: Special Provisions.  Subdivision 1.  Maple Grove City Code Section 760, entitled "Lake Use Regulations," as amended, is adopted by reference and is made a part of this Code as if fully set forth herein and shall be used for the regulation of that part of Pike Lake lying within the boundaries of the City, except as set forth herein.

Subd. 2.  Definitions.  For the purpose of this Subsection, the following terms shall have the meanings set forth unless the context clearly indicates otherwise:
A. "City" means the City of Plymouth, Minnesota.

B. "Council" means the City Council for the City of Plymouth.

C. "Lake" means that part of Pike Lake lying within the boundaries of the City.

Subd. 3. Watercraft Speed. For the purpose of this Subsection, no person shall operate a watercraft at a speed which exceeds 15 miles per hour. The interconnecting channel between Eagle Lake and Pike Lake shall be traveled at a slow, no-wake speed.

1335.09. Medicine Lake; Special Provisions. Subdivision 1. Purpose. Pursuant to Minn. Statutes 86B.201-205, 459.20, and Minnesota Rules Parts 6110.3000-6110.3700, it is the purpose of this ordinance to regulate the operation and speed of watercraft on Medicine Lake.

Subd. 2. Definitions. The following words and phrases when used in this ordinance have the meanings set forth below:

"Operate” means to navigate or otherwise use a watercraft.

“Persons” includes in individual, partnership, corporation, or any body of persons whether incorporated or formed into an association or not.

“Slow-no wake” means the operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than 5 mph.

“Watercraft” has the meaning given in Minnesota Statutes 86B.005, Subd. 18.

Subd. 3. Regulation. No person shall operate a watercraft at greater than slow-no wake speed on Medicine Lake whenever the water level exceeds 889.4 feet and remained at that level for at least three consecutive days. The slow-no wake restriction shall remain in place until the lake level drops to 889.4 feet or below for at least three consecutive days. (Ord. 2001-05, 2/13/2001)

Subd. 4. Exemptions. Authorized resource management, emergency and enforcement personnel, when acting in the performance of their duties, shall be exempt from the provisions of this ordinance.

Subd. 5. Marking. Staff from the cities of Plymouth and Medicine Lake shall be responsible for informing the public, posting notification at all public accesses, and marking or buoying areas affected by this ordinance as necessary to give reasonable notice of the speed restriction of this section.

Subd. 6. Enforcement. Primary responsibility for the enforcement of this ordinance shall rest with the Hennepin County Sheriff’s Department, including both licensed and special
deputies. This, however, shall not preclude its enforcement by other licensed peace officers.
(Ord. 2001-05, 2/13/2001)

Subd. 7. Penalties. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor.

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CHAPTER XIV

MUNICIPAL CEMETERY

Section 1400 -
Maintenance and Use of Parkers Lake Cemetery

1400.01. **Location; Plat; Prohibition of Other Cemeteries.** A cemetery has been established and is continued upon land owned by the City and legally described as follows:

Lot 1, Block 1, "Parkers Lake Cemetery".

A plat of the cemetery, as prepared by McCombs-Knutson Associates, Inc., surveyor, and placed on file in the office of the City Clerk, is the official plat of the cemetery which shall be called "Parkers Lake Cemetery". No person shall lay out or establish any cemetery, or use any lot of land within this City for the burial of the dead, except in Parkers Lake Cemetery, or some other tract of land duly designated as a cemetery by ordinance.

1400.03 **Superintendent of Cemetery Duties.** The City Manager shall appoint a superintendent who shall have control and management of the cemetery, be responsible for its maintenance and improvement, and shall have such other powers and duties as are prescribed by law or this Code, or by the City Manager.

1400.05. **Sale of Lots.** The prices of cemetery lots and other services is hereby fixed at $185 per lot plus $115 for perpetual care. Any person paying the price thus fixed for any lot shall be entitled to a deed conveying the same executed by the City Manager and City Clerk. The purchaser shall expressly agree in the deed that his rights are subject to such ordinances and regulations as the Council may adopt relative to the use of the cemetery. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate materials.

   **Subd. 1.** It is the duty of the plot owner to notify the City Clerk of any change in their post office address. Notice sent to a plot owner at the last address on file in the cemetery records shall be sufficient and proper legal notification.

   **Subd. 2.** No easement or right of interment is granted to any plot owner in any road, drive, alley, or walk within the Parker’s Lake Cemetery, but such road, drive alley, or walk may be used as a means of access.

   **Subd. 3.** The City reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying, in lieu thereof, other interment property of equal value and similar
location as far as possible or as may be selected by the City, or in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the City reserves, and shall have, the right to remove or transfer such remains so interred to such other property of equal value and similar locations as may be substituted and conveyed, in lieu thereof.

1400.07. **Transfer of Lots.** No cemetery lot or fractional lot may be resold or otherwise disposed of, except by will, or subdivided, without the approval of the City Manager, and the City retains the first option to repurchase the cemetery lot or fractional lot at the original sale price. No lot will be permitted to be resold, disposed of, or otherwise used until the purchase price and all unpaid charges have been paid in full. A lot owner may dispose of its lot by will to any of his relatives who may survive him or to the cemetery in trust, for the use and benefit of the persons designated in the will, but no such lot shall be affected by a testamentary device unless the same be specifically mentioned in the will and by such device limited to one particular person. Lot owners may not allow interments to be made on their lots for remuneration. When a transfer has been made in conformity with these rules, the City will issue a deed to the new owner upon surrender of the deed or certificate of the former owner. The surrender deed or certificate will then be canceled.

1400.09. **Descent of Lots.** Upon the death of a lot owner, such lot, unless otherwise disposed of, shall descent in accordance with state law.

1400.11. **Handling of Funds.** All money received from the sale of lots and other services, shall be paid to the Administrative Services Director. No deed to any cemetery lot shall be issued, nor shall any services be performed until a receipt showing payment to the Administrative Services Director of the cost thereof shall be exhibited to the person whose duty it is to give the deed or perform the services. All money received from the sale of lots and for the performance of services shall be placed in the cemetery fund, which fund shall be used for the payment of the purchase price of grounds, or for maintenance and improvements, and for no other purpose. The Administrative Services Director shall keep an account of all receipts and disbursements of money belonging to the cemetery fund.

1400.13. **Burial Permits.** Before any interment shall be made in any cemetery in this City, a burial permit shall be obtained from the local or the state registrar of vital statistics. Within 36 hours after the death of any person in the City and before the body is removed for burial within the City, the undertaker or person having charge of the interment shall apply for the permit. This application shall be accompanied by a death certificate as prescribed by the State Board of Health. No burial permit shall be issued until the application and death certificate shall have been properly completed and presented. The body of a deceased person shall not be brought into the City for burial unless accompanied by a death certificate and permit for removal issued by the registrar of the registration district wherein the death occurred.

1400.15. **Interments.** Cemetery lot owners only are granted the right of interment in their lots. The City reserves the right to refuse to permit the interment of anyone who was not at the time of death the owner of the lot or a relative of the owner by blood or marriage. Permission in writing from a lot owner must accompany all requests for permits to bury persons that are not
members of the immediate family of the lot owner. Such permission shall not be for remuneration.

Subd. 1. Interment of two or more bodies shall not be made in one grave except in the case of mother and child or two infants buried in one casket. Interment may not be made in the cemetery unless all ordinances regarding interments have been complied with and until the purchase price of the lot to be used and all burial fees are paid.

Subd. 2. Interment shall not be made in the cemetery except upon at least 24 hour notice in advance of the time set for the funeral service given to the Superintendent. All funerals shall be subject to the control of the Superintendent upon reaching the cemetery entrance. Caskets shall not be interred in the cemetery unless the same is enclosed in a concrete box or vault. A grave opening fee as prescribed in Chapter X shall be paid to the City before any grave is opened or interment occurs.

The 24 hour notice shall include the outside dimensions of the case to be used and the location shall be specified. Should the lot owner fail or neglect to designate the location, the City reserves the right to make the interment in a location designated by the City. The City will not be responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired. The City will not be liable for the interment permit nor for the identity of the person sought to be interred.

Subd. 3. No interment or disinterment shall be permitted on any Sunday or any legal holiday, except in case of death attributed to contagious disease.

Subd. 4. A maximum of six cremains will be interred in an unoccupied grave. A maximum of two cremains will be interred in a grave occupied by a casket or with a full casket burial. Cremains will not be disinterred in order to permit interment of a casket.

1400.17. Delay of Interment. The City will be in no way liable for any delay in the interment of a body when a protest to the interment has been made, or where the ordinances or regulations have not been complied with. The City shall be under no duty to recognize any protest of interments unless they are in writing and filed with the City Clerk.

1400.19. Disinterments. Written permission of the lot owner and the next of kin shall be filed with the Superintendent, a permit from the City Health Officer shall be secured and presented, and the required fees paid before any grave may be opened for any purpose. At least one week’s notice must be given prior to any disinterment. This provision does not apply when disinterment is ordered by duly authorized public authority.

1400.21. Monuments and Markers. Every monument and marker must be placed in the space reserved therefore as shown upon the plat of such lot or as directed by the Superintendent. No monument will be allowed upon a lot platted for less than four burials and none will be allowed covering more than one percent of the total area for each burial site. Monuments shall not exceed three feet in height above the ground. In Section N4, all monuments must be flat.
Subd. 1. No monument or markers or any part thereof may be constructed of limestone, sandstone or any artificial material. No monuments shall be placed in the cemetery except such as are approved by the Superintendent.

Subd. 2. Foundations will be made at least as large as the bottom base or first masonry course above ground, but the right is reserved to require a larger foundation when it appears that the weight of the structure requires it. The first course of masonry above foundation and all monument and other bases must be bedded off to an equal thickness as no building up or underpinning with chips, spalls, cement or other materials will be allowed. All monument bases must be set in cement or mortar evenly covering the foundation.

Subd. 3. No foundation shall be required for markers which shall be set level with the sod and markers must be cut so as to go into the ground not less than four inches nor more than eight inches.

Subd. 4. Persons engaged in erecting a monument or other structure upon a lot are prohibited from attaching ropes or cables to trees or other objects in the cemetery without express permission from the Superintendent and are likewise prohibited from placing material on adjoining lots or allowing the same to remain on the ground longer than is necessary and they must permit no unnecessary delay in completing the work after it has been commenced. In order to protect paths and grass from injury, planks must be laid over them when heavy material is to be moved over them.

Subd. 5. Contractors and others engaged in such work must notify the Superintendent before beginning the same. All work in the cemetery, of whatever kind, must be carried on subject to the direction and control of the Superintendent. No monument or marker may be placed in the cemetery until a written authorization therefore has been issued by the Superintendent.

Subd. 6. The City reserves the right to remove all monuments, markers, flowers, plants, trees, decorations, or other similar things without liability to the owner whenever any of these objects become unsafe or unsightly.

1400.23. Permanent Care. The general care of the cemetery is assumed by the City and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of the shrubs and trees that may be placed by the City, meaning and intending the general preservation of the lots and grounds, walks, roadways, boundaries, and structures, to the end that said grounds shall remain and be reasonably cared for as cemetery grounds. The general care assumed by the cemetery shall in no case mean the maintenance, repair or replacement of any memorial placed or erected upon lots, nor the doing of any special or unusual work in the cemetery, including work caused by impoverishment of the soil, nor does it mean that reconstruction of any monument or marker in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
1400.25. **Landscaping and Improvements.** Plants, shrubs, and flowers may be placed on cemetery lots in areas designated by the Superintendent. No trees or vines may be planted, nor may fences be erected. The City reserves the right to remove any tree, shrub, vine, plant, or flower which may become unsightly, dangerous, or not in keeping with the landscape design of the cemetery. All landscaping, grading and sodding shall be done by the City and/or its agents. All graves will be sodded and kept flush with the adjacent ground. Mounds over graves are not permitted.

1400.27. **Duties of Actuary.** The City Clerk shall be the actuary of the cemetery and shall, in addition to other records and duties concerning the cemetery, keep a register of all interments and disinterments, including the name, age, place of birth, residence, marital status, name and address of nearest relative, veteran status, cause of death, and time and place of interment, disinterment, and reinterment. The City Clerk shall also notify the Commissioner of Veterans Affairs of the interment of a veteran as required by law.

1400.29. **General Regulations.** Subdivision 1. **Discharge of Firearms.** No person may discharge any firearm or have possession of any firearm within the cemetery grounds without the permission of the superintendent.

   Subd. 2. **Excavation.** No person may remove any object from any place in the cemetery or make any excavation without the consent of the superintendent.

   Subd. 3. **Obstruction.** No person may obstruct any drive or path in the cemetery or in any way injure, deface or destroy any structure, grave, flower, tree, or other thing in the cemetery.

   Subd. 4. **Vehicles.** No person may drive any vehicle faster than a walk within the cemetery, nor drive over any path or roadway not authorized by the superintendent.

   Subd. 5. **Conduct in the Cemetery.**

      A. No person may enter or leave the cemetery except at the gates provided.

      B. No person may disturb the quiet of the cemetery by noise or improper conduct of any kind.

      C. No person may use the cemetery grounds or any road therein as a public thoroughfare, or drive any vehicle through the cemetery grounds except for purposes relating to the cemetery.

      D. No child may be permitted within the cemetery unless in the control of an adult.

      E. No person may allow any animal to run at large in the cemetery.
F. No person may loiter at any time, nor be in the cemetery without the permission of the cemetery superintendent at any time between the hours of sunset to 7:00 a.m.

G. Persons within the cemetery shall use only the paths and walks and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one’s own lot. The cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.

H. Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorial, or other structure within the cemetery grounds.

I. The following acts are expressly prohibited:

Bringing meals or refreshments into the cemetery or consuming them on the grounds.

1. Peddling or soliciting the sale of any commodity within the cemetery.

2. Placing signs or notices or advertisements of any kind within the cemetery.

3. Bringing animals into the cemetery.

4. Throwing of rubbish on any part of the grounds.

Section 1900

(This section was repealed by Ordinance No. 2011-29, 10/25/2011)
CHAPTER XX

PENALTIES

Section 2000 - General Provisions

2000.01. General Rule. Any person who violates a provision of this Code is guilty of a Misdemeanor and upon conviction thereof may be punished by a fine of not more than $700 and imprisonment for a term not to exceed 90 days, or both. Each act of violation and every day on which a violation occurs or continues is a separate violation.

2000.03. Applicability. It is the intention of the Council that the penalty provided for in this Chapter or any other Section of this Code applies to an amendment of any Section of this Code whether or not such penalty is re-enacted in the amendatory ordinance unless otherwise provided in the amendatory ordinance.

2000.05. Exceptions. Where a provision of this Code or a statute adopted by reference therein sets a lesser penalty or a different period constituting a violation than set in this Chapter, such Code provision shall prevail.

2000.07. Failure of Officers to Perform Duties. The penalty imposed by this Section does not apply to the failure of an officer or employee of the City to perform a duty imposed by this Code unless a penalty is specifically provided for such failure.

2000.09. Community Service Officers; Citations. Community service officers have the same powers of law enforcement officers in the City to issue a citation in lieu of arrest. Nothing in this section is to be construed as giving community service officers any powers of law enforcement officers other than the authority set forth in this subsection.

2000.11. Fire Inspectors; Citations. Fire inspectors have the same powers of law enforcement officers in the City to issue a citation in lieu of arrest. Nothing in this section is to be construed as giving fire inspectors any powers of law enforcement officers other than the authority set forth in this subsection.

2000.13. Prosecution of Emergency Ordinances. A prosecution may not be based upon the provisions of an emergency ordinance until (i) 24 hours after the ordinance has been filed with the City Clerk and posted in three conspicuous places in the City, or (ii) the ordinance has been published, unless the person charged with violation of the ordinance had actual notice of the passage of the ordinance prior to the act or omission constituting the alleged violation.
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Section 2005 - Misdemeanors; Special Provisions

2005.05. Resisting a Public Officer. It is unlawful for any person to willfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of his office.

2005.07. False Statements. It is unlawful for any person to make a false statement in an application for any permit or license from the City.

2005.09. Fire Alarm System and False Alarms. It is unlawful for any person to tamper with or in any way interfere with any element of any fire alarm system within the City. It is unlawful for any person to give, or cause to be given, any alarm or other emergency condition when no fire or emergency condition exists.

2005.11. Obstruction of Fire Hydrants. It is unlawful to park any vehicle in such a way as to obstruct a fire hydrant. The stopping or parking of a vehicle within 10 feet of a fire hydrant is an obstruction of the hydrant and a violation of this subsection.

2005.13. Liquor and Beer in Parks. It is unlawful for any person to bring into, possess, barter, give away or consume any intoxicating liquor or 3.2 percent malt liquor beverages in any public park or any vehicle parking area immediately adjoining such park; provided, however, that this prohibition shall not apply to the following:

A. Council resolution authorizing 3.2 percent malt liquor or wine (including champagne or other sparkling wines), or;

B. The possession or use of wine (including champagne or other sparkling wines) that is sold or provided by a licensed caterer at a City approved event at the Millennium Garden.

C. Council resolution authorizing possession, sale, or consumption of intoxicating liquor or 3.2 percent malt liquor beverages at the Hide Performance Center.


2005.15. Liquor and Beer in Public Places. Subdivision 1. Public Ways. It is unlawful for any person to consume, barter, or give away any intoxicating beverages or malt beverages in or upon any public street, avenue, Boulevard, alley or other public way, whether in a Vehicle or not, in the City.

Subd. 2. Parking Areas. It is unlawful for any person to consume, barter, or give away any intoxicating beverages or non-intoxicating malt beverages in or upon any parking area open to the public whether in a Vehicle or not.
2005.19. **Disorderly Use.** No person shall be present in a disorderly house or place of public resort kept for illegal purposes, including but not limited to prostitution, illegal gambling, illegal sale or consumption of intoxicating or non-intoxicating liquor, or illegal sale or use of contraband substance.

2005.26. **Trespass.** It is the intent of this ordinance to allow the City to prohibit individuals from trespassing and provide a method of notification to individuals who continue to trespass after being asked to leave or not return to the premises of another.

A. No person shall trespass in or upon any covered premises of another and, without claim of right, refuse to depart therefrom on demand of the property manager or a tenant authorized to exercise control over the covered premises or portion involved.

B. No person served with a trespass notice in conformity with this Chapter shall enter in or upon the premises described therein during its effective period without the written permission of the notice issuer, agent, or assign.

C. No person shall enter any public facility, utility, or grounds thereto, or any covered premises or portion thereof in violation of conspicuously posted signs prohibiting or restricting access thereto, including, but not limited to, the following: “No Trespassing”, “Authorized Personnel Only”, “Employees Only”, or “Emergency Exit Only”.

*(Ord. 98-8, 3/18/98)*

2005.27. **Provisions of Criminal Code Adopted By Reference.** Subdivision 1. The provisions of Minnesota Statutes, Chapter 609, as set forth in this subsection, are hereby adopted by reference and are as much a part of this Code as if fully set forth herein, excepting and not including any specific or substantive or penalty provisions or subsections contained therein defining or pertaining to gross misdemeanor or felony violations. A violation of the Statutes adopted by reference herein is a violation of this Code.

Subd. 2. Section 609.17, "Attempts."

Subd. 3. Section 609.175, "Conspiracy."

Subd. 4. Section 609.224, "Assault."

Subd. 4b. Section 609.2242, “Domestic Assault.”

Subd. 5. Section 609.27, "Coercion."


Subd. 7. Section 609.33, "Disorderly House or Place of Public Resort."
Subd. 8. Section 609.375, "Non-Support of Wife or Child."

Subd. 9. Section 609.505, "Falsely Reporting a Crime."

Subd. 10. Section 609.52, "Theft."

Subd. 11. Section 609.535, "Issuance of Worthless Checks."

Subd. 12. Section 609.545, "Misusing Credit Card to Secure Services."

Subd. 13. Section 609.576, "Negligent Fires."


Subd. 15. Section 609.66, "Dangerous Weapons."

Subd. 16. Section 609.68, "Unlawful Deposit of Garbage, Litter and Like."

Subd. 17. Section 609.705, "Unlawful Assembly."

Subd. 18. Section 609.715, "Presence at Unlawful Assembly."

Subd. 19. Section 609.72, "Disorderly Conduct."

Subd. 20. Section 609.75, "Gambling."


2005.28. **Use of City Identity.** A person must not use the name, logo, or other identifying mark of the City, or of any department, facility, or program of the City, in an advertisement, correspondence, web page, social media page, or any other item, in such a manner that the item appears to be a publication, act, document, or other item of the City. *(Ord. 2011-26, 8/23/2011)*

*(Ord. 2011-29, 10/25/2011)*
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Section 2010 - Nuisances; General

2010.01. Nuisances. Subdivision 1. Defined. The following acts are declared a public nuisance.

A. Engaging in any business or activity which is dangerous, hurtful, unwholesome, offensive or unhealthy to the neighborhood, or which constitutes an annoyance to the persons in the neighborhood, or is detrimental to the property in the neighborhood.

B. Permitting, suffering, or maintaining, or failing to remove any offensive, nauseous, hurtful, dangerous, unhealthful condition resulting from a failure to properly dispose of garbage, sewage, waste, debris or any other unwholesome or offensive substance, liquid or thing, upon one's premises, or dropping, discharging, passing, depositing or otherwise delivering the same upon the premises of another or public property.

C. Constructing or maintaining or permitting or suffering upon one's property any billboard, sign, poster, or advertisement, or to post, publish, promulgate, broadcast, display, issue or circulate any insulting, profane or abusive emblem, sign, or device, or blasphemous written or printed statement, calculated or such as is likely to cause a breach of the peace.

D. Displaying, circulating, issuing or publishing any slanderous or obscene, immoral, or lewd pictures, posters, literature, writings, drawings or oral statements.

E. Permitting, suffering, or maintaining any fence, wall, plantings, landscape materials, or any other item above a height of three feet within the traffic sight visibility triangle. The traffic sight visibility triangle is described as beginning at the intersection of the projected curb line of two intersecting streets or drives, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning along the other curb line. (Ord. 98-28, 9/02/98)

F. A structure, or a portion of a structure, located within any residential zoning district, if the exterior is not completed: 1) within 180 days after the date the building permit was issued; or 2) within 60 days upon receipt of notice from the City for structures that do not require a building permit. (Ord. 2002-05, 2/12/2002; Ord. 2015-14, 5/26/2015)

Subd. 2. Abatement. Whenever the officer who is charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner and occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be
served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the council. Thereafter, the council may, after notice to the owner and occupant and an opportunity to be heard, provide for abating the nuisance by the city. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least 10 days before the date stated in the notice when the council will consider the matter. If notice is given by posting, at least 30 days shall elapse between the day of posting and the hearing.

Subd. 3. Recovery of Cost. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk 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 Clerk.

Subd. 4. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council may determine in each case.

Subd. 5. Penalty. Violation of this Subsection is a Misdemeanor. The imposition of one penalty for any violation of this Section shall not excuse the violation, or permit it to continue. Each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(Ord. 2011-29, 10/25/2011)
Section 2015 -
Conduct in or Near School Buildings or Grounds

2015.01. **Trespassing Prohibited.** No person shall trespass in or upon any Public School or school bus by remaining upon the school premises or school bus after being ordered to leave by a School Official.

2015.03. **Permission Required for Reentry.** No person, having been ordered by a School Official to leave a Public School or school bus and having left the school or school bus, shall reenter the Public School or school bus without the written permission of the School Official who gave the order to leave the Public School or school bus.

2015.05. **Defacement of School Buildings.** No person shall mark with ink, paint, chalk or other substance, or post hand bills on, or in any other manner deface or injure fences, trees, lawns or fixtures appurtenant to or located on a Public School, or post hand bills on such fences, trees or fixtures. No signs shall be placed or posted anywhere on a Public School without the express permission of a School Official. No person shall mark with ink, paint, chalk or other substance a school bus or in any other manner deface a school bus.

2015.07. **Breach of Peace on School Grounds.** No person shall make or assist in making any noise, disturbance, diversion or activity by which peace, quiet and good order of the Public School or school bus are disturbed.

2015.09. **Fighting and Brawling on School Grounds.** No person shall engage in, threaten to engage in, or assist in engaging in any riot, fight, brawl, tumultuous conduct or act of violence in a Public School or on any school bus.

2015.11. **Indecent Language on School Grounds.** No person shall use foul, offensive, obscene or indecent language in a Public School or on any school bus.

*(Ord. 2008-11, 4/22/2008)*
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Section 2020 - Nuisances; Shade Tree Disease and Pest Control

2020.01. Declaration of Policy. The Council has determined that the health of the Shade Trees within the city limits is threatened by Shade Tree Diseases and pests. It has further determined that the loss of Shade Trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is the intention of the Council to control and prevent the spread of these diseases and pests, and this Section is enacted for that purpose, and to conform to the policies and procedures embodied in Minnesota Statutes, Chapter 89, as amended, and rules promulgated there under. (Ord. 2008-16, 6/10/2008)

2020.02. Definitions. For purposes of this Section, the term "Commissioner" means the Commissioner of the State Department of Agriculture.

2020.03. Forester. Subdivision 1. Position Created. The powers and duties of the City Tree Inspector as set forth in this Section are hereby conferred upon the Forester. The Forester may designate a member of the Forestry staff to perform the duties of Tree Inspector.

   Subd. 2. Duties of Forester. It is the duty of the Forester to coordinate, under the direction and control of the City Manager, all activities of the municipality relating to the control and prevention of Shade Tree Disease. She/he shall recommend to the City Manager and Council the details of a program for the control of Shade Tree Disease, and perform the duties incident to such a program adopted by the Council.

2020.05. Shade Tree Disease Program. It is the intention of the Council of the City to conduct a Shade Tree Control Program pursuant to the authority granted by Minnesota Statutes Chapter 89, as amended. This program is directed specifically at the control and elimination of Shade Tree Diseases and pests and is undertaken at the recommendation of the Commissioner, and in conformance with rules promulgated by the Commissioner. The City Forester shall act as coordinator between the Commissioner and the Council in the conduct of this program. (Ord. 2008-16, 6/10/2008)

2020.07. Shade Tree Diseases. Subdivision 1. Nuisances Declared. The following things are public nuisances whenever they may be found within the City:

   A. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus Ophiostoma Nova-Ulmi of Ophiostoma Ulmi or which harbors any of the elm bark beetles Scolytus Multistriatus (Eichh.) or Hyluigopinus Rufipes (Marsh).

   B. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
C. Any living or standing oak tree, or part thereof infected to any degree with oak wilt disease.

D. Any tree or shrub which in the opinion of the Forester, has become or threatens to become a hazard so as to adversely affect the public safety, whether such tree or shrub shall be on public or private property.

E. Any insect and/or pest that threatens the health of the shade trees, including, but not limited to, the Gypsy moth, Asian Long-horned beetle, and Emerald Ash borer.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in Subdivision 1 to remain on any premises owned or controlled by that person within City limits. Such nuisances may be abated in the manner prescribed by this Section.

2020.09. Inspection and Investigation. Subdivision 1. Frequency of Inspection. The Forester or his/her agents shall inspect all premises and places within the City as often as practical to determine whether any condition described in Subsection 2020.07 exists thereon. She/he shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles or oak wilt, or other Shade Tree Disease and pests or hazardous trees and shrubs.

Subd. 2. Entry on Private Premises. The Forester or his/her duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him/her under this Section. Such inspections shall be preceded by a legal notice published once annually in the City's legal newspaper informing all property owners within the City to destroy and dispose of tree materials declared a nuisance by Section 2020.07.

Subd. 3. Diagnosis. The Tree Inspector shall identify diseased trees according to generally accepted field diagnosis procedures such as wilting, yellowing of leaves and/or staining of cambial wood under tree bark. Confirmation of field diagnosis, when ordered by the Forester shall be completed by a Tree Disease laboratory approved by the Minnesota State Department of Natural Resources. The Tree Inspector shall assess potential hazardous trees. A hazard tree is a tree that has structural defects in the roots, stem, or branches that may cause the tree or part thereof to fail, where such failure may cause personal injury or property damage to a target. A "target" includes, but is not limited to, people, vehicles, buildings, and property, etc. Trees without targets are not considered hazards even if they are likely to fail and can be considered beneficial in habitat protection. (Ord. 2008-16, 6/10/2008; Ord. 2013-12, 4/23/2013)

2020.11 Abatement of Shade Tree Disease Nuisances. In abating the nuisances defined in this Section, the Forester shall cause the infected tree, shrub or wood to be removed, burned, debarked, trenched or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of disease and pests. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and procedures as may be established by the Commissioner of Agriculture.
2020.13. Procedure for Removal of Infected Trees and Wood. Subdivision 1. Findings. Whenever the Tree Inspector finds with reasonable certainty that the infestation defined in this Section exists in any tree, shrub or wood in any public or private place in the City, he/she shall proceed as follows: If the Forester finds that danger of infestation of other trees is imminent, or a potentially hazardous condition is identified, he/she shall notify the property owner by mail and by leaving a notice on the property that the nuisance will be abated within a specified time, not more than 30 calendar days from the date of mailing of such notice. After the expiration of the time limited by the notice, the City may abate the nuisance, the costs of which will be assessed against the benefiting property as provided in 2020.13, Subd. 3. (Ord. 2008-16, 6/10/2008; Ord. 2018-05, 3/13/2018)

Subd. 2. Records. The Forester shall keep a record of the costs of abatements ordered under this Subsection and shall report to the Council all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

Subd. 3. Notice; Hearing. The Council shall publish notice of its intention to meet to consider the adoption of a special assessment roll in accordance with the report provided by the Forester. The notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the properties affected, action proposed, and the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the proposed assessments. The Council shall thereafter adopt a resolution confirming the original resolution with such modification as it considers for the levy of special assessments.

Subd. 4. Assessment. Following the public hearing provided for in Subd. 3., the Council may then spread the charges or any portion thereof against the property involved as a special assessment under pertinent State statutes for certification to the County Auditor and collection the following year along with current taxes.

2020.15. Tree Inspector; Program. The Forester shall conduct the Shade Tree Control Program in accordance with the rules and regulations of the Commissioner embodied in Minnesota Statute 89.63 and subsequent amendments thereto. (Ord. 2008-16, 6/10/2008)

2020.19. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the Forester or his/her agents while they are engaged in the performance of duties imposed by this Section.

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Section 2025 - Noise

2025.01 Definitions. Subdivision 1. General. Words and phrases defined in this section have, when used in this ordinance, the meanings given below. Any other word or phrase used in this ordinance, and defined in regulations of the Minnesota Pollution Control Agency Noise Pollution Control Rules Chapter 7030, has the meaning given in those regulations.

Subd. 2. Air Circulation Device. Means a mechanism designed and used for the controlled flow of air used in ventilation, cooling, or conditioning, but not limited to, central and window air conditioning units.

Subd. 3. L10. Means the sound level, expressed in decibels (dBA) which is exceeded 10 percent of the time for a one-hour period, as measured by a sound level meter having characteristics as specified in the latest standards, S1.4, of the American National Standards Institute and using test procedures approved by the City Manager.

Subd. 4. L50. Means the sound level, expressed in decibels (dBA) which is exceeded 50 percent of the time for a one-hour period, as measured by a sound level meter having characteristics as specified in the latest standards, S1.4, of the American National Standards Institute and using test procedures approved by the City Manager.

Subd. 5. Person. Means an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, “person” shall include employees and licensees.

Subd. 6. Sound. Means a temporal and spatial oscillation in pressure or other physical quantity in medium with internal forces which causes compressions and rarefactions of that medium and which is prop gable at finite speed to distant points. (Ord. 2012-13, 3/27/2012)


2025.03 Noises Prohibited. Subdivision 1. General Prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any persons or precludes their enjoyment of property or affects their property’s value. This general prohibition is not limited by the specific restrictions of the following subdivisions.

Subd. 2. Horns, Audible Signaling Devices, etc. No person shall sound any signaling device on any vehicle except as a warning of danger, as required by Minnesota Statute 169.68.
Subd. 3. **Exhaust.** No person shall discharge the exhaust, or permit the discharge of the exhaust, of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, recreational vehicle or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

Subd. 4. **Defective Vehicles or Loads.** No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

Subd. 5. **Loading, Unloading, Unpacking.** No person shall create loud and excessive noise in loading, unloading, or unpacking any vehicle.

Subd. 6. **Radios, Televisions, Compact Disc Players, Paging Systems, etc.**

   A. **General Prohibition.** No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, compact disc player, paging system, machine, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, comfort, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

   B. **Nighttime Prohibition.** Operation of any such set, instrument, television, compact disc player, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

(Ord. 2012-13, 3/27/2012)

Subd. 7. **Participation in Noisy Parties or Gatherings.** No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

Subd. 8. **Loudspeakers, Amplifiers for Advertising, etc.** No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.
Subd. 9. **Animals.** No person shall keep any animal that unreasonably disturbs the comfort or repose of any person by its frequent or continued noise. For purposes of this subdivision, “disturbs the comfort or repose of any person by its frequent or continued noise” means any one of the following:

A. The animal noise occurs at a time between 10:00 p.m. and 7:00 a.m. and can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than five minutes; or

B. The animal noise can be heard 500 feet from the location of the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than five minutes; or

C. The animal noise can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for a period of at least five minutes.

Subd. 10. **Schools, Churches, Hospitals, etc.** No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, hospital or home for the elderly when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

2025.05. **Hourly Restriction on Certain Operations.**

Subdivision 1. **Recreational Vehicles and Snowmobiles.** No person shall, between the hours of 10:00 p.m. and 7:00 a.m., drive or operate any snowmobile or other recreational vehicle not licensed for travel on public highways.

Subd. 2. **Domestic Power Equipment.** No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, leaf blower/vacuum, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. (Ord. 2000-03, 2/01/2000)

Subd. 3. **Refuse Hauling and Recycling Collection.** No person shall collect or remove garbage or refuse or collect designated recyclables in any residential district except between the hours of 7:00 a.m. and 10:00 p.m.

Subd. 4. **Construction, Maintenance and Repair Activities.** No person shall engage in or permit construction, maintenance and repair activities involving the use of any kind of electric, diesel or gas-powered motor vehicles or machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday, Sunday, and holidays (New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas). (Ord. 2000-03, 2/01/2000; Ord. 2006-07, 2/28/2006)

Subd. 5. **Exceptions.** The following uses and activities are exempt from this Section as specified below:
A. Snow removal motor vehicles, equipment and operations are exempt from Section 2025.05, Subd. 2, and Section 2025.05, Subd. 4.

B. Equipment and vehicles used for maintenance of public or private golf courses, public and private driving ranges, ice skating rinks on public property, and ski trail grooming on public property are exempt from the hourly restrictions of Section 2025.05, Subd. 1, Subd. 2, and Subd. 4.

C. Golf carts for use on public or private golf courses are exempt from Section 2025.05, Subd. 1 and Subd. 4.

D. Emergency back-up generators operated during power outages are exempt from Section 2025.05, Subd. 2.

E. Sanitary sewer cleaning performed by the City, Metropolitan Council, or their agents is exempt from Section 2025.05, Subd. 4.

F. Public projects lasting five days or fewer and performed by a governmental agency or their agents are exempt from Section 2025.05, Subd. 4.


2025.07 Receiving Land Use Standards. Subdivision 1. Maximum Noise Levels by Receiving Land Use Districts. No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in Table I for the receiving land use category specified when measured at a point of normal human activity of the receiving land use.

| TABLE I. SOUND LEVELS BY RECEIVING LAND USE DISTRICTS |
|---------------------------------|---------------------------------|-------------------------------|----------------|
| Land Use District               | Day 7:00 a.m. – 10:00 p.m. L10  | Night 10:00 p.m. – 7:00 a.m. L10 | Night 10:00 p.m. – 7:00 a.m. L50 |
| Residential                     | 65                              | 55                             | 50                  |
| Commercial                      | 70                              | 70                             | 65                  |
| Industrial                      | 80                              | 80                             | 75                  |

Subd. 2. Exemptions. The levels prescribed in Subdivision 1 do not apply to noise originating on public streets and alleys but such noise shall be subject to other applicable sections of this ordinance.

2025.09. Air Circulation Devices. No person shall permanently install or place any air circulation device, except a window air conditioning unit, in any outdoor location unless the device in that location will comply with the noise level standards prescribed in Section 2025.07. (Ord. 2012-13, 3/27/2012)
2025.11. **Exemption for Emergency Work.** Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise. *(Ord. 2001-08, 2/27/2001; Ord. 2012-13, 3/27/2012)*

2025.12. **Exceptions. Government Sponsored Activities.** Certain activities related to public entertainment including but not limited to Fourth of July fireworks, City sponsored concerts in public parks, licensed carnivals and parades shall be exempt from the provisions of this ordinance. *(Ord. 2012-13, 3/27/2012)*

2025.13. **Administration.**

A. **Administration Officer.** The noise control program established by this ordinance shall be administered by the City Manager.

B. **Testing Procedures.** The City Manager may enlist the services of the Minnesota Pollution Control Agency or the services of a private noise testing company when testing for noise levels is believed in excess of Subdivision 4 of this section.

C. **Studies, etc.** The City Manager may conduct such research, monitoring, and other studies related to sound as are necessary or useful in enforcing this ordinance and reducing noise in the City. He/she shall make such investigations and inspections in accordance with law as required in applying ordinance requirements.

D. **Noise Impact Statements.** The City Manager may require any person applying to the City for a change in zoning classification or a permit or license for any structure, operation, process, installation, or alteration, or produce that may be considered a potential noise sources to submit a noise impact statement on a form, supplied by the City. The City Manager shall evaluate each such statement and make appropriate recommendations to the Council or other agency or officer authorized to take the action or approve the license or permit applied for.

E. **Performance Standards-Test.**

1. **By Owner.** In order to assure compliance with the performance standards set forth above, the Council may require the owner or operator of any permitted use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigations and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Council after 30 days notice. The cost incurred in having such investigations and test conducted shall be shared equally by the owner or operator and the City, unless the investigation and test disclose noncompliance with the
performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator.

2. By City. The procedure above stated shall not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

(Ord. 2012-13, 3/27/2012)

2025.15. Authority. Subdivision 1. Authority. The City Manager shall have the authority to grant variances from the requirements of any section of this ordinance.

Subd. 2. Application. Any person seeking a variance shall file an application with the City Manager on a form prescribed by the City. Information to be supplied in the application shall include but not be limited to the following information:

A. Legal description of property;
B. Dates of exception requested;
C. Location of particular noise source and times of operation;
D. Equipment involved;
E. Necessity for request of exception;
F. Steps taken to minimize noise level from source;
G. Names of responsible persons; and


(Subdivision 3 repealed by Ordinance No. 2012-13, 3/27/2012)

Subd. 4. Appeals. The decision made by the City Manager concerning the exception request may be appealed to the Council within 10 days after the City’s written decision. The appeal shall be filed in writing with the City Clerk who shall schedule a date before the Council as soon as possible. The person appealing the decision shall file with the City Clerk a Notice of Appeal specifying the grounds upon which the appeal is based. Mailed notice of the Council date shall be made to the applicant, and to any person who filed a Notice of Appeal. (Ord. 2000-03, 2/01/2000; Ord. 2012-13, 3/27/2012)

2025.17. Enforcement. Subdivision 1. Notice of Certain Violations. When the City Manager determines that a noise exceeds the maximum sound level permitted under Section 2025.07, written notice of the violation shall be given to the owner or occupant of the premises where the noise originates and such person shall be ordered to correct or remove each specified
violation within such reasonable time as is prescribed in the notice. The failure to remove or correct any such violation within the time so prescribed constitutes a violation of this ordinance. Low frequency and impulse noises that do not violate the provisions in 2025.07 are not regulated, but reasonable efforts will be attempted to mitigate these concerns. (Ord. 2001-08, 2/27/2001; Ord. 2012-13, 3/27/2012)

Subd. 2. Civil Remedies. This ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Subd. 3. Criminal Penalties. Any violation of this ordinance involving the operation of a motor vehicle, other than a violation of Section 2025.03, Subd. 6, which occur in a motor vehicle, is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine not to exceed $200. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses. In all cases the city shall be entitled to collect the costs of prosecution to the full extent permitted by law. Each act of violation and each day a violation occurs or continues constitutes a separate violation. (Ord. 2004-03, 1/14/2004)

2025.19. Severability. If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

(Ord. 98-40; 11/18/98; Ord.2011-29, 10/25/2011)
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## Disposition of Ordinances
### Since 1993 Code

<table>
<thead>
<tr>
<th>Ordinance Number</th>
<th>Adopted</th>
<th>Description</th>
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<tbody>
<tr>
<td>ORDINANCE 93-23</td>
<td>December 20, 1993</td>
<td>(Recodification)</td>
</tr>
<tr>
<td>ORDINANCE 94-01</td>
<td>January 3, 1994</td>
<td>Section 200</td>
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<tr>
<td>ORDINANCE 94-02</td>
<td>January 24, 1994</td>
<td>Amending Zoning Map -- Located south of Highway 55, east of Nathan Lane, and north of Shelard Parkway (93125)</td>
</tr>
<tr>
<td>ORDINANCE 94-03</td>
<td>January 24, 1994</td>
<td>Amending Zoning Text -- Section 10, Subd. A3.b; Section 10, Subd. A4.b; Section 10, Subd. A5.b; Section 10, Subd. A6.b</td>
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<td>ORDINANCE 94-04</td>
<td>January 24, 1994</td>
<td>Amending Zoning Text -- Section 4, Subd. B; Section 9, Subd. B, 6.b; Section 11, Subd. C,2.d; Section 11, Subd. C; Section 9, Subd. B,1.b; Section 9, Subd. B,3.a;</td>
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<td>ORDINANCE 94-05</td>
<td>May 2, 1994</td>
<td>Section 200</td>
</tr>
<tr>
<td>ORDINANCE 94-06</td>
<td>May 2, 1994</td>
<td>Amending Zoning Map -- Located at the northwest corner of Dunkirk Lane and Rockford Road (93141)</td>
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<tr>
<td>ORDINANCE 94-07</td>
<td>May 2, 1994</td>
<td>Amending Zoning Map -- Located south of County Road 10 at Trenton Lane (93106)</td>
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<tr>
<td>ORDINANCE 94-08</td>
<td>May 16, 1994</td>
<td>Amending Zoning Text -- Section 4, Subd. B; Section 10, Subd. C,2.a;</td>
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<tr>
<td>ORDINANCE 94-09</td>
<td>May 16, 1994</td>
<td>Section 321</td>
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<td>ORDINANCE 94-10</td>
<td>July 11, 1994</td>
<td>Amending Zoning Text -- Section 4, Subd. B; Section 6, Subd. B</td>
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<tr>
<td>ORDINANCE 94-11</td>
<td>Not used</td>
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<tr>
<td>ORDINANCE 94-12</td>
<td>July 11, 1994</td>
<td>Sections 105, 940</td>
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<tr>
<td>ORDINANCE 94-13</td>
<td>August 1, 1994</td>
<td>Amending Zoning Map -- Located north of County Road 9 and east of Fernbrook Lane (94049)</td>
</tr>
<tr>
<td>ORDINANCE 94-14</td>
<td>August 1, 1994</td>
<td>Amending Zoning Map -- Located at 4005 County Road 101 (94050)</td>
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<tr>
<td>ORDINANCE 94-15</td>
<td>August 1, 1994</td>
<td>Amending Zoning Map -- Located northwest of Balsam Lane at Old Rockford Road (94057)</td>
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ORDINANCE 94-16   Adopted:  September 19, 1994
Amending Zoning Map -- Located southwest of Bass Lake Road at Nathan Lane North (94091)

ORDINANCE 94-17   Adopted:  October 3, 1994
Section 1325

ORDINANCE 94-18   Adopted:  October 17, 1994
Section 905

ORDINANCE 94-19   Adopted:  November 7, 1994
Amending Zoning Text -- Section 8, Subd. B; Section 8, Subd. D

ORDINANCE 94-20   Adopted:  November 7, 1994
Sections 1010, 1015

ORDINANCE 94-21   Adopted:  November 21, 1994
Section 945

ORDINANCE 94-22   Adopted:  November 21, 1994
Sections 400, 500

ORDINANCE 94-23   Adopted:  December 5, 1994
Section 200

ORDINANCE 94-24   Adopted:  December 5, 1994
Sections 915, 1010

ORDINANCE 94-25   Adopted:  December 19, 1994
Sections 600, 715, 720, 730

ORDINANCE 94-26   Adopted:  December 19, 1994
Amending Zoning Text -- Section 10, Subd. A

ORDINANCE 95-01   Adopted:  January 3, 1995
Amending Zoning Map -- Located on the south side of County Road 6, east of Ferndale Lane (94145)

ORDINANCE 95-02   Adopted:  January 3, 1995
Amending Zoning Text -- Section 6, Subd. C; Section 4, Subd. B; Section 7, Subd. D

ORDINANCE 95-03   Adopted:  January 17, 1995
Section 200

ORDINANCE 95-04   Adopted:  January 17, 1995
Section 1206

ORDINANCE 95-05   Adopted:  January 17, 1995
Section 405

ORDINANCE 95-06   Adopted:  January 17, 1995
Section 1325

ORDINANCE 95-07   Adopted:  February 7, 1995
Amending Zoning Map -- Located northwest of Medina Road and County Road 24 (94100)

ORDINANCE 95-08   Adopted:  February 7, 1995
Amending Zoning Text -- Section 9, Subd. B (k)
ORDINANCE 95-10   Adopted:  February 7, 1995
Section 810

ORDINANCE 95-11   Adopted:  February 7, 1995
Temporarily prohibiting drive through businesses and loading docks at certain locations

ORDINANCE 95-12   Adopted:  February 21, 1995
Amending Zoning Map -- Located at the northwest corner of Northwest Blvd., and Schmidt Lake Road (94160)

ORDINANCE 95-13   Adopted:  February 21, 1995
Sections 405, 1010

ORDINANCE 95-14   Adopted:  March 7, 1995
Amending Zoning Text -- Section 4, Subd. B; Section 10, Subd. B, 5.j and 5.1

ORDINANCE 95-15   Adopted:  March 21, 1995
Changing street name -- Trenton Place North

ORDINANCE 95-16   Adopted:  March 21, 1995
Amending Zoning Map -- Located at the northwest quadrant of Peony Lane and County Road 9 (94162)

ORDINANCE 95-17   Adopted:  March 21, 1995
Sections 400, 425

ORDINANCE 95-18   Adopted:  March 21, 1995
Section 500

ORDINANCE 95-19   Adopted:  March 21, 1995
Section 800

ORDINANCE 95-20   Adopted:  April 4, 1995
Section 400

ORDINANCE 95-21   Adopted:  April 4, 1995
Sections 105, 615, 1015, 1135

ORDINANCE 95-22   Adopted:  April 18, 1995
Sections 500, 820

ORDINANCE 95-23   Adopted:  May 2, 1995
Amending Zoning Map -- Located west of Northwest Blvd., and south of County Road 9 (94159)

ORDINANCE 95-24   Adopted:  May 2, 1995
Amending Zoning Map -- Located at 4040 County Road 101 (95022)

ORDINANCE 95-25   Adopted:  May 2, 1995
Amending Zoning Map -- Located at the northwest corner of 37th Avenue North and Northwest Blvd. (95032)

ORDINANCE 95-26   Adopted:  May 2, 1995
Section 950

ORDINANCE 95-27   Adopted:  May 2, 1995
Temporarily prohibiting certain plats

ORDINANCE 95-28   Adopted:  May 16, 1995
Amending Zoning Map -- Located northwest of the intersection of Peony Lane and Soo Line Railroad (94131)
ORDINANCE 95-29   Adopted:  May 16, 1995
Amending Zoning Map -- Located west of Vicksburg Lane at Schmidt Lake Road (94093)

ORDINANCE 95-30   Adopted:  June 6, 1995
Section 300

ORDINANCE 95-31   Adopted:  June 6, 1995
Amending Zoning Map -- Located at the northeast quadrant of County Road 9 and Peony Lane North (94090)

ORDINANCE 95-32   Adopted:  June 6, 1995
Amending Zoning Text -- Section 12, Subd. I

ORDINANCE 95-33   Adopted:  June 6, 1995
Amending Zoning Map -- Located in the southeast quadrant of Schmidt Lake Road and Northwest Blvd. (95053)

ORDINANCE 95-34   Adopted:  June 6, 1995
Section 1015 (1996 building permit fees)

ORDINANCE 95-35   Adopted:  June 6, 1995
Section 1015 (1997 building permit fees)

ORDINANCE 95-36   Adopted:  June 20, 1995
Sections 705, 715, 740

ORDINANCE 95-37   Adopted:  June 20, 1995
Amending Zoning Map -- Located at the southeast corner of Old Rockford Road and Peony Lane North (94155)

ORDINANCE 95-38   Adopted:  July 11, 1995
Amending Zoning Map -- Located at the southwest corner of Zachary Lane and Old Rockford Road (95043)

ORDINANCE 95-39   Adopted:  July 18, 1995
Amending Zoning Map -- Located south of Old Rockford Road at 41st Place North (95027)

ORDINANCE 95-40   Adopted:  August 1, 1995
Amending Zoning Text -- Section 10, Subd. B

ORDINANCE 95-41   Adopted:  August 1, 1995
Amending Zoning Map -- Located south of 33rd Avenue North and east of Xenium Lane North (95035)

ORDINANCE 95-42   Adopted:  August 15, 1995
Sections 615, 1005, 1100, 1103, 1120, 1130, 1160, 1206

ORDINANCE 95-43   Adopted:  August 15, 1995
Section 500

ORDINANCE 95-44   Adopted:  September 5, 1995
Section 305

ORDINANCE 95-45   Adopted:  September 5, 1995
Adopting new City Code

ORDINANCE 95-46   Adopted:  September 5, 1995
Sections 1010, 1170

ORDINANCE 95-46A   Adopted:  September 5, 1995
Section 1335
ORDINANCE 95-47   Adopted:  September 19, 1995
Section 100

ORDINANCE 95-48   Adopted:  October 3, 1995
Amending Zoning Text -- Section 10, Subd. A

ORDINANCE 95-49   Adopted:  October 24, 1995
Section 930

ORDINANCE 95-50   Adopted:  October 24, 1995
Section 820

ORDINANCE 95-51   Adopted:  November 14, 1995
Section 930

ORDINANCE 95-52   Adopted:  December 5, 1995
Section 1010

ORDINANCE 95-53   Adopted:  December 19, 1995
Section 305

ORDINANCE 96-01   Adopted:  January 23, 1996
Section 200

ORDINANCE 96-02   Adopted:  February 7, 1996
Amending Zoning Text -- Section 11, Subd. I

ORDINANCE 96-03   Adopted:  February 21, 1996
Amending Zoning Map -- Located north of 18th Avenue and 200 feet west of Kirkwood Lane, generally located at 12300 18th Avenue North (95127)

ORDINANCE 96-04   Adopted:  February 21, 1996
Sections 105, 1005, 1150

ORDINANCE 96-05   Adopted:  March 13, 1996
Amending Zoning Text -- Section 5, Subd. A; Section 8, Subd. A.2; Section 8, Subd. B; Section 8, Subd. E; Section 8, Subd. G

ORDINANCE 96-06   Adopted:  March 13, 1996
Amending Zoning Map -- Located north of Trunk Highway 55 and west of Vicksburg Lane North (96010)

ORDINANCE 96-07   Adopted:  March 20, 1996
Amending Zoning Map -- Located at the southwest corner of Cheshire Lane and Carlson Parkway (95133)

ORDINANCE 96-08   Adopted:  May 1, 1996
Section 200

ORDINANCE 96-09   Adopted:  May 15, 1996
Amending City Charter; Section 7.15

ORDINANCE 96-10   Adopted:  May 15, 1996
Temporarily prohibiting new advertising signs

ORDINANCE 96-11   Adopted:  June 5, 1996
Amending Zoning Map -- Located south of County Road 6 and west of Urbandale Lane (96041)
ORDINANCE 96-12  Adopted: June 5, 1996
Amending Zoning Map -- Located northwest of Trunk Highway 55 and Peony Lane (96037)

ORDINANCE 96-13  Adopted June 19, 1996
Section 1206

ORDINANCE 96-14  Adopted: June 19, 1996
Amending Zoning Map -- Located at 16440 Old Rockford Road (96056)

ORDINANCE 96-15  Adopted: June 26, 1996
Amending Zoning Map -- Located north of 39th Avenue and west of Dunkirk Lane (96005)

ORDINANCE 96-16  Adopted: July 10, 1996
Amending Zoning Text -- Section 4, Subd. B; Section 8, Subd. B; Section 8 D.1; Section 8 D.2; Section 8 D.3; Section 10, Subd. C.1.c(3); Section 10, Subd. F

ORDINANCE 96-17  Adopted July 10, 1996
Section 815

ORDINANCE 96-18  Adopted: July 10, 1996
Section 200

ORDINANCE 96-19  Adopted: August 21, 1996
Section 205

ORDINANCE 96-20  Adopted: September 18, 1996
Amending Zoning Map -- Located at the southwest quadrant of Highway 169 and Schmidt Lake Road (96044)

ORDINANCE 96-21  Adopted: September 18, 1996
Section 215

ORDINANCE 96-22  Adopted: September 18, 1996
Sections 105, 910

ORDINANCE 96-23  Adopted: October 2, 1996
Amending Zoning Map -- Located at the northeast quadrant of County Road 6 and I-494 (96075)

ORDINANCE 96-24  Adopted: October 2, 1996
Section 1305

ORDINANCE 96-25  Adopted: October 2, 1996
Changing street name -- Ives Lane North and 41st Avenue North

ORDINANCE 96-26  Adopted: October 2, 1996
Section 400

ORDINANCE 96-27  Adopted: November 20, 1996
Sections 715, 720

ORDINANCE 96-28  Adopted: December 4, 1996
Amending Zoning Map -- Located at the northeast corner of 12th Avenue and Ferndale Road (96038)

ORDINANCE 96-29  Adopted: December 11, 1996
Sections 105, 1175

ORDINANCE 96-30  Adopted: December 11, 1996
Section 615
ORDINANCE 96-31   Adopted: December 11, 1996  
Section 1015

ORDINANCE 96-32   Adopted: December 18, 1996  
Section 1015

ORDINANCE 96-33   Adopted: December 18, 1996  
Amending Zoning Text -- Comprehensively revising the Plymouth Zoning Ordinance

ORDINANCE 97-01   Adopted: April 2, 1997  
Temporarily prohibiting new advertising signs

ORDINANCE 97-02   Adopted: April 2, 1997  
Amending Zoning Text -- Section 21005.02; 21175

ORDINANCE 97-03   Adopted: April 16, 1997  
Amending Zoning Text -- 21005.02; 21450.07, Subd. 5

ORDINANCE 97-04   Adopted: April 16, 1997  
Amending Zoning Map -- Located north of Bass Lake road, west of Zachary Lane and east of Hemlock Lane (97017)

ORDINANCE 97-05   Adopted: April 16, 1997  
Amending Zoning Map -- Located north of West Medicine Lake Park, west of Medicine Lake Drive and south of 23rd Avenue North (97018)

ORDINANCE 97-06   Adopted: April 16, 1997  
Section 715

ORDINANCE 97-07   Adopted: May 7, 1997  
Amending Zoning Map -- Located at the southeast quadrant of Old County Road 15 and Forestview Lane (96185)

ORDINANCE 97-08   Adopted: May 28, 1997  
Amending Zoning Map -- Located north of Schmidt Lake Road and west of I-494 (97003)

ORDINANCE 97-09   Adopted: May 28, 1997  
Section 305

ORDINANCE 97-10   Adopted: June 4, 1997  
Amending Zoning Text -- Section 21005.02; 21450.07, Subd. 6

ORDINANCE 97-11   Adopted: June 4, 1997  
Amending Zoning Map -- Located north of the Soo Line Railway and east of Peony Lane (96150)

ORDINANCE 97-12   Adopted: June 4, 1997  
Amending Zoning Map -- Located north of Highway 55, south of 36th Avenue and east of Rockford Road (97012)

ORDINANCE 97-13   Adopted: June 18, 1997  
Establishing Shenandoah Townhomes Housing Improvement Area

ORDINANCE 97-14   Adopted: July 16, 1997  
Amending Zoning Map -- Located north of Old Rockford Road, west of Larch Lane and east of Suburban Hennepin Regional Park (97052)

ORDINANCE 97-15   Adopted: July 23, 1997  
Section 1150
ORDINANCE 97-16  Adopted: August 6, 1997
Amending Zoning Map -- Located at the northwest corner of 22 and Shenandoah Lane (97047)

ORDINANCE 97-17  Adopted: September 3, 1997
Amending Zoning Text -- Section 21655.14

ORDINANCE 97-18  Adopted: September 3, 1997
Changing street name -- Quinwood Lane North

ORDINANCE 97-19  Adopted: September 3, 1997
Section 955

ORDINANCE 97-20  Adopted: September 3, 1997
Amending Zoning Map -- Located in the northwest quadrant of Highway 55 and Revere Lane (97080)

ORDINANCE 97-21  Adopted: September 10, 1997
Amending Zoning Map -- Located north of Rockford Road between I-494 and Berkshire Lane (97070)

ORDINANCE 97-22  Adopted: September 10, 1997
Amending Zoning Map -- Located southeast of the intersection of Highway 55 and County Road 24 (96193)

ORDINANCE 97-23  Adopted: September 17, 1997
Amending Zoning Map -- Located at the northwest quadrant of Polaris Lane North and 23rd Avenue (97108)

ORDINANCE 97-24  Adopted: September 17, 1997
Amending Zoning Map -- Located north of Bass Lake Road, east of Hemlock Lane, west of Zachary Lane, and south of Eagle Lake Regional Park (97079)

ORDINANCE 97-25  Adopted: October 15, 1997
Amending Zoning Map -- Located north of Rockford Road between Vicksburg Lane and Dunkirk Lane (97134)

ORDINANCE 97-26  Adopted: October 15, 1997
Amending Zoning Map -- Located in the northwest quadrant of Highway 55 and Dunkirk Lane (97011)

ORDINANCE 97-27  Adopted: October 15, 1997
Amending Zoning Map -- Located north of 45th Avenue, east of Trenton Circle, and west of Nathan Lane (97095)

ORDINANCE 97-28  Adopted: November 5, 1997
Comprehensively Revising and Amending the Text of Chapter 21 -- The Plymouth Zoning Ordinance

ORDINANCE 97-29  Adopted: November 19, 1997
Section 1135

ORDINANCE 97-30  Adopted: November 19, 1997
Section 1135

ORDINANCE 97-31  Adopted: November 19, 1997
Section 1206

ORDINANCE 97-32  Adopted: December 17, 1997
Changing street name from 48th Avenue North to 48th Place North in Conor Meadows

ORDINANCE 98-01  Adopted: January 7, 1998
Section 1310

ORDINANCE 98-02  Adopted: January 7, 1998
ORDINANCE 98-03   Adopted: January 7, 1998
Section 1010
Amending Zoning Text -- 21005.02; 21160.01; 21160.02; 21160.03; 21180.01

ORDINANCE 98-04   Adopted: January 21, 1998
Amending Zoning Text -- 21005.02; 21160.01; 21160.02; 21160.03; 21180.01

ORDINANCE 98-05   Adopted: March 4, 1998
Amending Zoning Map -- Located southeast of Fernbrook Lane and 43rd Avenue (97089)

ORDINANCE 98-06   Adopted: March 18, 1998
Amending Zoning Text -- 21655.12

ORDINANCE 98-07   Adopted: March 18, 1997
Section 1015

ORDINANCE 98-08   Adopted: March 18, 1998
Section 2005

ORDINANCE 98-09   Adopted: March 18, 1998
Amending Zoning Text -- 21655.19

ORDINANCE 98-10   Adopted: April 1, 1998
Amending Zoning Text -- 21460.09; 21465.09

ORDINANCE 98-11   Adopted: April 1, 1998
Amending Zoning Text -- 21155.01; 21155.02; 21155.03; 21155.04; 21155.05; 21155.06; 21180.01; 21475.07; 21475.17

ORDINANCE 98-12   Adopted: April 15, 1998
Amending Zoning Text -- 21175.09; 21650.07, Subd. 19

ORDINANCE 98-13   Adopted: April 15, 1998
Amending Zoning Text -- 21655.16, Subd. 2

ORDINANCE 98-14   Adopted: May 6, 1998
Amending Zoning Text -- 21005.02; 21460.03

ORDINANCE 98-15   Adopted: May 6, 1998
Section 715

ORDINANCE 98-16   Adopted: May 20, 1998
Amending Zoning Text -- 21655.16

ORDINANCE 98-17   Adopted: May 20, 1998
Amending Zoning Map -- Located at 12305 Old Rockford Road (98060)

ORDINANCE 98-18   Adopted: May 20, 1998
Repealing actions regarding proposed Charter amendment requiring supermajority vote for tax rate increase

ORDINANCE 98-19   Adopted: May 20, 1998
Amending City Charter Section 7.15 regarding supermajority requirement for tax rate increase

ORDINANCE 98-20   Adopted: June 24, 1998
Amending Zoning Map -- Located at the southeast corner of Schmidt Lake Road and Northwest Blvd. (98063)
ORDINANCE 98-21   Adopted:  June 24, 1998
Amending City Charter, Section 5.02, Subd. 1; 5.02, Subd. 2

ORDINANCE 98-22   Adopted:  June 24, 1998
Amending Zoning Map -- Located on the west side of Plymouth Blvd., north of 34th Avenue (98027)

ORDINANCE 98-23   Adopted:  July 8, 1998
Amending Zoning Text -- 21005, 21460, 21470

ORDINANCE 98-24   Adopted:  July 22, 1998
Sections 105, 915

ORDINANCE 98-25   Adopted:  August 5, 1998
Amending Zoning Text -- 21560.03

ORDINANCE 98-26   Adopted:  August 5, 1998
Amending Zoning Map -- Located north of Medina Road, east of County Road 101, and south of Highway 55 (98094)

ORDINANCE 98-27   Adopted:  August 19, 1998
Amending Zoning Text -- 21450.03

ORDINANCE 98-28   Adopted:  September 2, 1998
Section 2010

ORDINANCE 98-29   Adopted:  September 2, 1998
Section 925

ORDINANCE 98-30   Adopted:  September 2, 1998
Amending Zoning Map -- Located north of Bass Lake Road, west of The Bass Lake Commercial Center and east of Goldenrod Lane (98108)

ORDINANCE 98-31   Adopted:  September 2, 1998
Section 1206

ORDINANCE 98-32   Adopted:  September 16, 1998
Amending Zoning Map -- Located north of Medina Road, south of Highway 55 and east of County Road 101 (98117)

ORDINANCE 98-33   Adopted:  September 16, 1998
Section 205

ORDINANCE 98-34   Adopted:  October 7, 1998
Amending Zoning Map -- Located at 5630 Pineview Lane North (98126)

ORDINANCE 98-35   Adopted:  November 4, 1998
Sections 105, 705, 710, 800

ORDINANCE 98-36   Adopted:  November 4, 1998
Section 400

ORDINANCE 98-37   Adopted:  November 4, 1998
Amending Zoning Text -- 21655.21

ORDINANCE 98-38   Adopted:  November 4, 1998
Amending Zoning Map -- Located at 16220 Old Rockford Road (98162)
ORDINANCE 98-39   Adopted: November 18, 1998
Sections 1010, 1015

ORDINANCE 98-40   Adopted: November 18, 1998
Sections 915, 1325, 1325, 1330, 2005, 2025, and Zoning Text -- 21105.10

ORDINANCE 98-41   Adopted: December 16, 1998
Amending Zoning Text -- 21475.07, 21650.05

Amending Zoning Map -- Located at 3110 East Medicine Lake Blvd. (98163)

ORDINANCE 98-43   Adopted: December 16, 1998
Section 915

ORDINANCE 98-44   Adopted: December 16, 1998
Amending Zoning Text -- 21005, 21170.01

ORDINANCE 98-45   Adopted: December 16, 1998
Section 325

ORDINANCE 99-01   Adopted: January 5, 1999
Amending Street Name -- 49th Avenue to Yuma Court North

ORDINANCE 99-02   Adopted: January 5, 1999
Interim Ordinance temporarily prohibiting issuance of subdivision approvals and zoning approvals in Northwest Plymouth

ORDINANCE 99-03   Adopted: January 19, 1999
Section 945

ORDINANCE 99-04   Adopted: January 19, 1999
Section 105

ORDINANCE 99-05   Adopted: January 19, 1999
Amending Zoning Text -- 21005, 21010.01, 21022.01, 21040.03, 21100.02, 21105.03, 21105.11, 21120.01,
21130.01, 21130.03, 21130.05, 21135.06, 21135.11, 21140.01, 21140.02, 21140.03, 21155.02, 21155.03, 21167.03,
21450.13, 21460.03, 21655.11, 21655.12, 21655.13, 21655.14, 21655.15, 21655.16, 21655.17, 21655.18,
21655.19, 21655.20, 21655.21, 21655.22

ORDINANCE 99-06   Adopted: February 16, 1999
Section 1206

ORDINANCE 99-07   Adopted: March 2, 1999
Amending Zoning Text -- 21655.15

ORDINANCE 99-08   Adopted: April 6, 1999
Section 805

ORDINANCE 99-09   Adopted: April 6, 1999
Amending Zoning Text -- 21120.01

ORDINANCE 99-10   Adopted: April 20, 1999
Section 1170

ORDINANCE 99-11   Adopted: May 4, 1999
Section 1206
ORDINANCE 99-12   Adopted:  May 4, 1999
Section 805

ORDINANCE 99-13   Adopted:  May 4, 1999
Amending Interim Ordinance Prohibiting Issuance of Subdivision Approval and ZoningApprovals in Northwest Plymouth (98207)

ORDINANCE 99-14   Adopted:  May 18, 1999
Amending Section 21655.22 for the Cornerstone Commons PUD, located south of Highway 55, north of Medina Road, an East of County Road 101 (99027)

ORDINANCE 99-15   Adopted:  May 18, 1999
Amending Zoning Text -- 21550.07

ORDINANCE 99-16   Adopted:  June 1, 1999
Section 1150

ORDINANCE 99-17   Adopted:  June 1, 1999
Amending Zoning Text for property located at 710 and 730 County Road 101 (99017)

ORDINANCE 99-18   Adopted:  June 1, 1999
Section 925

ORDINANCE 99-19   Adopted:  June 22, 1999
Section 1335

ORDINANCE 99-20   Adopted:  July 20, 1999
Amending Zoning Text -- Section 21005.02, Subd. 1; Section 21455.11; Section 21475.13, Subd. 8; Section 21555.11, Subd. 6

ORDINANCE 99-21   Adopted:  July 20, 1999
Amending Zoning Text -- Section 21655.25 (98201)

ORDINANCE 99-22   Adopted:  August 17, 1999
Section 400

ORDINANCE 99-23   Adopted:  August 17, 1999
Amending Zoning Text -- Section 21655.13, Subd. 2

ORDINANCE 99-24   Adopted:  September 7, 1999
Amending Zoning Text -- Section 21655, Subd. 2

ORDINANCE 99-25   Adopted:  October 5, 1999
Amending Zoning Text -- Section 21115.09, Subd. 3

ORDINANCE 99-26   Adopted:  November 2, 1999
Section 905

ORDINANCE 99-27   Adopted:  November 2, 1999
Section 1015

ORDINANCE 99-28   Adopted:  November 2, 1999
Section 720
ORDINANCE 99-29   Adopted:  December 7, 1999
Amending Interim Ordinance Temporarily Prohibiting Issuance of Subdivision Approval and Zoning Approvals in a Designated Area in Northwest Plymouth

ORDINANCE 2000-01   Adopted:  January 4, 2000
Enacting Street Name Change in the Silverthorne 4th Addition Development

ORDINANCE 2000-02   Adopted:  February 1, 2000
Section 720

ORDINANCE 2000-03   Adopted:  February 1, 2000
Section 2025

ORDINANCE 2000-04   Adopted:  February 1, 2000
Interim Ordinance Temporarily Prohibiting Issuance of Subdivision Approval and Zoning Approvals in a Designated Area located North of Bass Lake Road and West of Northwest Boulevard

ORDINANCE 2000-05   Adopted:  February 29, 2000
Amending Zoning Text -- Section 21655.21

ORDINANCE 2000-06   Adopted:  February 29, 2000
Amending Zoning Text -- Sections 21005, 21045.02, 21100.02, 21005.06, 21005.10, 2105.11, 21105.16, 21115.04, 21120, 21130.01, 21135.05, 21135.07, 21135.08, 21135.14, 21145.04, 21150.04, 21155.03, 21185, 21350.05, 21375.07, 21380.07, 21450.03, 21455.07, 21455.11, 21475.13, and 21655

ORDINANCE 2000-07   Adopted:  February 29, 2000
Amending Zoning Text -- Sections 21005, 21045, 21100, 21120, 21130, 21135, 21145, 21150, 21155, 21185, 21350, 12375, 21380, 21450, 21475, and 21655

ORDINANCE 2000-08   Adopted:  February 29, 2000
Amending Zoning Text -- Sections 21005, 21175, and 21177

ORDINANCE 2000-09   Adopted:  March 21, 2000
Amending Zoning Text -- Sections 21005, 21155.03, 21465, 21550, 21550, and 21550

ORDINANCE 2000-10   Adopted:  March 21, 2000
Amending Zoning Text for property located on Kilmer Lane north of 34th Avenue and South of 36th Avenue

ORDINANCE 2000-11   Adopted:  March 21, 2000
Amending City Charter -- Sections 2.03, 4.02, 12.11, and 12.13

ORDINANCE 2000-12   Adopted:  March 21, 2000
Amending Zoning Text for property located east of Fernbrook Lane and south of 47th Avenue

ORDINANCE 2000-13   Adopted:  April 11, 2000
Amending City Charter-- Section 2.03

ORDINANCE 2000-14   Adopted:  April 11, 2000
Section 215

ORDINANCE 2000-15   Adopted:  May 9, 2000
Section 1206

ORDINANCE 2000-16   Adopted:  May 9, 2000
Amending Zoning Text for property located on the west side of Plymouth Boulevard and north of 34th Avenue
ORDINANCE 2000-17  Adopted:  May 9, 2000
Amending Zoning Text -- Section 21655.18

ORDINANCE 2000-18  Adopted:  May 9, 2000
Section 205

ORDINANCE 2000-19  Adopted:  May 23, 2000
Section 1155

ORDINANCE 2000-20  Adopted:  May 23, 2000
Interim Ordinance temporarily prohibiting issuance of subdivision approvals and zoning approvals (Study Area C)

ORDINANCE 2000-21  Adopted:  May 23, 2000
Interim Ordinance temporarily prohibiting issuance of subdivision approvals and zoning approvals (Study Area E)

ORDINANCE 2000-22  Adopted:  May 23, 2000
Section 710

ORDINANCE 2000-23  Adopted:  June 12, 2000
Amending Zoning Text -- 21455.07

ORDINANCE 2000-24  Adopted:  June 27, 2000
Section 1310

ORDINANCE 2000-25  Adopted:  June 27, 2000
Amending Zoning Text -- 21655.26

ORDINANCE 2000-26  Adopted:  July 11, 2000
Section 1160

ORDINANCE 2000-27  Adopted:  July 11, 2000
Amending Zoning Text -- 21475.15, 21475.17

ORDINANCE 2000-28  Adopted:  July 11, 2000
Amending Zoning Text -- 21045.03

ORDINANCE 2000-29  Adopted:  August 8, 2000
Sections 1206, 1010

ORDINANCE 2000-30  Adopted:  August 22, 2000
Amending Zoning Text to classify certain land located on the Greenwood Elementary School Site (20104)

ORDINANCE 2000-31  Adopted:  August 22, 2000
Amending Zoning Text to classify certain land located in the Northeast Quadrant of 45th Avenue and Nathan Lane (20050)

ORDINANCE 2000-32  Adopted:  October 10, 2000
Section 1325

ORDINANCE 2000-33  Adopted:  October 24, 2000
Amending Zoning Text -- Section 21655.25

ORDINANCE 2000-34  Adopted:  November 14, 2000
Amending Zoning Text (21655) to classify certain land located west of I-494 and north of the Canadian Pacific Railroad as PUD – The Reserve Development (20092)

ORDINANCE 2000-35  Adopted:  November 28, 2000
Amending Zoning Text to classify certain land located east of Bass Lake Road and west of future Northwest Boulevard - Gramercy Park Cooperative Northwest (20137)

**ORDINANCE 2000-36**  
Adopted: December 19, 2000  
Sections 1010, 1103

**ORDINANCE 2001-01**  
Adopted: January 9, 2001  
Amending Zoning Text to classify certain located north of Bass Lake Road, west of the future extension of Northwest Boulevard, and east of Quinwood Lane (20181)

**ORDINANCE 2001-02**  
Adopted: January 23, 2001  
Amending Zoning Text to classify certain land located at 16225 Old Rockford Road (20103)

**ORDINANCE 2001-03**  
Adopted: February 13, 2001  
Extending Interim Ordinance No. 2000-20

**ORDINANCE 2001-04**  
Adopted: February 13, 2001  
Section 510

**ORDINANCE 2001-05**  
Adopted: February 13, 2001  
Section 1335

**ORDINANCE 2001-06**  
Adopted: February 13, 2001  
Amending Zoning Text – Sections 21000, 21005, 21040, 21105, 21130, 21135, 21140, 21155, 21177, 21185, 21350, 21355, 21360, 21375, 21390, 21450, 21460, 21465, 21475, 21555, 21565, 21570, 21650, 21655, 21670

**ORDINANCE 2001-07**  
Adopted: February 13, 2001  
Summarization of Ordinance No. 2001-06

**ORDINANCE 2001-08**  
Adopted: February 27, 2001  
Sections 105, 310, 315, 905, 915, 1010, 1105, 1135.07, 1145, 1150, 1155, 1206, 1305, 1310, 1325, 2025

**ORDINANCE 2001-09**  
Adopted: February 27, 2001  
Amending Zoning Text to classify certain land located at 3135, 3225, and 3235 Fernbrook Lane (20136)

**ORDINANCE 2001-10**  
Adopted: March 20, 2001  
Summarization of Ordinance No. 2001-09

**ORDINANCE 2001-11**  
Adopted: March 20, 2001  
Amending Zoning Text to classify certain land located south of Old Rockford Road and west of Larch Lane/41st Avenue (20188)

**ORDINANCE 2001-12**  
Adopted: March 20, 2001  
Section 105

**ORDINANCE 2001-13**  
Adopted: May 22, 2001  
Amending Zoning Text to classify approximately 70 acres of land located at 5625 Yucca Lane North (2001027)

**ORDINANCE 2001-14**  
Adopted: May 22, 2001  
Adopting Official Map of the Highway 55/West Medicine Lake Road frontage road

**ORDINANCE 2001-15**  
Adopted: June 12, 2001  
Amending Zoning Text -- Section 21655.26

**ORDINANCE 2001-16**  
Adopted: June 12, 2001  
Amending Zoning Text – Section 21560.03
ORDINANCE 2001-17  Adopted: June 12, 2001
Section 725

ORDINANCE 2001-18  Adopted: June 12, 2001
Amending Zoning Text to classify certain land located west of Vicksburg Lane and north of Schmidt Lake Road (20183)

ORDINANCE 2001-19  Adopted: June 12, 2001
Summarization of Ordinance No. 2001-17

ORDINANCE 2001-20  Adopted: June 26, 2001
Amending Zoning Text to classify certain lands located in the northeast quadrant of Schmidt Lake Road and Vicksburg Lane as PUD (2001031)

ORDINANCE 2001-21  Adopted: June 26, 2001
Amending Zoning Text to classify certain land located at 4150 Berkshire Lane North and establish a PUD (2001037)

ORDINANCE 2001-22  Adopted: June 26, 2001
Amending Zoning Text to classify certain land located east of Peony Lane and north of the Canadian Pacific Railroad (20182)

ORDINANCE 2001-23  Adopted: July 10, 2001
Amending Zoning Text to classify certain land consistent with the Guide Plan classification in the Comprehensive Plan (2001042)

ORDINANCE 2001-24  Adopted: July 24, 2001
Section 410

ORDINANCE 2001-25  Adopted: August 14, 2001
Amending Zoning Text – Sections 21005 and 21155

ORDINANCE 2001-26  Adopted: August 14, 2001
Amending Zoning Text – Section 21155.03

ORDINANCE 2001-27  Adopted: August 14, 2001
Amending Zoning Text – Section 21020.01

ORDINANCE 2001-28  Adopted: August 14, 2001
Amending Zoning Text – Section 21465.03

ORDINANCE 2001-29  Adopted: August 14, 2001
Sections 1010, 1150

ORDINANCE 2001-30  Adopted: September 25, 2001
Amending Zoning Text to classify certain land located east of Pomerleau Lake, on property currently addressed as 5684-5450 Juneau Lane North as PUD (2001026)

ORDINANCE 2001-31  Adopted: September 25, 2001
Amending Zoning Text to amend the Reserve PUD located west of I-494 and north of the Canadian Pacific Railroad (20070)

ORDINANCE 2001-32  Adopted: October 23, 2001
Amending Zoning Text to classify certain land located at 2220 County Road 101 (2001017)

ORDINANCE 2001-33  Adopted: October 23, 2001
Section 2025
ORDINANCE 2001-34  Adopted: November 13, 2001
Section 2025

ORDINANCE 2001-35  Adopted: November 27, 2001
Amending Zoning Text to classify certain land located at 4400 Nathan Lane (2001119)

ORDINANCE 2001-36  Adopted: December 18, 2001
Amending Zoning Text – Section 21655.31

ORDINANCE 2002-01  Adopted: January 8, 2002
Section 500
ORDINANCE 2002-02   Adopted: January 22, 2002
Amending Zoning Text – Section 21000.14, 21045.07, 21045.10, 21100.02, 21105.03, 21105.11, 21105.11, 21115.04, 21115.09, 21120, 21130.01, 21130.03, 21130.04, 21135.03, 21135.08, 21135.16, 21145, 21155.03, 21170.01, 21185.06, 21350.07, 21350.09, 21350.11, 21355.09, 21355.13, 21360.13, 21365.13, 21370.13, 21375.13, 21380.13, 21385.13, 21390.13, 21450, 21655.17, 21665.03, 21670.06, 21670.07, 21670.08

ORDINANCE 2002-03   Adopted: January 22, 2002
Summarization of Ordinance 2002-02

ORDINANCE 2002-04   Adopted: January 22, 2002
Amending Zoning Text to classify certain land in the Elmhurst and Elmhurst Gateway Neighborhoods (west side of Medicine Lake) (2001146)

ORDINANCE 2002-05   Adopted: February 12, 2002
Section 2010

ORDINANCE 2002-06   Adopted: February 12, 2002
Amending the Reserve Planned Unit Development located west of I-494 and north of the Canadian Pacific Railroad

ORDINANCE 2002-07   Adopted: February 26, 2002
Amending Zoning Text to classify certain land located approximately 600 feet east of Fernbrook Lane on 46<sup>th</sup> Place North (2001107)

ORDINANCE 2002-08   Adopted: February 26, 2002
Amending Zoning Text to classify certain land located north of Schmidt Lake Road and west of Vicksburg Lane (2001148)

ORDINANCE 2002-09   Adopted: March 12, 2002
Amending Zoning Text – Section 21555

ORDINANCE 2002-10   Adopted: March 12, 2002
Section 400

ORDINANCE 2002-11   Adopted: March 12, 2002
Sections 1010, 1160

ORDINANCE 2002-12   Adopted: March 26, 2002
Sections 105, 1175

ORDINANCE 2002-13   Adopted: March 26, 2002
Summarization of Ordinance No. 2002-12

ORDINANCE 2002-14   Adopted: March 26, 2002
Summarization of Ordinance No. 2002-11

ORDINANCE 2002-15   Adopted: March 26, 2002
Section 600

ORDINANCE 2002-16   Adopted: April 9, 2002
Amending Zoning Text to classify certain land located north and west of the Canadian Pacific Railroad and north of future Schmidt Lake Road (2001114)

ORDINANCE 2002-17   Adopted: April 23, 2002
Amending City Charter – Section 12.13
ORDINANCE 2002-18   Adopted: May 14, 2002
Amending Zoning Text - Section 21005

ORDINANCE 2002-19   Adopted: May 14, 2002
Amending Zoning Text - Sections 21005, 21173, 21350, and 21650

ORDINANCE 2002-20   Adopted: May 28, 2002
Sections 1010, 1110

ORDINANCE 2002-21   Adopted: May 28, 2002
Amending Zoning Text to classify certain land located south of 34th Avenue and east of Pilgrim Lane (2002012)

ORDINANCE 2002-22   Adopted: June 11, 2002
Amending Zoning Text – Section 21655.24

ORDINANCE 2002-23   Adopted: June 11, 2002
Section 600

ORDINANCE 2002-24   Adopted: June 25, 2002
Amending Zoning Text – Sections 21005.02, 21190.04, 21355.11, 21365.11

ORDINANCE 2002-25   Adopted: June 25, 2002
Amending Zoning Text – Section 21115.04

ORDINANCE 2002-26   Adopted: July 9, 2002
Section 1170

ORDINANCE 2002-27   Adopted: August 13, 2002
Amending Zoning Text – Section 21465.03

ORDINANCE 2002-28   Adopted: August 27, 2002
Amending Zoning Text to classify certain land located north of Highway 55, south of the Soo Line Railroad, and west of the Plum Tree Subdivision (2002058)

ORDINANCE 2002-29   Adopted: August 27, 2002
Amending Zoning Text to classify certain land located south of 8th Avenue and east of Hadley Lake (2002055)

ORDINANCE 2002-30   Adopted: November 12, 2002
Section 905

ORDINANCE 2002-31   Adopted: November 26, 2002
Section 715

ORDINANCE 2002-32   Adopted: November 26, 2002
Amending Zoning Text – Sections 21005.01, 21005.02, 21105.03, 21105.05, 21115.03, 21115.04, 21115.09, 21120.08, 21120.08, 21130.03, 21135.07, 21137, 21145.03, 21145.04, 21155.03, 21165.03, 21165.03, 21173.03, 21173.05, 21173.07, 21177, 21350.13, 21355.13, 21360.13, 21365.13, 21370.13, 21375.13, 21380.13, 21385.13, 21390.13, 21450.13, 21455.01, 21455.13, 21460.01, 21460.11, 21460.13, 21465.03, 21465.07, 21465.11, 21465.13, 21470.11, 21470.13, 21475.05, 21475.05, 21550.03, 21550.07, 21550.11, 21550.13, 21555.03, 21555.13, 21560.07, 21560.11, 21560.13, 21565.11, 21565.13, 21570.13, 21650.13, 21665.01, 21665.03, 21665.04

ORDINANCE 2002-33   Adopted: December 17, 2002
Amending Zoning Text for the Reserve PUD located west of I-494 and north of the Canadian Pacific Railroad (2002132)
ORDINANCE 2002-34  Adopted: December 17, 2002
Section 725

ORDINANCE 2003-01  Adopted: January 28, 2003
Amending the Northwest Business Campus PUD for property located at the northeast corner of State Highway 55 and Northwest Boulevard (2002152)

ORDINANCE 2003-02  Adopted: January 28, 2003
Section 1105

ORDINANCE 2003-03  Adopted: January 28, 2003
Section 500

Section 2005

Section 1305

ORDINANCE 2003-06  Adopted: March 25, 2003
Amending Zoning Text – Sections 21005.02 and 21155.03

ORDINANCE 2003-07  Adopted: March 25, 2003
Amending the Association Free Lutheran Bible College PUD for property located at 3120 East Medicine Lake Boulevard (2003009)

ORDINANCE 2003-08  Adopted: March 25, 2003
Section 715

ORDINANCE 2003-09  Adopted: April 22, 2003
Amending Zoning Text to classify certain lands located at 11255 Highway 55, and to establish a Planned Unit Development District (2003015)

ORDINANCE 2003-10  Adopted: April 22, 2003
Amending Zoning Text to classify certain land located east of Trenton Lane and south of Bass Lake Road (2003004)

ORDINANCE 2003-11  Adopted: May 13, 2003
Section 915

ORDINANCE 2003-12  Adopted: May 13, 2003
Amending Zoning Text to classify certain parcels consistent with the Land Use Guide Plan of the City's Comprehensive Plan (2003022)

ORDINANCE 2003-13  Adopted: May 27, 2003
Section 810

ORDINANCE 2003-14  Adopted: May 27, 2003
Section 305

ORDINANCE 2003-15  Adopted: June 10, 2003
Chapter 5

ORDINANCE 2003-16  Adopted: June 10, 2003
Section 600

ORDINANCE 2003-17  Adopted: June 10, 2003
Sections 810, 811
ORDINANCE 2003-18   Adopted: June 10, 2003
Section 1015

ORDINANCE 2003-19   Adopted: June 10, 2003
Amending Zoning Text – 2115.09

ORDINANCE 2003-20   Adopted: July 8, 2003
Section 910

ORDINANCE 2003-21   Adopted: July 22, 2003
Sections 1010, 1110

ORDINANCE 2003-22   Adopted: July 22, 2003
Sections 400, 905, 940, 1015, 1115, 2005

ORDINANCE 2003-23   Adopted: July 22, 2003
Section 305

Amending Zoning Text to classify certain land located at 4395 Juneau Lane North (2003046)

ORDINANCE 2003-25   Adopted: August 26, 2003
Amending Zoning Text – Section 21655.33

ORDINANCE 2003-26   Adopted: August 26, 2003
Amending Zoning Text to classify certain land located at 4745 Medicine Lake Drive West (2003080)

Amending Zoning Text to classify certain land located at 3950 County Road 101 (2003002)

ORDINANCE 2003-28   Adopted: October 14, 2003
Amending Zoning Text to classify certain land located at the northwest corner of County Road 6 and Xenium Lane 6 (2003082)

ORDINANCE 2003-29   Adopted: October 14, 2003
Amending Zoning Text to classify certain land located east of Harbor Lane North and north of Carlson Parkway North (2003087)

ORDINANCE 2003-30   Adopted: October 14, 2003
Section 1206

ORDINANCE 2003-31   Adopted: October 14, 2003
Amending Zoning Text to classify certain land located west of Northwest Boulevard (County Road 61) and north of West Medicine Lake Drive (2003081)

Sections 105, 1140

ORDINANCE 2004-01   Adopted: January 13, 2004
Sections 1201, 1206

ORDINANCE 2004-02   Adopted: January 13, 2004
Amending Zoning Text – Sections 21005.02, 21010.01, 21015.02, 21025.02, 21030.04, 21045.03, 21045.04, 21045.05, 21045.08, 21050.05, 21115.04, 21120.01, 21120.05, 21120.09, 21130.01, 21130.02, 21130.04, 21135.05, 21135.07, 21135.14, 21350.07, 21350.11, 21355.07, 21355.11, 21360.07, 21450.07, 21450.11,
ORDINANCE 2004-03     Adopted: January 13, 2004
Sections 105, 512, 518, 1015, 2025

ORDINANCE 2004-04     Adopted: January 27, 2004
Section 1325

ORDINANCE 2004-05     Adopted: April 13, 2004
Amending Zoning Text to classify certain land located on the south side of West Medicine Lake Drive and 
approximately 300 feet west of Northwest Boulevard (2004003)

ORDINANCE 2004-06     Adopted: April 27, 2004
Amending Zoning Text to classify certain land located south of 34th Avenue between Plymouth Boulevard and 
Vicksburg Lane (2004016)

ORDINANCE 2004-07     Adopted: May 11, 2004
Amending the Cornerstone Cooperative PUD for Property located at 3750 Lawndale Lane (2004023)

ORDINANCE 2004-08     Adopted: June 22, 2004
Amending PUD 91-1 (Plymouth Station) for property located southeast of Highway 55 and County Road 24 
(2004032)

ORDINANCE 2004-09     Adopted: July 13, 2004
Amending Zoning Text – Section 21115.07

ORDINANCE 2004-10     Adopted: July 13, 2004
Amending Zoning Text to classify certain land located on the southeast corner of the intersection of Ferndale Road 
and County Road 6 (2004022)

ORDINANCE 2004-11     Adopted: July 27, 2004
Amending Zoning Text – Section 21465.03

ORDINANCE 2004-12     Adopted: July 27, 2004
Sections 1010, 1105

ORDINANCE 2004-13     Adopted: July 27, 2004
Amending Zoning Text to classify certain land located south of Old Rockford Road and west of Peony Lane 
(2004051)

ORDINANCE 2004-14     Adopted: August 10, 2004
Amending Zoning Text – Sections 21005.02 and 21660

ORDINANCE 2004-15     Adopted: August 10, 2004
Summary publication of Ordinance No. 2004-14

ORDINANCE 2004-16     Adopted: August 10, 2004
Revising and Replacing Ordinance No. 2004-10 classifying certain land located on the southeast corner of the 
intersection of Ferndale Road and County Road 6 (2004022)

ORDINANCE 2004-17     Adopted: August 24, 2004
Amending Zoning Text – 21105.03

ORDINANCE 2004-18     Adopted: August 24, 2004
Amending the HOM Furniture PUD for property located at 4150 Berkshire Lane North (2004090)
ORDINANCE 2004-19  Adopted:  August 24, 2004
Section 1325

ORDINANCE 2004-20  Adopted:  September 13, 2004
Sections 800, 1015

ORDINANCE 2004-21  Adopted:  September 28, 2004
Section 720
ORDINANCE 2004-22   Adopted:  September 28, 2004
Section 725

ORDINANCE 2004-23   Adopted:  October 12, 2004
Amending Zoning Text to classify certain land located at 5025 Vicksburg Lane North (2004108)

ORDINANCE 2004-24   Adopted:  October 26, 2004
Sections 405, 410

ORDINANCE 2004-25   Adopted:  October 26, 2004
Amending Zoning Text to add Section 21655.35 for the Northwest Business Campus PUD (2004126)

ORDINANCE 2004-26   Adopted:  November 9, 2004
Section 720

ORDINANCE 2004-27   Adopted:  November 9, 2004
Section 715

ORDINANCE 2004-28   Adopted:  November 9, 2004
Amending Zoning Text to classify certain land located on the southwest corner of the intersection of Schmidt Lake Road and Northwest Boulevard (2004116)

ORDINANCE 2004-29   Adopted:  November 9, 2004
Amending Zoning Text to classify 28.7 acres of land located at the southwest corner of State Highway 55 and Vicksburg and to establish a Planned Unit Development District (2004112)

ORDINANCE 2004-30   Adopted:  November 23, 2004
Amending Zoning Text – 21005.02, 21045.97, 21105.06, 2115.02, 21455.07, 21475.17

ORDINANCE 2004-31   Adopted:  November 23, 2004
Section 1010

ORDINANCE 2004-32   Adopted:  December 14, 2004
Amending Zoning Text – 21005.02, 21560.03, 21560.07, 21560.11

ORDINANCE 2004-33   Adopted:  December 14, 2004
Section 528

ORDINANCE 2005-01   Adopted:  January 11, 2005
Amending Zoning Text – 21005.02, 21020.02, 21045.07, 21100.02, 21105.11, 21115.04, 21120.08, 21130.01, 21135.06, 21135.11, 21155.06, 21167.01, 21177.03, 21180, 21350.03, 21355.03, 21375.03, 21385.03, 21390.03, 21390.11, 21450.03, 21455.03, 21455.11, 21465.03, 21465.11, 21470.03, 21475.15, 21475.13, 21475.17, 21550.03, 21555.03, 21650.03

ORDINANCE 2005-02   Adopted:  January 11, 2005
Sections 518, 524

ORDINANCE 2005-03   Adopted:  February 8, 2005
Section 1010

ORDINANCE 2005-04   Adopted:  February 8, 2005
Amending Zoning Text – 21655.36

ORDINANCE 2005-05   Adopted:  March 29, 2005
Amending Zoning Text to classify certain land located north of 11th Avenue and west of South Shore Drive (2005007)
ORDINANCE 2005-06   Adopted:  April 12, 2005
Section 330

ORDINANCE 2005-07   Adopted:  May 10, 2005
Amending Zoning Text - 21105.06

ORDINANCE 2005-08   Adopted:  May 10, 2005
Amending Zoning Text – 21455.03, 21455.07, 21460.03, 21460.07, 21470.03, 21470.07

ORDINANCE 2005-09   Adopted:  May 24, 2005
Street name change in the Fields of Nanterre Second Addition (Yuma Street North to Yuma Lane North)

ORDINANCE 2005-10   Adopted:  June 14, 2005
Section 522

ORDINANCE 2005-11   Adopted:  June 14, 2005
Amending Zoning Text to classify certain land located at 13825 Schmidt Lake Road (2005041)

ORDINANCE 2005-12   Adopted:  June 14, 2005
Amending Zoning Text to classify certain land located north of Medina Road and west of County Road 101 (2005001)

ORDINANCE 2005-13   Adopted:  June 14, 2005
Amending Zoning Text to classify certain land located at 18555 13th Avenue North (2004078)

ORDINANCE 2005-14   Adopted:  June 28, 2005
Amending Zoning Text for lighting zone map amendments for properties located at 15530 and 15600 Old Rockford Road and 4300 Vicksburg Lane North (2005055)

ORDINANCE 2005-15   Adopted:  June 28, 2005
Amending Zoning Text for the Northwest Business Campus PUD for property located at the northeast corner of State Highway 55 and Northwest Boulevard (2005039)

ORDINANCE 2005-16   Adopted:  July 12, 2005
Amending Zoning Text to classify certain land located at 5005 Northwest Boulevard (2005057)

ORDINANCE 2005-17   Adopted:  July 12, 2005
Interim Ordinance temporarily prohibiting the issuance of subdivision approval and zoning approvals in a designated area south of Trunk Highway 55 on both sides of Cottonwood Lane

ORDINANCE 2005-18   Adopted:  August 9, 2005
Amending Zoning Text to classify certain land located at 9805 Highway 55 (2005042)

ORDINANCE 2005-19   Adopted:  August 9, 2005
Amending Zoning Text to classify certain land located in “Taryn Hills” east of Vicksburg Lane, north and south of County Road 47 (2005045)

ORDINANCE 2005-20   Adopted:  August 23, 2005
Amending Zoning Text to classify certain land located at the southwest corner of Peony Lane and Old Rockford Road (2005066)

ORDINANCE 2005-21   Adopted:  September 13, 2005
Franchise Ordinance for Centerpoint Energy

ORDINANCE 2005-22   Adopted:  September 13, 2005
Revising and replacing Ordinance No. 2005-20 to classify certain land located at the southwest corner of Peony Lane and Old Rockford Road (2005066)
ORDINANCE 2005-23   Adopted:  September 13, 2005
Amending Parkers Lake PUD for the Parkers Lake Apartments for property located at 15100 18th Avenue North (2004019)

ORDINANCE 2005-24   Adopted:  September 13, 2005
Amending Lighting Zone Map for Beautiful Savior Lutheran Church at 5005 Northwest Boulevard (2005082)

ORDINANCE 2005-25   Adopted:  September 27, 2005
Amending Zoning Text to classify certain land located at 18240 Highway 55 (2005086)

ORDINANCE 2005-26   Adopted:  September 27, 2005
Amending street name of Niagara Lane North (located east of Parkers Lake Cemetery, between 21st Avenue North and County Road 6) to Minnesota Lane North

ORDINANCE 2005-27   Adopted:  September 27, 2005
Amending Zoning Text to classify certain land located at 10 Zachary Lane (2005093)

ORDINANCE 2005-28   Adopted:  October 25, 2005
Amending Zoning Text – Section 21655.28 for the Seven Greens PUD (2005107)

ORDINANCE 2005-29   Adopted: November 8, 2005
Section 1105

ORDINANCE 2005-30   Adopted: November 29, 2005
Amending Zoning Text – Sections 21005.02 and 21155.03

ORDINANCE 2005-31   Adopted: November 29, 2005
Section 1010

ORDINANCE 2005-32   Adopted: November 29, 2005
Section 715

ORDINANCE 2005-33   Adopted: November 29, 2005
Section 725

ORDINANCE 2005-34   Adopted: November 29, 2005
Section 720

ORDINANCE 2005-35   Adopted: November 29, 2005
Sections 1010, 1015

ORDINANCE 2005-36   Adopted: November 29, 2005
Section 528

ORDINANCE 2005-37   Adopted: December 13, 2005
Amending street names in Timber Creek Crossing Third Addition (Dunkirk Place North and 50th Court North)

ORDINANCE 2006-01   Adopted: January 10, 2006
Section 1206

ORDINANCE 2006-02   Adopted: January 10, 2006
Section 800

ORDINANCE 2006-03   Adopted: January 10, 2006
Sections 1015, 1135
ORDINANCE 2006-04   Adopted: February 7, 2006
Amending Zoning Text – Sections 21005.02, 21045.04, 21045.07, 21105.06, 21105.11, 21115.04, 21115.07,
21135.06, 21135.07, 21135.11, 21155.02, 21155.03, 21155.04, 21450.03, 21450.07, 21450.11, 21455.03,
21455.07, 21455.11, 21460.03, 21460.07, 21465.03, 21465.07, 21465.11, 21470.03, 21475.05,
21475.09, 21475.13, 21550.03, 21550.07, 21555.03, 21555.11, 21560.03, 21560.07, 21560.11, 21650.07,
21650.11, 21655.11, 21655.12, 21655.13, 21655.15, 21655.16, 21655.18, 21655.23, 21655.25, 21655.26,
21655.31, 21655.33, 21655.34, 21655.35, 21655.36, 21655.37, 21665.04

ORDINANCE 2006-05   Adopted: February 7, 2006
Sections 524, 530

ORDINANCE 2006-06   Adopted: February 7, 2006
Amending Parkers Lake PUD (MPUD 83-1) for property located at 15660 17th Avenue North (2005145)

ORDINANCE 2006-07   Adopted: February 28, 2006
Section 2025

ORDINANCE 2006-08   Adopted: March 28, 2006
Section 900

ORDINANCE 2006-09   Adopted: March 28, 2006
Amending Zoning Text for a lighting zone map amendment for Plymouth Presbyterian Church, 3755 Dunkirk
Lane (2005149)

ORDINANCE 2006-10   Adopted: May 9, 2006
Amending Zoning Text to classify certain land located near the southwest corner of the intersection of Nathan
Lane and Bass Lake Road (2006006)

ORDINANCE 2006-11   Adopted: May 9, 2006
Amending Zoning Text to classify 19.34 acres of land located south of Highway 55 and east of Cottonwood Lane
and to establish a Planned Unit Development District (2005121)

ORDINANCE 2006-12   Adopted: May 9, 2006
Repealing an interim Ordinance temporarily prohibiting the issuance of subdivision approval and zoning approvals
in a designated area south of Trunk Highway 55 on both sides of Cottonwood Lane

ORDINANCE 2006-13   Adopted: June 13, 2006
Amending Zoning Text to allow electronic signs in the P-1 (Public/Institutional) District by Conditional Use
Permit (2006021)

ORDINANCE 2006-14   Adopted: June 13, 2006
Amending Zoning Text to classify certain land located at 15910 and 16000 Old Rockford Road (2006022)

ORDINANCE 2006-15   Adopted: June 27, 2006
Sections 403, 1015

ORDINANCE 2006-16   Adopted: June 27, 2006
Amending Zoning Text – 21565.07

ORDINANCE 2006-17   Adopted: June 27, 2006
Section 805

ORDINANCE 2006-18   Adopted: June 27, 2006
Section 1305

ORDINANCE 2006-19   Adopted: June 27, 2006
Section 528.03
ORDINANCE 2006-20    Adopted: July 11, 2006
Section 400

ORDINANCE 2006-21    Adopted: August 22, 2006
Amending Zoning Text to classify certain land located at 4640 Holly Lane North (2006050)

ORDINANCE 2006-22    Adopted: September 12, 2006
Amending Zoning Text to classify certain land presently addressed as 14860 County Road 47 (2006057)

ORDINANCE 2006-23    Adopted: September 12, 2006
Amending Chapter 1 of the Plymouth City Charter by adding Section 1.04 concerning membership of the Charter Commission

ORDINANCE 2006-24    Adopted: September 12, 2006
Amending Plymouth Station PUD for property located at 16605 County Road 24 (2006058)

ORDINANCE 2006-25    Adopted: September 12, 2006
Amending Zoning Text to classify certain land presently addressed as 18420 8th Avenue North (2006046)

ORDINANCE 2006-26    Adopted: October 10, 2006
Amending the Northwest Business Campus PUD by adding Section 21655.40 of the Zoning Ordinance (2006030)

ORDINANCE 2006-27    Adopted: October 10, 2006
Amending Zoning Text – Section 21465.07

ORDINANCE 2006-28    Adopted: November 14, 2006
Amending Zoning Text – Section 21475.09

ORDINANCE 2007-01    Adopted: January 9, 2007
Section 1135

ORDINANCE 2007-02    Adopted: January 9, 2007
Section 305

ORDINANCE 2007-03    Adopted: January 23, 2007
Section 528

Amending Zoning Text – Section 21005.02 and Chapter 21155

Amending Zoning Text – Sections 21005.02, 21025.02, 21045.10, 21100.02, 21105.03, 21105.06, 21105.11, 21115.04, 21120.06, 21130.03, 21135.11, 21145, 2115.05, 21350.03, 21355.03, 21390.05, 21390.11, 21450.11, 21455.11, 21460.07, 21460.09, 21465.03, 21475.09, 21475.13, 21475.17, 21555.11, 21560.07, 21650.05, 21650.07, 21650.11, 21665.11

ORDINANCE 2007-06    Adopted: February 13, 2007
Sections 528, 715, 720, 725, 1015, 1016, 1017

ORDINANCE 2007-07    Adopted: March 27, 2007
Sections 522, 715

ORDINANCE 2007-08    Adopted: April 24, 2007
Section 2020

ORDINANCE 2007-09    Adopted: April 24, 2007
Amending Zoning Text to classify certain land presently addressed as 3120 Dunkirk Lane North (2007002)

ORDINANCE 2007-10   Adopted:  April 24, 2007
Interim Ordinance temporarily prohibiting development in part of the City’s Central Business District

Amending Zoning Text – Section 21565.07

ORDINANCE 2007-12   Adopted:  June 12, 2007
Renaming Cheshire Lane North between Schmidt Lake Road an 56th Avenue North

ORDINANCE 2007-13   Adopted:  June 12, 2007
Amending Zoning Text – Section 21455.07

ORDINANCE 2007-14   Adopted:  June 26, 2007
Amending Zoning Text - Section 21655.42 (2007037)

Amending Zoning Text - 21655.17 (2006111)

ORDINANCE 2007-16   Adopted:  July 10, 2007
Amending Zoning Text – Section 21655.28 (2007050)

ORDINANCE 2007-17   Adopted:  July 10, 2007
Granting Franchise Agreement to Northern States Power Company, d/b/a Excel Energy

ORDINANCE 2007-18   Adopted:  July 24, 2007
Section 400

ORDINANCE 2007-19   Adopted:  July 24, 2007
Section 810

ORDINANCE 2007-20   Adopted:  July 24, 2007
Section 1016

ORDINANCE 2007-21   Adopted:  August 14, 2007
Amending Zoning Text – Sections 21150 and 21355

ORDINANCE 2007-22   Adopted:  August 14, 2007
Section 905

ORDINANCE 2007-23   Adopted:  October 9, 2007
Sections 1010, 1016

ORDINANCE 2007-24   Adopted:  October 9, 2007
Amending Zoning Text to classify certain land presently addressed as 4225 and 4245 Dunkirk Lane North (2007070)

ORDINANCE 2007-25   Adopted:  October 9, 2007
Amending Zoning Text to classify certain land located near the southeast corner of the intersection of County Road 47 and Juneau Lane (2007066)

ORDINANCE 2007-26   Adopted:  July 24, 2007
Amending Ordinance No. 2007-10 that temporarily prohibits development in part of the City’s Central Business District

Section 715
ORDINANCE 2007-28
Amending Zoning Text – Section 21475

Adopted: November 13, 2007

ORDINANCE 2007-29
Adopted: November 13 2007
Amending Zoning Text to classify certain land located in the Plymouth City Center (2007090)
ORDINANCE 2007-30
Repealing Ordinance No. 2007-26

Adopted: November 13, 2007

ORDINANCE 2007-31
Section 1015

Adopted: December 11, 2007

ORDINANCE 2008-01
Sections 1015, 1305

Adopted: January 8, 2008

ORDINANCE 2008-02
Section 1015

Adopted: January 22, 2008

ORDINANCE 2008-03
Adopted: January 22, 2008
Interim Ordinance temporarily prohibiting development on designated lots in the City
ORDINANCE 2008-04
Adopted: March 11, 2008
Amending Zoning Text – Section 21550.03
ORDINANCE 2008-05
Section 1110

Adopted: March 11, 2008

ORDINANCE 2008-06
Adopted: March 11, 2008
Amending Zoning Text to classify certain land located at 4155 Zachary Lane (2007098)
ORDINANCE 2008-07
Adopted: March 25, 2008
Amending Zoning Text to classify certain land located at 1605 County Road 101 (2008007)
ORDINANCE 2008-08
Adopted: March 25, 2008
Sections 415, 502, 522, 524, 526, 811, 2025
ORDINANCE 2008-09
Adopted: March 25, 2008
Amending Zoning Text – 21005.02, 21010.01, 21015.02, 21025.02, 21030.04, 21045.04, 21045.05, 21045.09,
21100.02, 21105.06, 21105.06, 21115.02, 21120.01, 21120.02, 21120.03, 21120.09, 21120.09, 21120.09, 21130.03,
21135.07, 21135.08, 21135.11, 21137, 21140, 21155, 21170, 21175.10, 21190.03, 21195.03, 21350.05, 21350.07,
21350.07, 21350.11, 21355.03, 21355.05, 21355.07, 21355.07, 21355.07, 21360.03, 21360.05, 21360.07,
21360.07, 21360.07, 21360.11, 21365.03, 21365.05, 21365.07, 21365.09, 21365.11, 21370.03, 21370.05,
21370.07, 21370.09, 21370.11, 21375.03, 21375.05, 21375.07, 21375.09, 21375.11, 21380.03, 21380.05,
21380.07, 21380.09, 21380.11, 21385.03, 21385.05, 21385.07, 21385.09, 21385.11, 21390.03, 21390.05,
21390.07, 21390.09, 21390.11, 21450.03, 21450.05, 21450.07, 21450.11, 21455.03, 21455.05, 21455.07,
21455.07, 21455.11, 21455.11, 21460.03, 21460.05, 21460.07, 21460.09, 21460.11, 21465.03, 21465.05,
21465.07, 21465.09, 21465.11, 21470.03, 21470.05, 21470.07, 21470.09, 21470.11, 21475.05, 21475.05,
21475.07, 21475.07, 21475.07, 21475.09, 21475.09, 21475.13, 21550.03, 21550.05, 21550.09, 21550.11,
21555.03, 21555.05, 21555.07, 21555.11, 21560.03, 21560.05, 21560.07, 21560.09, 21560.11, 21565, 21570,
21650.03, 21650.05, 21650.07, 21650.11, 21655.18, 21655.41
ORDINANCE 2008-10
Section 720

Adopted: April 8, 2008

ORDINANCE 2008-11

Adopted: April 22, 2008


Section 2015

ORDINANCE 2008-12  Adopted:  May 13, 2008
Section 2005
ORDINANCE 2008-13   Adopted:  May 27, 2008
Amending Zoning Text concerning mobile signs (2008019)

ORDINANCE 2008-14   Adopted:  May 27, 2008
Section 410

ORDINANCE 2008-15   Adopted:  May 27, 2008
Section 960

ORDINANCE 2008-16   Adopted:  June 10, 2008
Section 2020

ORDINANCE 2008-17   Adopted:  June 10, 2008
Section 200

ORDINANCE 2008-18   Adopted:  June 10, 2008
Section 965

ORDINANCE 2008-19   Adopted:  June 10, 2008
Section 1305

ORDINANCE 2008-20   Adopted:  July 8, 2008
Amending Zoning Text to classify certain land located at 5750 Vicksburg Lane (2008042)

ORDINANCE 2008-21   Adopted:  August 26, 2008
Amending Zoning Text – Section 21655.34

ORDINANCE 2008-22   Adopted:  August 26, 2008
Amending Zoning Text – Section 21455.03

ORDINANCE 2008-23   Adopted:  August 26, 2008
Amending Zoning Text – Section 21655.27

ORDINANCE 2008-24   Adopted:  October 14, 2008
Amending Zoning Text – Section 21130.02

ORDINANCE 2008-25   Adopted:  October 14, 2008
Amending Zoning Text – Section 21655.43

Amending Zoning Text to classify certain land located at the southeast corner of Old Rockford Road and 45th Avenue (2008077)

Amending Zoning Text – Section 21655.45

ORDINANCE 2008-28   Adopted:  December 9, 2008
Amending Zoning Text – Section 21655.46

ORDINANCE 2008-29   Adopted:  December 9, 2008
Section 1015

ORDINANCE 2009-01   Adopted:  January 13, 2009
Sections 400, 905, 1015

ORDINANCE 2009-02   Adopted:  January 27, 2009
Amending Zoning Text to classify certain land located at 16940 Highway 55 (2008109)
ORDINANCE 2009-03 Adopted: February 10, 2009
Section 1016

ORDINANCE 2009-04 Adopted: March 10, 2009
Section 1105

ORDINANCE 2009-05 Adopted: April 14, 2009
Section 1105

ORDINANCE 2009-06 Adopted: May 12, 2009
Section 400

ORDINANCE 2009-07 Adopted: May 12, 2009
Amending Zoning Text – Sections 21005.02, 21015.07, 21045.08, 21045.09, 21105.03, 21105.06, 21105.11, 21115.02, 21115.04, 21115.09, 21130.01, 21130.03, 21130.05, 21135.07, 21135.11, 21135.12, 21135.13, 21155.05, 21155.06, 21155.07, 21155.09, 21170, 21175.07, 21190.04, 21195.02, 21350, 21352, 21355.03, 21355.05, 21355.07, 21355.09, 21355.11, 21355.13, 21360.03, 21360.05, 21360.07, 21360.09, 21360.11, 21360.13, 21365.03, 21365.05, 21365.07, 21365.09, 21365.11, 21365.13, 21370.03, 21370.05, 21370.07, 21370.09, 21370.11, 21370.13, 21370.05, 21370.07, 21375.09, 21375.11, 21375.13, 21380.03, 21380.05, 21380.07, 21380.09, 21380.13, 21385.03, 21385.05, 21385.07, 21385.09, 21385.11, 21385.13, 21390.03, 21390.05, 21390.07, 21390.09, 21390.11, 21390.13, 21450.03, 21450.05, 21450.07, 21450.09, 21450.11, 21450.13, 21455.03, 21455.05, 21455.07, 21455.09, 21455.11, 21455.13, 21460.03, 21460.05, 21460.07, 21460.09, 21460.11, 21465.03, 21465.05, 21465.07, 21465.09, 21465.11, 21465.13, 21470.03, 21470.05, 21470.07, 21470.09, 21470.11, 21470.13, 21475.05, 21475.07, 21475.09, 21475.11, 21475.13, 21475.15, 21475.17, 21550.03, 21550.05, 21550.07, 21550.09, 21550.11, 21550.13, 21555.03, 21555.05, 21555.07, 21555.09, 21555.11, 21555.13, 21560.03, 21560.05, 21560.07, 21560.09, 21560.11, 21560.13, 21565.03, 21565.05, 21565.07, 21565.09, 21565.11, 21565.13, 21570.05, 21570.07, 21570.09, 21570.11, 21570.13, 21570.15, 21650.03, 21650.05, 21650.07, 21650.09, 21650.11, 21650.13, 21655.10, 21655.32, 21665.03, 21665.04, 21665.10, 21670.04

ORDINANCE 2009-08 Adopted: May 12, 2009
Sections 400.13, 506.05, 506.07, 530.03, 800.02, 810.01, 811, 915.29, 930.01, 930.05, 930.09, 1015.23, 1105.11

ORDINANCE 2009-09 Adopted: June 9, 2009
Section 1400

ORDINANCE 2009-10 Adopted: June 23, 2009
Section 1016

ORDINANCE 2009-11 Adopted: August 11, 2009
Amending Zoning Text to classify certain land located at 5505 Vicksburg Lane (2009025)

ORDINANCE 2009-12 Adopted: August 11, 2009
Sections 502, 506

ORDINANCE 2009-13 Adopted: September 8, 2009
Amending Zoning Text to classify certain land consistent with the Guide Plan Classification in the Comprehensive Plan (2009016)

ORDINANCE 2009-14 Adopted: October 13, 2009
Amending Zoning Ordinance to repeal the current lighting zoning map and adopt a new lighting zone map to provide consistency between the lighting zone map, Zoning Ordinance, and the Land Use Guide Plan (2009045)

ORDINANCE 2009-15 Adopted: October 13, 2009
Amending Zoning Ordinance allowing “limited motor vehicle sales or leasing as a principal or accessory use” with a Conditional Use Permit in the I-1 and I-2 Zoning Districts (2009053)

**ORDINANCE 2009-16**  
Adopted: October 13, 2009  
Sections 1010, 1150, 1206

**ORDINANCE 2009-17**  
Adopted: October 13, 2009  
Amending Zoning Text to classify certain land located at the northeast corner of Peony Lane and Schmidt Lake Road (2009046)

**ORDINANCE 2009-18**  
Adopted: November 10, 2009  
Sections 1010, 915

**ORDINANCE 2009-19**  
Adopted: November 24, 2009  
Section 1015

**ORDINANCE 2009-20**  
Adopted: December 8, 2009  
Section 1015

**ORDINANCE 2010-01**  
Adopted: February 23, 2010  
Amending Zoning Text – Sections 21005.01, 21005.02, 21015.07, 21030.06, 21045.09, 21045.10, 21100.02, 21105.02, 21105.06, 21105.11, 21115.03, 21115.04, 21120.07, 21120.10, 21130.01, 21135.06, 21135.07, 21135.08, 21135.14, 21145.04, 21155.05, 21155.06, 21155.07, 21173.05, 21450.07, 21460.03, 21465.03, 21470.03, 21475.05, 21550.03, 21555.03, 21560.03, 21565.03, 21655.105, 21665.11, 21670

**ORDINANCE 2010-02**  
Adopted: February 23, 2010  
Sections 510, 512, 530, 705, 710, 800, 1015, 2025

**ORDINANCE 2010-03**  
Adopted: April 13, 2010  
Sections 410, 1010, 1015

**ORDINANCE 2010-04**  
Adopted: April 27, 2010  
Amending Zoning Text to classify certain land located at 13905 County Road 6 (2010024)

**ORDINANCE 2010-05**  
Adopted: May 11, 2010  
Amending Zoning Text – Section 21155.06 (2010025)

**ORDINANCE 2010-06**  
Adopted: June 8, 2010  
Amending Zoning Text – Section 21655.44 (Gold’s Gym PUD – 2010032)

**ORDINANCE 2010-07**  
Adopted: July 13, 2010  
Section 1016

**ORDINANCE 2010-08**  
Adopted: July 13, 2010  
Electric Franchise Agreement with Wright-Hennepin Cooperative Electric Association

**ORDINANCE 2010-09**  
Adopted: July 13, 2010  
Section 1016

**ORDINANCE 2010-10**  
Adopted: July 13, 2010  
Amending Zoning Text to classify certain land located at 5550 Vicksburg Lane (2010035)

**ORDINANCE 2010-11**  
Adopted: July 13, 2010  
Amending Zoning Text to classify certain land located at 5550 Vicksburg Lane (2010043)

**ORDINANCE 2010-12**  
Adopted: July 13, 2010  
Amending Zoning Text – Section 21115.07 (2009027)
ORDINANCE 2010-13   Adopted:  July 27, 2010
Amending Zoning Text to classify certain land located at the southwest corner of the intersection of Juneau Lane and County Road 47 (2010041)

ORDINANCE 2010-14   Adopted:  August 10, 2010
Amending Zoning Text – Section 21100.02 (2010062)

ORDINANCE 2010-15   Adopted:  August 10, 2010
Amending Zoning Text to classify certain land located north of Schmidt Lake Road and Jewel Lane North (2010048)

ORDINANCE 2010-16   Adopted:  August 10, 2010
Amending Zoning Text – Section 21655.48 (Elm Creek Highlands PUD – 2010047)

ORDINANCE 2010-17   Adopted:  August 24, 2010
Amending Zoning Text – Section 21655.18 (Plymouth Station PUD – 2010057)

ORDINANCE 2010-18   Adopted:  August 24, 2010
Amending Zoning Text to classify certain land located at the northwest corner of Vicksburg Lane and County Road 47 (2010052)

ORDINANCE 2010-19   Adopted:  September 14, 2010
Amending Zoning Text to classify certain land located at 18855 State Highway 55 (2010059)

ORDINANCE 2010-20   Adopted:  September 28, 2010
Section 205.01

ORDINANCE 2010-21   Adopted:  November 23, 2010
Sections 510.01, 510.03, 512.01, 512.03, 520.09, 522.09, 522.11, 1015.23, and Zoning Text – Sections 21010.01, 21025.02, 21030.04, 21030.04, 21035.05, 21040.03, 21040.04, 21045.03, 21045.05, 21045.08, 21045.10, 21655.06, 21655.07, 21655.09

ORDINANCE 2010-22   Adopted:  December 14, 2010
Sections 1140.05, 1140.13

ORDINANCE 2010-23   Adopted:  December 14, 2010
Interim ordinance temporarily prohibiting development in a designated area in the City (Four Seasons Mall site)

ORDINANCE 2011-01   Adopted:  January 11, 2011
Section 1016

ORDINANCE 2011-02   Adopted:  January 25, 2011
Section 1015.19

ORDINANCE 2011-03   Adopted:  January 25, 2011
Amending Zoning Text to classify certain land located at 2370 Fernbrook Lane (2010097)

ORDINANCE 2011-04   Adopted:  February 8, 2011
Amending Zoning Text to classify certain land located in “Wood Crest 2nd Addition” for property located at 5600 and 5660 Vicksburg Lane (2010094)

Amending Zoning Text – Section 21005.02, 21020, 21045.03, 21105.06, 21135.07, 21135.07, 21135.11, 21150.04, 21155, 21175.07, 21175.07, 21175.07, 21175.07, 21185.01, 21185.01, 21185.03, 21185.08, 21450.03, 21455.11, 21460.03, 21460.11, 21465.03, 21465.11, 21470.03, 21470.11, 21475.05, 21475.13, 21550.11, 21555.03, 21555.11, 21560.03, 21560.07, 21560.07, 21560.11, 21565.03, 21565.07, 21565.07, 21565.11, 21570.05, 21570.09,
ORDINANCE 2011-06   Adopted:  February 22, 2011
Sections 105.01, 420, 510.03, 512.03, 516.05, 522.13, 522.15, 530.17, 1305.15

ORDINANCE 2011-07   Adopted:  April 12, 2011
Amending Zoning Text to classify certain located at 5313, 5323, and 5455 Juneau Lane (former Hampton Hills Golf Course – 2011002)

ORDINANCE 2011-08   Adopted:  April 12, 2011
Amending Zoning Text – Section 21395, 21105.06, 21130.03

ORDINANCE 2011-09   Adopted:  April 12, 2011
Amending Zoning Text to classify certain land located at 9805 and 9855 State Highway 55 (2010086)

ORDINANCE 2011-10   Adopted:  April 12, 2011
Sections 305.11, 305.13, 305.15

ORDINANCE 2011-11   Adopted:  April 26, 2011
Sections 1150.10, 1206.22

ORDINANCE 2011-12   Adopted:  May 10, 2011
Sections 930.09, 1015.21

ORDINANCE 2011-13   Adopted:  June 14, 2011
Section 805.01

ORDINANCE 2011-14   Adopted:  June 14, 2011
Amending Zoning Text for PUD91-1 for Plymouth Station property located at 16705 County Road 24 (2011028)

ORDINANCE 2011-15   Adopted:  June 14, 2011
Amending Zoning Text to classify certain land located at 5550 Dunkirk lane for Spring Meadows 2nd Addition (2011019)

ORDINANCE 2011-16   Adopted:  June 28, 2011
Amending Zoning Text for Interfaith Outreach and Community Partners PUD for property located at 1605 County Road 101 (2011031)

ORDINANCE 2011-17   Adopted:  June 28, 2011
Section 1016

ORDINANCE 2011-18   Adopted:  June 28, 2011
Section 1216

ORDINANCE 2011-19   Adopted:  June 28, 2011
Amending Zoning Text – Section 21650

ORDINANCE 2011-20   Adopted:  July 12, 2011
Amending Text to classify certain land located at 2800 Fernbrook Lane (2011033)

ORDINANCE 2011-21   Adopted:  July 26, 2011
Section 1305

ORDINANCE 2011-22   Adopted:  July 26, 2011
Amending Zoning Text – Section 21000.08, 21005.02, 21030, 21045.10, 21130.01, 21155.06, 21350.05, 21352.05, 21355.05, 21360.05, 21365.05, 21370.05, 21375.05, 21380.05, 21385.05, 21390.05, 21395.05, 21450.03,
ORDINANCE 2011-23   Adopted: July 26, 2011
Sections 512, 516, 520

ORDINANCE 2011-24   Adopted: August 9, 2011
Section 400

ORDINANCE 2011-25   Adopted: August 9, 2011
Amending Text to classify roughly 5.6 acres of land located in the southeast quadrant of County Road 9 and I-494 and to establish a Planned Unit Development District

ORDINANCE 2011-26   Adopted: August 23, 2011
Section 2005

Amending Text to classify certain land located at 14920 27th Avenue North (2011056)

ORDINANCE 2011-28   Adopted: August 23, 2011
Amending Text to amend the Plymouth Crossroads Station PUD, for property located south of Highway 55 between Cottonwood Lane and County Road 73 (2011014)

ORDINANCE 2011-29   Adopted: October 25, 2011

ORDINANCE 2011-30   Adopted: November 22, 2011
Section 1016

ORDINANCE 2011-31   Adopted: November 22, 2011
Repealing Interim Ordinance temporarily prohibiting development in a designated area in the City identified as property identification No’s. 13-118-22-14-0013, 13-118-22-14-0007, 13-118-22-14-0008, and 13-118-22-14-0009

ORDINANCE 2011-32   Adopted: December 13, 2011
Amending Text to classify certain land located at 3155 Empire Lane and 3050 Fernbrook Lane (201109 and 2011092)

ORDINANCE 2012-01   Adopted: January 10, 2012
Amending Text for PUD 91-1 (Seven Ponds North) for Plymouth Station for property located at 16825 County Road 24 (2011072)

ORDINANCE 2012-02   Adopted: January 24, 2012
Section 1015

ORDINANCE 2012-03   Adopted: January 24, 2012
Section 1015

ORDINANCE 2012-04   Adopted: January 24, 2012
Amending Text to classify certain land located at 14509 Gleason Lake Drive for Gleason Lake Heights (2011085)

ORDINANCE 2012-05   Adopted:
Amending Zoning Text – Sections 21005.02, 21015.07, 21030.06, 21045.09, 21105.02, 21105.11, 21115.04, 21115.09, 21120.07, 21135.06, 21135.11, 21137, 21155.05, 21155.06, 21165.03, 21350.05, 21350.11, 21352.03, 21352.05, 21352.11, 21355.03, 21355.05, 21355.11, 21360.03, 21360.05, 21360.11, 21365.03, 21365.05,
ORDINANCE 2012-06   Adopted:  February 28, 2012
Sections 510.01, 512.01, 526.03, 530.05, 600.22, 1015.31, 2025.05

ORDINANCE 2012-07   Adopted:  February 28, 2012
Amending Text to classify certain land located at the southeast corner of Dunkirk Lane and County Road 47 (2011095)

ORDINANCE 2012-08   Adopted:  February 28, 2012
Amending Zoning Text – Section 21655.56 (2011099)

ORDINANCE 2012-09   Adopted:  March 13, 2012
Amending City Charter – Section 12.13

ORDINANCE 2012-10   Adopted:  March 27, 2012
Section 810.01

ORDINANCE 2012-11   Adopted:  March 27, 2012
Section 1019

ORDINANCE 2012-12   Adopted:  March 27, 2012
Amending Zoning Text – Section 21155, 21650 (2012013)

ORDINANCE 2012-13   Adopted:  March 27, 2012
Section 2025

ORDINANCE 2012-14   Adopted:  April 24, 2012
Section 725

ORDINANCE 2012-15   Adopted:  April 24, 2012
Amending Zoning Text – Section 21005 (2012019)

ORDINANCE 2012-16   Adopted:  April 24, 2012
Amending Text to classify certain land located at 4420 Brockton Lane (2012012)

ORDINANCE 2012-17   Adopted:  May 8, 2012
Sections 940, 1015, 1017, 1018

Section 1180

ORDINANCE 2012-19   Adopted:  June 26, 2012
Section 1016

ORDINANCE 2012-20   Adopted:  July 24, 2012
Sections 730, 1015

ORDINANCE 2012-21   Adopted:  July 24, 2012
Amending Cornerstone Auto PUD for property located at 3901 Vinewood Lane (2011037)

ORDINANCE 2012-22   Adopted:  August 14, 2012
Amending Text to classify certain land located at 5205, 5250, 5330 and 5350 Dunkirk Lane (2012041)

**ORDINANCE 2012-23**  
Adopted: **August 14, 2012**  
Amending Zoning Text – Section 21155.05 (2012053)

**ORDINANCE 2012-24**  
Adopted: **October 9, 2012**  
Amending Text to classify certain land located south of 54th Avenue between Dunkirk and Vicksburg Lane (2012054)

**ORDINANCE 2012-25**  
Adopted: **October 23, 2012**  
Amending Text to classify certain land located at 4520 Holly lane North (2012063)

**ORDINANCE 2012-26**  
Adopted: **November 27, 2012**  
Amending Zoning Text – Section 21655.45 (2012085)

**ORDINANCE 2013-01**  
Adopted: **January 8, 2013**  
Section 1105

**ORDINANCE 2013-02**  
Adopted: **January 8, 2013**  
Sections 1015, 1016

**ORDINANCE 2013-03**  
Adopted: **January 8, 2013**  
Section 1015

**ORDINANCE 2013-04**  
Adopted: **January 8, 2013**  
Section 1015

**ORDINANCE 2013-05**  
Adopted: **January 22, 2013**  
Sections 1015, 1135

**ORDINANCE 2013-06**  
Adopted: **March 12, 2013**  
Amending AFLS PUD for property located at 3134 East Medicine Lake Boulevard (98163)

**ORDINANCE 2013-07**  
Adopted: **March 12, 2013**  
Add Zoning Text Section 21655.57 PUD 81-1, Northwest Business Campus (2013001)

**ORDINANCE 2013-08**  
Adopted: **March 12, 2013**  
Amending Text to classify certain land located at 5825, 5875, and 5925 Vicksburg Lane (2012097)

**ORDINANCE 2013-09**  
Adopted: **March 19, 2013**  
Section 915

**ORDINANCE 2013-10**  
Adopted: **April 9, 2013**  
Amending HOM Furniture PUD for property located at 4150 Berkshire Lane (2013012)

**ORDINANCE 2013-11**  
Adopted: **April 23, 2013**  
Amending Zoning Text – Sections 21005.02, 21022.01, 21105, 21115, 21120, 21130, 21135.16, 21155, 21173, 21350.07, 21350.11, 21355.05, 21360.05, 21450, 21455, 21460, 21465, 21470, 21475, 21650, 21655

**ORDINANCE 2013-12**  
Adopted: **April 23, 2013**  
Sections 502, 510, 512, 514, 522, 524, 530, 1015, 2020

**ORDINANCE 2013-13**  
Adopted: **April 23, 2013**  
Amending Zoning Text – Section 21465.01 (2013021)

**ORDINANCE 2013-14**  
Adopted: **May 14, 2013**  
Section 1155
Sections 807, 810

ORDINANCE 2013-16  Adopted: May 28, 2013
Amending Text to classify certain land located at 5405 Vicksburg Lane North (2013018)

ORDINANCE 2013-17  Adopted: May 28, 2013
Amending Text to classify certain located at 18940 and 19010 State Highway 55 and 13 Evergreen Road for Creekside Hills (2013020)

ORDINANCE 2013-18  Adopted: June 25, 2013
Amending Text to classify certain land located at 4400 Holly Lane North (2013027)

ORDINANCE 2013-19  Adopted: June 25, 2013
Amending Zoning Text – 21465.03 (2013041)

ORDINANCE 2013-20  Adopted: June 25, 2013
Amending Text to classify certain land located at 16440 County Road 47 (2013023)

ORDINANCE 2013-21  Adopted: July 9, 2013
Amending Text to classify certain land located south of State Highway 55 between 46th Avenue and Urbandale Court (2013022)

ORDINANCE 2013-22  Adopted: July 9, 2013
Amending Text to classify certain land located at 4340 Brockton Lane (2013029)

ORDINANCE 2013-23  Adopted: July 9, 2013
Amending Text to classify certain land located at the Southwest Corner of Highway 55 and County Road 101 (2013028)

Amending Text to classify certain land located at 5405 and 5335 Vicksburg Lane North (2013058)

Section 1016

ORDINANCE 2013-26  Adopted: September 24, 2013
Amending Text to classify certain land located at 5565 Juneau Lane (2013071)

ORDINANCE 2013-27  Adopted: October 22, 2013
Amending Zoning Text – Sections 21005.02, 21045.07, 21105.06, 21155.05, 21450.07, 21455.07, 21460.07, 21465.07, 21465.07, 21470.07, 21475.09,

ORDINANCE 2014-01  Adopted: January 14, 2014
Implementing electric service franchise fee on Northern States Power Company, a Minnesota Corporation, d/b/a Xcel Energy

ORDINANCE 2014-02  Adopted: January 14, 2014
Implementing gas energy franchise fee on Centerpoint Energy Minnesota

ORDINANCE 2014-03  Adopted: January 14, 2014
Implementing franchise fee for Wright-Hennepin Cooperative Electric Association

ORDINANCE 2014-04  Adopted: January 14, 2014
Section 1016
ORDINANCE 2014-05   Adopted:  January 14, 2014
Amending Text to classify certain land located at 5635 Vicksburg Lane (2013095)

ORDINANCE 2014-06   Adopted:  January 14, 2014
Section 2005

ORDINANCE 2014-07   Adopted:  January 28, 2014
Section 1015

ORDINANCE 2014-08   Adopted:  January 28, 2014
Section 1015

ORDINANCE 2014-09   Adopted:  February 11, 2014
Section 1150

ORDINANCE 2014-10   Adopted:  February 11, 2014
Section 1206

Amending Text to classify certain land located at the southwest corner of 47th Avenue and Underwood Lane (2013112)

ORDINANCE 2014-12   Adopted:  February 25, 2014
Amending Zoning Text – Sections 21005.02, 21115.06, 21120, 21130, 21350.03, 21352.03, 21355.03, 21355.07, 21360.03, 21360.07, 21365.03, 21370.03, 21375.03, 21380.03, 21385.03, 21390.03, 21395.03, 21450.03, 21450.07, 21450.11, 21460.03, 21460.07, 21465.03, 21470.03, 21475.05, 21475.09, 21555.07, 21560.03, 21565.03, 21570.05, 21650.03, 21650.07, 21655.03, 21655.07

Sections 105, 524, 530, 600, 1010, 1201, 1206

ORDINANCE 2014-14   Adopted:  March 11, 2014
Sections 1010, 1015

ORDINANCE 2014-15   Adopted:  April 22, 2014
Amending Text to classify certain land located at south of Highway 55 and west of County Road 101 (2014007)

ORDINANCE 2014-16   Adopted:  May 27, 2014
Amending Text to classify certain land located at 5600, 5630, and 5700 Dunkirk Lane (2014018)

ORDINANCE 2014-17   Adopted:  May 27, 2014
Amending Text to classify certain land located at the southeast corner of County Road 6 and Ferndale Road (2014011)

ORDINANCE 2014-18   Adopted:  June 10, 2013
Amending Text to classify certain land located at 4640 Brockton lane and an additional unaddressed parcel (2013111)

ORDINANCE 2014-19   Adopted:  June 10, 2014
Amending Text to classify certain land located from 5495 to 5735 Dunkirk Lane (2014008)

ORDINANCE 2014-20   Adopted:  June 10, 2014
Amending Text to classify certain land located at the northeast corner of 54th Avenue and Troy Lane (2014004)

ORDINANCE 2014-21   Adopted:  June 24, 2014
Section 1016
ORDINANCE 2014-22  Adopted: July 22, 2014
Amending Text to classify certain land located at 5336, 5340, and 5360 Vicksburg Lane (2014010)

ORDINANCE 2014-23  Adopted: July 22, 2014
Amending Text to classify certain land located at 1405 Xenium Lane (2014023)

Amending Text to classify certain land located at 5815 Juneau Lane (2014037)

Amending Text to classify certain land located north of County Road 47 and east of Lawndale Lane (2014028)
ORDINANCE 2014-26  Adopted: September 9, 2014
Amending Text to classify certain land located at 16405 County Road 47 (2014058)

Amending Zoning Text – Section 21655.40 (2014061)

ORDINANCE 2014-28  Adopted: September 23, 2014
Amending Zoning Text – Sections 21005.02, 21155.07

ORDINANCE 2014-29  Adopted: October 14, 2014
Interim Ordinance temporarily prohibiting medical cannabis manufacturers and distribution facilities

ORDINANCE 2014-30  Adopted: November 25, 2014
Amending Text to classify certain land located at 4420 Vicksburg Lane (2014091)

ORDINANCE 2015-01  Adopted: January 13, 2015
Sections 1015, 1016

ORDINANCE 2015-02  Adopted: January 13, 2015
Amending Text to classify certain land located at 617, 618, and 725 Cottonwood Lane and the tax-forfeited parcel located between 617 and 725 Cottonwood Lane (2014036-F)

ORDINANCE 2015-03  Adopted: January 13, 2015
Amending City Charter concerning campaign contributions and candidates for office

ORDINANCE 2015-04  Adopted: January 13, 2015
Amending City Charter concerning Board of Equalization

ORDINANCE 2015-05  Adopted: January 27, 2015
Section 1015

ORDINANCE 2015-06  Adopted: January 27, 2015
Section 1015

ORDINANCE 2015-07  Adopted: February 24, 2015
Section 1015

ORDINANCE 2015-08  Adopted: February 24, 2015
Section 330

ORDINANCE 2015-09  Adopted: March 10, 2015
Section 400

ORDINANCE 2015-10  Adopted: March 24, 2015
Sections 425, 526

ORDINANCE 2015-11  Adopted: March 24, 2015
Amending Text to classify certain land located in the southeast quadrant of County Road 47 and Troy Lane (2014121)

ORDINANCE 2015-12  Adopted: April 28, 2015
Amending Text for the Northwest Business Campus 8th Addition PUD for property located at 2600 Campus Drive (2015011)

ORDINANCE 2015-13  Adopted: April 28, 2015 (effective January 1, 2016)
Sections 405, 410, 1010
ORDINANCE 2015-14
Adopted: May 26, 2015
Sections 524, 2010

ORDINANCE 2015-15
Adopted: May 26, 2015
Amending Zoning Text – Sections 21005.02, 21045.07, 21105.02, 21105.03, 21105.06, 21115.09, 21120.02, 21120.04, 21135.11, 21137, 21140.01, 21155.06, 21475.17, 21650.13

ORDINANCE 2015-16
Adopted: May 26, 2015
Amending Zoning Text – Section 21655.43 (2015018)

ORDINANCE 2015-17
Adopted: June 9, 2015
Amending Text for a PUD amendment for land located southwest of 25th Avenue and Niagara Lane (2015025)

ORDINANCE 2015-18
Adopted: June 23, 2015
Section 1019

ORDINANCE 2015-19
Adopted: June 23, 2015
Section 1016

ORDINANCE 2015-20
Adopted: July 28, 2015
Section 1180

ORDINANCE 2015-21
Adopted: July 28, 2015
Amending Zoning Text – Sections 21000.15, 21005

ORDINANCE 2015-22
Adopted: July 28, 2015
Amending Zoning Text for PUD Amendment to Section 21655.40 (2015033)

ORDINANCE 2015-23
Adopted: August 11, 2015
Sections 1206.02, 1010

ORDINANCE 2015-24
Adopted: August 25, 2015
Renaming of street formerly knowns as 9th Avenue North (located along State Highway 169 service road)

ORDINANCE 2015-25
Adopted: August 25, 2105
Amending Text to classify certain land located at south of Hamel Road and east of Brockton Lane and establishment of PUD District (2015052)

ORDINANCE 2015-26
Adopted: September 22, 2015
Amending Text to classify certain land located at 17210 County Road 47 (2015065)

ORDINANCE 2015-27
Adopted: September 22, 2015
Amending Text to classify certain land located at 5975 Vicksburg Lane (2015058)

ORDINANCE 2015-28
Adopted: July 28, 2015
Amending Text for a PUD amendment for land located south of Highway 55, between West Medicine Lake Drive and County Road 73 (2015005)

ORDINANCE 2015-29
Adopted: November 24, 2015
Amending Zoning Text – Section 21145.04

ORDINANCE 2015-30
Adopted: November 24, 2015
Section 410

ORDINANCE 2015-31
Adopted: December 8, 2015
Section 305
ORDINANCE 2015-32 Adopted: December 8, 2015
Section 1015

ORDINANCE 2016-01 Adopted: January 12, 2016
Section 1016

ORDINANCE 2016-02 Adopted: January 12, 2016
Sections 720 and 1015

ORDINANCE 2016-03 Adopted: February 23, 2016
Section 1016

ORDINANCE 2016-04 Adopted: February 23, 2016
Section 1016

ORDINANCE 2016-05 Adopted: February 23, 2016
Section 1015

ORDINANCE 2016-06 Adopted: March 8, 2016
Section 310

ORDINANCE 2016-07 Adopted: March 8, 2016
Chapter 12, Section 1010

ORDINANCE 2016-08 Adopted: March 8, 2016
Amending Text to classify certain land located at 18035 County Road 47 (2015113)

ORDINANCE 2016-09 Adopted: March 8, 2016
Amending Text to classify certain land located at 5915 Dunkirk Lane, and16815, 16845, and 16935 County Road 47 (2015114)

ORDINANCE 2016-10 Adopted: March 8, 2016
Section 1015

ORDINANCE 2016-11 Adopted: April 26, 2016
Amending Zoning Text – Sections 21005.02, 21015.02, 21105.06, 21115.04, 21120.02, 21135.07, 21135.11, 21135.14, 21155.05, 21155.06, 21155.07, 21450.03, 21450.07, 21455.03, 21455.11, 21460.03, 21460.03, 21460.03, 21460.07, 21460.11, 21465.03, 21465.07, 21465.07, 21465.07, 21465.11, 21470.03, 21470.07, 21470.07, 21470.11, 21475.05, 21475.13, 21550.03, 21550.11, 21555.03, 21555.07, 21555.11, 21560.11, 21565.11, 21570.13, 21650.11, 21670.04, 21670.05

ORDINANCE 2016-12 Adopted: April 26, 2016
Sections 522.11, 524.09, 915.33, 1015.31

ORDINANCE 2016-13 Adopted: April 26, 2016
Amending Text to classify certain land located east of the intersection of State Highway 55 and Old Rockford Road (2016008)

ORDINANCE 2016-14 Adopted: April 26, 2016
Section 410.15

ORDINANCE 2016-15 Adopted: April 26, 2016
Amending City Charter concerning Council vacancies

ORDINANCE 2016-16 Adopted: May 10, 2016
Amending Text to classify certain land located at and near 5635 Yucca Lane and to establish a Planned Unit Development District (2016009)
ORDINANCE 2016-17   Adopted:  May 24, 2016
Amending Text to classify certain land located at and near 4240 Brockton Lane North (2016012)

ORDINANCE 2016-18   Adopted:  June 14, 2016
Amending Text to classify certain land located at 16910, 17010, and 17210 County Road 47 (2016014)

ORDINANCE 2016-19   Adopted:  July 12, 2016
Amending Tri-State Drilling PUD for property located at 16940 State Highway 55 (2016027)

ORDINANCE 2016-20   Adopted:  July 12, 2016
Amending Zoning Text – Sections 21000.15, 21194,

ORDINANCE 2016-21   Adopted:  August 9, 2016
Section 905

ORDINANCE 2016-22   Adopted:  August 9, 2016
Amending Text to classify certain land located at 14800 County Road 47 (2016040)

ORDINANCE 2016-23   Adopted:  August 9, 2016
Amending Text to classify certain land located at 17135 Old Rockford Road (2016044)

Amending Carlson Daycare PUD for property located at 13905 County Road 6 (2016056)

ORDINANCE 2016-25   Adopted:  August 23, 2016
Amending Text to classify certain land located at 18100 and 18320 County Road 47 (2016058)

ORDINANCE 2016-26   Adopted:  August 23, 2016
Amending Zoning Text – Section 21000.16

ORDINANCE 2016-27   Adopted:  September 13, 2016
Amending Text to classify certain land located at 15530 and 15600 Old Rockford Road and to establish a Planned Unit Development District (2016037)

ORDINANCE 2016-28   Adopted:  September 13, 2016
Section 1135.09

ORDINANCE 2016-29   Adopted:  October 25, 2016
Amending Zoning Text – Sections 21005.02, 21660

ORDINANCE 2016-30   Adopted:  October 25, 2016
Sections 502.03, 510.03, 512.03, 524.03

ORDINANCE 2017-01   Adopted:  January 10, 2017
Amending Zoning Text – Section 21655.52

ORDINANCE 2017-02   Adopted:  January 17, 2017
Amending Text to classify certain land located at 4200 Lancaster Lane and to establish a Planned Unit Development District (2016075)

ORDINANCE 2017-03   Adopted:  January 24, 2017
Sections 1015.29, 1016

ORDINANCE 2017-04   Adopted:  February 14, 2017
Amending Text for a PUD General Plan for land located south of Highway 55 between West Medicine Lake Drive and County Road 73 (2016088)
ORDINANCE 2017-05  Adopted: February 28, 2017
Section 905.13

ORDINANCE 2017-06  Adopted: February 28, 2017
Section 1015.33

ORDINANCE 2017-07  Adopted: February 28, 2017
Section 1015.19

ORDINANCE 2017-08  Adopted: February 28, 2017
Amending electric franchise fee for Wright-Hennepin Cooperative Electric Association, its successors and assigns

ORDINANCE 2017-09  Adopted: February 28, 2017
Amending electric franchise fee for Northern States Power Company, a Minnesota Corporation, d/b/a Xcel Energy, its successors and assigns

ORDINANCE 2017-10  Adopted: February 28, 2017
Amending gas franchise fee for Centerpoint Energy Minnesota Gas (“Centerpoint Energy”)

ORDINANCE 2017-11  Adopted: March 14, 2017
Amending Text to classify certain land located near the northwest quadrant of Interstate 494 and Schmidt Lake Road, PID 10-118-22-24-0009 (2017003)

ORDINANCE 2017-12  Adopted: May 23, 2017
Amending Text to classify certain land located at 18040 Medina Road (2017021)

ORDINANCE 2017-13  Adopted: May 23, 2017
Amending Text to amend the Parkers Lake property located at 2155 Niagara Lane North (2017039)

ORDINANCE 2017-14  Adopted: June 13, 2017
Amending Text to classify certain land located at 17215 Old Rockford Road (2017033)

ORDINANCE 2017-15  Adopted: July 25, 2017
Section 1140.01

ORDINANCE 2017-16  Adopted: July 25, 2017
Amending Crossroads Commons PUD for property located at 11305 Highway 55 (2017036)

ORDINANCE 2017-17  Adopted: August 8, 2017
Amending Text to classify certain land located east of County Road 101 at Prairie Drive and to establish a Planned Unit Development District (2017032)

ORDINANCE 2017-18  Adopted: August 22, 2017
Amending Text to classify certain land located at 5225, 5305, and 5325 Dunkirk Lane (2017053)

ORDINANCE 2017-19  Adopted: September 12, 2017
Section 1190

ORDINANCE 2017-20  Adopted: September 26, 2017
Sections 400.13, 400.17, 400.19

ORDINANCE 2017-21  Adopted: October 10, 2017
Amending Text to classify certain land located at 3835 Dallas Lane (2017072)

ORDINANCE 2017-22  Adopted: October 10, 2017
Sections 105.01, 615, 1010.01, 1135
ORDINANCE 2017-23   Adopted: November 28, 2017
Section 800.02

ORDINANCE 2017-24   Adopted: November 28, 2017
Sections 803, 1015.27 and Zoning Text 21005.02, 21177.02, 21177.03, 21177.05, 21180.02, 21350.03, 21350.07, 21352.03, 21352.07, 21355.03, 21355.07, 21360.03, 21360.07, 21365.03, 21365.07, 21370.03, 21370.07

ORDINANCE 2017-25   Adopted: November 28, 2017 (effective date of July 1, 2018)
Section 1150

ORDINANCE 2017-26   Adopted: November 28, 2017
Amending Text to classify certain land located at 18140, 18220, and 18240 State Highway 55 (2017075)

ORDINANCE 2017-27   Adopted: December 12, 2017
Amending Text to classify certain land located at 5815, 5845, and 5905 Troy Lane, and portions of certain land located at 5705 and 5755 Vagabond Lane and 6000 County Road 101 (2017083)

ORDINANCE 2018-01   Adopted: January 9, 2018
Amending Text to classify certain land located at 1745 County Road 6 (2017087)

ORDINANCE 2018-02   Adopted: January 9, 2018
Amending Text to add a corporate lodging definition and add corporate lodging as a permitted conditional use in the Business Campus District (2017067)

ORDINANCE 2018-03   Adopted: February 27, 2018
Amending Text to classify certain land located at Outlot A, Summers Edge South and 18740 Medina Road (2017107)

ORDINANCE 2018-04   Adopted: February 27, 2018
Amending Text to classify certain land located at 5330 Vicksburg Lane (2017105)

ORDINANCE 2018-05   Adopted: March 13, 2018
Sections 807, 820, 2020.13

ORDINANCE 2018-06   Adopted: March 27, 2018
Amending Lighting Zone Map amendments for three City of Plymouth Parks

ORDINANCE 2018-07   Adopted: April 10, 2018
Section 1015.33

ORDINANCE 2018-08   Adopted: April 10, 2018
Section 1015.19

ORDINANCE 2018-09   Adopted: April 10, 2018
Amending gas franchise fee for Centerpoint Energy Minnesota Gas (“Centerpoint Energy”)

ORDINANCE 2018-10   Adopted: April 10, 2018
Amending electric franchise fee for Northern States Power Company, a Minnesota Corporation, d/b/a Xcel Energy, its successors and assigns

ORDINANCE 2018-11   Adopted: April 10, 2018
Amending electric franchise fee for Wright-Hennepin Cooperative Electric Association, its successors and assigns

ORDINANCE 2018-12   Adopted: May 8, 2018
Amending Text to classify certain land located at 5364 and 5370 Vicksburg Lane (2017110)

ORDINANCE 2018-13   Adopted: May 22, 2018
Amending Text to classify certain land located at 18550 County Road 47 (2018014)

ORDINANCE 2018-14  Adopted: June 26, 2018
Section 1016

ORDINANCE 2018-15  Adopted: June 26, 2018
Amending Text to classify certain land located at 18405, 18515, and 18535 County Road 47, 6035 Troy Lane, and 5945 Troy Lane (2018033)

ORDINANCE 2018-16  Adopted: June 26, 2018
Amending Text to rezone a portion of the property located at 3301 Highway 169 (2018017)

ORDINANCE 2018-17  Adopted: June 26, 2018
Sections 435 and 1010

ORDINANCE 2018-18  Adopted: September 25, 2018
Sections 105, 315, 410, 415, 435, 600, 700, 725, 805, 811, 900, 915, 935, 950, 955, 965, 1010, 1015, 1016, 1018, 1019, 1110, 1120, 1135, 1140, 1155, 1160, 1175, 1180, 1201, 1305, 1310, 1315, 1320, 1325, 2005

ORDINANCE 2018-19  Adopted: September 25, 2018
Sections 1310